MEMORANDUM

To: **Mayor and City Council**

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

Date: **June 9, 2014**

Subject: **Package # 1 Land Development Code (LDC) Text Amendments (LDT13-00002 and LDT13-00003)**

I. ISSUE/BACKGROUND

In April of 2013, the City Council approved a bi-annual work program for the Planning Division after receiving public input and a recommendation from the Planning Commission (**see Exhibit H, page 75**). The first item on the list is a "Near-term" package of Land Development Code Amendments, to include:

a. Recommended LDC Amendments from the Corvallis/OSU Collaboration Work Groups, which are supported by the Steering Committee and City Council,
b. Develop process and amend LDC to facilitate code-compliant alterations within approved Planned Developments, and
c. 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")

The Corvallis/OSU Collaboration Work Groups have now completed their work and the Collaboration Steering Committee and City 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 City Council has also advanced for consideration the recommendation from the Economic Development Commission to amend the LDC to facilitate code-compliant alterations within approved Planned Developments. Lastly, the Historic Resources Commission has held a number of work sessions and prepared a recommendation to approve LDC Amendments to facilitate certain types of historic reviews.

At the October 7, 2013, City Council meeting, the City Council was presented with a memorandum from the Community Development Director regarding the City-OSU Collaboration Project and associated action requests (**see Exhibit H, page 80**). The memorandum proposed a schedule and course of action for the consideration of two packages of Land Development Code (LDC) Amendments, largely, but not entirely, associated with recommendations stemming from the City-OSU Collaboration Project. The first proposed package, Package #1, includes a number of recommended Land Development Code Amendments from the Neighborhood Planning Work Group, along with the development of text amendments to facilitate code-compliant changes within approved Planned Developments and the development of text amendments to facilitate certain types of historic reviews in the OSU Historic District. At the October 7, 2013, City Council meeting, the Council authorized Community Development staff to begin work on the development of Package #1.

Additionally, as part of the City Council's review of Land Use Application Fees for 2014 it was determined that there is a need for better data regarding the amount of time that Planning Division staff spend on various types of land use applications. Due to the recent change in the structure of the Planning Division to eliminate a specific position dedicated to long range planning, and due to the complexity of the prior methodology for the establishment of land use application fees, Planning Division staff have recently begun logging their time spent on various projects and activities to provide more accurate data for the development of a streamlined methodology for determining land use application fees. As part of the City Council's review of fees, it was determined that it would be most appropriate to calculate land use application fees based on the fiscal-year calendar, from July 1st to June 30th of the following year, so that Planning Division costs and revenues could be reported and projected consistent with the City's budget schedule. However, this is inconsistent with the current code language in LDC Section 1.2.100.02, which states that the annual adjustment of fees will be effective January 1st of each year. To rectify this problem, an LDC Amendment is also proposed to allow adoption of the land use fee schedule on a fiscal year basis.

Initially, it wasn't clear if the proposed amendments to Chapter 2.9 (Historic Preservation Provisions) would proceed on a different schedule than the rest of the proposed code amendments, and so Package #1 was split into two land use applications: LDT13-00002, regarding the changes to Chapter 2.9, and LDT13-00003, regarding Neighborhood Planning Work Group recommendations and other changes. Since that time, staff have determined that the two applications may be considered concurrently, which is why this staff report addresses all proposed code amendments

together. However, two motions will be needed, one for each the two sets of code amendments.

Staff prepared a package of LDC amendments, consistent with the recommendations noted above, and presented the items to the Planning Commission at a March 19, 2014, public hearing. After considering the Staff recommendation and public testimony presented at the public hearing and in writing, the Planning Commission deliberated on the matter on April 16, 2014, and decided to forward the package of code amendments to the City Council, with some changes. The changes proposed by the Planning Commission are discussed below, along with Staff analysis of the changes relative to the applicable review criteria. Where no changes were proposed by the Planning Commission, the City Council should refer to the staff analysis and recommendations in **Exhibits A** and **H**.

In compliance with ORS 227.186 ("Measure 56"), notice was mailed to all property owners who may find the proposed code amendments would limit or prohibit land uses previously allowed in an affected zone. For purposes of this package of text amendments, all property owners within the City limits of Corvallis were notified of the proposed text amendments. A public notice of the City Council hearing was also published in the Gazette Times on June 5, 2014, in accordance with the provisions of Land Development Code (LDC) Section 2.0.40.

II. DISCUSSION

The proposed code amendments affect thirteen chapters of the Land Development Code, as outlined in Table 1 below. A consolidated summary of all changes is contained in **Exhibit A**.

Table 1 - Chapters Affected by Proposed Code Amendments

Chapter #	Title
Article I: General Provisions	
1.2	Legal Framework
1.6	Definitions
Article II: Administrative Procedures	
2.0	Public Hearings
2.5	Planned Development
2.9	Historic Preservation Provisions
2.14	Partitions, Minor Replats, and Property Line Adjustments

Article III: Development Zones	
3.2	Low Density (RS-5) Zone
3.3	Low Density (RS-6) Zone
3.4	Medium Density (RS-9) Zone
3.5	Medium Density – University (RS-9(U)) Zone
3.6	Medium-High Density (RS-12) Zone
3.7	Medium-High Density – University (RS-12(U)) Zone
Article IV: Development Standards	
4.1	Parking, Loading, and Access Requirements

The consolidated summary in **Exhibit A** includes all text amendments proposed by Staff, and captures the recommendations of the Neighborhood Planning Workgroup, Economic Development Commission, Historic Resources Commission, and Staff, as well as changes recommended by the Planning Commission. In the discussion below, and in **Exhibit A**, existing Land Development Code text is shown in 10-pt. bold font. Where additional text is proposed, new language is illustrated with a double-underline; where text is proposed to be deleted, text is illustrated by ~~strikeout~~. All proposed changes to existing LDC text are also indicated by highlight.

Staff provided an initial analysis of all proposed text amendments in the March 12, 2014, staff report to the Planning Commission (**see Exhibit H**). In that analysis, Staff found that the proposed amendments are consistent with the applicable LDC criteria in Section 1.2.80.01; with the applicable Statewide Planning Goals outlined on pages 6 through 74 of the staff report; and with the applicable Comprehensive Plan policies outlined on pages 6 through 74 of the March 12, 2014, staff report.

The discussion below is limited to those changes recommended by the Planning Commission, as part of its deliberations and decision on April 16, 2014 (**see Exhibit B**), and includes Staff analysis of applicable LDC criteria, Statewide Planning Goals, and Comprehensive Plan policies, relative to the Planning Commission's proposed changes.

Change Schedule for Land Use Application Fee Reviews

The Planning Commission did not propose any changes to the staff recommended language for this item, which changes the deadline for the City's annual review of land use application fees outlined in LDC Section 1.2.100.02 from January 1 (calendar year) to July 1(fiscal year). Please refer to the Staff analysis on pages 6 through 8 of **Exhibit H**.

Recommendations from the Neighborhood Planning Work Group

The Planning Commission accepted the Staff recommendation on the following Neighborhood Planning Workgroup items:

Item #	Description	Exhibit H – Page #
2-1	Exempt qualifying affordable housing development from 4/5 bedroom parking requirements	Page 16
2-2	Change the definition of "family" to include domestic partnership	Page 19
2-3	Add definition of "residential home"	Page 20
2-6	Increase setback standards for zero lot line, single attached units	Page 24
2-7	Change Density Calculations to disallow "half-street bonus"	Page 27
2-8	Increase the public notice area for Major Lot Development Option applications from 300 to 500 feet	Page 30
2-9	Change Density rounding provisions, allowing rounding down in cases where the calculation results in 0.5 or greater, for the minimum (net) density calculation	Page 27

The Planning Commission recommends modifying the Staff proposal, concerning the following Neighborhood Planning Workgroup item:

Item #	Description	Exhibit H – Page #
2-5	Revise Property Line Adjustment criteria to not allow "unusable areas"	Page 21

Discussion:

Written Testimony was received concerning the original Staff-proposed language for Item 2-5 (**see Exhibit F, page 6**).The Planning Commission reviewed the Staff recommendations concerning Property Line Adjustment criteria (**Exhibit C** and **Exhibit H, page 21**), written testimony, deliberated, and suggested a new criterion # 5 be added to LDC Section 2.14.60.b, in order to implement the recommendations of the Neighborhood Planning Workgroup:

LDC Section 2.14.60.b:

A Property Line Adjustment shall be approved if the following criteria have been met:

1. **The Property Line Adjustment shall not result in creation of an additional unit of land;**

2. **Any unit of land reduced in size by the Property Line Adjustment shall comply with all applicable zoning regulations;**
3. **The Property Line Adjustment shall not increase the degree of nonconformity that may exist on the subject lots; ~~and~~**
4. **The availability of both public and private utilities and required access shall not be adversely affected by a Property Line Adjustment; and**
5. **In addition to applicable lot width requirements, any opposing or parallel side property lines shall be separated by a minimum distance of 15 feet. Existing side property lines that do not meet this standard are allowed to be maintained or adjusted, as long as the Property Line Adjustment does not worsen the non-compliant configuration.**

Advantages:
In its deliberations, the Planning Commission found that the additional criterion # 5 provides a clear and measurable standard that can be applied to the dimension between property lines, as part of the Property Line Adjustment review process. The establishment of a 15-ft. minimum dimension between property lines will ensure that those areas remain "usable", which supports the recommendation of the Neighborhood Planning Workgroup.

Disadvantages:
As noted in the original Staff analysis (**Exhibit H, page 24**), the proposed additional review criterion imposes additional restrictions on configuration of property boundaries, affected by the Property Line Adjustment process. As previously noted, Staff find that the additional restriction is balanced by the benefits provided by the new criterion, which is that a Property Line Adjustment will result in spaces within the properties that are not so constrained in dimension that they become unusable.

Conclusion:
Staff find that the proposed additional Property Line Adjustment criterion improves the general welfare of the community, consistent with LDC Section 1.2.80.01, by ensuring property boundaries re-configured through the Property Line Adjustment do not result in properties that have unusable areas.

Recommendations from the Economic Development Commission

The Planning Commission accepted the Staff recommendation on the following Economic Development Commission item:

Item	Description	Exhibit H, Page #
1	Recommend allowing limited, code-compliant changes to site design elements	Page 35

	in approved Planned Developments, under certain circumstances	

After considering public testimony and the Staff recommendation, the Planning Commission deliberated, and suggested the Economic Development Commission item be revised, and that the third Economic Development Commission item should not be approved, as indicated below:

Economic Development Commission Item 2: Proposed Code Amendment for Minor Plan Adjustments and Determining Compliance with Planned Development Approvals

During the course of Planning Commission consideration of the proposed amendments, testimony was received that highlighted that in the proposed Code language that details the thresholds under which code-compliant development may be accomplished without a PD process, it was not clearly stated that the proposed development must comply with all applicable Code standards. In response, staff suggested a change to the proposed Code language to add the phrase "that otherwise comply with all applicable Land Development Code standards" under 2.5.50.20, below:

2.5.50.20 Minor Plan Adjustments Considered to be in Compliance with an Approved Detailed Development Plan – Minor plan adjustments to Planned Developments that otherwise comply with all applicable Land Development Code standards are permitted and considered to be in compliance with an approved Detailed Development Plan, subject to the following criteria, and the additional criteria in A, B, and C, below:

A. The expansion falls below the thresholds identified in Section 2.5.60.02.a;
B. The expansion does not affect any Conditions of Approval; and,
C. The expansion does not affect any approved compensating benefits and would not allow for a reduction in enhancements provided to offset allowed flexibility from LDC standards

1. Residential Minor Plan Adjustments Considered to be in Compliance with an Approved Detailed Development Plan - Minor plan adjustments to a Residential Planned Development are permitted for the following Residential Use Types and Residential Building Type:

a) Group Residential
b) Cooperatives and Fraternity and Sorority Houses
c) Residential Care Facility
d) Multi-dwelling Building Type

Minor Plan Adjustments to the above Residential Use Types and Residential Building Type are considered to be in compliance with an approved Detailed Development Plan, provided the adjustments fall below the thresholds below:

a. The expansion adds floor area of 500 sq. ft. or less; or
b. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area; and,
c. The proposed expansion, in conjunction with all prior development authorized under these provisions, constitutes no more than 10% of the total gross area approved under the Planned Development.

2. Commercial, Civic, and Industrial Minor Plan Adjustments Considered to be in Compliance with an Approved Detailed Development Plan - Minor plan adjustments to a Commercial, Civic, or Industrial Planned Development are considered to be in compliance with an approved Detailed Development Plan, provided the adjustments fall below the thresholds below:

a. The expansion adds floor area of 500 sq. ft. or less; or
b. The expansion adds floor area of 5,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area; and,
c. The proposed expansion, in conjunction with all prior development authorized under these provisions, constitutes no more than 20% of the total gross area approved under the Planned Development.

Economic Development Commission Item 3: Proposed Code Amendment to Allow for Code-Compliant Development of Industrial Properties Containing an Approved Planned Development That Has Not Been Substantially Developed Under the Planned Development

The Economic Development Commission recommended providing a path to code compliant development of large industrial properties without the need for a Planned Development land use process. Staff brought forward that recommendation to the Planning Commission with additional detail and thresholds for code compliant development. Testimony was received indicating concerns regarding development of specific industrial properties that currently contain Planned Developments, citing issues with future traffic and access, natural features, and Comprehensive Plan and area plan direction **(see Exhibit F, page 2)**. In response to Planning Commissioners' requests, staff provided analysis of the issues raised, and presented some additional thresholds and provisions as options for consideration to respond to the concerns raised **(see Exhibit D)**. The Economic Development Commission was also briefed on the concerns and staff-provided options, and

responded with a memo to the Planning Commission stating their recommendation to move forward with the original recommendation presented in the staff report. **(see Exhibit F, page 7)**

In their discussion **(see Exhibit B)** Planning Commissioners expressed concerns with ensuring that Comprehensive Plan policies and the South Corvallis Area Plan would be taken into account if development occurred on the subject industrial properties without the Planned Development process. They also expressed concerns that allowing code-compliant development on industrial properties with Planned Development overlays would not necessarily take into account traffic and access issues holistically, particularly in South Corvallis, and that there is currently a public expectation that development of these properties will be evaluated through a public process to address these issues. Ultimately, the Planning Commission decided to recommend the City Council not approve the proposed Code Amendment 3.

Recommendations from the Historic Resources Commission

The Planning Commission accepted the following Staff and Historic Resources Commission (HRC) recommendations regarding amendments to LDC Chapter 2.9 – Historic Preservation Provisions. While there is overlap among proposed amendments, they can be grouped into four categories as shown in the table below: 1) Alterations to Nonhistoric and Nonhistoric / Noncontributing Resources; 2) Alterations to Facilitate Compliance with ADA, Building Code, or Safety Requirements; 3) Minor Alterations Facilitating Contemporary Use; and 4) Simplification or Clarifications of Code. These categories and related Sections of the Code that are proposed to be substantively amended are outlined in the table below.

Category of Code Amendment	Code Sections*	Exhibit H – Page #
Alterations to Nonhistoric and Nonhistoric / Noncontributing Resources	2.9.70.e 2.9.70.t 2.9.70.k 2.9.100.03.e	Page 49 - 56
Alterations to Facilitate Compliance with ADA, Building Code, or Safety Requirements	2.9.70.l 2.9.100.03.c 2.9.70.q	Page 56 - 57
Minor Alterations Facilitating Contemporary Use	2.9.70.h 2.9.70.m 2.9.70.s 2.9.70.v 2.9.100.03.b 2.9.70.w	Page 57 - 70

	2.9.70.z 2.9.70.aa 2.9.100.03.k (New provision) 2.9.100.03.l	
Simplification or Clarifications of Code	2.9.70.c 2.9.70.g 2.9.70.u 2.9.70.x 2.9.100.03.h	Page 70 - 72

*Section numbers are those in current LDC. Section numbers are proposed to change as a result of proposed text amendments.

The following provides background on proposed amendments affecting LDC Chapter 2.9 – Historic Preservation Provisions, and explains amendments that garnered discussion by the Planning Commission or were made after Planning Commission review.

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 following highlights provisions that were either proposed or modified after the initial review by the Historic Resources Commission. These provisions are addressed below under the following headings.

- Ground-level Screening
- Collocated/attached Wireless Telecommunication Facilities in the OSU Zone
- Window Replacement

Ground-level Screening

During the Planning Commission review of proposed Text Amendments Oregon State University proposed additional revisions related to ground-level screening. In summary, OSU requested to modify the previously proposed exemption language in Section 2.9.70.z – Required Ground-level Screening to allow screen walls up to 14-ft in height without need for a Historic Preservation Permit. The original staff proposed language for this section allowed screen walls up to 6-ft in height enclosing an area up to 400 sq. ft. OSU also proposed a new Director-level criterion that would allow required ground-level screening enclosures up to 14-ft tall and enclosing an area of up to 600 sq. ft. Please refer to the OSU written testimony to the Planning Commission, dated April1, 2014, regarding OSU's reasons for the proposed revisions **(see Exhibit F, page 31)**.

The original HRC recommended exemption language (and original staff proposed exemption language to the HRC) regarding ground level screening is provided below, followed by the OSU revision to the exemption language in Section 2.9.70, and the OSU

proposed Director-level criterion under Section 2.9.100.03, which were proposed to the Planning Commission.

Original HRC Recommended Exemption

z. Required Ground-level Screening

1. Required Ground-level Screening Within the OSU Historic District - 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 Exemption Proposed to the Planning Commission

The following is an excerpt from OSU written testimony to the Planning Commission, dated April1, 2014 **(see Exhibit F, page 37)**.

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

The following is an excerpt from OSU written testimony to the Planning Commission, dated April1, 2014 **(see Exhibit F, page 36)**.

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.

Per the request of the Planning Commission, on April 8th, the HRC reviewed the written testimony to the Planning Commission submitted by OSU on April 1, 2014. As explained in the April 10, 2014, memorandum to the Planning Commission **(Exhibit E)**, the HRC reached consensus that they would be comfortable with LDC language that would allow ground-level screen walls up to 10-ft in height as an exemption, but the HRC did not support the new proposed Director-level criterion (provided above).

In general, the HRC believes that 14-ft tall walls proposed by OSU are tall enough that they could negatively impact the historic character of a building or the District if not placed appropriately, such screening walls are not precluded by the current Code, but do require HRC review. The exemption language does not specifically direct where screening enclosures can be placed.

The OSU proposed Director-level language would limit the location of such structures to areas not between a street and a building's front façade. The HRC noted the term "front façade" is not defined in the LDC, and within the OSU District, there are buildings that have "double-fronts", or that face public areas that are not streets, such as quads and plazas. For this reason, the HRC believes that discretionary review is important to ensure historic compatibility of enclosures with walls greater than 10-ft and/or that enclose an area greater than 400 sq. ft.

One Commissioner pointed out that, depending on the building, a 14-ft tall wall would be as a high as the second story of the building, another Commissioner expressed concern that even if a wall did not touch a building, it might obscure important architectural features in a way that would detract from the building's historic significance. The HRC also agreed that there was a good deal of discussion regarding the size of equipment enclosures during their previous review of proposed Text Amendments, which resulted in the HRC recommended exemption language. Without further analysis the HRC was uncomfortable making a different recommendation, except with respect to agreeing that they would be comfortable if the Planning Commission recommended allowing enclosure wall heights up to 10-ft tall as an exemption. Required ground-level screening enclosures that do not qualify as an exempt activity could still be constructed, but would require an HRC-level Historic Preservation Permit.

The Planning Commission agreed with the HRC recommendation regarding OSU's proposed revisions concerning ground-level screening. Based on the recommendations of the HRC and the Planning Commission, the exemption provision in Section 2.9.70 regarding ground-level screening is proposed to be modified as shown below.

~~aa.~~ z. Required Ground-level Screening

1. **Required Ground-level Screening Within the OSU Historic District - 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 10-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.**

2. **Required Ground-level Screening <u>Not within the OSU Historic District</u> - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:**

   ~~1.~~ **<u>a)</u> Complies with development standards of the underlying zone;**

   ~~2.~~ **<u>b)</u> 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;**

   ~~3.~~ **<u>c)</u> Is composed of ~~either~~ vegetation, masonry walls, solid wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and,**

   ~~4.~~ **<u>d)</u> 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.**

Collocated/attached Wireless Telecommunication Facilities in the OSU Zone

During HRC review of proposed Text Amendments, OSU proposed language that would allow installation of Wireless Telecommunication Facilities (WTF) as an exempt activity in the OSU Historic District. Staff and the HRC did not support the OSU proposed exemption language. Reasons given by the HRC for not supporting the inclusion of antennas as an exemption included concerns about the size of antennas relative to the buildings on which they would be placed, and visual impacts antennas might create within the OSU Historic District. Staff raised concerns that Accessory uses permitted outright in Section 3.36.20.01.b, which were referenced in the OSU proposed exemption, could include other antennas than those specifically contemplated by OSU.

During Planning Commission review of proposed text amendments, and in light of concerns raised by the HRC and staff, OSU proposed to permit the installation of collocated / attached Wireless Telecommunication Facilities with Director-level HPP approval. The OSU proposed Director-level review criteria is shown below.

k.	**Collocated/attached Wireless Telecommunication Facilities located in the OSU Zone** - Collocated/attached Wireless Telecommunication Facilities that are Permitted Outright within the OSU Zone per section 3.36.20.01.b – Accessory Uses Permitted Outright for University-owned Properties, are allowed if they meet the following criteria: 1. The facility is installed on a building at least 30ft in height. 2. If attached to a Designated Historic Resource, the facility shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible. 3. The facility is consistent with the Additional Provisions for Wireless Telecommunication Facilities outlined in Section 4.9.60 – Wireless Telecommunication Facilities.

Staff supported the OSU proposed provision as modified below.

k. Collocated/attached Wireless Telecommunication Facilities located in the OSU Zone - Collocated/attached Wireless Telecommunication Facilities that are Permitted Outright within the OSU Zone per section 3.36.320.01.b.7 and 8 – Accessory Uses Permitted Outright for University-owned Properties, are allowed if they meet the following criteria:

1. The facility is installed on a building at least 30ft in height.

2. If attached to a Designated Historic Resource, the facility shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible.

3. The facility is consistent with the Additional Provisions for Wireless Telecommunication Facilities outlined in Section 4.9.60 – Wireless Telecommunication Facilities.

The changes above occur within the first sentence of the provision. Section 3.36.20.01 would be changed to Section 3.36.30.01 to reference the recent changes to LDC Chapter 3.36 – OSU Zone related to street standards. This Section number has also been changed to specifically reference subsections b.7 and b.8 which state:

7. Collocated/attached Wireless Telecommunication Facilities on multifamily residential structures, three or more stories, and that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting,

or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

8. **Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.**

By including reference to Sections 3.36.30.01.b.7 and 8, it is clear that it is only the antennas and facilities identified in this LDC section, that are permitted with HPP Director-level approval. Additionally, such antennas and facilities must be screened in accordance with Section 3.36.60.02 – Roof Mounted Equipment, which states:

Section 3.36.60.02 – Roof-Mounted Equipment

a. **No roof-mounted mechanical equipment shall be visible from the entrance of buildings that abut the development site.**

b. **Satellite dishes, antennas, Colocated/attached Wireless Telecommunications Facilities, and other telecommunications equipment shall not be visible from nearby streets or buildings and must be screened behind a parapet wall or architectural feature.**

Because the wireless communication facilities and antennas eligible for Director-level HPP review would be required by the OSU Zone to comply with the provisions of Section 3.36.60.02, visual impacts within the District would be minimized. However, it would be possible that an antenna, for example, would not be visible from streets or buildings, but other surrounding areas, potentially creating a negative impact on the character of the Historic District. However, the OSU proposed amendment, as modified by Staff, would establish parameters for administratively permitting specific types of antennas on buildings at least 30-ft tall, and where the antennas and associated equipment would not be visible from nearby buildings and streets because they would be screened by existing parapet walls or architectural features. Compared to permitting installation of these facilities as an exempt activity, City Staff will have the opportunity to evaluate the placement of antennas with consideration to historic compatibility (per the Director-level criterion). This allows installation of such antennas with a minimal amount of process, facilitating the changing technology demands of OSU, while minimizing potential negative impacts to buildings within the OSU Historic District, and the District as a whole.

The Planning Commission supported inclusion of the new Director-level criteria regarding WTFs as modified by staff. This new provision is shown in **Exhibit A** as Section 2.9.100.03.k

Director-level Window Replacement

After Planning Commission review of proposed Text Amendments, Staff noted one amendment originally proposed by Staff and accepted by the HRC and Planning Commission that should be further revised. This amendment relates to Director-level HPPs regarding window replacements. Currently, it is possible to replace single-pane windows with double-pane windows with a Director-level HPP. Staff proposed to delete reference to double-pane energy efficient glazing to simplify text because in most cases, new windows will contain double-pane energy efficient glazing. However, deleting this text could create uncertainty about whether double-pane glazing is permitted with Director-level approval. Retaining the current language confirms that double-pane glazing is permitted as part of a Director-level HPP.

The following is an excerpt of Section 2.9.100.03.e as recommended by the HRC and Planning Commission, followed by an excerpt with Staff proposed text. The only change from what the Planning Commission recommended is that the phrase "containing double-pane glazing and meeting current Building Code energy efficiency standards", which is in the current LDC, is retained rather than deleted. The complete provision is provided in **Exhibit A**.

Planning Commission Recommended Text

e. Replacement of Windows

1. Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing ~~Resources~~ Structures - Windows and doors may be replaced with new windows and doors if the following standards and criteria are satisfied. ~~containing double-pane glazing and meeting current Building Code energy efficiency standards. The following provisions also apply:~~

Revision Proposed by Staff to City Council

e. Replacement of Windows

1. Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing ~~Resources~~ Structures - Windows and doors may be replaced with new windows and doors containing double-pane glazing and meeting current Building Code energy efficiency standards if the following standards and criteria are satisfied. ~~The following provisions also apply:~~

Conclusion on Amendments to Chapter 2.9 – Historic Preservation Provisions

Except as explained above, the Planning Commission's recommendations regarding text amendments to Chapter 2.9 – Historic Preservation Provisions, are the same as the Historic Resources Commission. Staff concur with the Planning Commission's

recommendation regarding amendments to LDC Chapter 2.9 – Historic Preservation Provisions, including the amendment to Section 2.9.70.z – Required Ground-level Screening. Staff also recommend that the text in LDC Section 2.9.100.03.e – Replacement Windows be revised as shown above and in **Exhibit A**.

III. RECOMMENDATION / REQUESTED ACTION

The City Council is requested to review Planning Commission and Staff recommendations regarding the proposed Text Amendments and to decide whether to:

1. Approve the Text Amendments as proposed;
2. Approve the Text Amendments, as revised by the City Council; or
3. Deny the proposed Text Amendments.

The process and decision criteria for Land Development Code Amendments are explained in Section 1.2.80 of the Land Development Code:

> **Section 1.2.80 - TEXT AMENDMENTS**
> **1.2.80.01 - Background**
>
> **This Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable policies.**
>
> **1.2.80.02 - Initiation**
>
> **An amendment may be initiated through one of the following methods:**
>
> **a. Majority vote of the City Council; or**
>
> **b. Majority vote of the Planning Commission.**
>
> **1.2.80.03 - Review of Text Amendments**
>
> **The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings.**

The March 2014 Staff Report to the Planning Commission **(see Exhibit H)** includes a full analysis of the consistency of the proposed LDC amendments with the Comprehensive Plan, other applicable City policies, and Statewide Planning Goals. Additionally, Staff have provided additional analysis, where necessary, that outlines findings on changes to the original Staff proposal that are recommended by the Planning Commission. Staff have reviewed the proposed revisions to the proposed LDC amendments in this City Council Staff Report and find that the amendments, as revised, continue to be consistent with the Comprehensive Plan, other applicable City policies, and Statewide Planning Goals.

Community Development Staff have prepared two motions to allow the City Council to take action on the two sets of code amendments. Those two sets include:

1. Change schedule for annual land use application fee review, amendments proposed by the Neighborhood Planning Workgroup, and amendments proposed by the Economic Development Commission, as amended by the Planning Commission; and
2. Recommendations from the Historic Resources Commission, as amended by the Planning Commission and City staff.

Once the City Council has provided preliminary direction, Staff will prepare formal findings and draft ordinance(s), necessary to adopt the code amendments associated with each motion.

Based on the discussion in the March 2014 Staff Report to the Planning Commission; the Planning Commission's consideration of public comment, deliberation, and recommendation to the City Council on March 19, 2014, and April 16, 2014; on the City Council's consideration of the June 9, 2014, Memorandum from the Community Development Director to the Mayor and City Council; and the City Council's consideration of public comment, deliberation, and decision on June 16, 2014, it is recommended that the City Council approve the proposed Land Development Code Amendments in two separate motions, as follows:

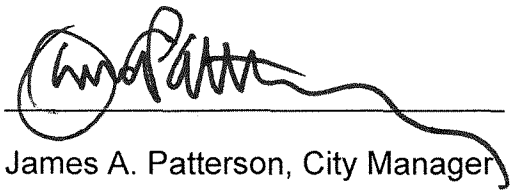
MOTION 1: Change Schedule for Land Use Application Fee Reviews, adopt amendments proposed by the Neighborhood Planning Workgroup, and adopt amendments proposed by the Economic Development Commission (LDT13-00003)

I move to approve the Staff-recommended changes to the Land Development Code associated with the timeline for annual review of land use application fees, as presented in the March 12, 2014, Planning Commission Staff Report; with the recommendations of the Neighborhood Planning Workgroup, as presented in the March 12, 2014, Planning Commission Staff Report, and as modified by the Planning Commission and described in the June 9, 2014, City Council Staff Report; and with the recommendations of the Economic Development Commission, as presented in the March 12, 2014, Planning Commission Staff Report, and as modified by the Planning Commission and described in the June 9, 2014, City Council Staff Report; subject to the approval of formal findings and an ordinance.

MOTION 2: Recommendations from the Historic Resources Commission (LDT13-00003)

I move to approve the Land Development Code Text Amendments associated with the recommendations of the Historic Resources Commission, as presented in the March 12, 2014, Planning Commission Staff Report, as modified by the Planning Commission and City Staff, and as described in the June 9, 2014, City Council Staff Report, subject to the approval of formal findings and an ordinance.

Review and Concur:



James A. Patterson, City Manager

IV. EXHIBITS:

A. Summary of Proposed Text Amendments *(includes Staff recommendation presented to Planning Commission, and revisions proposed by the Planning Commission)*
B. DRAFT Minutes of the April 16, 2014, Planning Commission Meeting
C. April 10, 2014, Staff Memorandum to Planning Commission Regarding Amendment to Proposed Property Line Adjustment Criteria
D. April 10, 2014, Staff Memorandum to Planning Commission Regarding Staff Responses to Planning Commission Questions
E. April 8, 2014, Staff Memorandum to Historic Resources Commission
F. April 2, 2014, Staff Memorandum to Planning Commission Containing Additional Written Testimony
G. DRAFT Minutes of the March 19, 2014, Planning Commission Meeting
H. March 12, 2014, Staff Report to the Planning Commission for the Package # 1, 2014 Land Development Code Amendments (LDT13-00002 / LDT13-00003)

Proposed Text Amendments

Includes Staff recommendation

presented to the Planning Commission, and revisions proposed

by the Planning Commission

Table 1 - Chapters Affected by Proposed Code Amendments

Chapter #	Title
Article I: General Provisions	
1.2	Legal Framework
1.6	Definitions
Article II: Administrative Procedures	
2.0	Public Hearings
2.5	Planned Development
2.9	Historic Preservation Provisions
2.14	Partitions, Minor Replats, and Property Line Adjustments
Article III: Development Zones	
3.2	Low Density (RS-5) Zone
3.3	Low Density (RS-6) Zone
3.4	Medium Density (RS-9) Zone
3.5	Medium Density – University (RS-9(U)) Zone
3.6	Medium-High Density (RS-12) Zone
3.7	Medium-High Density – University (RS-12(U)) Zone
Article IV: Development Standards	
4.1	Parking, Loading, and Access Requirements

Article I – General Provisions

Chapter 1.2: Legal Framework

1.2.100.02 – Annual Review

Development review fees shall be reviewed annually and revised to reflect the change in costs to the City, including, but not limited to, the ~~for~~ wages and benefits of appropriate ~~represented~~ employees in the current fiscal year. The annual adjustment of fees shall be effective ~~January~~ July 1 of each year.

Chapter 1.6: Definitions

Section 1.6.30:

Affordable Housing - Housing for which ownership costs (mortgage loan principal, interest property taxes, and insurance), or rental costs (unit rent and utilities) require no more than 30 percent of the gross monthly income of a household that has income at or below 80 percent of the Corvallis area median. The Corvallis area median is calculated annually by the U. S. Department of Housing and Urban Development (HUD) and applied based on household size. These numbers are updated annually by HUD and are on file in the City's Housing Division. See also; Qualified Affordable Housing Development.

Density Calculation - Density is calculated as either gross density or net density. The minimum density for a site is net density and the maximum density is gross density.

a. Density, Gross - Number of dwelling units per gross area, in acres. See definition for Area, Gross. ~~Additionally, in calculating gross density for a Minor Land Partition site, applicants may include in their calculation 50 percent of the area of any street rights-of-way that front the subject site, for the distance the streets front the subject site.~~

b. Density, Net - Number of dwelling units per net area, in acres. See definition for Area, Net.

c. Fractions – When the sum of the dwelling units is a fraction of a dwelling unit, the following adjustments to the Density Calculation apply:

1. Development occurring on properties within the established City Limits on or before January 1, 1950: When the fraction is equal to or greater than 0.5, an additional dwelling unit is allowed, but not required. If the fraction is less than 0.5, an additional dwelling unit shall not be allowed.

2. In All Other Areas: When the sum of the dwelling units is a fraction of a dwelling unit, and the fraction is equal to or greater than 0.5, an additional dwelling unit shall be required (minimum density) or allowed (maximum

density). If the fraction is less than 0.5, an additional dwelling unit shall not be required (minimum density) or allowed (maximum density).

Family - Individual or two or more persons related by blood, adoption, or marriage, or domestic partnership, or a group of not more than five adults unrelated by blood or marriage, living together in a dwelling unit. As used in this Code, Family also refers to not more than five unrelated ~~physically or mentally handicapped, elderly, or drug- or alcohol-dependent persons receiving treatment~~, persons receiving residential care, residential training or residential treatment, as those terms are defined in ORS 443.400. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. The relevant Oregon Revised Statutes that pertain to this definition include ORS 197.660(2) and ORS 197.665, as amended.

Qualified Affordable Housing Development - Housing development that is designed to serve residents through ownership or rental costs that comprise no more than 30 percent of the gross monthly income of a household that has income at or below 60% of the Corvallis area median. Qualified Affordable Housing Development shall demonstrate commitment to providing affordable housing through deed restrictions, restrictive covenants, or other acceptable form of assurance, for a period of not less than 20 years.

Article II – Administrative Procedures

Chapter 2.0: Public Hearings

2.0.50.04 - Public Notice

c. Notice List - The notice shall be sent by mail at least 20 days prior to the hearing to the following persons:

1. The applicant or authorized agent(s), and owner(s) of the property of the subject application if different from the applicant. For the purposes of this mailing, the property owner shall be determined using the most recent Benton County Assessor's database supplied to the City;

2. Any person who resides on or owns property within 500 ft., including street right-of-way, of a parcel of land proposed for:

a) Major Lot Development Option.

3 ~~2~~. Any person who resides on or owns property within 300 ft., including street right-of-way, of a parcel of land proposed for:

a) Zone Changes or Comprehensive Plan Amendments - excluding establishing or removing Historic Preservation Overlay Zones and Research Technology Center time extensions;
b) Subdivisions and Major Replats (Non-Residential);
c) Conditional Development - including Willamette River Greenway Permits;
d) Annexation proposals;
e) Planned Developments, including:
1) Conceptual and/or Detailed Development Plans;
2) Major Planned Development Modifications; and
3) Planned Development Nullifications per Section 2.5.80.b:
f) Refinement Plans and Refinement Plan Nullifications;
g) HRC-level Historic Preservation Permits related to Demolitions;
h) Major Neighborhood Center Master Site Plans, including:
1) Master Site Plans; and
2) Major Master Site Plan Modifications; and
~~i) Major Lot Development Options; and~~
i ~~j~~) Floodplain Development Permit Variances.

4 ~~3~~. Any person who resides on or owns property within 100 ft., including street right-of-way, of a parcel of land proposed for:

a) Appeals of a General Development decision of the Director;
b) Establishing or removing a Historic Preservation Overlay zoning designation, in accordance with Chapter 2.2 – Zone Changes, including appeals of Administrative Zone Changes;
c) HRC-level Historic Preservation Permits, except those covered by "2.g," above;
d) Minor Planned Development Modifications;
e) Expedited Land Divisions;
f) Major Neighborhood Center Minor Site Plan Modifications;

g) Request for Extension of Services outside the City limits. In addition, all property owners between the City limits and the subject property shall be mailed a notice;
h) Sign Variance;
i) Minor Lot Development Options;
j) Subdivisions and Major Replats (Residential); and
k) Conditional Development Permit Modifications

Chapter 2.5: Planned Development

Section 2.5.50.10 - Review Criteria for Determining Compliance with a Detailed Development Plan

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in compliance with the approved Detailed Development Plan. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.5.40.04, does not involve any new modifications to this Code's development standards, and does not involve changes to any specific requirements established at the time of Detailed Development Plan approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Detailed Development Plan. Minor revisions shall be allowed if all of the following are met:

1. Falls below the thresholds identified in Section 2.5.60.02.a;

2. Does not affect any conditions of approval;

3. Does not affect any approved compensating benefits;

4. Adds, or reduces, less than 1,000 sq. ft. of floor area to the approved development plan, but does not result in the cumulative transfer of approved building square footage between approved buildings beyond 1,000 square feet;

5. Complies with all applicable Land Development Code provisions; and

6. Revisions to approved site design elements, such as landscaping, green areas, sidewalks and pedestrian routes, do not result in a change greater than 10% to those elements approved in the Detailed Development Plan.

7.~~6.~~ When evaluated in relation to all prior approved minor revisions to the approved Planned Development, does not result in changes that would cumulatively exceed the thresholds listed above.

Section 2.5.50.20 - Minor Plan Adjustments Considered to be in Compliance with an Approved Detailed Development Plan – Minor plan adjustments to Planned Developments that otherwise comply with all applicable Land Development Code standards are permitted and considered to be in compliance with an approved Detailed Development Plan.

subject to the following criteria, and the additional criteria in A, B, and C, below:

A. The expansion falls below the thresholds identified in Section 2.5.60.02.a;
B. The expansion does not affect any Conditions of Approval; and,
C. The expansion does not affect any approved compensating benefits and would not allow for a reduction in enhancements provided to offset allowed flexibility from LDC standards

1. Residential Minor Plan Adjustments Considered to be in Compliance with an Approved Detailed Development Plan - Minor plan adjustments to a Residential Planned Development are permitted for the following Residential Use Types and Residential Building Type:

a) Group Residential
b) Cooperatives and Fraternity and Sorority Houses
c) Residential Care Facility
d) Multi-dwelling Building Type

Minor Plan Adjustments to the above Residential Use Types and Residential Building Type are considered to be in compliance with an approved Detailed Development Plan, provided the adjustments fall below the thresholds below:

a. The expansion adds floor area of 500 sq. ft. or less; or
b. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area; and,
c. The proposed expansion, in conjunction with all prior development authorized under these provisions, constitutes no more than 10% of the total gross area approved under the Planned Development.

2. Commercial, Civic, and Industrial Minor Plan Adjustments Considered to be in Compliance with an Approved Detailed Development Plan - Minor plan adjustments to a Commercial, Civic, or Industrial Planned Development are considered to be in compliance with an approved Detailed Development Plan, provided the adjustments fall below the thresholds below:

a. The expansion adds floor area of 500 sq. ft. or less; or
b. The expansion adds floor area of 5,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area; and,
c. The proposed expansion, in conjunction with all prior development authorized under these provisions, constitutes no more than 20% of the total gross area approved under the Planned Development.

Chapter 2.9: Historic Preservation Provisions

Section 2.9.70 - EXEMPTIONS FROM HISTORIC PRESERVATION PERMIT REQUIREMENTS

The following changes to a Designated Historic Resource shall be exempt from the requirement for a Historic Preservation Permit. Property owners are advised that other permits may be required to make such changes, such as other land use permits, Building Permits, and other provisions of this Code, such as landscaping requirements in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

a. Interior Alterations - Changes to the interior of a Designated Historic Resource that do not alter the building exterior.

b. Routine Maintenance and/or In-kind Repair or Replacement - Routine maintenance of any exterior feature of a Designated Historic Resource that does not involve a change in the design or style, dimensions, or material of the resource. A complete definition for In-kind Repair or Replacement is contained in Chapter 1.6 - Definitions. The In-kind Repair or Replacement of deteriorated materials is also allowed; however, it is recommended that repair be considered prior to replacement. Also included in routine maintenance are the following:

1. Routine site maintenance - Pertains to landscaping maintenance, brush clearing and removal of debris, pruning of shrubs, and removal of shrubs not listed as original plantings in the official historic inventory, or other sources of information listed in Section 2.9.60.c;

2. Pruning of trees - Pruning of trees that are located on Designated Historic Resource properties shall be in accordance with the most current edition of American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and/or resource functions; and

3. Removal of trees that are not considered to be Historically Significant Trees, based on the definition in Chapter 1.6 - Definitions.

c. Painting - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. This ~~E~~ exemption does not apply to ~~artwork attached to buildings, murals, or~~ murals that are 50-years old or older, or painting over existing architectural features, such as signs, or previously unpainted metalwork, brickwork, stonework, and masonry. New signs are not exempt from the need for a Historic Preservation Permit under this criterion.

d. Signs and Tablets - Installation of the following:

1. Signs and tablets that are exempt from City Sign Code regulations per Section 4.7.70;

2. **Freestanding signs in the OSU Zone that are 32 sq. ft. or less and otherwise exempt from the need for a Sign Permit per Section 4.7.90.05.a and b;**

3. **Attached signs on Noncontributing buildings in the OSU Historic District, that are 32 sq. ft. or less and otherwise exempt from City Sign Code regulations per Section 4.7.90.05.a and b; and**

4. **Attached signs on Nonhistoric or Nonhistoric/Noncontributing buildings outside of the OSU Historic District that are:**

   a) **32. sq. ft. or less; or**

   b) **If greater than 32 sq. ft., attached signs that:**

      1. **Replace existing signs:**

      2. **Are not variable message;**

      3. **Have the same approach to illumination as the sign to be replaced (none, internal, or external);**

      4. **Fit completely within the footprint of the original sign; and**

      5. **Are equal to or smaller than area of the sign to be replaced.**

e. **~~Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District - Exterior Alteration or New Construction to a property in a National Register of Historic Places Historic District that is classified in its entirety as Nonhistoric/Noncontributing shall be exempt from review, provided the Alteration or New Construction is not visible from public rights-of-way or private street rights-of-way, except for alleys, from which it may be visible, and the Alteration or New Construction is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.~~**

Alterations to Nonhistoric and Nonhistoric/Noncontributing Structures – Exterior Alterations, including additions, to Nonhistoric / Noncontributing structures in a National Register Historic District, and to Nonhistoric structures on a Designated Historic Resource property outside of a National Register Historic District, if the applicable standards below are met. This exemption does not include freestanding structures which are addressed in Section 2.9.70.h, nor equipment enclosures, which are addressed in Section 2.9.70.z.

1. Windows and Doors on All Nonhistoric and Nonhistoric / Noncontributing Structures

a. **Windows and Doors visible from public or private street rights of way may be replaced with new windows and doors in the same location and of the same size and style.**

b. **Windows and doors on facades not visible from public or private street rights-of-way, excluding alleys from which they may be visible, may be replaced with windows and doors of different sizes and styles than existing windows and doors.**

c. **New window and door openings may be created on facades not visible from public or private street rights-of-way.**

2. Structures and Properties Not in the OSU National Register Historic District

a. **The Alteration does not exceed the height of the structure being altered, except for chimneys, which may exceed the structure's height to the extent necessary to comply with the Building Code.**

b. **The Alteration shall not exceed a footprint of 200 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval.**

3. Structures within the OSU National Register Historic District

a. **The Alteration does not exceed the height of the structure being altered, except for projections permitted under Section 4.9.50.01 – General Exceptions to the Building Height Limitations.**

b. **An Alteration to the structure shall not exceed a footprint of 400 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval.**

4. Not Visible from Public or Private Streets - Unless exempt under the above criteria or per other provisions in Section 2.9.70, alterations shall not be visible from public or private street rights-of-ways, except for alleys.

f. Installation of Removable Screen and Storm Doors and Windows - A screen door is a secondary door attached over a structure's primary door to allow additional air flow when the door is open, while simultaneously providing some basic door functions. A storm door or window is a secondary door or window attached over a structure's primary door or window to protect the primary door or window against weather impacts. Installation of screen and storm doors and windows are exempt, provided they do not function as replacements for primary doors and windows, are installed in a manner that is Reversible, and do not damage or permanently alter external historic features of the Designated Historic Resource. Unpainted metal is not exempt.

g. Installation of a Removable Heating or Cooling Device – Installation or removal of a removable heating or cooling device, such as an air conditioning unit, in an existing building opening, provided that none of the external historic features of the resource are altered.

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

~~1. Benches;~~

~~2. City-standard bus shelters;~~

~~3. Blue light security kiosks;~~

~~4. Replacement of uncovered bicycle racks with new uncovered bicycle racks on the same or other hard mounting/parking surface.~~

~~5. Trash / Recycling receptacles with footprints less than 15 sq. ft. and meeting other Code standards; and~~

~~6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets the criteria in Chapter 4.3 - Accessory Development Regulations, is not visible from public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.~~

Accessory Structures –

1. **Accessory Structures Within the OSU Historic District - Installation of Accessory Structures within the OSU Historic District are exempt from the need for a Historic Preservation Permit if all of the following standards are met:**

   a) **The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and**

   b) **The structure is free-standing, less than 200 sq. ft. (floor area), and less than 14-ft tall, unless a bicycle parking facility or transit shelter which may be up to 400 sq. ft.; and**

   c) **The structure is not located within a Contributing open space area, except as permitted by 1 and 2, below:**

      1) **The structure's footprint, not including footings or foundations, does not exceed 25 sq. ft.;**

      2) **Site furnishing and amenities such as, but not limited to, benches, bicycle parking racks, light poles, bike repair kiosks, security kiosks, trash / recycling receptacles. This exemption (2.9.70.h.1.c.2) does not include dumpsters, ground level mechanical equipment, transformers, similar structures, or associated screening, which are exempt under Sections 2.9.70.y and 2.9.70.z.**

2. **Accessory Structures Not Within the OSU Historic District – Installation of the following Accessory Structures is exempt from the need for a Historic Preservation Permit if all of the following standards are met:**

   a) **The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and**

   b) **The structure is free-standing, less than 200 sq. ft. (floor area) and less than 14-ft tall; and**

   c) **Is not visible from public or private street rights-of-way, except lawn furniture and ornamental landscape accessories with footprints of 25 sq. ft. or less.**

i. Moving or Demolishing Structures - Moving or demolition of structures, provided:

1. The structure is in a National Register Historic District, and is classified as Nonhistoric/Noncontributing, or Nonhistoric per the definition in Chapter 1.6 - Definitions; or

2. The structure is on an Individually Designated Historic Resource outside of a National Register District; and

   a. Is Nonhistoric per the definition in Chapter 1.6 - Definitions; and

   b. Is a freestanding Accessory structure, less than 200 sq. ft. and less than 14 ft. in height; and

3. In all cases, moving or demolishing the structure, shall not damage, obscure, or negatively impact a Designated Historic Resource.

j. Installation of Satellite Dishes - Installation of a satellite dish on a facade not facing public or private street rights-of-way, except for alleys, from which it may be visible, provided the dish is less than 30 in. in diameter.

k. Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices - Installation of access ramps, sidewalk wheelchair ramps, and fire/life safety devices, such as wall or post mounted door opening sensors and Knox boxes, that are compliant with the Americans with Disabilities Act (ADA), provided the installation is Reversible, none of the external historic features of the resource are damaged or permanently altered, and the following criteria, as applicable, are satisfied:

1. Access Ramps on Individually Listed, and Historic and Historic Contributing Resources Not within the OSU Historic District - ~~No more than 30 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.~~

   a. Hand and guard rails shall not exceed an opacity of 25%; and

   b. Ramps shall be installed below grade or to 30-inches above grade, not including hand or guard rails.

2. Access Ramps on Nonhistoric/ Noncontributing Resources Not within the OSU Historic District - ~~No more than 48 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.~~

   a. Hand and guard rails shall not exceed an opacity of 25%.

   b. Ramps shall be installed below grade or to 48-inches above grade, not including hand and guard rails.

3. Access Ramps on Buildings within the OSU Historic District –

   a. Hand and guard rails shall not exceed an opacity of 25%; and

   b. Ramps shall be installed below grade or to the first-level of the building.

~~3.~~ 4. **Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements.**

~~4.~~5. **Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone.**

~~5.~~6. Rooftop Fall Protection Rails and Anchors – If required to comply with the Building Code.

l. Conversion of Existing Vehicular Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA) - Conversion of existing vehicular parking spaces to vehicular parking spaces that are needed to achieve compliance with the Americans with Disabilities Act (ADA), provided no additional impervious surface is created in Contributing Open Space areas.

m. Fencing Installation, Extension, or Removal –

1. **Installation or extension of ~~new~~ wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50.**

2. **~~Additionally, the r~~ Removal of a ~~an existing wood or chainlink~~ fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.**

3. If in the OSU Historic District, installing and removing, or moving fencing provided the fencing standards in Section 4.2.50, and Chapter 3.36 – OSU Zone are met, and the fence is not identified as Historically Significant based on any of the sources of information listed in Section 2.9.60.c. This exemption does not apply to Contributing open space areas within the OSU Historic District.

n. Freestanding Trellises - Installation of freestanding trellises that are less than 14 ft. in height, Reversible, and do not damage any significant external architectural features of the Designated Historic Resource.

o. New, Repair, or Replacement Landscaping and Tree Planting - Installation of new, repair, or replacement landscaping, including tree planting, and related appurtenances, such as irrigation sprinklers. The installation shall not damage any significant external architectural features of Designated Historic Resource structures, or damage any Historically Significant Trees or other Historically Significant landscaping or landscapes on the Designated Historic Resource site, as identified in the official historic inventory or other sources of information listed in Section 2.9.60.c.

p. Building Foundations - Altering a building foundation or installing a new foundation, provided the foundation material is not specifically identified as Historically Significant, and:

1. The Alteration or New Construction is required to meet present-day Building Code requirements;

2. The building elevation is not raised by more than 12 in.; and

3. The existing foundation is 18 in. high or less.

q. Installation of New, and Repair or Replacement of Gutters, ~~and~~ Downspouts, Scuppers –

1. Where not covered under Section 2.9.70.b, installation of new, and repair or replacement of existing gutters and downspouts using materials that ~~match the appearance of the gutters and downspouts being replaced or~~ match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The new, replaced, or repaired gutters and downspouts shall not damage or obscure any significant architectural features of the structure.

2. Changing the size of existing scuppers to comply with current Building Code standards. The resized scupper shall not damage any significant architectural features of the structure.

r. Utility Poles - Installing, relocating, or removing utility poles.

s. Uncovered Rear Deck or Patio Additions ~~350 Sq. Ft. or Less~~ - Installation or removal of an uncovered deck or patio, provided the deck or patio is obscured from view from public rights-of-way and private street rights-of-way by a fence, hedge, or other structure. The patio or deck may be visible from alleys. The deck shall be 30 in. or less in height, and shall be constructed in a manner that is Reversible.

~~t. Installation of New, or Replacement of Existing Windows or Doors on Nonhistoric and Nonhistoric/Noncontributing Resources- Installation of new, or replacement of existing windows and doors as follows:~~

~~1. Replacement of existing windows and doors with new windows and doors that have double-pane glazing meeting current Building Code energy efficiency standards. The replacements shall otherwise match the replaced items in materials, dimensions, and shape, except that wood or metal-clad wood may be substituted for the original, non-glass materials of replaced items; and~~

~~2. New windows and doors on facades that are not visible from public or private street rights-of-way (except for alleys), as defined in Chapter 1.6 - Definitions, may be installed.~~

~~u.~~ t. Re-roofing - Replacement of roofing material with a material similar to, or different from, the existing or original material, provided the existing roofing material is not specifically identified as Historically Significant; and

1. The roof is flat and ~~obscured by a parapet~~ not visible from public or private street rights-of-way; or

2. The roof is pitched and is being replaced with architectural composition shingles. Skylights shall be addressed in accordance with Section 2.9.70.~~x~~ w, 2.9.100.03.h, or 2.9.100.04, as applicable.

~~v.~~ u. Installation of New or Expanded Pathways - Installation of new or expanded pathways, provided the pathways are not within Contributing open space areas, e.g. OSU Memorial Quad:

~~1. Constructed of softscape (e.g. bark mulch, etc.), stone steps, or flagstone, and are installed in a manner that is Reversible. Automobile parking is prohibited on pathways;~~

~~2. Constructed of concrete, brick or pavers that do not exceed 5 ft. in width, 250 sq. ft., and are installed on residentially zoned sites; or~~

~~3. Constructed of asphalt, concrete, brick, or pavers that do not exceed a 12 ft. width, are 1,000 sq. ft. or less, are not part of Historic Contributing open space areas, and are on nonresidentially-zoned sites.~~

~~w~~ v. Utility Meters, Pipes, and Venting - Utility meters, pipes, penetration for conduit, wireless routers, and venting may be installed on, moved, or removed from structures, provided they do not alter windows, doors, or architectural details. Installation, alteration or removal of brick, stone, and masonry chimneys are not exempt activities, except under Section 2.9.70.e. Within the OSU Historic District existing fume stacks may be replaced or extended to a maximum height of 16-ft.

~~x. Skylights -~~

~~1. Skylights from a structure's relevant Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows or doors with glass.~~

~~2. Skylights that are existing but are not from a structure's relevant Period of Significance may be removed or retained and repaired in accordance with "1," above. However, in order for these skylights to be retained and repaired, they shall have been constructed prior to the establishment of the relevant Individual or National Historic Designation, or via an approved Historic Preservation Permit. Otherwise, the skylight shall be removed when deteriorated beyond repair or when a structure is being re-roofed, whichever comes first, unless a Historic Preservation Permit is subsequently approved to retain the skylight in accordance with Sections 2.9.100.03.h or 2.9.100.04, as applicable.~~

~~3. New skylights may be installed in accordance with Sections 2.9.100.03.h and 2.9.100.04, as applicable.~~

w. Skylights – The following activities involving skylights are exempt:

1. Installation, removal, or alteration of skylights on Nonhistoric and Nonhistoric / Noncontributing buildings;

2. If in a Historic District, removal or replacement of a skylight that was installed after the District's Period of Significance. If a skylight is replaced, it shall be of an equal or lesser size than the existing skylight.

~~y.~~ x. **Historically Significant Hazardous Trees - Removal of Historically Significant Trees that qualify as Hazardous Trees, based on the definition of Hazardous Tree in Chapter 1.6 - Definitions. The Hazardous Tree determination must be based on a Hazard Tree Evaluation that has been performed by an ISA Certified Arborist or ASCA Consulting Arborist using the 12-point hazard evaluation method, and the associated report must be filed with the Director and the City's Urban Forester. Removal may only occur following the City's Urban Forester's review and approval of the Hazard Tree Evaluation which recommends for removal of the tree. Following removal of the tree, the City shall notify the Historic Resources Commission that the action has occurred. Additionally, if a tree is required in the subject location via other Code provisions, such as those in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting, a new tree shall be planted consistent with those applicable Code provisions.**

~~z. Ground-Level and Rooftop Mechanical Equipment - Installation of ground-level and rooftop mechanical equipment, limited to equipment not visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening.~~

y. Ground-Level and Rooftop Equipment Servicing Buildings- Installation of ground-level and rooftop equipment servicing buildings, including solar and hydronic equipment, and antennas, provided all of the following standards are met:

1. Equipment shall not be visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys; and

2. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible.

Screening required by Code to conceal ground-level equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions is exempt if it complies with the provisions in Section 2.9.70.z- Required Ground-level Screening.

~~aa.~~ z. **Required Ground-level Screening**

1. Required Ground-level Screening **Within the OSU Historic District - 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 10-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.

2. Required Ground-level Screening Not within the OSU Historic District - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:

~~1.~~ a) Complies with development standards of the underlying zone;

~~2.~~ b) 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;

~~3.~~ c) Is composed of ~~either~~ vegetation, masonry walls, solid wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and,

~~4.~~ d) 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.

Section 2.9.100.03 -Alteration or New Construction Parameters and Review Criteria for a Director-level Historic Preservation Permit

A Historic Preservation Permit request for any of the Alteration or New Construction activities listed in Sections "a" through "o," below, shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria imbedded therein, listed below. Such Alteration or New Construction activities are classified as a Director-level Historic Preservation Permit. Some activities that are similar to Director-level Historic Preservation Permits may be exempt from permit review per Section 2.9.70 or may require review by the Historic Resources Commission.

a. **Solar or Hydronic Equipment - Installation of solar or hydronic equipment parallel to the roof surface with no part of the installation protruding more than 12 in. above the roof surface, provided the subject roof surface does not directly front a street. The equipment shall be attached to the Designated Historic Resource in a manner that does not damage any significant architectural features of the structure. Additionally, the installation shall be Reversible.**

b. **Replacement Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features - Replacement of the following site features with dissimilar materials and/or a different design or style, provided the size of such features does not increase:**

1. **Driveways;**

~~2. Paths and sidewalks;~~

~~3~~2. **Bicycle parking areas; and/or**

~~4~~3. **Vehicular parking areas that involve 800 sq. ft. or less.**

c. **Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA) - Addition of vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.l and not within Contributing Open Space areas.**

d. **Certain Alteration or New Construction to Nonhistoric/Noncon-tributing Resources in a National Register of Historic Places Historic District - An exterior Alteration or New Construction more than 200 sq. ft. to a property in a National Register of Historic Places Historic District that is classified in its entirety (including all structures on the site) as Nonhistoric/Noncontributing, provided the Alteration or New Construction is not visible from public rights-of-way and private street rights-of-way, except for alleys, from which it may be visible, and does not exceed 14 ft. in height.**

e. **Replacement of Windows**

1. **Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing ~~Resources~~ Structures - Windows and doors may be replaced with new windows and doors containing double-pane glazing and meeting current Building Code energy efficiency standards if the following standards and criteria are satisfied. ~~The following provisions also apply:~~**

~~1.~~ a) **Except as otherwise provided in subsections 2-5, below, the replacements shall match the replaced items in:**

~~a.~~ 1) **Materials;**

~~b.~~ 2) **Design or style;**

~~c.~~ 3) **Size;**

~~d.~~ 4) **Sash and Muntin dimensions (a ½-in. tolerance in size is permitted for Sashes, and a 1/8-in. tolerance in size is permitted for Muntins);**

~~e.~~ 5) **Number and type of divided lites (either true or simulated lites are permitted; snap-on grids are not); and**

~~f.~~ 6) **Shape.**

~~2.~~ b) **Metal-clad wood may be substituted for the original, non-glass materials of the replaced items.**

~~3.~~ c) **On residential structures, non-wood doors and hollow-core doors may be replaced with doors of a dissimilar design, provided the replacement doors are solid wood or metal-clad solid wood and are the same size, and in the same location as the door to be removed. Glass is permitted in the replacement door.**

~~4.~~ d) **Alterations involving decorative art glass and leaded glass windows shall be reviewed by the HRC unless the alteration satisfies the Chapter 1.6 definition for In-kind Repair or Replacement.**

~~**5. Installation of new, or replacement of windows and doors on Nonhistoric and Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are exempt per Section 2.9.70.t.**~~

2. Replacement of Windows or Doors Visible from Streets on Nonhistoric, and Nonhistoric / Noncontributing Structures – Windows and doors visible from public or private street rights-of-way may be replaced with new windows and doors if the following standards and criteria are satisfied.

a. **The window or door is the same style and in the same location as the window or door to be replaced; and**

b. **The window or door is the same size as the window or door to be replaced, except that the size of windows and doors may be modified to the minimum extent necessary to comply with the Americans with Disabilities Act and emergency egress requirements.**

f. Extension of Fencing Other than Wood - The extension of existing fencing other than wood fencing, which is exempt under Section 2.9.70.m, with In-kind Repair or Replacement materials, provided that the type of fencing material was used during the Period of Significance for the Designated Historic Resource and the fence is not extended beyond the facade of the Resource facing a front or exterior side yard.

g. Awnings - Installation of canvas awnings, limited to Designated Historic Resources and situations where awnings are required by this Code. Such canvas awnings shall either be installed where none previously existed or may reproduce historic canvas awnings from the applicable Period of Significance, as shown in

documentation submitted by the applicant. In-kind Repair or Replacement of existing awnings is exempt per Section 2.9.70.b.

h. Skylights - Activities involving existing skylights that are not already exempt via Section 2.9.70.x. and new skylights are allowed on:

1. ~~Nonhistoric/Noncontributing structures;~~

~~2~~1. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet; or

~~3~~2. Portions of structures that are not visible from private street rights-of-way and public rights-of-way, except for alleys from which they may be visible.

All other modifications or installations of skylights shall be processed via Section 2.9.100.04.

i. Single (First) Story Exterior Steps and/or Stairways - Changes in step or stairway design or style that may be required to meet present-day Building Code requirements, including handrail or guardrail installation, provided such changes are conducted within the height of the first story of a Designated Historic Resource. When authorized by the Building Official, some flexibility from conformance with some Building Code requirements relative to this design, including the question of whether or not handrail or guardrail installation is required, may be granted as outlined in Section 2.9.90.06.a. The design or style shall be architecturally compatible with the Designated Historic Resource based on documentation provided by the applicant.

j. Driveway Width Expansion - Widening driveways to a maximum width of 12 ft. using either the same materials and design in existence, or using dissimilar materials and/or a different design or style. The driveway length shall not increase. In all cases, driveways are subject to the Corvallis Off-street Parking and Access Standards, and the provisions in Chapter 4.1 - Parking, Loading, and Access Requirements.

k. Collocated/attached Wireless Telecommunication Facilities located in the OSU Zone - Collocated/attached Wireless Telecommunication Facilities that are Permitted Outright within the OSU Zone per section 3.36.30.01.b.7 and 8 – Accessory Uses Permitted Outright for University-owned Properties, are allowed if they meet the following criteria:

1. The facility is installed on a building at least 30ft in height.

2. If attached to a Designated Historic Resource, the facility shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible.

3. The facility is consistent with the Additional Provisions for Wireless Telecommunication Facilities outlined in Section 4.9.60 – Wireless Telecommunication Facilities.

Chapter 2.14: Partitions, Minor Replats, and Property Line Adjustments

Section 2.14.30.05.a (Non-residential Partitions)
(Remove references to density in this section altogether and re-number)

~~4. Consistency with the density requirements of the Zone. When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site, for the distance the streets front the subject site.; and~~

4. ~~5~~. For properties 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, no Partition or Minor Replat shall create new lots or parcels unless each new and remaining lot or parcel contains:

a) An area unconstrained by Natural Resources or Natural Hazards;
b) An area that includes Formerly Constrained Areas; or
c) Contains an area that includes the areas in 5.a) and 5.b) above; and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones is which the site falls. Exceptions to this requirement are:
d) Lots created for public park purposes; and
e) Privately- or publicly-owned lots completely contained within an area zoned Conservation - Open Space.
New Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards.

Section 2.14.30.05.b(2)(b)
b. Residential Partitions - Requests for the approval of a Tentative Partition Plat shall be reviewed to ensure:

2. The following criteria are met for Residential Partitions and the application demonstrates adherence to them:

b) Consistency with the density requirements of the zone. ~~When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site, for the distance the streets front the subject site;~~

LDC Section 2.14.60.b:

A Property Line Adjustment shall be approved if the following criteria have been met:

1. **The Property Line Adjustment shall not result in creation of an additional unit of land;**
2. **Any unit of land reduced in size by the Property Line Adjustment shall comply with all applicable zoning regulations;**

3. **The Property Line Adjustment shall not increase the degree of nonconformity that may exist on the subject lots; ~~and~~**
4. **The availability of both public and private utilities and required access shall not be adversely affected by a Property Line Adjustment; and**
5. **In addition to applicable lot width requirements, any opposing or parallel side property lines shall be separated by a minimum distance of 15 feet. Existing side property lines that do not meet this standard are allowed to be maintained or adjusted, as long as the Property Line Adjustment does not worsen the non-compliant configuration.**

Article III – Development Zones

Chapter 3.2: Low Density (RS-5) Zone

Section 3.2.30 - RS-5 DEVELOPMENT STANDARDS
Table 3.2-1

e.	**Minimum Setbacks (all Building Types)**		
	1.	**Front yard**	**15 ft. Also, unenclosed porches may encroach into front yards up to a maximum of 6 ft.**
	2.	**Rear yard**	**15 ft.**
	3.	**Side yard**	
		a) Single Detached	**5 ft. minimum each side yard**
		b) Single Attached ~~and~~	**~~0 ft. one side; 8 ft. minimum on opposite side1~~ 0 ft. one side; 10 ft. minimum on opposite side**
		c) Zero Lot Line Detached	**0 ft. one side; 8 ft. minimum on opposite side[1]**
		d ~~c)~~ Duplex and Triplex	**10 ft. minimum each side**
	4.	**Exterior Side Yard**	**15 ft. minimum and V~~v~~ision C~~c~~learance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.**
		See also "k," and "l," below.	

Chapter 3.3: Low Density (RS-6) Zone

Section 3.3.30 - RS-6 DEVELOPMENT STANDARDS
Table 3.3-1

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	5 ft. minimum
	3.	Side yard	
		a) Single Detached	5 ft. minimum each side yard
		b) Single Attached ~~and~~	~~0 ft. one side; 8 ft. minimum on opposite side1~~ 0 ft. one side; 10 ft. minimum on opposite side
		c) Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side[1]
		d ~~c)~~ Duplex, Triplex and Fourplex	10 ft. minimum each side Also, interior attached townhouses exempt from interior side yard setbacks.
	4.	Exterior Side Yard, and Rear Yard abutting a Street See also "k," and "l," below.	10 ft. minimum and V~~v~~ision C~~c~~learance A~~a~~reas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.

Chapter 3.4: Medium Density (RS-9) Zone

Section 3.4.30 - RS-9 DEVELOPMENT STANDARDS

Table 3.4-1

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~~	5 ft. minimum. ~~Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.~~
	3.	Side yards	
		Interior attached townhouses exempt from interior side yard setbacks.	
		a) Single Detached	5 ft. minimum each side yard
		b) Single Attached ~~and~~	~~0 ft. one side; 8 ft. minimum on opposite side1~~ 0 ft. one side; 10 ft. minimum on opposite side
		c) Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side[1]
		d ~~c~~) Duplex, Triplex and Fourplex	10 ft. minimum each side
		e ~~d~~) Abutting a more restrictive zone	10 ft. minimum
	4.	Exterior Side Yard and Rear Yard abutting a Street See also "k," and "l," below.	10 ft. minimum and V~~v~~ision C~~c~~learance A~~a~~reas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.

Chapter 3.5: Medium Density – University (RS-9(U)) Zone

Section 3.5.30 - RS-9(U) DEVELOPMENT STANDARDS

Table 3.5-1

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~~	5 ft. minimum. ~~Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.~~
	3.	Side yards Interior attached townhouses exempt from interior side yard setbacks.	
		a) Single Detached	5 ft. minimum each side yard
		b) Single Attached ~~and~~	~~0 ft. one side; 8 ft. minimum on opposite side1~~ 0 ft. one side; 10 ft. minimum on opposite side
		c) Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side[1]
		d ~~c~~) Duplex, Triplex and Fourplex	10 ft. minimum each side
		e ~~d~~) Abutting a more restrictive zone	10 ft. minimum
	4.	Exterior Side Yard and Rear Yard abutting a Street See also "k," and "l," below.	10 ft. minimum~~,~~ and V~~v~~ision C~~c~~learance A~~a~~reas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.

Chapter 3.6: Medium-High Density (RS-12) Zone

Section 3.6.30 - RS-12 DEVELOPMENT STANDARDS

Table 3.6-1

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~~	5 ft. minimum. ~~Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.~~
	3.	Side yards	
		Interior attached townhouses exempt from interior side yard setbacks.~~)~~	
		a) Single Detached	5 ft. minimum each side yard
		b) Single Attached ~~and~~	~~0 ft. one side; 8 ft. minimum on opposite side1~~ 0 ft. one side; 10 ft. minimum on opposite side
		c) Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side[1]
		d ~~c~~) Duplex and Multi-Dwelling	10 ft. minimum each side
		e ~~d~~) Abutting a more restrictive zone	10 ft. minimum
	4.	Exterior Side Yard and Rear Yard abutting a Street See also "k," and "l," below.	10 ft. minimum and V~~v~~ision C~~c~~learance A~~a~~reas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.

Chapter 3.7: Medium-High Density – University (RS-12(U)) Zone

Section 3.7.30 – RS-12(U) DEVELOPMENT STANDARDS

Table 3.7-1 - RS-12(U) Development Standards ~~– Standards Option~~

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~~	5 ft. minimum. ~~Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.~~
	3.	Side yards	
		Interior attached townhouses exempt from interior side yard setbacks.	
		a) Single Detached	5 ft. minimum each side yard
		b) Single Attached ~~and~~	~~0 ft. one side; 8 ft. minimum on opposite side1~~ 0 ft. one side; 10 ft. minimum on opposite side
		c) Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side[1]
		d ~~c~~) Duplex and Multi-Dwelling	10 ft. minimum each side
		e ~~d~~) Abutting a more restrictive zone	10 ft. minimum
	4.	Exterior Side Yard and Rear Yard abutting a Street See also "k," and "l," below.	10 ft. minimum and V~~v~~ision C~~c~~learance A~~a~~reas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.

Article IV – Development Standards

Chapter 4.1: Parking, Loading, and Access Requirements

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 –

1. Single Detached and Manufactured Homes -

a) Vehicles - Two spaces per dwelling unit.

b) Bicycles - None required.

2. Single Attached - Zero Lot Line

a) Vehicles -

1)	One, Two, or Three-bedroom Unit	- Two spaces per unit.
2)	Four-bedroom Unit -	3.5 spaces per unit.[1]
3)	Five-bedroom Unit -	4.5 spaces per unit.[1]

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.

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.[1]
6)	Five-bedroom Unit -	4.5 spaces per unit.[1]

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.

[1] *Minimum parking requirements for four- and five-bedroom units in Sections 4.1.30.a.2., and 3., above shall be 2.5 spaces per unit for development that meets the requirements of Qualified Affordable Housing Development, as defined in Chapter 1.6 – Definitions.*

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

DRAFT

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
April 16, 2014

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

Staff
David Coulombe, Deputy City Attorney
Kevin Young, Planning Division Manager
Jason Yaich, Associate Planner
Sarah Johnson, Associate Planner
Bob Richardson, Associate Planner
Claire Pate, Recorder

Excused Absence
James Feldmann

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions			
II.	Discussion and Recommendation: Package #1 Land Development Code Text Amendments (LDT 13-00002 and LDT 13-00003)			Recommend approval, with revisions
III.	Minutes – March 19, 2014			Approved as drafted
IV.	Old Business			
V.	New Business			
VI.	Adjournment			Adjourned at 9:45pm

Attachments to the April 16, 2014 minutes:

A. Outline of the Components of Package #1 Land Development Code Text Amendments and Decision Options, submitted by Kevin Young, Planning Division Manager.
B. Key Map for Density Studies, submitted by Planning Manager Young.

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
June 9, 2014, City Council Staff Report
EXHIBIT B (1 of 28)

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Chair Jennifer Gervais at 7:10 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard. Introductions were made.

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

II. DISCUSSION AND RECOMMENDATION: PACKAGE #1 LAND DEVELOPMENT CODE TEXT AMENDMENTS (LDT 13-00002 and LDT 13-00003)

A. Opening and Procedures:

Chair Gervais welcomed everyone and said that the order for tonight's proceedings was for a brief overview by staff; questions of staff; then discussion and deliberations relating to the Package #1 Land Development Code Text Amendments.

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

1. **Conflicts of Interest -** none
2. **Ex Parte Contacts -** Daniels said he had attended an Economic Development Commission meeting at which the Land Development Code (LDC) Text Amendments had been discussed, but it would not affect his ability to make a fair and impartial decision.
3. **Other Declarations -** Commissioner Gervais said she had listened to the recording of the March 19, 2014, Planning Commission public hearing, since she was not present at that meeting.

C. Staff Review:

Planning Manager Young made note of the materials handed out at the meeting: 1) an outline of the Components of Package #1 Land Development Code Text Amendments and Decision Options, dated April 16, 2014 (**Attachment A)**; and 2) a Key Map for Density Studies (**Attachment B)** which he would go over at the appropriate time. He also noted that commissioners received all the written testimony submitted up until the time the record closed. He referenced the April 10 memorandum included in the packet with staff responses to commissioner questions regarding the LDC Text Amendments, and said that staff would review those responses before commissioner deliberations.

Planner Yaich reviewed the staff response to questions relating to proposed changes to the density calculation definition. The recommendation in the original staff report was based on the Neighborhood Planning Work Group's (NPWG) recommendation. They had taken a narrow approach to modifying a piece of the rounding provisions of the density calculation that was limited to the minimum, or net, density. However, in staff's response to questions raised, more background has been provided on the NPWG's discussion on density, including some background on public testimony presented during their meetings. That testimony related to a broader discussion on how density was calculated, and a deeper discussion on the rounding provisions both for minimum and maximum density. Based on this, staff has provided a little bit more information on the density calculation question with four options for

consideration. The first option presented is to maintain the current method for rounding and density, with the addition of a footnote; the second would be to forward the NPWG's recommendation to City Council as presented in the original staff report, with the inclusion of a footnote; the third option would be to forward the NPWG's recommendation, but include an alternate footnote #2; and the fourth would be to forward the NPWG's recommendation and remove rounding provisions for maximum density. Staff is recommending the original proposal based on the NPWG's recommendation focusing on the minimum density rounding provisions, but providing a new footnote #1 noting that when one rounds up density may be exceeded in some instances due to the rounding provisions.

Additionally, Planner Yaich said that the NPWG had begun work on Residential Design Standards, which will become Package #2 and would be presented later in the year. They have formed a Technical Assistance Team (TAT) to start the process of developing code language for that package. In the initial discussions for that package, there was a lot of talk about density and how it relates to other residential development standards such as minimum lot area and reconciling the fact that in the LDC there are some inconsistencies between how one looks at minimum lot area in relationship to density calculations within any given zone. Therefore, there will be a broader and deeper discussion on density coming forward.

Manager Young noted that one of the handouts **(Attachment B)** was an analysis of some density studies performed by staff, within the Collaboration Study area. They had looked at ten sample residential blocks to see what existing densities were. Blocks were selected that had not seen significant redevelopment within the last 5-10 years. The intent was to capture what might be considered an established pattern of development, and to look at what the densities were at that time. This was done with some GIS analysis, both of the net and gross areas taking into consideration the half-street allowance allowed for partitions and replats. Calculations were done for both minimum and maximum density ranges for the particular amount of land. Staff then did some field verifications for numbers of dwelling units. The handout shows the results, with seven of the blocks having a development pattern within the density range, two having a pattern that exceeded that range, and one was below the range. This is not a definitive reflection of what is happening citywide, but was helpful for the NPWG's work. One of the key things to come out of that conversation, though, is that density is not the same as the number of people living in a dwelling unit. A dwelling unit might be a single bedroom apartment or a 4-5 bedroom unit.

Planner Johnson then addressed the next section of questions starting on page 8 of the memorandum, addressing concerns raised by Tony Howell and Kirk Bailey relating to the proposal to allow code-compliant development of industrial properties that contain Planned Developments. The first issue related to the proposed Minor Plan Adjustment code language. It was brought to staff's attention that while there was a stated intent to allow adjustments that are compliant with the LDC in Section 2.5.50.20, it was not explicitly defined that way in the code language. Staff suggests adding the following language: "*Minor plan adjustments to Planned Developments that otherwise comply with all applicable development standards in the LDC would be permitted and considered to be in compliance.*"

Planner Johnson further explained that Item 4 (April 10 memo, page 12) addressed a question raised by Commissioner Sessions relating to the proposed PD minor plan adjustment process and what would happen if an approved Planned Development were partially built out and then the applicant wanted to vary from the approved PD for a portion of the remaining construction.

Staff responded to this by stating that the Minor Plan Adjustment process would apply and would allow for limited code-compliant development, but still subject to the thresholds. Staff would look at the total approved gross area under the Detailed Development Plan, but then allow that flexibility within it up to the thresholds that are explained in the code language.

The remainder of the Economic Development Commission's proposal (Section 3) relates to code-compliant development of PD industrial properties. There was testimony that indicated that the provision to allow code-compliant development on GI-(LI) and GI-(LI-O) industrial properties that had seen very little development under their approved plans would be in conflict with the Comprehensive Plan policy that calls out specific areas in South Corvallis on the west side of the highway - Areas A & B. That policy requires PD approval for any subdivisions of less than 50 acres of the total piece of Areas A or B. Secondly, it was brought up that industrial zones have not been updated to address compatibility and pedestrian-oriented design standards, along with other issues. There are natural features on industrial sites, particularly in South Corvallis, that were taken into account when the PD Overlays were put in place in order to require a public process and mitigation of those natural features upon development. Finally, South Corvallis is subject to the South Corvallis Area Refinement Plan (SCARP), which envisions consolidated access and takes into account traffic issues among other issues in South Corvallis. The "Staff Notes" beginning on page 8 of the Staff Responses memo apply to some of these issues. It was noted that there is a transportation impact analysis required with all development, regardless of whether it goes through a public process or is initiated through the Building Permit process. Staff looks at access and traffic impacts in general, and requires mitigation when required. This could be anything from infrastructure improvements to future plans for transportation demand management. She also noted that the City's Transportation System Plan is in the beginning stages of an update and should be completed within the next couple of years. Additionally, ODOT controls access to South 3rd/Hwy 99W, as well as Hwy 20, and is therefore heavily involved in controlling access and traffic impacts on those State routes. Natural features were inventoried and protected as a result of the LDC update. In South Corvallis, the large chunk of industrial land does not have a lot of natural features that were inventoried and called out for protections; but they are protected by the State as wetlands, and are subject to Department of State Lands (DSL) and the Army Corps of Engineers' standards for mitigation. Also, in the intervening years, the City has developed and adopted the South Corvallis Drainage Plan.

The industrial areas to which Section 3 would apply are rather limited, and include the McFadden site in north Corvallis, and the areas under discussion in south Corvallis. They are not adjacent to residential uses, which was intentional. Also, the LI-O zone was recently adopted through the 2006 LDC update. It is a new zone that is along South 3rd/Hwy 99, adjacent to the highway, and provides a buffer for the GI properties further to the west. That zone does include pedestrian-oriented and other design standards, and is intended to be a more pedestrian-oriented buffer to the larger industrial properties. Staff also note that Article 4 of the LDC requires amenities like pedestrian connections, separated sidewalks, landscape strips, etc. These are infrastructure improvements that are required regardless of the design standards that are present in each individual zone. They are required for development of through a public process or through over-the-counter Building Permits. The LDC also contains standards for gateway development along South 3rd/Hwy 99W in proximity to the City limits.

That said, staff has come up with options for consideration. The first one would be to retain the 50-acre minimum requirement in Area A, consistent with the Comprehensive Plan policy and call that out specifically within the LDC proposed language. Secondly, some square footage thresholds and total approved development percentage thresholds are put forth as an option. One would be a 200,000 sq.ft. building footprint, or 300,000 sq.ft. total gross area if an industrial property came in for development with a two-story building. Properties that wanted to do code-compliant development that had not seen a lot of development under the approved development plan could propose to do code-compliant development of up to those square footage thresholds. Along with that, a maximum of 30% of the total approved development area could be set as a threshold before the requirement for a PD or PD modification process would kick in. Further, staff suggested that there could be additional code language which would identify a "development site" as the development area approved under the original PD. Planner Johnson then showed some examples of what building footprints meeting those thresholds would look like on various properties.

In response to questions from Commissioner Hann relating to where there might still be some vulnerability if the commissioners were to recommend approval of the changes, Manager Young said that staff had attempted to address the concerns that had been raised, but there could always be unintended consequences. The proposal put forward was an attempt to accommodate EDC's expressed concern about having some limited flexibility for code-compliant development while still ensuring there would not be significant impacts to the community. If there were no PD approval in place, staff would look to the LDC for natural features protections, public infrastructure improvements, permitted uses, parking requirements, etc. for any proposal that would come in for consideration. If there were a PD approval, the developer would be under the umbrella of that approval. If the authorization was for 100,000 sq.ft., one would be limited to a certain percentage of that, and development would have to be 100% code-compliant and compliant with any conditions of approval and/or compensating benefits that were provided. There would not be any "creep" and it would be limited to the percentage threshold.

Commissioner Daniels raised the issue of piecemeal development benefitting those who go in first and then having later developers having to spend a lot of money to upgrade transportation facilities, and he felt this was an important point to consider. Manager Young said that this was a scenario under which a lot of development occurs; however, there is an update to the Transportation System Plan (TSP) in the offing and certainly south Corvallis has been identified as a critical area with some significant transportation restraints. The policy direction from the South Corvallis Area Refinement Plan (SCARP) was that the goal is not to widen South 3rd/Hwy 99W so alternative methods will have to be looked at. The hope is that the TSP update will include more specific measures and mitigation directed to how the City can get that done. Even failing that, development in those areas will be subject to block perimeter standards so that alternative street networks will need to be provided. That area is further constrained by the Marys and Willamette Rivers and the railroad lines.

Commissioner Daniels then asked if the changes recommended by the EDC might negate the SCARP requirements, without having the force of a PD in place. Manager Young agreed that staff would be looking at implementing the LDC and would not be looking at the SCARP in consideration. Broadly speaking, a PD brings in consideration of a larger package of applicable policies and plans.

Commissioner Daniels then asked if at the time the properties were annexed they had had a PD overlay on them, with voters possibly approving an annexation knowing that there would be a public process at time of development. Manager Young said he could not speak to the history of all of the properties, but certainly the McFadden property had a PD in place in order to comply with the Transportation Planning Rule. Planner Johnson made the point that there is not intent to remove PD overlays from properties. The option is to allow code-compliant development on properties that will still retain their PD overlay, to a certain extent and within certain thresholds.

Chair Gervais asked why the mechanism to remove a PD overlay would not meet the needs of a developer. Planner Johnson said that the intent is to allow a limited amount of flexibility that would not require a public process. Planned Development modification processes can be onerous and extensive, and the intent was to remove some uncertainty and allow for a measure of code-compliant development that would be consistent with economic development goals without having to go through the extensive process.

Commissioner Woodside referred to Tony Howell's testimony in which he talked about the Phase 3 LDC Update, and the fact that it might resolve some of these issues. She asked what the trajectory was for that update. Manager Young said that his understanding was that Phase 3 was to put in place pedestrian-oriented design standards, as well as other elements of the new code, for the industrial zones in the City. This has already been done for a few of the industrial zones, though not the General or Intensive Industrial zones. The City Council's highest priorities at this time for the Planning Division are updates to the Buildable Land Inventory, the Vision 2020, and to the Corvallis Comprehensive Plan. Ultimately, this would lead to an update of the LDC. This is already ambitious, and Phase 3 is not on that list. It certainly could become part of the conversation if staff receives that direction from the Planning Commission and City Council. This conversation will take place at the beginning of the next City Council term when work plan priorities are reviewed to reflect Council goals. As a follow-up to Commissioner Woodside's question, Commissioner Daniels said that that priority could be changed, and he opined that the Economic Development Commission might even have some funding available for a Phase 3 LDC Update effort since this seems to be a priority for them.

Manager Young then moved the discussion on to staff's response to Question #3 (April 10 memo, page 11) relating to whether right-of-way dedication area counts towards allowed density. The simple answer is that it does. Where a site abuts an existing public street and additional street dedication is required to widen the existing street, the gross area is considered to be the size of the property prior to dedication of the right-of-way. In that instance, the dedicated right-of-way does count towards allowed density. The memorandum also notes the half-street bonus provisions do apply for Minor Land Partitions and Minor Replats. However, the proposal is to eliminate this as a part of Package #1.

Planner Yaich reviewed staff's response to Question #5 (April 10 staff memo, page 13), relating to expanding the notice area for administrative-type land use applications from 100 ft. to 200 ft. Staff provided additional analysis of the costs involved, as outlined on Attachment D to the April 10 staff memo. Commissioner Daniels thanked staff for their work on this, though he had not intended to generate so much work. He agreed with staff's analysis that citizens can also get notifications through other means such as the posted signs and subscribing to City notifications by e-mail.

Planner Richardson then reviewed staff's response to Question 6 (April 10 staff memo, page 14) relating to the request for the Historic Resources Commission (HRC) to provide feedback on OSU's screening request. He noted that OSU had submitted written testimony dated April 1, with a proposal for revised language to the screening requirements for ground-level mechanical equipment. The current language regarding screening for mechanical equipment is that as an exempt activity no HRC permit is required if the screening enclosure is up to 100 sq.ft. and 6 feet tall, or less. Through the initial HRC review process, that exemption was increased so that the area could be up to 400 sq. ft. and 6 feet tall as an exemption, and then during testimony OSU asked for consideration of an exemption for screening up to 14 ft. tall along with the 400 sq. ft. They also proposed a Director-level review for ground level screening enclosures of up to 14 feet in height and up to 600 sq. ft. in size. The HRC reviewed this proposal and said that they would be comfortable allowing an exemption for screen walls of up to 10 feet in height and 400 sq.ft. in size, but were not comfortable with Director-level review of an enclosure over 400 sq.ft. in size.

In response to a question from Commissioner Hann, Planner Richardson explained that the HRC felt it was difficult to know what the impact of a screening enclosure greater than 10-feet in height might have on a historic resource. The intent would be to have anything greater than this size reviewed by the HRC to ensure it will be historically compatible. Staff's recommendation is to support the HRC's proposal.

Manager Young then addressed Question #7 (April 10 staff memo, page 15). He had consulted with the City Attorney's office and made the determination that putting in place a special standard for "rounding" in the areas annexed before 1950 did not make them, or imply that they were, de facto historic districts. Putting in to place a special standard for a specific area in the City is not the same thing as a Historic District, with the key difference being that it does not involve a discretionary review process and instead is a clear and objective regulation applied consistently throughout a certain area. However, it was noted that the proposed language should be changed to "*areas within City Limits as of January 1, 1950*" as opposed to referencing having been annexed, since some areas might have simply been incorporated into the City when it was first formed.

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

Chair Gervais and commissioners discussed the best approach to considering the two packages and the individual proposed text amendments. It was decided to make individual main motions for each of the two packages, and then make "motions to amend" as necessary to accommodate desired revisions to the proposals contained therein. The April 16, 2014, handout entitled "Components of the Package #1 LDC and Decision Options" **(Attachment A)** was used to reference individual component proposals and options.

LDT13-00002 OSU Collaboration – Chapter 2.9 Revisions

MAIN MOTION: Commissioner Woodside **moved** to recommend that the City Council approve LDT13-00002 regarding LDC Chapter 2.9 - Historic Preservation Provisions as presented in the March 12, 2014, Staff Report to the Planning Commission. This motion is based on findings in support of the application presented in the March 12, 2014, Staff Report

to the Planning Commission, and findings in support of the application made by the Planning Commission during deliberations on the proposed Text Amendments. Commissioner Daniels seconded the motion.

Motion to Amend: Commissioner Daniels **moved** to amend the main motion by referencing **Option b** to recommend approval of the modified proposal, as discussed by the Historic Resources Commission on April 8, 2014, and as detailed in the April 10, 2014, Staff Responses to Planning Commission Questions Memorandum. Commissioner Woodside seconded the motion.

Commissioner Woodside said that she agrees with Commissioner Daniels and is leaning on the HRC's recommendation.

The motion to amend **passed** unanimously.

VOTE ON MAIN MOTION: The motion **passed** unanimously.

LDT13-00003 OSU Collaboration – Neighborhood Planning Items (and other items)

MAIN MOTION: Based on the findings in the March 12, 2014, Staff Report to the Planning Commission and based on the findings in the minutes of the March 19, 2014, meeting, Commissioner Woodside **moved** to recommend that the City Council adopt the proposed package of LDT 13– 00003, as presented by staff. This package of Land Development Code amendments includes amendments recommended by the Neighborhood Planning Workgroup, the Economic Development Commission, and by City staff. Commissioner Hann seconded the motion.

- *Recommendations from the Economic Development Commission (EDC) (Component C, Items 1-3):*

Manager Young noted that there were three discreet proposals coming out of the EDC recommendations: Item 1 having to do with site design elements; Item 2 with code-compliant minor plan adjustments; and Item 3 focused specifically on allowing code-compliant development in certain industrial zones.

Deputy City Attorney Coulombe reminded commissioners that the main motion was referencing the original Staff Report, so if there had been revisions and/or recommendations since then that a commissioner wished to include, then that should be referenced through a "Motion to Amend." If they wished to recommend that an item **not** be approved that also would take a "Motion to Amend."

Commissioner Woodside referred to Item 3, the recommendation allowing for code-compliant development, and stated that she was not in favor of this. Commissioner Hann said he had started out with the same position. However, with staff's discussion about how there were still adequate protections in place since the developer would still have to meet LDC requirements, and along with his belief that some flexibility was needed to promote economic development in the City, he was moving away from that position.

Chair Gervais suggested they begin with **Item 1** which dealt with site element designs in approved PDs, under certain circumstances. Commissioner Daniels referred to the March 19, 2014, letter from Messrs. Howell and Bailey and said they had suggested some adjustments to one of the three items and he asked for clarification as to which item they applied. Planner Johnson said they applied to Item 2, not to Item 1 which was now under consideration. It was agreed to **choose option a** for Item 1, which was to recommend approval of the proposal as written.

Chair Gervais then moved to **Item 2**, allowing for code-compliant Minor Plan Adjustments within approved PDs, under certain circumstances. Commissioner Daniels asked staff for their feedback relating to the testimony he had just referred to from Messrs. Howell and Bailey. Planner Johnson said that her earlier comments during the staff response included code language that could be added to the section, as opposed to simply rejecting the recommended change. She read that language: "*Minor plan adjustments to Planned Developments that otherwise comply with all applicable development standards in the LDC would be permitted and considered to be in compliance.*" Commissioner Selko asked about the 10% limits on expansion versus the new 20% limits on expansion. Manager Young said that this one was a bit thorny. When they had looked at language, staff realized that these two areas of the Code talk about slightly different things. Instead of staff trying to craft language that bridges the differences, staff's stance is that the most restrictive provision will apply in all instances. If one is limited to 10%, and another area of the Code allows 20%, the applicant will be held to the 10% standard. The apparent conflict between the language can be reconciled administratively by staff.

Planner Johnson said, as further explanation, that in certain circumstances the two thresholds could yield a different result. A specific example of this would be with a larger development site for which there are building square footage percentages, or thresholds, versus a specific PD on a very specific building. If there was a case wherein someone wanted to do an adjustment, they could presumably create an adjustment of up to 20% of the total development area. However, if there is just a building, and the building is already at 100,000 sq. ft., staff would require that the applicant go through a PD modification process in order to accomplish that development; and it would have to be limited to 10%. These are two separate circumstances wherein staff would apply that adjustment versus modification. If there was an instance where it was a specific building and it was at full build out, then the more restrictive of the two would come into play.

Motion to Amend: Commissioner Woodside **moved** to amend the main motion with regard to **Item 2** (proposal recommending allowing code-compliant adjustments) by selecting **Option b**, with the additional changes outlined by staff at the April 16, 2014, hearing. Commissioner Selko seconded the motion.

Commissioner Woodside asked staff what impact a Phase 3 LDC update might have on this proposal, if passed. Manager Young said it really depends on the components that might be included in a Phase 3 package. Certainly, the Planning Commission could consider eliminating these changes if they were no longer needed.

The motion to amend **passed** unanimously.

Chair Gervais then moved on to **Item 3** of the Economic Development Commission's proposals. Commissioner Daniels said that he would not be able to support this portion of the proposal. There were too many issues up in the air, such as the SCARP being negated to some degree and the absence of an updated Transportation System Plan. The removal of a public review process would be problematic, but he certainly would support some other action that would take the City in the direction of addressing these issues. Therefore, he supports picking option d. Commissioner Woodside said she supports Commissioner Daniels' position.

Motion to Amend: Commissioner Lizut moved to amend the main motion with regard to **Item 3** (proposal to allow for code-compliant development within certain industrial-zoned areas with PD Overlays, and under certain conditions) by selecting **option d**, thereby recommending that the change not be approved. Commissioner Selko seconded the motion which **passed** unanimously.

- *Recommendations from the Neighborhood Planning Work Group (Component B, Items 2-1 through 2-8):*

Chair Gervais said that she had some concern about Item 2-1, which would exempt qualifying affordable housing development from 4/5 bedroom parking requirements. In her experience, non-profits come and go, and she was seeking some assurance that this provision would not be exploited in the future. Commissioner Daniels said that when this discussion went through the Collaboration process, Mr. Moorefield (Director, Willamette Housing Neighborhood Services) had proposed this but had also said that most of their housing was not 4/5 bedroom in size. Manager Young said that was the case, but it would be a big impact for those that might be of that size and Mr. Moorefield made a good argument for why a family in that size of a house would not need the additional parking. In terms of the 20-year commitment, typically there are stipulations tied to federal monies that would lock in that requirement regardless of whether WHNS continued to exist or not. Commissioner Hann said that the recommendation had evolved out of concern that in certain situations, due to the lack of land, it would reduce the number of affordable housing units WNHS could provide due to the parking requirements for the 4/5 bedroom units. It was made clear that this exemption would not apply to student housing, since student housing would not qualify under the HUD regulations, unless the students were a low-income family with children. Chair Gervais said her concerns were erased.

By consensus, commissioners agreed with recommending **Items 2-1 and 2-2 (Option 1** for each**).**

For **Item 2-3,** Commissioner Selko clarified that concurrence with staff's recommendation would mean a recommendation that no change be made **(Option 1)**. The commissioners agreed by consensus.

For **Item 2-5,** Manager Young explained that the packet included a memorandum (April 10, 2014, Staff Proposed Amendment to Property Line Adjustment Criteria) proposing a slight change to the language for the property line adjustment standard. Recommendation from staff is that the revised language be approved, which would require an amendment to the main motion.

<u>Motion to Amend</u>: Commissioner Hann moved to amend **Item 2-5** and going with the revised wording presented in the memorandum from staff dated April 10, 2014, regarding LDC Section 2.14.60.b. (**Option 1).** Commissioner Lizut seconded the motion, which **passed** unanimously.

Chair Gervais noted that they had skipped discussing **Component A**, which changes the schedule for Land Use Application Fee Reviews. By consensus, commissioners agreed with the proposal (**Option 1).**

Commissioner Woodside asked for some clarification for staff's recommendation for **Item 2-6.** Manager Young said that the recommendation from the workgroup was that this be applied to in-fill development. Staff's opinion is that because there is such a small difference between the side-yard setback that would be applied to a duplex as opposed to an attached dwelling unit, it makes sense to apply it city-wide. The recommendation from staff is **Option 1.** Option 2 represents the recommendation that came out of the workgroup. That option should be selected if the commissioners wish to apply it to in-fill development only. The commissioner consensus was to select **Option 1.**

Chair Gervais then moved the discussion on to **Items 2-7 and 2-9,** with a discussion relating to the half-street bonus and density rounding. She said that they had had a lot of testimony from Mr. Hess relating to the consequences of having much higher density than originally zoned. It seemed that removing the half-street bonus would remove a lot of those cases and she asked staff for their opinion. Manager Young said he would hesitate to quantify it, but thought it was a significant factor in influencing the result in densities with redevelopment. These standards apply to Minor Partitions and Minor Replats which generally reconfigure 1-3 lots. Typically, these situations occur in an in-fill context. By consensus, commissioners agreed to select **Option 1** which would eliminate the half-street bonus provisions.

The discussion moved on to changing the density rounding provisions. Commissioner Daniels said that there was a tremendous amount of confusing information, and the issue was complex. It is very difficult for a layperson to figure out, and he is not sure he understands the numbers. Mr. Hess' argument is clear to him in that in an RS-12 zone when rounding occurs it allows a density that is higher than 12 units/acre. There has been discussion that the Phase 2 LDC Text Amendments to be formulated by the Technical Advisory Team would likely result in design standards that would address most of the things that happen. For instance, if there were a design standard that required setbacks that were the same as the other houses on a block, this would probably negate a lot of the issues that are happening in the older neighborhoods. However, there is no guarantee that design standards will be adopted, since they will be controversial. He asked staff if his understanding was correct that if they went with no rounding it would change the density for the entire City. Manager Young said that staff had strong concerns that this would be an unintended consequence of that action. If rounding were not allowed in any development scenario, in the low-density residential zones this effectively puts into place a minimum lot size of 7,260 sq.ft. Whereas in RS-6, the most intensive low-density residential zone, the minimum lot sizes are more like 3500 sq.ft. which makes for a more efficient use of land. Practically speaking, the City has a large number of lots that are developed that would not comply with these standards if they are amended. Staff agree that the combination of different factors, definitions, etc. is very confusing for everyone, but especially the layperson. Another option is recommending a more holistic analysis, or look, at the question of density. It might make more sense to take more time and do a larger fix of the

density question. A lot of communities will basically establish a minimum lot size that effectively establishes the density ranges. It is a much clearer process. There is not enough time for this analysis to happen while still keeping the Phase 1 package on the anticipated timeline for adoption. However, the Commission could recommend that that work be taken on by the Technical Advisory Team as part of Package 2.

Commissioner Hann said that he would support moving forward with **Option 2** for changing density rounding by adopting the proposal from the Neighborhood Planning Work Group which would allow an applicant to round down even if a fractional result is 0.5 or above, to apply within a defined area of the City. The thought process behind this is that if one wanted to create an accessory dwelling unit for a family member on their lot, they would not be able to do this as they would be required to build two units. Manager Young thought that they could select this option and also make a recommendation to City Council that they look at the other issues.

Motion to Amend: With reference to the proposal to change density rounding, Commissioner Hann **moved** to select **Option 2**, adding the language proposed by staff which refers to "areas within City Limits as of January 1, 1950" as opposed to using the term "annexed." Commissioner Woodside seconded the motion.

Council Liaison York opined that though she has heard staff's opinions, she would like to hear more from the commissioners about how Mr. Hess's concerns were being addressed. His concern is that leaving the density rounding language as is means that development can continue to exceed the number of units allowed in a particular zone. It would be helpful to City Council to hear more from the commissioners.

Commissioner Selko said that he has heard those concerns. However, the Planning Commission has turned down some development applications, even one recently, based on compatibility issues relating to these concerns. The Planning Commission has a history of showing concern about those issues, and recommending denial of development applications based on those concerns.

Chair Gervais said there had been another suggestion that the Planning Commission recommend to City Council that they look at the issue and develop a more comprehensive and holistic look at it since the options on the table at this time have some serious unintended consequences. This could be taken up at an appropriate time.

Deputy City Attorney Coulombe suggested that the minutes would be capturing some of those concerns already, and even if it gets formalized as a recommendation it is not going to be part of the Package #1 Land Development Code Text Amendments recommendation moving forward.

Chair Gervais said that removing the half-street bonus also should be a partial solution for Mr. Hess' concerns. Commissioner Hann said that he believes the recommended actions will help in some areas, though it does not address all the issues. To a certain extent, they will have to look at what has been accomplished to date, with the changes to the parking requirements and recommendations coming out of this process, followed with a recommendation for looking at the design standards. There are a lot of tools to use to resolve the issue, and trying to take the whole toolbox at this time and slamming it down on the problem might create unintended

consequences which will then have to be fixed. He believes that the Technical Advisory Team needs to look at the issue in depth. Commissioner Woodside said she agrees that a recommendation for an additional holistic examination is appropriate but not a part of this package. Commissioner Daniels said that on the face of it he had been supportive of deleting the rounding up provision, but after reading the Staff Report he cannot support it for citywide application. He also has concerns about the impact on accessory dwellings. He commended Mr. Hess for all the work he has done on the issue over the last year-and-a-half.

The **motion to amend passed** unanimously.

Chair Gervais then moved the discussion to **Item 2-8,** increasing the public notice area for Major Lot Development Options from 300 to 500 feet. By consensus, the commissioners agreed with **Option 1.**

Commissioner Hann asked to revisit with Commissioner Ridlington the Commission's stance on the request by OSU for a Director-level review for screening. Commissioner Ridlington said that HRC did not feel comfortable with letting loose of this review for screening up to 14 feet in height. He felt that they had made their case, and that it would not be that onerous for OSU to come before HRC.

VOTE ON MAIN MOTION: The motion to recommend that the City Council adopt the proposed package of LDT 13– 00003, as presented by staff, and as amended by actions taken during deliberations, **passed** unanimously.

Chair Gervais then asked if the commissioners would like to take up Councilor York's concern for additional direction on how to address Mr. Hess' concerns. Commissioner Daniels said that he would like to have it on the record that the Commission is asking the Technical Advisory Team to take up the issue and consider it seriously as part of their work. Commissioner Hann is on the team, as well as some staff members, and they can apply all of the comments made tonight to that work. Deputy City Attorney Coulombe suggested that the Commission could direct staff to include this recommendation as part of the packet they would be preparing to take to City Council. Commissioner Hann clarified that the Technical Advisory Team meetings are public open meetings, but they do not take public testimony. Any recommendations coming from that team would be going through a variety of public processes when reviewed by various commissions and the City Council. Commissioners agreed by consensus that staff should include this discussion and recommendation as part of their Staff Report to City Council.

Commissioner Woodside said she would also like the opportunity to address the Phase 3 LDC update process, and how it might be given higher priority. Manager Young said that typically this would be taken up when staff discusses the Planning Work Program with the commissions and with City Council, usually in the spring of each year with the new Council term. Commissioners agreed by consensus that this effort should be given a higher priority.

III. MINUTES:

March 19, 2014

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

III. OLD BUSINESS:

A. Manager Young gave a status report on the Campus Crest application, and said that City Council had had its 1st reading of the ordinance. Since the vote was not unanimous it would have its second reading at the April 21, 2014, City Council meeting.

B. Manager Young said that the terms for Commissioners Hann, Sessions and Ridlington were up in June, and he encouraged Commissioner Sessions and Ridlington to reapply. Commissioner Hann will have completed his third term which makes him ineligible to serve again. He asked for input on any potential good candidates that might be interested in applying for the position.

IV. NEW BUSINESS:

A. There are no hearings scheduled for the May 7 or May 21 meetings. Manager Young suggested that this might provide an opportunity for having some training at the May 21, 2014, meeting. Commissioners' suggestions for topics of discussions and/or training included how to do a better job of stating reasons for supporting or not supporting a proposal, with appropriate references back to the Comprehensive Plan and Land Development Code. Chair Gervais said she would also like a discussion about how to capture and address points brought up during testimony to ensure they get addressed during deliberations. Another component of the discussion might be body language and how to present well to the public who attend the meetings. Commissioner Hann made the suggestion that for largely attended public hearings, a signup sheet could be used, so that the Chair could call on people to testify.

B. Commissioner Lizut gave kudos to Chair Gervais for representing the Commission well with her excellent presentation and Q & A session at the City Club luncheon.

C. Commissioner Daniels suggested that it would be helpful and courteous if Commissioners Hann or Gervais, or Messrs. Bailey or Howell, could attend an Economic Development Commission meeting to explain the Planning Commission's recommendation to City Council on their proposals, and answer any questions. Commissioner Hann said he certainly understood the EDC's desire for greater certainty and clarity which might enable businesses to expand and or new businesses to locate in Corvallis. He cited the loss of one business to Albany because of its inability to find a location in Corvallis for expansion.

D. Manager Young announced both an April 21, 2014, work session with City Council to which they were invited, as well as the Public Participation Task Force public meeting being held on April 28, 2014.

VI. ADJOURNMENT: The meeting was adjourned at 9:45p.m.

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
June 9, 2014, City Council Staff Report
EXHIBIT B (14 of 28)

Components of the Package #1 Land Development Code Text Amendments and Decision Options (April 16, 2014)

General motion language could begin with the following phrase:

"Based on the findings in support of the application presented in the March 7, 2014, Staff Report to the Planning Commission, the information in the record of this decision, and findings in support of the application made by the Planning Commission during deliberations on this matter, I move to...."

The applicable case for all items except for the changes to the Historic Preservation provisions in Chapter 2.9 is LDT13-00003.

A. Change Schedule for Land Use Application Fee Reviews

Options:

1. Recommend approval of the recommended change,
2. Recommend modifications to the recommended change, or
3. Recommend not approving the recommended change.

B. Recommendations from the Neighborhood Planning Work Group include:

2-1 Exempt qualifying affordable housing development from 4/5 bedroom parking requirements

Options:

1. Recommend approval of the recommended change,
2. Recommend modifications to the recommended change, or
3. Recommend not approving the recommended change.

2-2 Change the definition of "family" to include domestic partnership

Options:

1. Recommend approval of the recommended change (also includes modifying definition to eliminate references to "physically or mentally handicapped," etc.,
2. Recommend modifications to the recommended change, or
3. Recommend not approving the recommended change.

2-3 Change the definition of "residential home"

Options:

1. Concur with staff recommendation and recommend that no change be made
2. Recommend changing the definition of a "residential home" to differentiate from a "family"

2-5 Revise Property Line Adjustment criteria to not allow "unusable areas"

Options:

1. Recommend approval of the recommended change, as modified by staff in the April 10, 2014 memorandum to the Planning Commission (15 foot separation vs. twice the sideyard setback)
2. Recommend modifications to the recommended change, or
3. Recommend not approving the recommended change.

2-6 Increase setback standards for zero lot line, single attached units

Options:

1. Recommend approval of the recommended change to apply throughout the City (not to a defined area of applicability),
2. Recommend modifications to the recommended change, potentially to define the area of applicability (not City-wide), as modified by staff in the April 10, 2014 memorandum to the Planning Commission (areas within City Limits vs. areas annexed into the City), or
3. Recommend not approving the recommended change.

2-7 and 2-9 Change Density Calculations to disallow the "half-street bonus" and change density rounding provisions in "infill" locations

Half-Street Bonus:

Options:

1. Recommend approval of the recommended change (and eliminate half-street bonus provisions),
2. Recommend modifications to the recommended change, or
3. Recommend not approving the recommended change.

Change Density Rounding:

Options (see also April 10, 2014, response to Planning Commission questions):

1. Recommend making no change to density rounding provisions (maintain status quo), but include footnote to clarify that the density range can be exceeded under some circumstances)
2. Recommend adoption of the density rounding proposal from the Neighborhood Planning Work Group, allowing an applicant to round down even if a fractional result is 0.5 or above, to apply within a defined area of the City (areas within City Limits as of January 1, 1950)
3. Recommend adoption of the density rounding proposal from the NP Work Group and disallow rounding up density in all development scenarios
4. Recommend disallowing rounding up density in all development scenarios

2-8 Increase the public notice area for Major Lot Development Options applications

Options:

1. Recommend approval of the recommended change, thereby expanding the notice distance for Major Lot Development Options from 300 to 500 feet,
2. Recommend modifications to the recommended change, (to potentially include expanding notice requirements for all land use applications that require a 100' notice distance to 200', or other change – see staff discussion in April 10 Memorandum to the Planning Commission), or
3. Recommend not approving the recommended change.

C. Recommendations from the Economic Development Commission include:

1. Recommend allowing limited, code-compliant changes to site design elements in approved PDs, under certain circumstances

   Options:

   a. Recommend approval of the recommended change,

b. Recommend modifications to the recommended change, or
c. Recommend not approving the recommended change.

2. Recommend allowing for code-compliant Minor Plan Adjustments within approved PDs, under certain circumstances
Options:
a. Recommend approval of the recommended change,
b. Recommend modifications to the recommended change (could potentially include changes outlined by staff at April 16, 2014, Planning Commission meeting, or other changes), or
c. Recommend not approving the recommended change.

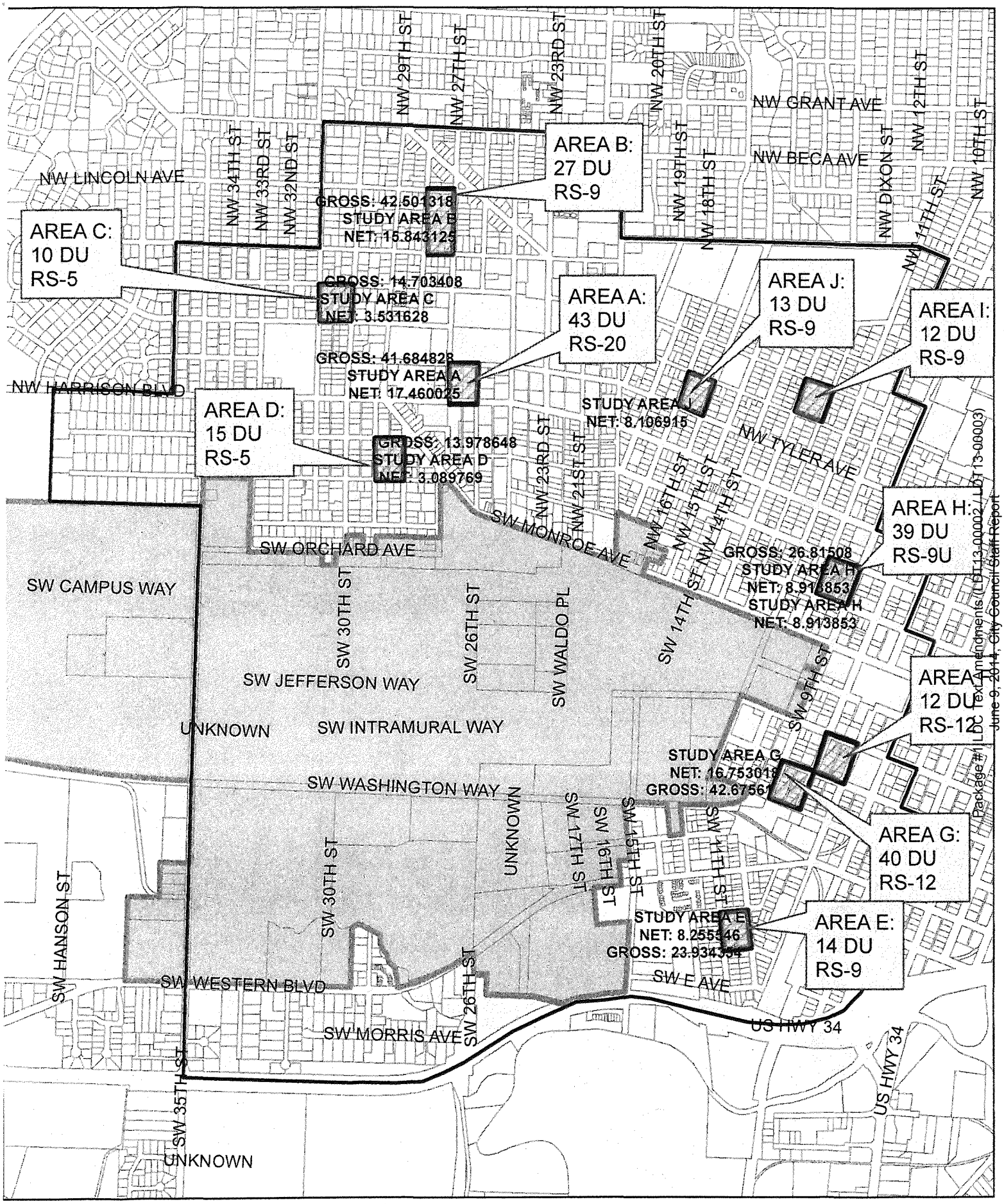
3. Recommend allowing for code-compliant development within areas zoned for Limited Industrial, Limited Industrial-Office, and General Industrial development with Planned Development Overlays that either do not have an approved Conceptual or Detailed Development Plan, or in which less than 5% of approved development has occurred
Options:
a. Recommend approval of the proposed change, as proposed in the March 7, 2014, Staff Report to the Planning Commission
b. Recommend approval of the modified proposal, as detailed in the April 10, 2014, Staff Responses to Planning Commission Questions Memorandum
c. Recommend other modifications to the recommended change, or
d. Recommend not approving the recommended change.

D. Recommendation from the Historic Resources Commission includes changes to the following provisions: (REMEMBER – A SEPARATE MOTION IS NEEDED FOR THESE CODE AMENDMENTS for LDT13-00002)

1. Alterations to Nonhistoric and Nonhistoric / Noncontributing Structures
2. Alterations to facilitate compliance with ADA, Building Code, or Safety Requirements
3. Minor Alterations that Facilitate Contemporary Use, and
4. Simplifications or Clarifications of Code

Options:
a. Recommend approval of the Chapter 2.9 changes, as proposed in the March 7, 2014, Staff Report to the Planning Commission
b. Recommend approval of the modified proposal, as discussed by the Historic Resources Commission on April 8, 2014, and as detailed in the April 10, 2014, Staff Responses to Planning Commission Questions Memorandum
c. Recommend other modifications to the recommended changes, or
d. Recommend not approving the recommended changes.

Key Map for Density Studies



0 670 1,340 2,010 Feet

Attachment B - 1

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333
541.766.6908
Planning@CorvallisOregon.gov

CORVALLIS
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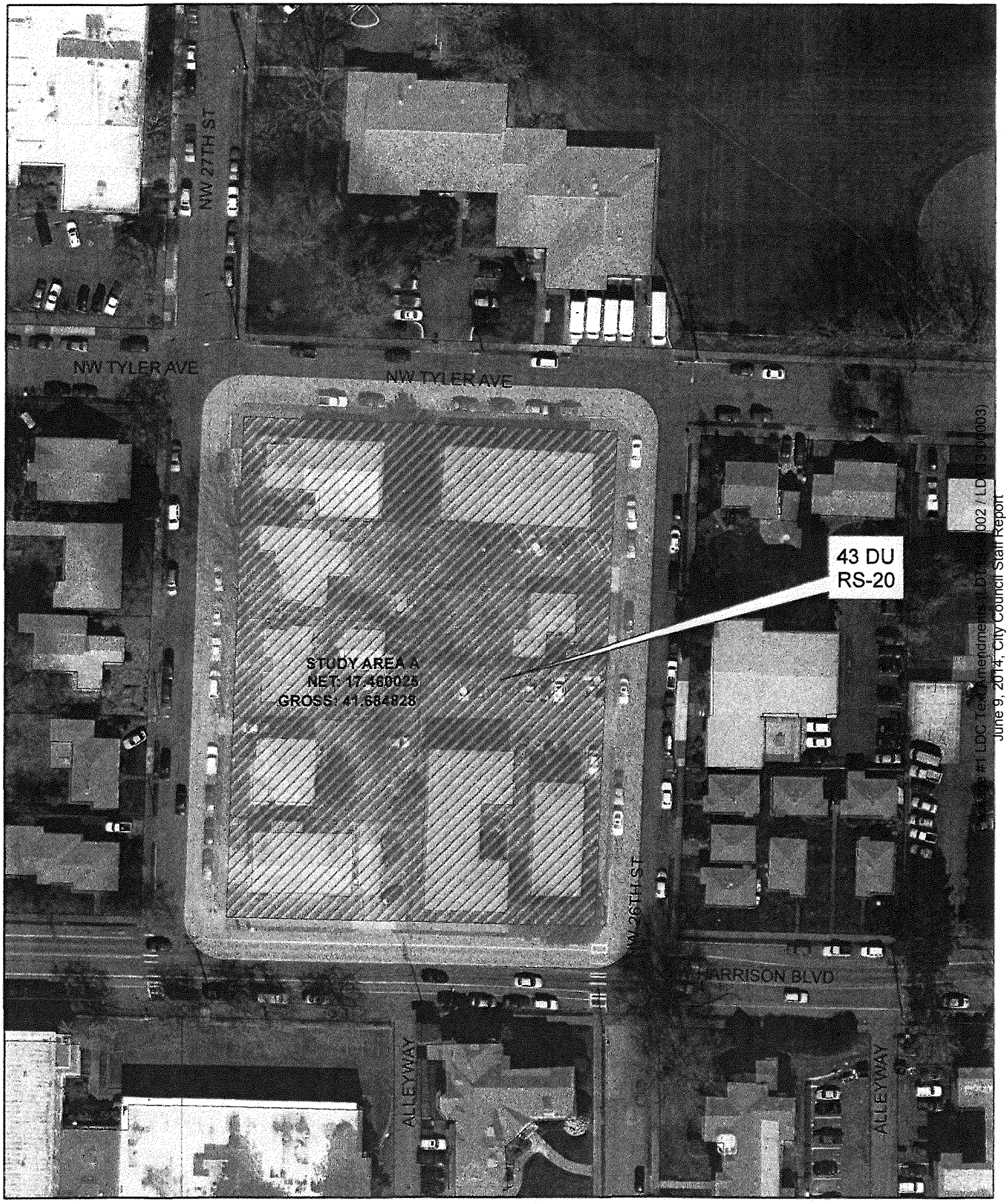
Study Area A



0 40 80 120 Feet

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Study Area B

0 60 120 180 Feet

Corvallis Planning Division
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541.766.6908
Planning@CorvallisOregon.gov

Study Area C

0 70 140 210 Feet

Corvallis Planning Division
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Study Area D

0 40 80 120 Feet

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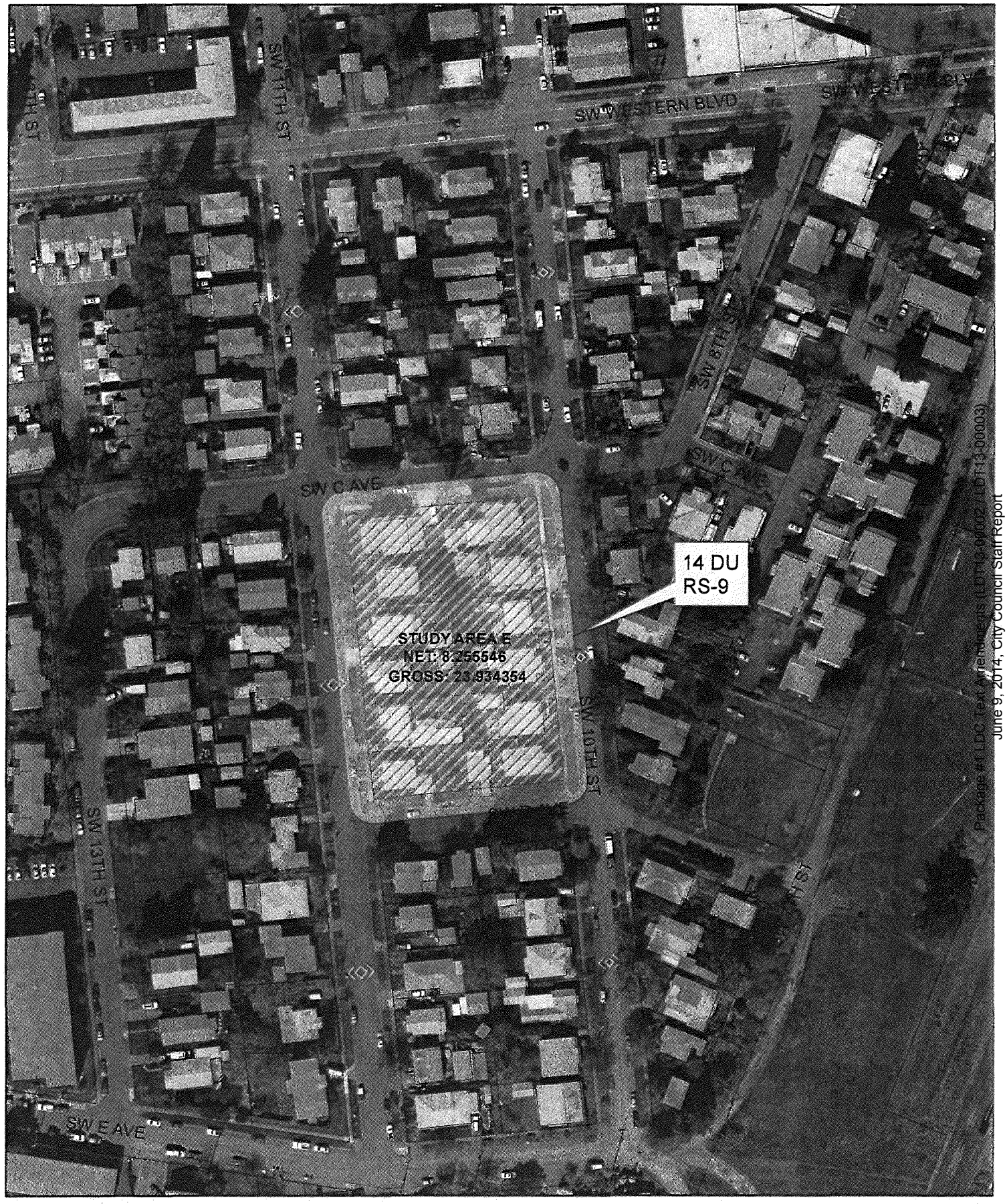
Study Area E



0 75 150 225 Feet

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Study Area F

0 50 100 150 Feet

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Study Area G

0 60 120 180 Feet

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Study Area H

0 60 120 180 Feet

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Package #1 LDC Text Amendments (LDT13-00002, LDT13-00003)
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Study Area I

0 60 120 180 Feet

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Study Area J

0 60 120 180 Feet

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Package 11 LDC Text Amendments (LD113-00002 / LD113-00003)
June 9, 2014, City Council Staff Report
EXHIBIT B (28 of 28)

MEMORANDUM

DATE: April 10, 2014

TO: Planning Commission

FROM: Planning Division Staff

SUBJECT: Staff Proposed Amendment to Property Line Adjustment Criteria (LDT13-00003)

After review of public testimony submitted to the Planning Commission (April 2, 2014, Written Testimony packet), Staff have considered arguments presented by Mr. Berger in favor of revising the proposed Property Line Adjustment (PLA) criteria. Staff concur with Mr. Berger that the current proposal leaves some ambiguity in the PLA criteria.

Staff is recommending that the PLA criteria amendments proposed in the March 7, 2014, Staff Report to Planning Commission, and presented during the public hearing on March 19, 2014, be replaced with the following:

LDC Section 2.14.60.b:
A Property Line Adjustment shall be approved if the following criteria have been met:

1. The Property Line Adjustment shall not result in creation of an additional unit of land;
2. Any unit of land reduced in size by the Property Line Adjustment shall comply with all applicable zoning regulations;
3. The Property Line Adjustment shall not increase the degree of nonconformity that may exist on the subject lots; ~~and~~
4. The availability of both public and private utilities and required access shall not be adversely affected by a Property Line Adjustment; and
5. In addition to applicable lot width requirements, any opposing or parallel side property lines shall be separated by a minimum distance of 15 feet. Existing side property lines that do not meet this standard are allowed to be maintained or adjusted, as long as the Property Line Adjustment does not worsen the non-compliant configuration.

Staff believe the change is consistent with the Neighborhood Planning Workgroup's recommendations, and will provide a more clear and objective set of criteria for approving a Property Line Adjustment application.

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MEMORANDUM

DATE: April 10, 2014

TO: Planning Commission

FROM: Planning Division Staff

SUBJECT: Staff Reponses to Planning Commission Questions Regarding Land Development Code Text Amendments (LDT13-00002 and LDT13-00003)

During the March 19, 2014, Planning Commission public hearing for the Land Development Code text amendment applications noted above, the Planning Commission provided several questions for Staff to respond to.

This memorandum provides additional clarification for the proposed code amendments and addresses questions raised by the Planning Commission at the March 19, 2014, public hearing.

1. **Density Calculations** (Daniels, Sessions)

   The March 7, 2014, Staff Report to the Planning Commission includes Attachment B, which contains a September 30, 2013, Staff Memorandum to the Mayor and City Council, from Community Development Director Ken Gibb. The memorandum discusses Item 2-9, which provides final direction from the Neighborhood Planning Workgroup, on amending the rounding provisions of the Land Development Code definition for "Density Calculation". Initial discussions at the Neighborhood Planning Workgroup meetings included consideration of a request to fully eliminate the rounding provisions altogether. However, the final recommendation from the Neighborhood Planning Workgroup, as approved by City Council for inclusion in Package #1, did not consider a full elimination of the rounding provisions, but rather, focused specifically on the rounding provisions

relative to minimum density for development occurring in older, established neighborhoods.

The final Neighborhood Planning Workgroup recommendation was to eliminate the requirement to round up when calculating minimum density, and instead, to provide an option, that when calculating minimum density, results of 0.5 or greater may be rounded down for development occurring in areas Annexed prior to January 1, 1950. That is the proposal presented by Staff as part of this text amendment package.

In testimony presented to the Neighborhood Planning Workgroup, to the City Council, and as part of the March 19, 2014, Planning Commission public hearing, concerns were raised about the rounding provisions relative to maximum density and how the current LDC allowance could result in development patterns that exceed the established Comprehensive Plan and Land Development Code specified density maximums. While the Work Group recommended code amendments do not include consideration of changes to rounding provisions for maximum density, Staff are providing additional discussion below, to aid in the Planning Commission's deliberations.

Staff note that public testimony received concerning the topic of rounding maximum density includes important community concerns that both support (see Jeff Hess and Melanie Place testimony, April 2, 2014, Written Testimony packet), and identify concerns with (see Carolyn Miller testimony, April 2, 2014, Written Testimony packet), changes to the Density Calculation methodology. These important community concerns are reflected in various Comprehensive Plan policies, as noted below:

3.2.1
The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:

A. Preservation of significant open space and natural features;
B. Efficient use of land;
C. Efficient use of energy and other resources;
D. Compact Urban Form;
E. Efficient provision of transportation and other public services; and
F. Neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas.

9.3.5
Residential developments shall conform to the density ranges specified by the Comprehensive Plan and be of housing types permitted by the applicable zoning district.

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.

4.5.3
In reviewing density transfers, the City shall minimize compatibility conflicts between the area within a site that is to receive the increased density and the current or future off-site development that may abut the density receiving area. Mechanisms to permit density transfer shall:

- **A. Provide special development standards for the area receiving the transferred density; and**
- **B. Limit the change in permitted building type, in the area receiving the transferred density, to building types permitted in the next more intensive residential district.**

9.5.j
Housing affordability may be enhanced through the implementation of legislative or programmatic tools focused on the development and continued availability of affordable units. Such tools include, but are not limited to: inclusionary housing programs; systems development charge offset programs; Bancroft bonding for infrastructure development; facilitation of, or incentives for, accessory dwelling unit development; minimum lot and/or building size restrictions; reduced development requirements (e.g., on-site parking reductions); density bonuses; a property tax exemption program; creation of a community land trust; loan programs for the creation of new affordable housing; and other forms of direct assistance to developers of affordable housing.

9.5.15
The City shall evaluate increasing the minimum density in low density residential districts.

9.6.3
The City shall amend the Land Development Code to encourage the following in the Downtown Residential Neighborhood:

- **A. Building to the higher end of the allowed density range through intensive site utilization;**
- **B. Reduction of on-site parking requirements; and**
- **C. Maintenance of historic character.**

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.

12.2.3
The City shall require all future subdivisions, planned developments, and other major developments, plus commercial and industrial development, be designed to reduce demands for artificial heating, cooling, and lighting by considering topography, microclimates, vegetation, and site and structure orientation which maximizes southern exposure. The City shall develop incentive programs for those developments that demonstrate sound energy conservation design and/or construction, such as density incentives or similar programs.

12.2.7
The City shall encourage the development of high density uses that are significantly less dependent on automobile transportation.

14.3.1
Infill and redevelopment within urban areas shall be preferable to annexations.

These Comprehensive Plan policies illustrate a variety of goals for the City's land development management system, including promoting compact development to make more efficient use of land and other resources, ensuring development is consistent with planned densities, maintaining compatibility between existing and new development, and maintaining neighborhood character. However, Comprehensive Plan Policies are not directly considered as applicable decision criteria for most land use decisions. Instead, the Land Development Code was developed to implement the Comprehensive Plan, and to balance the varied and sometimes conflicting goals within the Comprehensive Plan. Whether the existing LDC strikes an appropriate balance between the different goals evident from this brief analysis of Comprehensive Plan Policies is an arguable question. It is ultimately the City Council's decision, informed by a recommendation from the Planning Commission, regarding appropriate changes to the LDC to ensure consistency with the Comprehensive Plan and the community's vision for its future.

Attachment A is a copy of a January 30, 2013, memorandum to the Mayor and City Council, from Community Development Director Ken Gibb, which discusses what staff were able to determine regarding the legislative history of the rounding provisions for Density Calculations. Essentially, it is believed that inclusion of this provision formalized the current practice at the time for determining minimum and maximum densities when calculations yielded fractional results. It should be noted that rounding decimals in this manner is the standard practice that staff use for making determinations of applicable code requirements in other areas of code interpretation where calculations are required, such as in determining minimum and maximum parking requirements.

It should also be noted that, whenever rounding up occurs for fractions of 0.5 or above, as required per section c (fractions) of the definition of "Density Calculation" in Chapter 1.6 of the LDC, the result will exceed the maximum density of the zone. This is because the fractional result represents the actual maximum density, per the density range allowed within the zone. Here is an example:

For a lot that is 5,663 sq. ft. in size in the RS-9 Zone, the maximum allowed density can be determined as follows

- Maximum density allowed in the RS-9 Zone is 12 dwelling units/acre
- 5,663 sq. ft. = 0.13 acre
- 0.13 X 12 = 1.56 dwellings permitted (rounded up to 2)

1.56 dwelling units represents the highest density allowed at 12 units/acre, for the example lot mentioned above. However, the definition of "Density Calculations, c. Fractions" within Chapter 1.6 of the LDC states, "When the sum of the dwelling units is a fraction of a dwelling unit, and the fraction is equal to or greater than 0.5, an additional dwelling unit shall be required (minimum density)

or allowed (maximum density)...." Based on this language in the LDC, staff do not see that there is discretion in how these calculations should be conducted.

On an individual lot basis, rounding up can result in a density figure for the lot which is in excess of the density allowed in a zone. However, when calculating densities for a larger development, such as a subdivision, the rounding factor is much less significant (see **Attachments B and C** for illustrations of density calculations for individual lots and city blocks based on existing LDC provisions). Another factor is that minimum lot size requirements within a zone are sometimes a limiting factor for calculating density, and sometimes not.

Staff note the following options relative to the proposed amendments to the rounding provisions of the Density Calculation definition:

1. <u>Maintain existing Density Calculation rounding provisions that allow an additional dwelling unit when the calculation is equal to 0.5 or more of a dwelling unit</u>
   - Discussion: The current provision will allow one additional dwelling unit for any given development scenario, of a development site of any size, where the calculation is equal to or greater than 0.5. The compatibility impacts of one additional unit are much more pronounced on a small development site within an existing neighborhood or subdivision, as compared to a large, multiple acre development site, that is distant from established neighborhoods. The pronounced effect on older established neighborhoods may be further exacerbated where the existing density is closer to the minimum density than the maximum density, and redevelopment occurs at, or exceeds maximum density due to the rounding provision.

     Refer to **Attachments B and C** for an example of how density rounding can impact development at the site and block level, based on existing density. As noted in Attachments B and C, the current rounding provisions may allow maximum density to be exceeded on an individual development site within a residential block, while the overall density of the block remains below the maximum density. Continued redevelopment of this block, using the rounding provisions, could result in a development pattern that exceeds maximum density, if all property owners take advantage of the rounding provisions (RS-9 example). It should be noted that these results are somewhat dependent on the specific circumstances of this particular block and so are not universally applicable throughout the RS-9 zone. The RS-12 block study shows that, under the current rules, even the most intensive redevelopment possible of this particular block would result in development within the RS-12 density range of 12 – 20 units / acre.

- Analysis: Maintaining the existing rounding provisions encourages redevelopment within existing neighborhoods by providing an incentive for property owners to intensify development on their properties. However, as noted above, the rounding provision associated with maximum density allows the maximum density of the Zone to be exceeded at the development site level, in some instances, which conflicts with Comprehensive Plan policy 9.3.5. It is recommended that if this option is chosen, a footnote be included in the density provisions for each residential zone to explain how the density range may be exceeded in some instances, so that the public is informed of this possibility.

2. Adopt Neighborhood Planning Workgroup recommendations, as presented by Staff in the March 7, 2014, Staff Report to Planning Commission

- Discussion: Refer to the March 7, 2014, Staff Report to Planning Commission, for a Staff analysis of the pros and cons of adopting these changes.

3. Maintain the Neighborhood Planning Work Group's recommendation, as proposed in the March 7, 2014 Staff Report, but include an additional requirement that states that in no case shall the number of units developed on any development site exceed the maximum density permitted by the underlying Zone and Comprehensive Plan designation.

- Discussion: Addition of a footnote that prohibits exceeding the maximum density, regardless of how the density calculation methodology is constructed, would ensure that development at any scale falls within the minimum and maximum density of the subject Zone.
- Analysis: This would not conflict with the recommendation of the Neighborhood Planning Workgroup, and would be consistent with Comprehensive Plan policy 9.3.5. However, this provision would effectively put in place a new minimum lot size standard for all residential zones with a specified maximum density, which could have significant implications on a community-wide basis. For example, the minimum lot size for the RS-6 zone would effectively increase from 3,500 sq. ft. for single detached and 2,500 sq. ft. for multiple units on one lot to 7,260 sq. ft. per unit. Although existing developed single dwelling properties within that zone on lots smaller than 7,260 sq. ft. could be redeveloped because they would be considered legal nonconforming lots of record, existing multiple units on a single lot less than 7,260 sq. ft. in size would only be able to reconstruct a single unit under the nonconformities provisions. Additionally, new development in the RS-6 Zone would require a minimum lot size of 7,260 sq. ft. for a single dwelling unit,

thereby forcing a greater consumption of land, a less compact development pattern, and higher land costs per dwelling unit.

4. Amend Staff's March 7, 2014, recommendation, to remove rounding provision that allows maximum density calculations meeting or exceeding 0.5 units to be rounded up for one additional unit
   - Discussion: The results of this option would be similar to those described under Option 3 above.
   - Analysis: This provides an additional change to the rounding provisions, not included in the Neighborhood Planning Workgroup's recommendation. This change would ensure that the rounding provisions comply with Comprehensive Plan policy 9.3.5.

The last two options go beyond what was recommended by the Neighborhood Planning Workgroup, and widen the scope of the discussion by considering how the proposed change impacts community goals related to infill development, compact urban form, energy and transportation use, and overall residential density throughout the community. However, each of these last two options also eliminates the rounding provision for the calculation of density, so that Comprehensive Plan Policy 9.3.5 is satisfied. This provides a more predictable outcome for neighbors who are expecting density to fall within the ranges prescribed by the underlying Zone. However, as explained above, simply eliminating the provision that allows rounding up a density calculation could have significant community-wide consequences, and therefore the last two options are not recommended at this time. A more comprehensive review of the topic of residential density, and revisions to the applicable provisions in the LDC may be warranted, and could be included in the Package # 2 code amendments project discussed below.

The Neighborhood Planning Workgroup's efforts have resulted in an additional set of proposed Land Development Code amendments ("Package #2"), which are anticipated to be presented to decision makers later this year. The additional proposed amendments are discussed in Attachment B to the March 7, 2014, Staff Report to the Planning Commission, and include a list of Residential design and development standards, intended to address compatibility issues associated with redevelopment in existing, established neighborhoods. A Residential Design Standards Technical Assistance Team ("TAT") has been formed to begin to evaluate potential Residential Design Standards that will become part of Package # 2. Initial research includes a deeper look at how existing standards such as density and lot area requirements can have an effect on neighborhood character.

Conclusion: Options 2, 3, and 4 maintain the Neighborhood Planning Workgroup's recommendation related to the rounding provisions, while some options go beyond that, and address concerns about the maximum density rounding provisions raised in the public testimony. Additional proposed

amendments in this Package # 1, as well as forthcoming recommendations as part of Package # 2 are intended to further address neighborhood compatibility concerns associated with redevelopment and infill development in existing neighborhoods.

2. **Please respond to the written testimony provided by Tony Howell and Kirk Bailey at the March 19, 2014, Planning Commission meeting. (Daniels)**

At the March 19th Planning Commission public hearing, Commissioners heard from Tony Howell, who expressed concerns about the allowance of code-compliant development of industrial properties that contain Planned Developments. In particular, concerns were raised about Part 3, which proposes to permit code-compliant development of properties zoned PD(LI-O), PD(LI), and PD(GI), where Planned Development overlays have been placed on properties, or where there are approved Conceptual or Detailed Development Plans that have had very little (< 5%) development under the existing Plan. Mr. Howell also distributed written testimony to the Commission on behalf of himself and Kirk Bailey. That testimony is included in the meeting minutes from March 19, 2014, as Attachment B.

The testimony presented highlighted several concerns, including that Comprehensive Plan Policy 8.9.10 states that, in certain areas of South Corvallis, (See Attachment B-9 of the March 19 meeting minutes) properties that contain a PD overlay cannot be subdivided to create development site of less than 50 acres, and development cannot occur on those properties with less than 50 acres, without a PD process. Additionally, there were concerns raised that there is limited transportation capacity along Hwy 99W/South 3rd, and that coordinated, master planned development subject to public process is necessary to achieve development that will not negatively impact transportation systems. The testimony further noted that there are natural features present on some industrial properties that would be subject to the proposed change, and that there are also wetland and drainage issues that need to be addressed. Other concerns included pedestrian design and accessibility, and a previously planned update of the industrial zones to contain pedestrian and building design standards. Subsequent to that testimony, Mr. Howell and Mr. Bailey submitted follow-up written testimony, dated April 1, 2014, that further detailed those concerns. That testimony is included in the packet of testimony received prior to the close of record, on April 2, 2014.

Staff Notes

In response to those concerns, staff have prepared an analysis of how current requirements of the LDC and other applicable requirements would, or would not, address the identified issues.

Traffic, Transportation, and Access

Staff note that a transportation impact analysis is required for development proposals, whether at the building permit level, or in conjunction with a land use application. The Public Works Engineering division takes into account current conditions and expected impact as a result of development. The City's Transportation System Plan and other relevant documents are consulted, and where there are plans for additional capacity, new accessways or roads, or other planned facilities that are impacted by the proposed development, those needs would be addressed. Typically, if the transportation impacts of a development proposal are anticipated to degrade service levels to an unacceptable level of service, mitigation is required. Mitigation is typically thought of as infrastructure improvements, but can also include Transportation Demand Management (TDM) measures and enhanced transit service and facilities. It is also noted that a planned update to the City's Transportation System Plan is currently in its early stages, which may further inform necessary improvements to the transportation system in South Corvallis and other areas

Transportation and access impacts are also closely regulated by ODOT, and the City and developers work with ODOT to mitigate traffic and access impacts along state roads, and increase capacity when development warrants. In the case of South Corvallis, access and traffic are heavily regulated by ODOT, which controls and manages access onto Hwy99W/South Third Street. The McFadden site on Hwy 20 is also under ODOT jurisdiction for traffic and access, and Conditions of Approval were placed on the Planned Development approval of that site to mitigate impacts of industrial development. Those Conditions of Approval would have to be addressed in conjunction with any proposal to allow code-compliant development on the site.

Natural Features Considerations

Planned Development overlays were placed on some industrial properties in order to allow the City to invoke Comprehensive Plan Policies for natural resources protection upon development of those properties. Since that time, the City has adopted the natural features inventory and protections, and those standards are required to be met with all development, regardless of additional land use process. It was noted that there are industrial areas in South Corvallis that contain wetlands. Through trade-offs considered in the Natural Features process, those wetlands were not locally protected; however, those wetlands are governed by the Department of State Lands and the Army Corps of Engineers, and are subject to those agencies' development requirements. Additionally, since the time the PD overlays were placed on those industrial areas in South Corvallis, the City has adopted the South Corvallis Drainage Plan, which provides an area-wide plan to mitigate drainage issues in South Corvallis.

Pedestrian and Design Standards and Compatibility

The Light Industrial and General Industrial zones do not have extensive pedestrian or design standards, however, the sites that would be subject to the proposed standards are in areas that are not immediately adjacent to residential

areas and are generally intended to supply land for industry-oriented development. It is noted that the 2006 LDC did include an update to some industrial zones, as it implemented the LI-O (Limited Industrial-Office zone, and zoned properties along the west side of Hwy 99W/South Third Street as PD (LI-O). The LI-O zone contains pedestrian and building design standards, and is intended to act as a pedestrian-friendly buffer between typical industrial uses and the pedestrian and/or residential environment. Additionally, the LDC contains standards for gateway development, that require enhanced landscaping and other visual buffers between existing and future industry-oriented development and Hwy 99W/South Third Street at the southern entrance to the City. It is also noted that the proposed provision for code-compliant development of industrial properties is not proposed to apply to Intensive Industrial properties, nor is it proposed for mixed use zones, such as the Mixed Use employment zone and the Mixed Use Transitional zone, where residential uses would be expected to be incorporated into development and pedestrian orientation would be a priority. On balance, it is concluded that code-compliant development of industrial properties, as shown on Attachment E to the March 7, 2014, Staff Report to the Planning Commission, would not result in development that is incompatible with the building or pedestrian design expectations of the community, and visual and compatibility impacts have been mitigated by standards in the LDC.

Options for Consideration

While staff have made the preceding notes and conclusions, the Planning Commission may chose to consider recommending some or all of the following proposals.

Maintain 50 Acre Minimum on Subject South Corvallis Properties

New LDC language could reference Comprehensive Plan Policy 8.9.10, which identifies Area A and Area B in South Corvallis and requires PD approval for all development projects on properties less than 50 acres in size. This would prevent conflict between that Policy and the proposed new standards for those affected properties.

In order to limit the amount of development allowed without a Planned Development review, but to provide an opportunity for a limited level of code-compliant development in these industrial planned development areas, the proposed provisions for code-compliant industrial development on the subject properties (those zoned PD(LI-O), PD (LI), and PD(GI) could include square footage and development percentage thresholds under which such development could occur, with any additional development subject to a PD or PD modification process. Staff considered the following thresholds for code-compliant development:

- A maximum 200,000 square feet of building footprint, and 300,000 square feet total gross area (e.g. two-story development) could occur under the proposed provisions for ministerial review.

- A maximum of 30% of the total approved development area (building square footage) could be implemented, such that any cumulative increase above the square footage and development percentage would then trigger a PD or PD modification process. This would provide assurances of a total square footage maximum that could be approved through ministerial review for code-compliant development, as well as a measure of impact on the whole development site which would be relative to the size of the property.
- Staff would suggest additional code language that would identify a "development site" as that which was considered under the Planned Development as of the date of the adopted LDC amendment. This would not allow future land divisions to benefit from these standards.

On March 31st, staff briefed the Economic Development Commission on comments received during the public hearing, and potential options to address concerns. After discussion, the economic Development Commission decided to continue their support of the original recommendation, highlighting the importance of providing a more timely and certain path toward development of industrial properties to encourage job creation and economic development opportunities. The EDC has provided a letter, dated April 2nd that is included in the April 2, 2014, packet of additional written testimony to the Planning Commission.

Taking into account the concerns expressed in written and oral testimony, as well as the City's stated goal to promote economic development, staff identified the options delineated above as a means to mitigate concerns over impacts of code-compliant industrial development of properties containing Planned Developments, with a measure of flexibility to provide a clear path to some industrial development in support of the City's economic development goals.

3. **Does right-of-way dedication area count towards allowed density? (Sessions)**

Relevant definitions from the Land Development Code are included below:

Area, Gross - Total area of a parcel or site, usually expressed in acres.

Area, Net - Total area of a parcel or site, usually expressed in acres and excluding existing public street rights-of-way and, if a developer desires, excluding public parks, Significant Natural Feature areas dedicated to the public, and/or other areas permanently precluded from development due to development constraints or conservation easements. Planned streets shall not be excluded from the net area.

Density Calculation - Density is calculated as either gross density or net density. The minimum density for a site is net density and the maximum density is gross density.

a. **Density, Gross - Number of dwelling units per gross area, in acres. See definition for Area, Gross. Additionally, in calculating gross density for a Minor Land Partition site, applicants may include in their calculation 50 percent of the area of any street rights-of-way that front the subject site, for the distance the streets front the subject site.**

b. **Density, Net - Number of dwelling units per net area, in acres. See definition for Area, Net.**

c. **Fractions - When the sum of the dwelling units is a fraction of a dwelling unit, and the fraction is equal to or greater than 0.5, an additional dwelling unit shall be required (minimum density) or allowed (maximum density). If the fraction is less than 0.5, an additional dwelling unit shall not be required or allowed.**

Based on the definitions above, the determinant of maximum density for a site is the gross density of the site, based on the gross area of the site. Where a site abuts an existing public street, and additional street dedication is required to widen the existing street, the gross area is considered to be the size of the property prior to dedication of the right-of-way. In that instance, the dedicated right-of-way does count towards allowed density. Also, if the development site is subject to a Minor Land Partition or Minor Replat, the "half street bonus" applies, per the definition of "Density, Gross" above, and per LDC Section 2.14.50.a. In that instance, half of the abutting street right-of-way counts towards allowed density. However, staff propose to eliminate this provision as one of the changes in Package # 1. A minor land partition is defined as a division of land that creates three or fewer parcels within a calendar year. A minor replat is a process used when parcels within a recorded subdivision or partition are reconfigured such that three or fewer parcels are created or deleted within a calendar year. The "half street bonus" is not applied in subdivisions or major replats, which create, reconfigure, or delete four or more parcels within a calendar year.

One of the curious features of the LDC is that the definitions for gross and net site area are not very different from one another. As the terms are commonly understood, the gross area of a site is the whole site, prior to street dedication and provision for other infrastructure, natural features, etc. The net area of a site is the developable portion that remains after necessary infrastructure (streets, etc.), parks and other land dedicated for public uses, and natural feature areas are subtracted from a site. The LDC definition; however, does not allow the exclusion of planned streets from the net area. Exclusion of natural feature areas, parks and other public dedications, and areas precluded from development from the net area is allowed at the option of the applicant. Since the net area informs the minimum density requirements, this can significantly increase or reduce the minimum required density of a development.

4. **Under the proposed PD minor plan adjustment process, what would happen if an approved planned development were partially built out, and the applicant wanted to vary from the approved PD for some portion of the remaining construction? (Sessions)**

The minor plan adjustment process would allow for limited code-compliant development that would not be consistent with the Planned Development approval, if it met all applicable requirements per proposed Section 2.5.50.20. This would be allowed even if the approved PD were not fully built out.

5. **Please explore the possibility of expanding notice distances from 100 ft. to 200 ft. (Daniels)**

The 1993 Land Development Code included provisions that required notice to be provided to residents and owners of property within 500 feet of the development site for large-scale land use applications like Subdivisions creating 10 or more lots, Conditional Development applications for sites larger than 1 acre, and so on. For other types of land use applications that were typically considered through a public hearing process, the required notice area was within 300 feet; for most administrative land use applications the required notice area was within 100 feet of the site. In the early 2000's this section of the code was changed for budget reasons, to reduce the required notice area for land use decisions made through a public hearing process to 300 feet (with the exception of historic preservation applications, sign variances, and extension of service requests, which only require 100 ft. notice), and to retain the 100 foot notice distance for most administrative land use decisions. State law requires that notice be required for all quasi-judicial land use hearings to owners of record of property within 100 feet of the development site (ORS 197.763). The City's requirements exceed the minimum required under State law (we provide notice to residents and property owners, and we provide notice to properties further than 100 feet from the development site for many types of land use applications).

In order to estimate the cost implications of the proposal to expand the 100 ft. notice area to 200 ft., staff have supplemented the study that was done for the Neighborhood Planning Work Group to estimate cost impacts of expanding the required notice area for Major Lot Development Options from 300 feet to 500 feet (see **Attachment D**). It is not possible to determine precisely the cost impacts of expanding required notice distances from 100 ft. to 200 ft., because the costs will vary based on the characteristics of individual sites and their surroundings. However, the attached spreadsheet examines three different, randomly-selected areas of town and develops an average for the number of notices that would need to be sent with 100, 200, 300, and 500-foot notice distances, along with associated cost impacts.

In the case of the Neighborhood Planning Work Group's recommendation to expand the notice distance for Major LDO's from 300 to 500 ft., staff determined that since we receive relatively few Major LDO applications in a typical year, the cost implications of expanding the required notice area would not be very significant. However, if the Planning Commission is considering expanding the required notice areas for many, or most, types of land use applications, the cost implications would be significant. Staff note that the change from a 300-ft. notice

requirement to a 500-ft. notice requirement is estimated to increase total costs (materials and labor) by approximately 77%. Similarly, based on the study described above, staff estimate that increasing the required notice distance from 100 to 200 feet would increase total costs by 45%.

Additionally, before such a change is made, the Planning Commission should consider the efficacy of mailed notices, and whether expanding the required notice area for mailed notices is the most efficient and effective use of public resources. In recent years, on-line participation in the land use process has increased significantly, especially through the City's subscription service, through which any interested person may receive electronic copies of all notices mailed by the Planning Division. Additionally, the requirement for posted signs with notice of a land use application on a development site is arguably a more effective means of attracting attention from nearby residents and property owners.

6. Could the Historic Resources Commission provide feedback on OSU's screening request? (Daniels)

On April 8th, the HRC reviewed the written testimony to the Planning Commission submitted by OSU on April 1, 2014, regarding LDT13-00002. This testimony requests that the Planning Commission consider revisions to the proposed Chapter 2.9 – Historic Preservation Provisions text amendments recommended by the HRC. Specifically, OSU requested to modify the previously proposed exemption language in Section 2.9.70.z – Required Ground-level Screening to allow screen walls up to 14-ft in height without need for a Historic Preservation Permit. Currently, the proposed language for this section allows screen walls up to 6-ft in height enclosing an area up to 400 sq. ft. OSU also proposed a new Director-level criterion that would allow required ground-level screening enclosures up to 14-ft tall and enclosing an area of up to 600 sq. ft.

The HRC reached consensus that they would be comfortable with LDC language that would allow ground-level screen walls up to 10-ft in height as an exemption, but the HRC did not support the new proposed Director-level criterion. In general, the HRC believes that 14-ft tall walls are tall enough that they could negatively impact the historic character of a building or the District if not placed appropriately. The exemption language does not specifically direct where screening enclosures can be placed. The OSU proposed Director-level language would limit the location of such structures to areas not between a street and a building's front façade. The Commission noted the term "front façade" is not defined in the LDC, and within the OSU District, there are buildings with essentially double-fronts, or that face public areas that are not streets, such as quads and plazas. For this reason, the HRC believes that discretionary review is important to ensure historic compatibility of enclosures with walls greater than 10-ft and/or that enclose an area greater than 400 sq. ft. One Commissioner pointed out that, depending on the building, a 14-ft tall wall would be as a high as the second story of the building, another Commissioner expressed concern that even if a wall did not touch a building, it might obscure important architectural features in a way that would

detract from the building's historic significance. The HRC also agreed that there was a good deal of discussion regarding the size of equipment enclosures during their previous review of proposed Text Amendments, which resulted in the HRC recommended exemption language. Without further analysis they were uncomfortable making a different recommendation, except with respect to agreeing that they would be comfortable if the Planning Commission recommended allowing enclosure wall heights up to 10-ft tall as an exemption. Required ground-level screening enclosures that do not qualify as an exempt activity could still be constructed, but would require an HRC-level Historic Preservation Permit.

7. **Would putting in place a special standard in the areas annexed before 1950 be considered a de facto historic district, and if so, would that be a legal problem? (Hann)**

No. This issue was raised at the Neighborhood Planning Work Group in relation to discussion of the concept of a "historic district, light" process that would require historic reviews only for major additions and new construction within a historic district. Under State law, the process to establish a historic district must include an "opt-out" provision for affected property owners within the district. This is because a jurisdiction would otherwise be putting in place a requirement for a discretionary review process, without allowing a property owner to "opt-out." In the case of the proposed standard, the proposal is to establish a clear and objective regulation within a specified area within the City that would allow an applicant to round down a density calculation, where other code requirements currently would require rounding up. Because this is not a discretionary decision, but is a clear and objective standard that would be applied uniformly, it would not equate to establishment of a de facto historic district. There are many areas within the Land Development Code where clear and objective standards are applied only to certain areas within the City for various reasons.

In conversations with the City Attorney's Office, one suggestion should be brought forward. That is the observation that there may be older portions of the City that were not technically "annexed" into the City, but which were incorporated or added into the City via other means. Therefore, staff propose to amend the proposed code language to reflect that these provisions would apply to properties within the established City Limits on or before January 1, 1950, rather than to properties that were annexed on or before that date.

MEMORANDUM

DATE: January 30, 2013

TO: Mayor and City Council

FROM: Ken Gibb, Community Development Director

RE: Council Request – rounding of density calculations & moratorium information

BACKGOUND:

Council requested follow-up information related to testimony received at the January 22, 2013 City Council meeting from Mr. Jeff Hess that addressed how residential densities are calculated. Mr. Hess also requested that the City Council hold a public hearing on a proposal to institute a development moratorium.

DISCUSSION:

In his written communication, Mr. Hess stated that:

"In 2008 the Corvallis city council amended the local Land Development Code (LDC) in such a way that the maximum development density allowed in each zone district was doubled while the stated maximum density remained the same. It's believed this amendment was a mistake passed without council appreciating the impact of what they were voting for. Because the amendment introduced rounding in the definition of "Density Calculation", the maximum density now changes with the number of units built. For example, a duplex in RS-9 now has a maximum allowed density of 16 units/acre while a single unit has a maximum allowed density of 24 units/acre. Meanwhile the LDC continues to state the pre-2008 maximum of 12 units/acre"

Actually, rounding related to density calculations was adopted into the LDC **prior** to 2008. The 2008 LDC amendments addressed rounding related to other LDC calculations. Staff notes that part of the 2008 LDC amendment package was dropped because of a LUBA appeal and therefore the rounding methodology was not expanded beyond the previously legislated density calculations.

There were two previous LDC changes that addressed density calculations, both of which became effective in the 2006 LDC Update package implementation. First, as part of the 2000 LDC Update Phase 1, the methodology to calculate gross density for a Minor Land Partition site was changed to include in their acreage calculation 50 percent of the area of any street rights-of-way that front the subject site (for the distance the streets front the subject site). Also, a definition of net density was developed to "net" out that portion(s) of a development site that was precluded from development, e.g. natural features protection areas or conservation areas.

Secondly, as part of the 2004 LDC Phase III Update (also included in the 2006 LDC Update implementation package but worked on in the early 2000s), the following provision was added to the density calculation language:

When the sum of the dwelling units is a fraction of a dwelling unit, and the fraction is equal to or greater than 0.5, an additional dwelling unit shall be required (minimum density) or allowed (maximum density). If the fraction is less than 0.5, an additional dwelling unit shall not be required or allowed.

We haven't been able to fully review the extensive background material (thousands of pages) related to both of these projects but based on the review to date and in talking with former staff members who worked on this project, these changes officially ratified past practice, i.e. using the mathematical approach of rounding to the nearest whole number and/or addressed the City's long stated policies of encouraging compact and efficient use of land and providing more affordable housing opportunities.

The 2004 rounding approach as it applies to density calculations does not "double density" on a wholesale basis. In certain circumstances, the rounding approach would allow two dwelling units where one would otherwise be allowed. However, for calculations of density with a maximum allowed density that is more than two units, the difference between a result reached by rounding vs. a result reached by allowing the nearest whole number would never be more than one unit. In approximately half of these instances (i.e. where the result contains a fraction less than ½ unit) the result of the density calculation with rounding would be the same as the nearest whole number method because in both instances staff would round down to the nearest whole number. Because of this, the effect of "rounding" is most acute for small infill properties, where the difference between one and two dwelling units has the most impact. The Neighborhood Planning Work Group is currently exploring a number of potential measures that would address the compatibility of small infill development, in addition to the change in parking requirements for four- and five-bedroom dwelling units that has already been put in place.

The provisions in the 2000 and 2004 LDC Phases I and III Update packages (implemented in 2006) were conducted through an extensive and open public process that directly involved many community members, Planning Commissioners and City Councilors as project work group members. The work product was subject to public workshops and hearings, with several opportunities for public input. The density calculation changes were publicly available although they didn't get as much attention as other portions of very large packages. There may be perspectives that view the results of these changes as having unintended consequences a decade later, but the changes were intentional, i.e. not an oversight, and designed as a mechanism to assist decision makers and the public in determining density standards and to implement Comprehensive Plan policies.

The Avery Addition Neighborhood Association has submitted a list of proposals to the Collaboration Corvallis' Neighborhood Planning Work Group. This list includes a proposal to change the LDC to not allow rounding as it pertains to density calculations.

The Neighborhood Planning Work Group is currently looking at the concept of neighborhood oriented design standards which in part respond to some of the other suggestions from the Avery Addition group and other members of the public. Staff notes that the Work Group will review the rounding issue during the month of February.

Mr. Hess also requested that the City Council place a 120 day moratorium on development. Attached is memorandum from the City Attorney's Office related to moratoria. This memorandum was distributed in early 2012 in response to questions about the legal aspects of a local government declaring a moratorium.

MEMORANDUM

DATE: **September 10, 2013**

TO: **Mayor and City Council**

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

RE: **Council Request – rounding of density calculations**

Councilor Hogg requested that staff provide background regarding the density rounding provision in the Land Development Code and possible options.

Attached is a copy of the information related to this topic that was provided to the City Council in the February 4, 2013 meeting packet. As noted in that memorandum, the Neighborhood Planning Work Group was scheduled to take up a series of proposals from the Avery Addition Neighborhood in February. This included a proposal to eliminate "rounding up" for density calculation purposes.

The Work Group proposed a series of recommendations to address concerns raised by the Avery Addition Neighborhood as well as other community members. In addition to the rounding question, these proposals addressed:

- Increasing parking requirements for 4/5 bedroom units (enacted in late 2012)
- Recommending LDC changes to define unusable areas in Lot Line Adjustment proposals
- Recommending additional setbacks for single attached units
- Recommending that the option to include 50% of the street right-of-way for density calculations be eliminated
- Recommending increasing public notice requirements for Major Lot Development Option requests
- Recommending that neighborhood design standards be developed in order to enhance the compatibility of infill projects. Components of the standards could include maximum floor area ratios, setbacks that are based on existing development patterns, several standards related to roof articulation, horizontal building offsets, building differentiation of projects with multiple buildings, enhanced pedestrian features, window coverage and other design elements. Additional standards related to off-street parking design are also recommended.

Regarding rounding for density calculation purposes, the Work Group recommended that property owners have the option to round down in order to meet minimum density requirements, e.g., if the minimum was 1.5 units the owner could choose to round down to 1 unit. The Work Group did not recommend that the current rounding provision be eliminated from the LDC.

The Neighborhood Planning Work Group recommendations were approved by the Collaboration Steering Committee in and forwarded to the City of Corvallis for action.

Next steps regarding the LDC related Collaboration Project recommendations will be a prioritization of items for the next round of Code updates. This is scheduled for the October 7 City Council meeting. Staff will be recommending that several of the items identified above be included in the next LDC update package including the rounding recommendation. Through the public process and subsequent deliberations, the Planning Commission and City Council will have the opportunity to accept, reject or change the various Collaboration recommendations prior to taking final action on the LDC amendment package.

Review and Concur:

_____

Jim Patterson, City Manager

MEMORANDUM

DATE: **December 29, 2013**

TO: **Mayor and City Council**

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

RE: **Follow-up Information**

As part of Visitor Proposition testimony at the December 16, 2013 Council meeting related to density rounding and maximum density values in residential zones, Mr. Jeff Hess stated that the issue is not being addressed by Staff or the City Council and that he did not know how to bring his issue forward any further.

Staff notes the following:

- As described in a September 30, 2013 memorandum to the City Council and as the discussed at the October 7, 2013 Council meeting, Collaboration Corvallis recommendations (from the Neighborhood Planning Workgroup) included a series of proposals that will impact infill project density.

- These include increasing parking requirements for 4/5 bedroom non-single family residential projects (in place for more than a year) and several recommendations that will be considered by the LDC Package # 1.

- Package # 1 includes:

  - revising lot line adjustment criteria to not allow adding "unusable" areas in order to meet minimum lot sizes

  - increasing setback requirements for single attached units

  - changing density calculations for replats and minor land partitions to not count 50% of the abutting rights-or-way

  - increasing public notice areas for certain land use applications

  - changing minimum density standards for infill development

In large part these recommendations were a response to testimony from Mr. Hess and the Avery Addition Neighborhood Association (AANA). In addition, another recommendation related to public noticing of demolition applications has been approved by the Collaboration Steering Committee and will be considered for implementation by the City in the upcoming months. Finally, the Collaboration recommendation related to neighborhood design standards will be developed in 2014 for Planning Commission and City Council consideration as LDC Package #2. It will address several concerns raised by the AANA to the Neighborhood Planning Work Group.

- As described in Attachment 2 of the September 30 memorandum referenced above, the Neighborhood Planning Work Group considered testimony from Mr. Hess that proposed eliminating the LDC's density rounding provision entirely. The Work Group ultimately recommended that project developers be allowed to round down density calculations in order to meet minimum density requirements but didn't propose eliminating the rounding option for maximum density calculations. As directed by the City Council, this recommendation will be incorporated into LDC Package #1 that will be considered by the Planning Commission in early 2014 and forwarded to the City Council for a final decision.

- There will be an opportunity for the public to participate in the eventual outcome of this recommendation. As I noted in response to the Council following Visitor Proposition comments made by Mr. Hess at the October 21, 2013 meeting, citizens could propose a different approach regarding maximum density calculations through the public hearing process for LDC Package #1.

Review and Concur:

_____

Jim Patterson, City Manager

Excerpt From 10/24 E-Mail to the Mayor and City Council

During Mr. Hess's comments regarding rounding provisions in the LDC, Councilor Sorte inquired about the Collaboration recommendations related to density rounding. As I indicated at the meeting, there was a recommendation regarding this matter but that it did not fully match up with the Avery Addition's proposal. Below is the excerpt from Attachment 2 of the staff report to the Council (October 7 meeting) that describes the Collaboration recommendation.

The Work Group recommends that the City of Corvallis amend the Corvallis Land Development Code to allow the redevelopment of residential infill properties at densities that are otherwise below minimum required density.

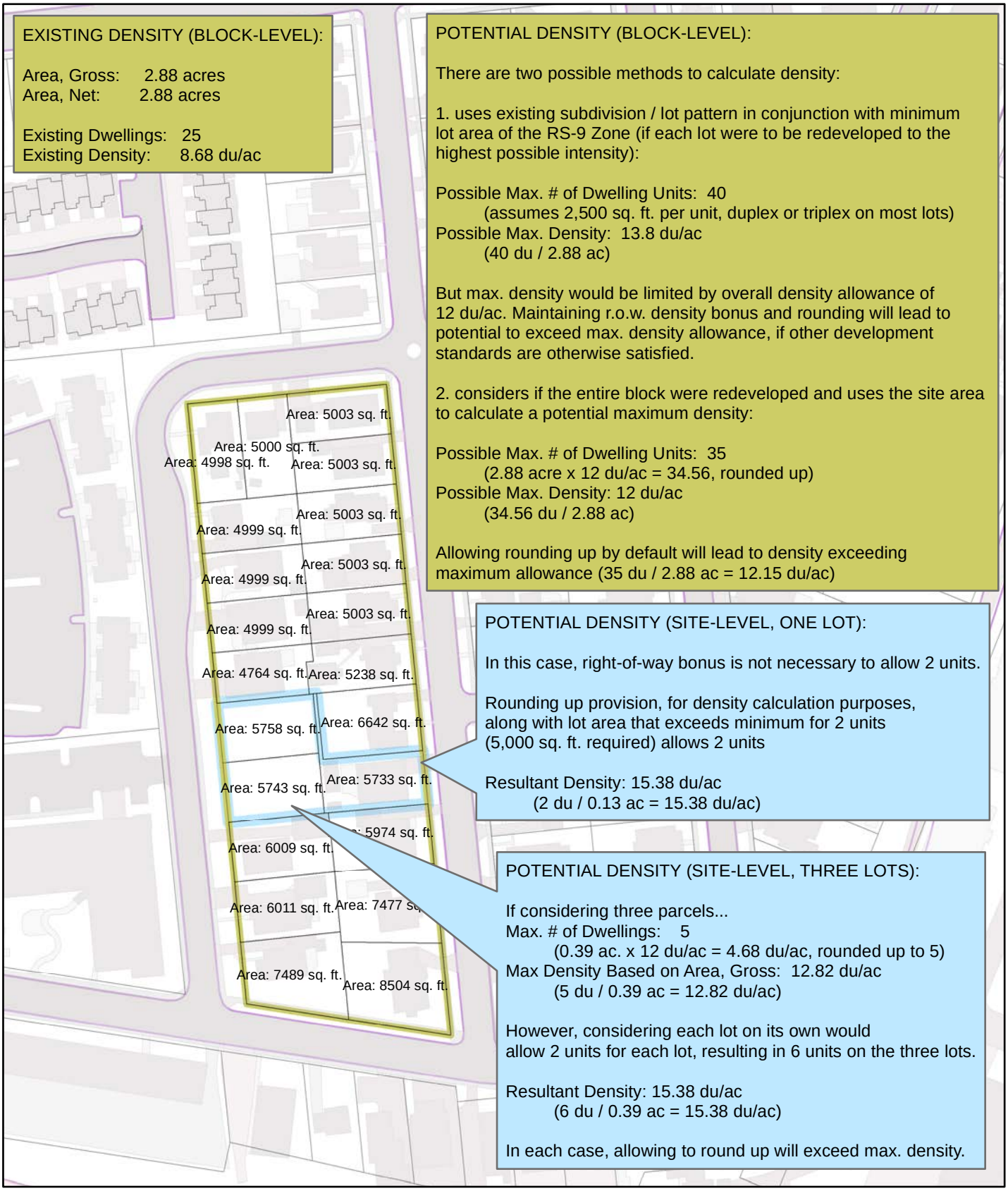
Basis for Recommendation

The Work Group discussed the existing provisions in the Corvallis Land Development Code that permit "rounding up" to the next whole number when the density calculation for a property results in a fraction of 0.5 or greater. For example, if the calculated maximum density for a given parcel of land was 1.5 units, the owner could build up to two units. A request to eliminate this provision was presented to the Work Group through public testimony.

While a recommendation to that affect was not adopted, the Work Group also discussed the merits of facilitating redevelopment of infill properties at densities that may be closer to the original development patterns, particularly in older historic neighborhoods surrounding the Oregon State University campus. Rather than addressing scenarios related to maximum density, the subject recommendation would not require density intensification. For example, if the calculated minimum required density was 1.5, the owner could choose to "round down" to 1 unit. This option is intended to help foster the preservation of original development patterns, particularly in historic neighborhoods.

Density Analysis (RS-9 Sample)

Density Range: 6 - 12 dwellings per acre



EXISTING DENSITY (BLOCK-LEVEL):

Area, Gross: 2.88 acres
Area, Net: 2.88 acres

Existing Dwellings: 25
Existing Density: 8.68 du/ac

POTENTIAL DENSITY (BLOCK-LEVEL):

There are two possible methods to calculate density:

1. uses existing subdivision / lot pattern in conjunction with minimum lot area of the RS-9 Zone (if each lot were to be redeveloped to the highest possible intensity):

Possible Max. # of Dwelling Units: 40
(assumes 2,500 sq. ft. per unit, duplex or triplex on most lots)
Possible Max. Density: 13.8 du/ac
(40 du / 2.88 ac)

But max. density would be limited by overall density allowance of 12 du/ac. Maintaining r.o.w. density bonus and rounding will lead to potential to exceed max. density allowance, if other development standards are otherwise satisfied.

2. considers if the entire block were redeveloped and uses the site area to calculate a potential maximum density:

Possible Max. # of Dwelling Units: 35
(2.88 acre x 12 du/ac = 34.56, rounded up)
Possible Max. Density: 12 du/ac
(34.56 du / 2.88 ac)

Allowing rounding up by default will lead to density exceeding maximum allowance (35 du / 2.88 ac = 12.15 du/ac)

POTENTIAL DENSITY (SITE-LEVEL, ONE LOT):

In this case, right-of-way bonus is not necessary to allow 2 units.

Rounding up provision, for density calculation purposes, along with lot area that exceeds minimum for 2 units (5,000 sq. ft. required) allows 2 units

Resultant Density: 15.38 du/ac
(2 du / 0.13 ac = 15.38 du/ac)

POTENTIAL DENSITY (SITE-LEVEL, THREE LOTS):

If considering three parcels...
Max. # of Dwellings: 5
(0.39 ac. x 12 du/ac = 4.68 du/ac, rounded up to 5)
Max Density Based on Area, Gross: 12.82 du/ac
(5 du / 0.39 ac = 12.82 du/ac)

However, considering each lot on its own would allow 2 units for each lot, resulting in 6 units on the three lots.

Resultant Density: 15.38 du/ac
(6 du / 0.39 ac = 15.38 du/ac)

In each case, allowing to round up will exceed max. density.

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
June 9, 2014, City Council Staff Report
EXHIBIT D (23 of 25)

0 70 140 210 Feet

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333
541.766.6908
Planning@CorvallisOregon.gov

ATTACHMENT B

Density Analysis (RS-12 Sample)

Density Range: 12 - 20 dwellings per acre

EXISTING DENSITY (BLOCK-LEVEL):

Area, Gross: 1.42 acres
Area, Net: 1.42 acres

Existing Dwellings: 11
Existing Density: 7.75 du/ac

POTENTIAL DENSITY (BLOCK-LEVEL):

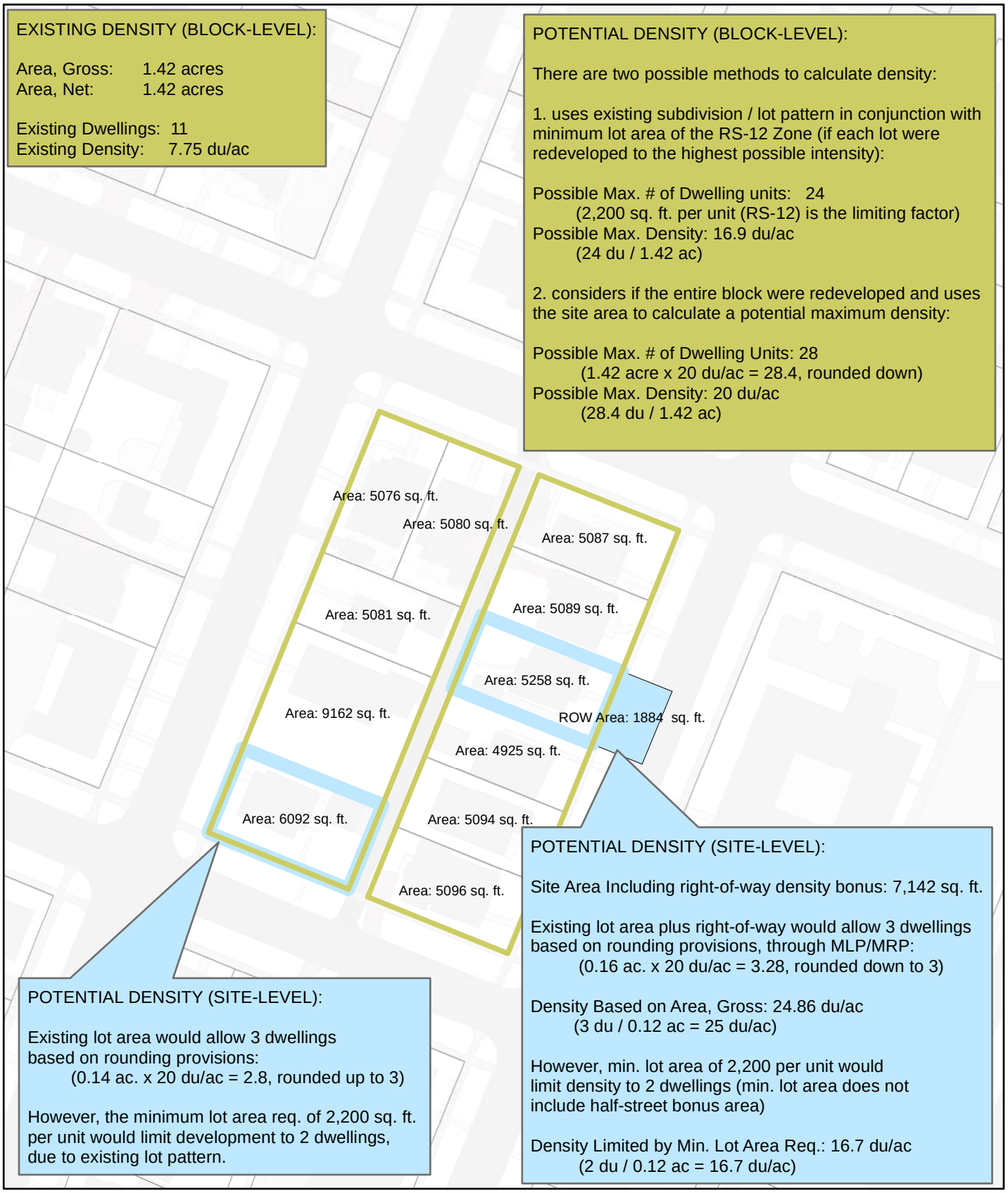
There are two possible methods to calculate density:

1. uses existing subdivision / lot pattern in conjunction with minimum lot area of the RS-12 Zone (if each lot were redeveloped to the highest possible intensity):

Possible Max. # of Dwelling units: 24
(2,200 sq. ft. per unit (RS-12) is the limiting factor)
Possible Max. Density: 16.9 du/ac
(24 du / 1.42 ac)

2. considers if the entire block were redeveloped and uses the site area to calculate a potential maximum density:

Possible Max. # of Dwelling Units: 28
(1.42 acre x 20 du/ac = 28.4, rounded down)
Possible Max. Density: 20 du/ac
(28.4 du / 1.42 ac)



POTENTIAL DENSITY (SITE-LEVEL):

Existing lot area would allow 3 dwellings based on rounding provisions:
(0.14 ac. x 20 du/ac = 2.8, rounded up to 3)

However, the minimum lot area req. of 2,200 sq. ft. per unit would limit development to 2 dwellings, due to existing lot pattern.

POTENTIAL DENSITY (SITE-LEVEL):

Site Area Including right-of-way density bonus: 7,142 sq. ft.

Existing lot area plus right-of-way would allow 3 dwellings based on rounding provisions, through MLP/MRP:
(0.16 ac. x 20 du/ac = 3.28, rounded down to 3)

Density Based on Area, Gross: 24.86 du/ac
(3 du / 0.12 ac = 25 du/ac)

However, min. lot area of 2,200 per unit would limit density to 2 dwellings (min. lot area does not include half-street bonus area)

Density Limited by Min. Lot Area Req.: 16.7 du/ac
(2 du / 0.12 ac = 16.7 du/ac)

0 40 80 120 Feet

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333
541.766.6908
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ATTACHMENT C

Notice Counts and Costs Based on Buffer Distance

Buffer Distance	Example 1	Example 2	Example 3	Average Count	Materials Cost Factor	Total Envelope and Paper	Postage	TOTAL
100 ft.	31	32	29	31	0.1	$ 3.07	$ 15.95	**$ 19.01**
200 ft.	79	77	88	81	0.1	$ 8.13	$ 42.29	**$ 50.43**
300 ft.	132	107	120	120	0.1	$ 11.97	$ 62.23	**$ 74.19**
500 ft.	301	236	218	252	0.1	$ 25.17	$ 130.87	**$ 156.03**

Notes:

1. Numbers represent a rough estimate of the total number of notices to be mailed
2. Numbers do not factor in possibility that duplicate notices and bad addresses will be eliminated during formal public notice process
3. Numbers do not factor in possibility of notice area involving parcels that lack sufficient data on apartment development unit counts
4. Counts reflect three example development projects of varying scale, where the three different buffer distances (100-ft., 300-ft., and 500-ft.) were applied.

Labor Costs

	Time (hours)	Rate	Total
Staff Labor Costs 1 for 100-ft.	0.75	$ 44.00	$ 33.00
Staff Labor Costs 1 for 200-ft. (est.)	1.1	$ 44.00	$ 48.40
Staff Labor Costs 1 for 300-ft.	1.5	$ 44.00	$ 66.00
Staff Labor Costs 1 for 500-ft. (est.)	3	$ 44.00	$ 132.00
Staff Labor Costs 2	1	$ 51.00	$ 51.00
Total for 100-ft. Notice	1.75		$ 84.00
Anticipated Total for 200-ft. Notice	2.1		$ 99.40
Total for 300-ft. Notice	**2.5**		**$ 117.00**
Anticipated Total for 500-ft. Notice	**4**		**$ 183.00**

1. Increasing the notice area from 300-ft. to 500-ft. is anticipated to double costs for Staff Labor Costs 1 and Materials.
2. There is no anticipated increase in labor costs for Staff Labor Costs 2 for any given notice area distance.

Total Materials & Labor

100-ft. Notice Average	**$ 103.01**
200-ft. Notice Average (Anticipated)	**$ 149.83**
300-ft. Notice Average	**$ 191.19**
500-ft. Notice Average (Anticipated)	**$ 339.03**

ATTACHMENT D

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]

[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.

[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.

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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

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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.

[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, AICP
OSU Senior Planner

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

MEMORANDUM

DATE: April 2, 2014

TO: Planning Commission

FROM: Kevin Young, Planning Division Manager

SUBJECT: Written Testimony Received Related to Land Development Code Text Amendments (LDT13-00002 and LDT13-00003)

During the March 19, 2014, Planning Commission public hearing for the Land Development Code text amendment applications noted above, the Planning Commission decided to hold the written record open. The record was held open until 5pm, April 2, 2014.

Additional written testimony received by the 5pm deadline noted above is attached to this memorandum for your review.

An additional memorandum from Staff is forthcoming, which will provide additional clarification for the proposed code amendments and address questions raised by the Planning Commission at the March 19, 2014, public hearing.

April 1, 2014

Corvallis Planning Commission
501 SW Madison Avenue
Corvallis, OR 97333

Re: Proposed Draft Land Development Code Amendments

Dear Commissioners:

We appreciate your work to update the Land Development Code (LDC).

We have major concerns with the proposed amendments to Planned Developments or the Planned Development Overlay, in Section III. We feel strongly that the "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) should be rejected.

We logged many hours working on the South Corvallis Area Refinement Plan (SCARP, 1998). Among the goals of that process was to find ways to reduce future S. Third St. traffic impacts of the yet-to-be-developed commercial and industrial zoned properties in South Corvallis. SCARP selected strategies that utilized development and planning standards to assure that these industrial properties were developed in ways that could mitigate some of the traffic by encouraging employee access to transit, bike and pedestrian travel options, and including small commercial areas that gave employees access to restaurants and other lunch spots to reduce their driving on S. Third St.

To make sure these planning options would to utilized, the South Corvallis industrial properties had a PD Overlay placed on them at the time of Annexation. We are talking about 1,000 acres of industrial land adjacent to residential communities. When these properties in south Corvallis are developed, they are going to have enormous impacts on the entire city, and especially on south Corvallis. We urge you not to allow the by-passing of the Planned Development review process by maintaining the 50 acre minimum development size and the PD Overlays on these properties.

Thank you for all your efforts on behalf of our community,

Sincerely,

Charles Goodrich
Kapa Korobeinikov
2340 SE Crystal Lake Dr.
Corvallis, OR 97333
charles.goodrich@oregonstate.edu
541-753-5281

April 1, 2014

Corvallis Planning Commission
501 SW Madison Avenue
Corvallis, OR 97333

Re: Proposed Land Development Code Amendment Follow-up

Dear Commissioners:

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

In our March 19th testimony, we presented our concerns about the code amendment proposed by the Economic Development Commission (EDC) that would allow development of industrial properties which have Planned Development (PD) Overlays without the required Planned Development review, if the property had no Comprehensive or Detailed Development Plan (DDP), or had developed less than 5% under a DDP.

While we continue to note the many Comprehensive Plan policies with which this change is in direct conflict, we are also sympathetic to the goals of the EDC to simplify the commercial/industrial development process. After fielding questions and comments about our testimony, and getting additional feedback about the EDC position at its 3/31/2014 meeting, we would like to propose for your consideration an alternative solution that has the potential to do an even ***better*** job of streamlining the development process than the base EDC proposal, while at the same time respecting our existing land use "rules-of-the-road," the expectations of Corvallis residents, and the rights of other business and property owners.

Before we discuss a potential solution, we would like to quickly reiterate our main concerns with the EDC proposal. Given that the majority of the affected undeveloped industrial land is in South Corvallis, we will focus on this area, but the same logic (with different details), applies to West Corvallis (West Corvallis - North Philomath Plan), etc.

> During 1996/1997 Corvallis citizens came together to create the South Corvallis Area Refinement Plan (SCARP). It took dozens of meetings over a year and a half, and involved hundreds of people, but the end result successfully addressed both existing problems and future opportunities, and was widely accepted as a new path forward for South Corvallis.
>
> One of the most contentious elements in developing the SCARP was dealing with the large amount of undeveloped land (particularly industrial land), coupled with the very limited transportation capacity available in South Corvallis. Another major concern was addressing ongoing compatibility issues between industrial and residential uses.
>
> Of these two, the transportation capacity issue was probably the most difficult to address:

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
June 9, 2014, City Council Staff Report
EXHIBIT F (3 of 51)

The Traffic Analysis conducted for the SCARP suggested that the North end of South 3rd Street would essentially turn into a parking lot long before full build-out of the UGB!

A number of proposals to address the transportation limitations were floated, ranging from shrinking the UGB boundary to one that the transportation system could actually support (using a "business as usual" land use approach), to the one that was ultimately selected—keeping the full UGB, but implementing a full-court-press approach of using land use planning to get the most mileage out of the transportation system capacity. One proposal that didn't get support was business-as-usual without shrinking the UGB, since this would require expensive and intrusive changes to the existing transportation system, including widening South 3rd to 7 lanes at the North end, together with the resulting havoc to adjacent business and property owners.

Elements of the full-court-press land use approach included:

- Capturing as many trips as possible inside South Corvallis
- Creating multi-modal paths to Downtown Corvallis both West and East of South 3rd
- Ensuring safe bicycle access to new industrial employment centers, using new direct routes off of South 3rd
- Improving the pedestrian experience on South 3rd, and improving direct connectivity in older neighborhoods and in new commercial, industrial, and residential developments
- Access management for South 3rd, including frontage roads and internal north-south roads to reduce use of South 3rd for any internal trips
- Transportation Demand Management, particularly for new commercial and industrial developments
- Boosting transit use, especially to new industrial employment centers, by requiring industrial and commercial development to place building and entrances to minimize pedestrian travel from transit stops.

Central to all of these techniques was the requirement for a ***coordinated*** approach to land use, to accomplish the elements above and maximize the properties that could satisfy ODOT with a Transportation Impact Analysis (TIA) for South 3rd capacity. Allowing piece-meal development means that although the first development proposals would likely pass muster in terms of a TIA, long before the available UGB land was used up this would no longer be the case. The early movers essentially become "free-riders" on the system, and leave the undeveloped property owners, and the rest of the City, holding the bag.

And here is the crux of the worst problem with the EDC proposal: The public review, provided as part of the PD process, is currently the only available tool to accomplish this level of coordination, since it requires that the applicable elements of both the Comprehensive Plan (including the SCARP), and the LDC, be addressed in the approval process.

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
June 9, 2014, City Council Staff Report
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> If the EDC proposal to avoid a PD hearing were to proceed, the Comprehensive Plan policies would not be applicable, and thus the policies associated with the SCARP would not be applied. If the long-planned "Phase 3 LDC update" had been completed this would not be a problem, since the associated updates to the General Industrial (GI), Intensive Industrial (II), and Limited Industrial (LI) zones would have been updated to reflect the many changes in our current Comprehensive Plan, including the SCARP policies. Unfortunately this hasn't happened, and the frustration of the EDC on the issue is perfectly understandable.

So given where we are, how do we fix this? One obvious way is to harness the support of the EDC (and the Planning Commission!), to actually get the Phase 3 update done, in a manner so that PDs can be safely removed from the updated GI/II/LI zones. And even better, we feel that the resulting development rules for the GI/II/LI zones could also be streamlined to pre-address other issues associated with developing the industrial land in South Corvallis, such as drainage, frontage & shared South 3rd access management, wetlands mitigation, etc. The end result could be a development process that is more predictable, and even easier/cheaper, than if the base EDC proposal were to be accepted.

If we want to maximize the benefits of all South Corvallis industrial lands, then we need to fix the problems with our development rules, not ignore them. Community Development will have a new long range planner coming on board this summer. Let's make getting the Phase 3 update done a top priority and solve the problem the right way.

Sincerely,

Tony Howell
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541-753-9318
howellt@peak.org

Kirk Bailey
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Corvallis, OR 97333
541-753-9051
bailey@peak.org

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
June 9, 2014, City Council Staff Report
EXHIBIT F (5 of 51)

Yaich, Jason

From: Richard Berger [rfbconsulting@yahoo.com]
Sent: Wednesday, April 02, 2014 11:28 AM
To: Yaich, Jason
Cc: Willamette Valley GAD
Subject: Comments on Proposed LDC Changes

Jason,

Thank you for speaking with me yesterday. I know you said you would be able to discuss my concerns with the planning commission but I wanted to make sure at least a brief summary of those concerns are on the record for planning commission consideration.

As we discussed, I have two concerns with the proposed language banning "unusable area" when doing a lot line adjustment. The first issue is that "unusable area" is defined based on the "applicable side-yard setback." This is not a clear dimension since many zones have more than one permitted side-yard setback depending on the building type and other factors. The ambiguity in the current proposed language could lead to confusion and arguments in the future over which side-yard setback applies to this provision. The second issue is that the change makes no exception for cases where there is a reason for the area of the lot to be narrow. The most common example of this is in a flag lot where the narrow section is used as a drive way. Based on the current proposed language many flag lots would likely not be permitted.

I would also like to mention that it seems illogical for the Major Lot Development Option, to have a larger notice area than potentially more impactful land use applications such as comprehensive plan/zone changes.

Please confirm you received this e-mail and submit this e-mail as official comments to the planning commission. I understand that comment period ends today but we may have additional comments if that is permitted later in the process. Given that the staff report is over 250 pages in length it is very difficult to review all the information. In the future it may be wise to review changes in smaller sections.

All the best,

Richard Berger
Government Affairs Director
Willamette Association of REALTORS®

CORVALLIS
BENTON COUNTY
ECONOMIC DEVELOPMENT OFFICE

MEMO

Date: April 2, 2014

To: Corvallis Planning Commission

From: Corvallis Economic Development Commission (CEDC)

RE: PD Overlays for Certain Code Compliant Development

The Corvallis Economic Development Commission met on March 31 to discuss the comments and concerns raised at the last meeting of the Planning Commission. Staff presented the information along with several draft recommendations for discussion. After further consideration and discussion, the Commission determined that they continue to support the original recommendation regarding removal of PD overlays for certain code compliant development.

The recommendation made by CEDC was based on the belief that improvements in the land development process to provide more timely and predictable approval are crucial for attracting investment and high-wage job creation. Developers need more certainty when considering Corvallis as an option for expanding or locating a business. Further, the Commission believes that the existing PD approvals, the public input that is already part of the process of administering and revising the Land Development Code, and existing regulatory requirements are sufficient to protect the long-term interests of the community.

The Planning Commission, in evaluating the changes to the code that are proposed, must balance many considerations. CEDC understands that it is only one party providing input to this process. We trust that in making a final determination, various alternatives will offer different sets of costs and benefits, but we continue to support our original recommendation.

Warm regards,

Elizabeth French, Chair
Economic Development Commission

In the interest of brevity I'm providing input primarily on the "rounding amendment" as city staff's recommendations on this issue fails to provide a clear and unambiguous LDC. As an attachment to this written testimony I have also included a presentation that the Avery Addition Neighborhood gave to the mayor and community director Ken Gibb that also includes examples of the "half street", "unusable area" and "setback" codes being considered at this time.

I believe the rounding amendment needs to be addressed at a base level because there is currently no way for a prospective homeowner to determine how their neighborhood might be developed without the help of the planning department. While the LDC unambiguously states a maximum density for each zone, city staff is allowing developments significantly greater than these maximums to occur via an undocumented equation. Even should someone look beyond the stated maximums in the LDC and determine that rounding occurs, as the amendment is written, it would be reasonable to assume that rounding is applied to the lot area when calculating density (i.e. 7402.5 sq. ft is rounded to 7403 sq ft), whereas it would not be a reasonable assumption that 12 unit / acre maximum can somehow be rounded to 16 unit / acre. Further, the amendment speaks to the calculation of density which is defined within the LDC as units / acre. This is an inherent property that can not be changed by how it is calculated. For example, should one include the mathematical constant of pi, or natural log in the equation used to calculate density as long as units/acre is maintained as the meaning of density the result of these different equations should reflect the same number, i.e. units divided by acres. It's reasonable that staff intended to say "maximum allowed density calculation" rather than "density calculation" which would still be in conflict with the stated maximums under each zone chapter but at least self-consistent with the LDC definition of density.

It's unclear when the practice of rounding was first introduced or how well it is adhered to. The wording of the LDC prior to the 2006 amendment is unambiguous and includes an equation for density (units/acre) which provided the planning department with a means of calculating the number of units allowed on each lot (i.e. the area required for a duplex in RS-9 is [2 units / (12 units/ acre)], yet according to Mr. Gibb at some point prior to 2006 the planning department began calculating the number of allowed units in an entirely different way that violated the LDC outright. In the pc staff report dated 04-24-00 density calculations appear to follow the original intent stating "Density, therefore, is 100 units divided by the total of 8.3 acres of medium density land which yields 12.05 units per acre." (pg. 8).

Even after the amendment was passed the original method has continued to be used (probably reflecting the fact that it is the only sensible interpretation of the stated maximums within the LDC). In CC packet 02-04-2008 Meeting it states "The Council notes that the correct density calculation for the residential portion

of the property is 91 dwelling units on 5.4 acres, which yields a density of 16.85 dwelling units per acre." (pg 230 item 6).

In discovering the practice of allowing developments to exceed the stated maximums I began talking to councilors who had voted to pass it and quickly realized that at least a few, if not all, had no idea what the impact of this amendment was. This appears, in-part, to be a result of how city staff presented the amendment. Couched under the heading "housekeeping" it was presented as a relatively benign practice required to enable calculating development density (NOT a means of increasing infill which would have garnered the attention it warranted). At the request of the planning commission the planning department provided an example of how this code would be manifested:

"Example: A Low Density Residential (LDR) property is proposed for development. LDR properties have an allowed density range of 2 to 6 units per acre; however, this property is zoned RS-6, which requires a minimum density of 4 dwelling units per acre. Minimum density is by definition net density, which excludes protected natural resource areas. Maximum density is gross density, which includes the entire site. Assume the entire site is 3.41 acres and 1.26 acres are natural resources that will be protected. The gross density for the site is 20.46 units (6 units times 3.41 acres), which would round down to 20 units. The minimum (net) density would be based on 2.15 acres. This would calculate to 8.6 units (4 units times 2.15 acres) and would round up to 9 units. Thus, the density range allowed for this property zoned RS-6 would be from 9 to 20 units."

(**CC Packet 12-01-2008 LDC Text Amendment Package 1 Public Hearing pg. 241)**

It's unclear why natural features were included in this example or why the example doesn't at least demonstrate the maximum of the amendments effect (standard practice in every change management practice I've worked with in academia and private industry).

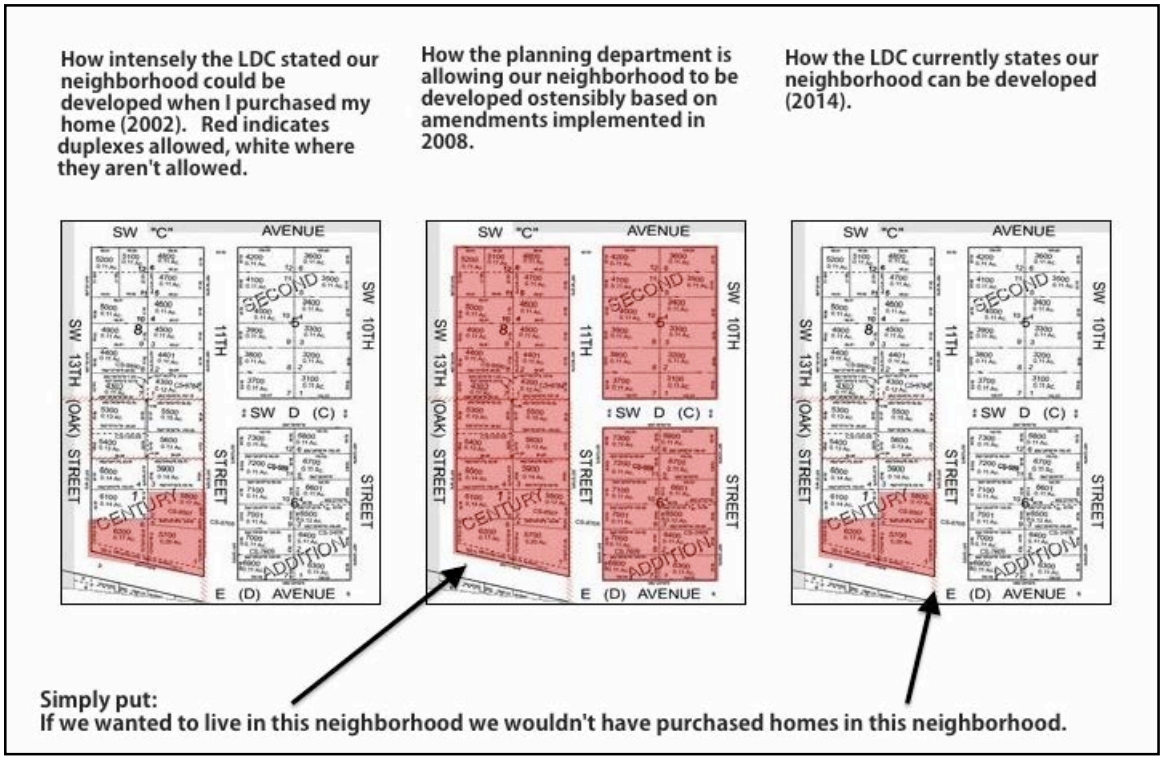
For instance:

"The maximum density allowed for duplexes will be increased by 33%."

Provides an unambiguous and easily interpreted statement of how this amendment would manifest itself wrt duplex density.

Finally, since raising this issue the practice of rounding with an undocumented equation has been defended by the planning department with no recognition of how unfair it is to property owners caught unaware by neighboring

developments that exceed the stated maximum. One would think simply updating the maximum values stated within the LDC should be a "no-brainer" act of clear communication that this department would champion in pursuit of an unambiguous LDC. That a year and a half has gone by while numerous other communities have continued to be caught unaware, with no acknowledgement an issue even exists, does a disservice to Corvallis communities and belittles the true hardship experienced by affected home owners. In my own case, I purchased my house with the knowledge that none of the lots around me were big enough to support a duplex (thereby decreasing the likelihood of single family housing tear-downs as they become financially unviable), leaving an older, character-filled, single family residence neighborhood to enjoy. This was where I intended to retire and have invested in and developed my property with that belief. Subjected to the parking, trash and noise that typically comes with high density student housing developments I now find myself looking for a new home to start over again with fruit tree and berry plantings that will take a decade to reach the same point my current residence has achieved. In all, there are many owner-occupants on my street who have been investing in their homes for years and even decades under the belief that the unambiguously stated maximums, which the existing neighborhood reflects, are adhered to. Meanwhile a block away SW 10th St. stands to see it's first duplexes by making use of these amendments (half street bonus and rounding). [Application for Minor Replat dated 1-14-2014 results in 4 dwelling units on 0.26 acres (15.2 units/acre density) in a RS-9 district (maximum of 12 units/acre)].



Should the planning commission determine the currently allowed density is an appropriate means of increasing infill then changing the maximum stated limits in the LDC to reflect these values would at least provide the residents of this city with the ability to invest in their homes and communities with some greater measure of confidence.

Other properties I'm aware of that have been enabled via these codes (although by no means a comprehensive list).

1) The property at 1010 SW 11th St. that brought these practices to light comes in at 15.4 units/acre (maximum of 12 units/acre in this district). This calculation does not include the half street bonus afforded to this particular development.

2) Duplex at 1009 sw 13th st. comes in at 15.4 units/acre and again has a limit of 12units/acre.

3) Duplex at 1019 sw 13th st. comes in at 15.4 units/acre and again has a limit of 12units/acre.

4) Properties at 341/343 NW 17th comes in at 16.7 units/acre (properties also divided for half street width bonus but again not counted in this calculation).

5) Properties at 335/337 NW 17th comes in at 16.7 units/acre (properties also divided for half street width bonus but again not counted in this calculation).

6) Proposed Duplex "A" at 919 SW 10th St (comes in at 15.2 acres not counting street bonus and 13 units/acre counting it, again 12 unit/acre maximum).

7) Proposed Duplex "B" at 919 SW 10th St (comes in at 15.2 acres not counting street bonus and 13 units/acre counting it, again 12 unit/acre maximum).

Thankyou for your consideration of this issue.

Regards,
Jeff Hess

From **Corvallis' Comprehensive Plan** -
"the document through which the citizens of Corvallis have made the basic choices on how land development and redevelopment should occur and how it will be managed”

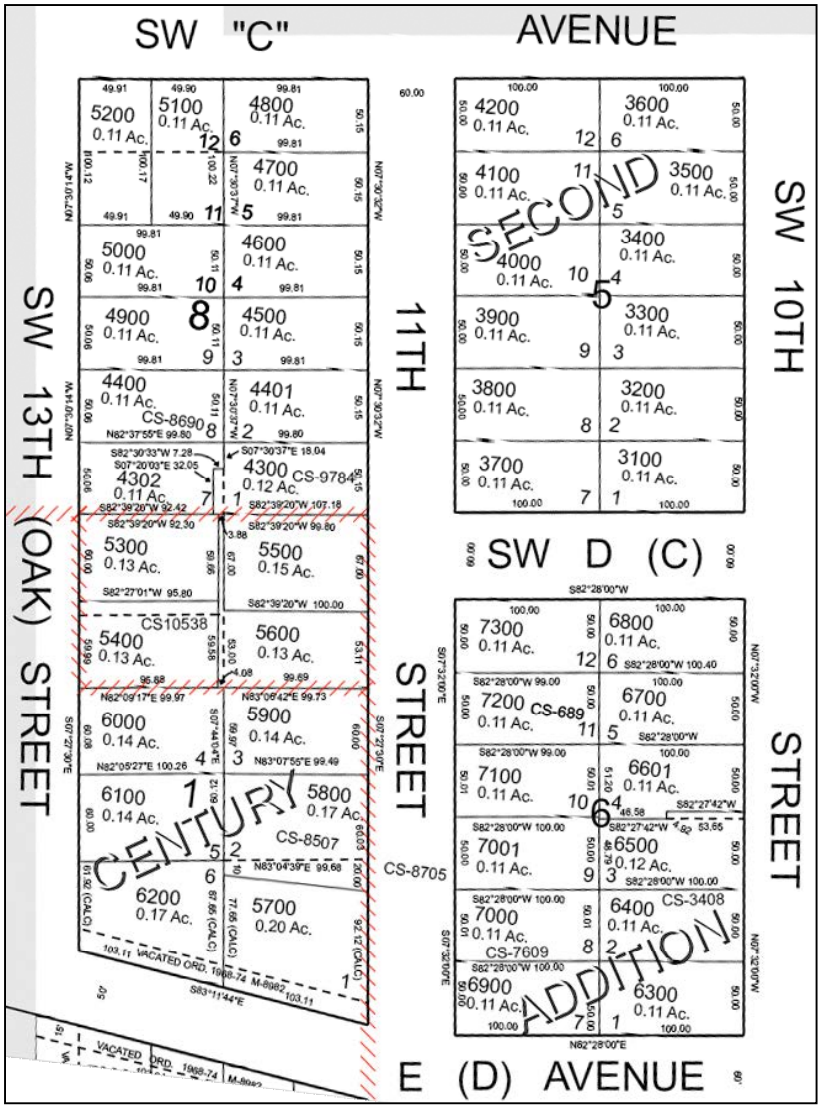
-"mixed use development requires **compatibility between buildings** to assure privacy, safety, and **visual coherency”**

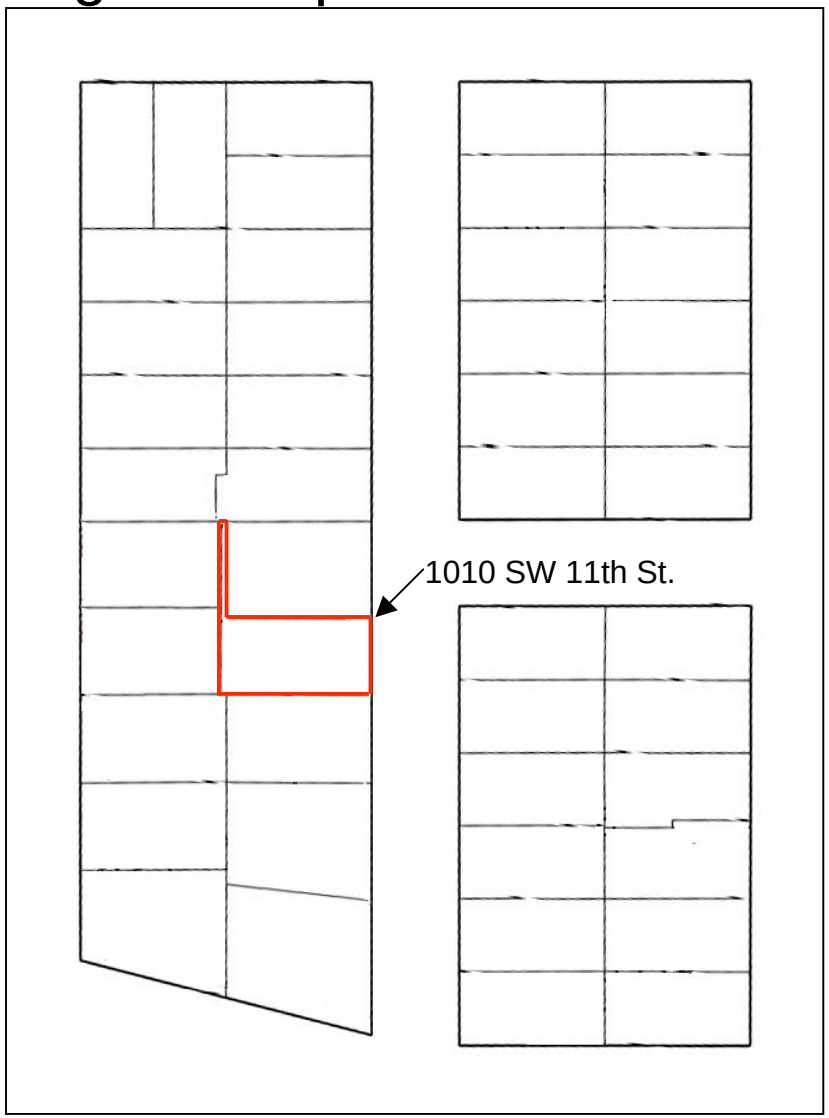
-**"**Neighborhood development provides for **compatible building transitions** in terms of scale, mass, and orientation"

Presentation on the development currently occurring at 1010 SW 11th St.

- a test case for how Corvallis is being developed.

A test-case of how Corvallis is being developed.





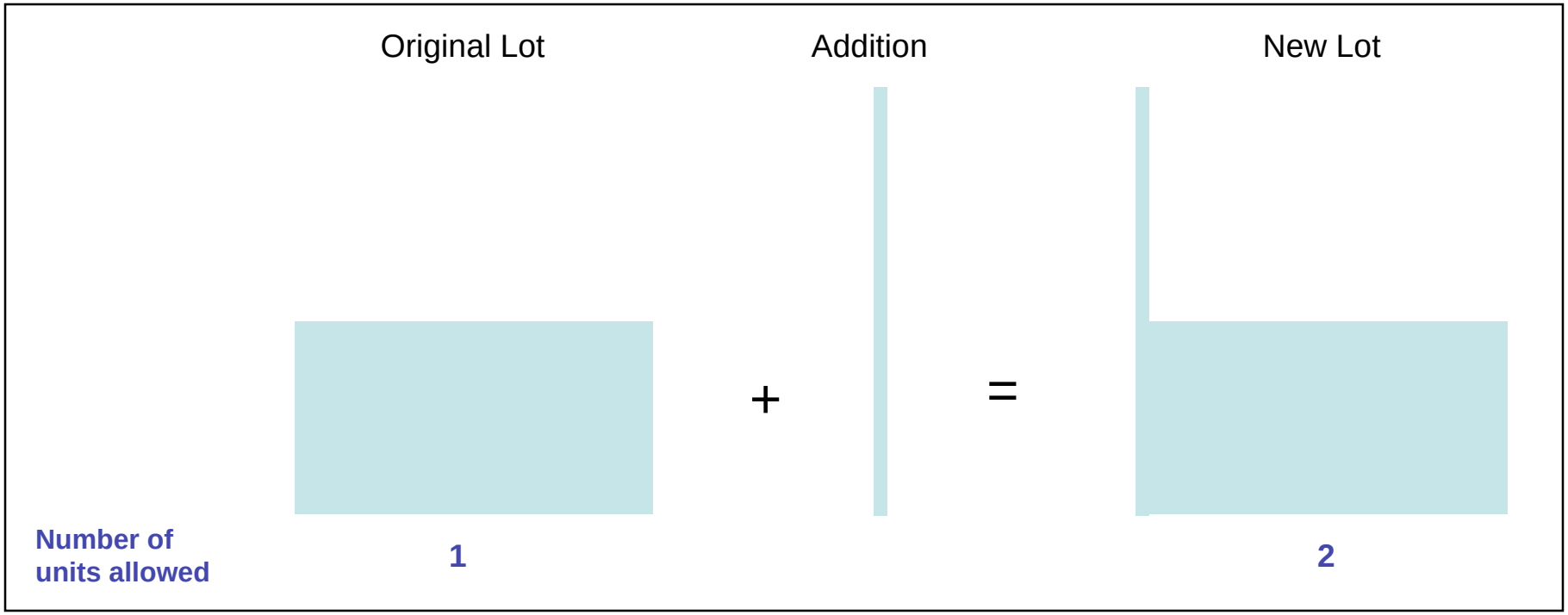
Map 12502BC07200

In April 2012, with the intent of placing duplexes on three adjoining lots, a strip of land was added to the lot at 1010 SW 11th St. under LLA12-00001.

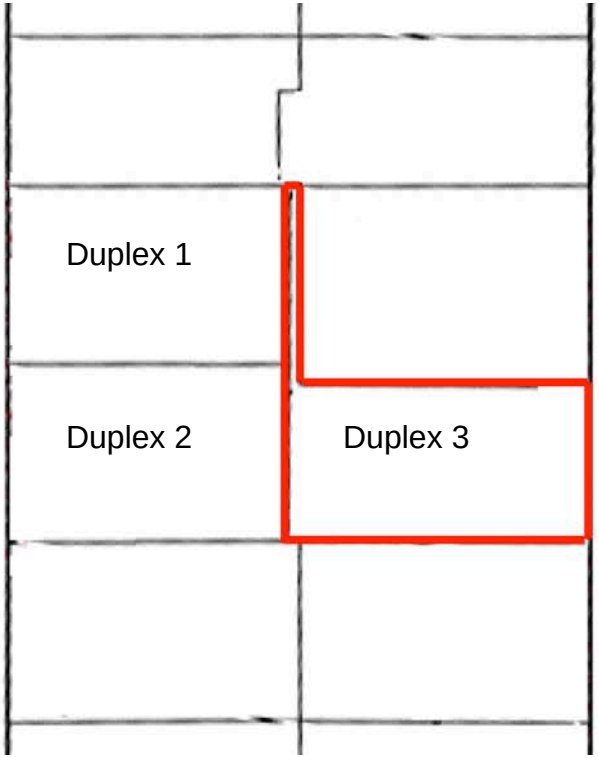
• Adding this strip of land (3.88 feet wide and 120 feet long) onto the standard rectangular lot increased the lot size enough that the city calculations allowed 1.57 units to be built. As the city rounds up at 0.5 this allowed 2 units to now be built on this property.

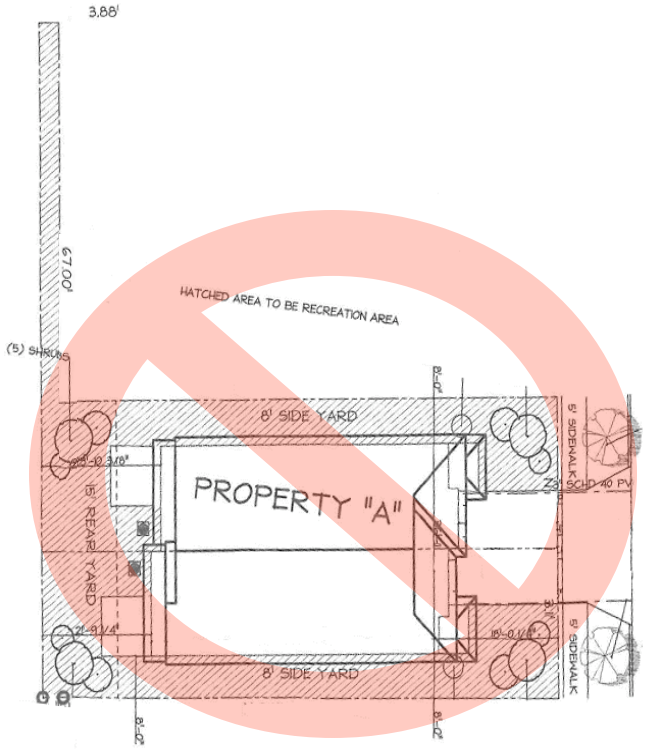
• For an RS-9 neighborhood the allowed density is from 6 units/acre to 12 units/acre.

• The resulting density is 15.2 units/acre.



While now large enough to meet the city's requirements for a duplex, the site at 11th St. was too narrow to allow the desired duplex to be built.



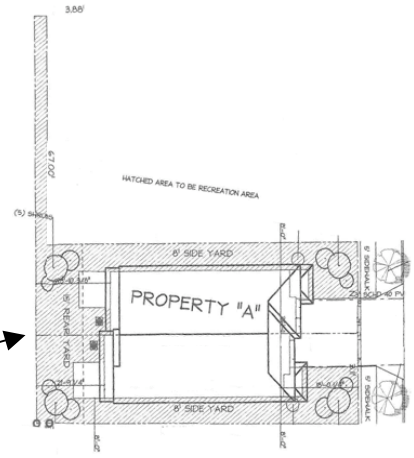


Not Allowed - Property is too narrow to allow desired duplex to be built

Image taken from [MLP12-00001]

In May 2012 the developer applied for a minor land partition to divide the lot into two parcels. This allows what are called zero-lot-line single attached units to be built. Under the current LDC the zero lot line single attached units are allowed a 20% reduction in required side yard setback. City staff was unable to state the reason for the reduced setback requirement but conjectured it may be based on the more likely owner occupancy of a single attached unit than a duplex.

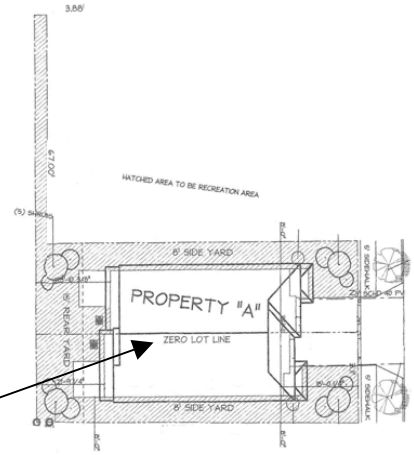
New lot with strip added: too narrow



Not allowed

Duplex

New lot partitioned into two 'halves'

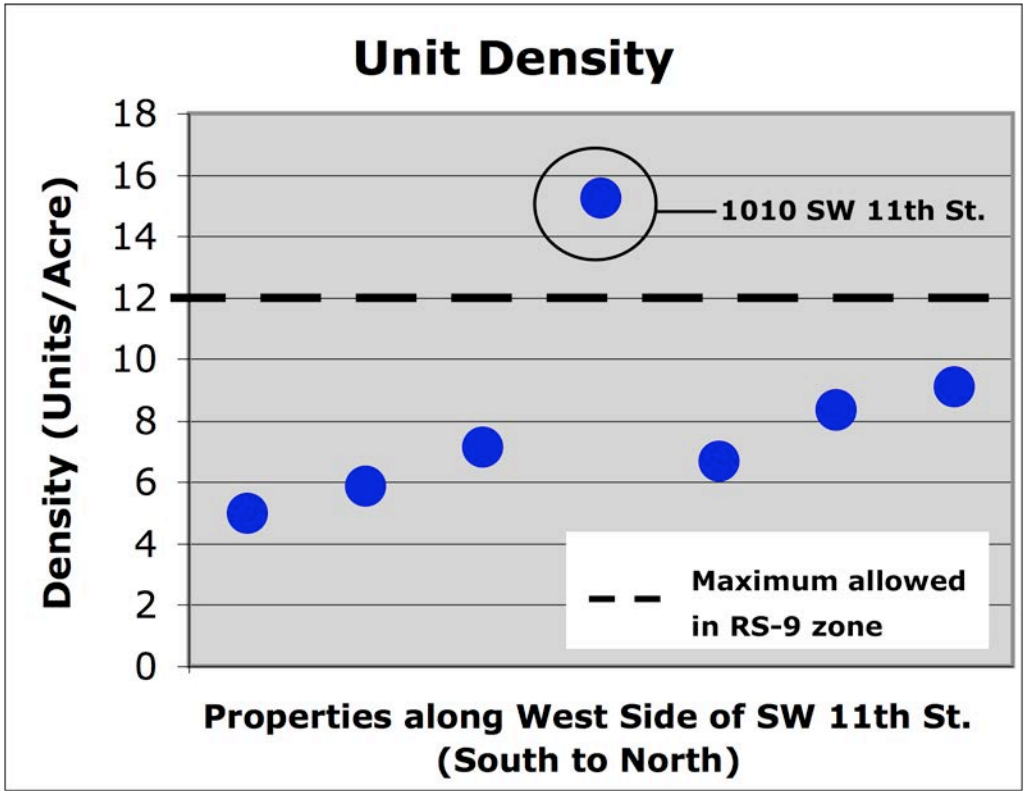


allowed

Zero lot line attached units

Duplex image taken from developers rental add for the adjoining lots on SW 13th St. and Zero Lot Line Attached Units image is taken from their rental add for the SW 11th St. property.

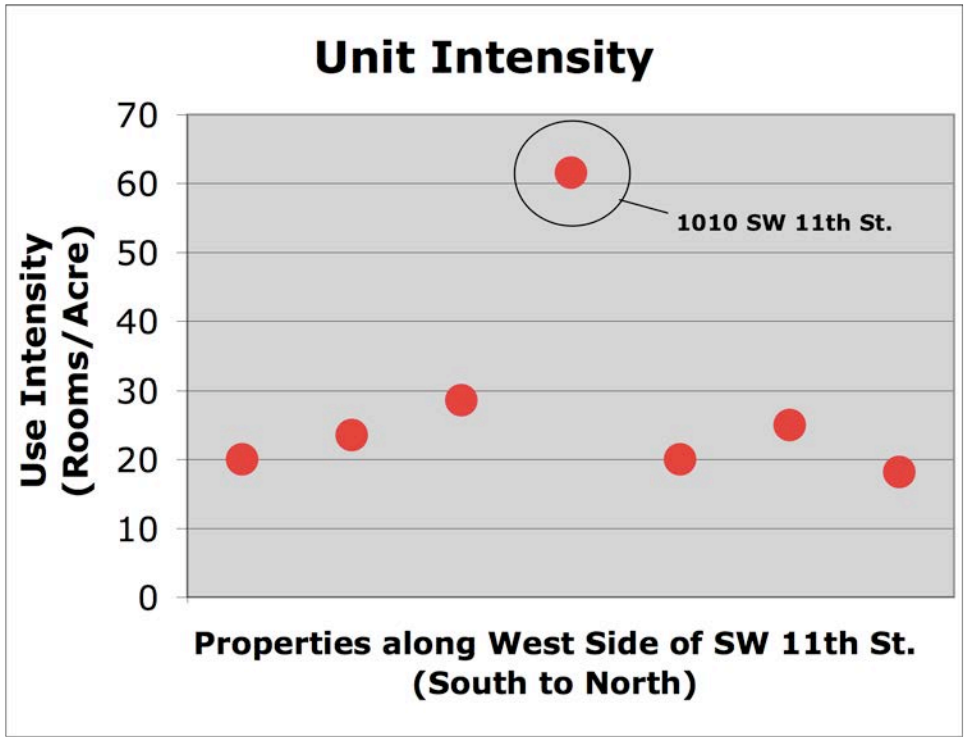
The Result: Unit Density -

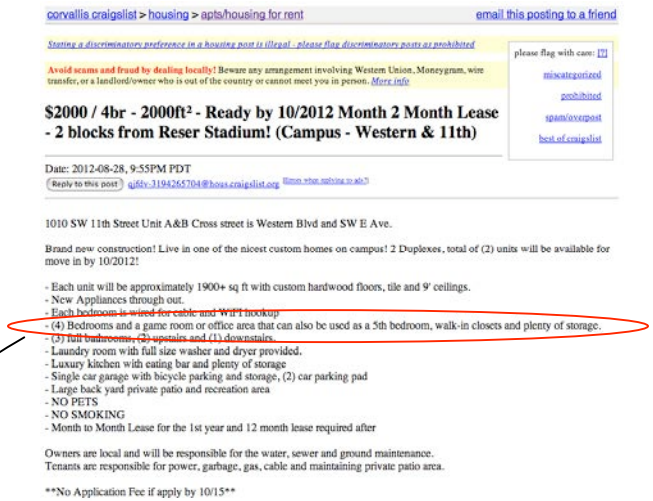


This graph shows the density each lot along the western side of SW 11th St. is developed at. At 27% above the maximum density allowed in RS-9 zoning the new development is more than double the neighboring property density.

Note - graph calculations are based on Benton County Tax maps lot areas

The Result: Unit Intensity -





corvallis craigslist > housing > apts/housing for rent — email this posting to a friend

Stating a discriminatory preference in a housing post is illegal - please flag discriminatory posts as prohibited

please flag with care: [?]
miscategorized
prohibited
spam/overpost
best of craigslist

Avoid scams and fraud by dealing locally! Beware any arrangement involving Western Union, Moneygram, wire transfer, or a landlord/owner who is out of the country or cannot meet you in person. More info

$2000 / 4br - 2000ft² - Ready by 10/2012 Month 2 Month Lease - 2 blocks from Reser Stadium! (Campus - Western & 11th)

Date: 2012-08-28, 9:55PM PDT

Reply to this post qjfdy-3194265704@housing.craigslist.org [limit when replying to ads?]

1010 SW 11th Street Unit A&B Cross street is Western Blvd and SW E Ave.

Brand new construction! Live in one of the nicest custom homes on campus! 2 Duplexes, total of (2) units will be available for move in by 10/2012!

- Each unit will be approximately 1900+ sq ft with custom hardwood floors, tile and 9' ceilings.
- New Appliances through out.
- Each bedroom is wired for cable and Wi-Fi hookup
- (4) Bedrooms and a game room or office area that can also be used as a 5th bedroom, walk-in closets and plenty of storage.
- (3) full bathrooms, (2) upstairs and (1) downstairs.
- Laundry room with full size washer and dryer provided.
- Luxury kitchen with eating bar and plenty of storage
- Single car garage with bicycle parking and storage, (2) car parking pad
- Large back yard private patio and recreation area
- NO PETS
- NO SMOKING
- Month to Month Lease for the 1st year and 12 month lease required after

Owners are local and will be responsible for the water, sewer and ground maintenance.
Tenants are responsible for power, garbage, gas, cable and maintaining private patio area.

No Application Fee if apply by 10/15

"(4) Bedrooms and a game room or office area that can also be used as a 5th bedroom…"

Intensity calculations of the two new units shown here are based on 4 bedroom use. The option of using 5 bedrooms (as developers indicate in their rental ad) results in a use intensity of 76 rooms/acre (off the chart shown).

Note - graph calculations are based on Benton County Tax maps lot areas

The Result: Neighboring Buffer -

Duplex

10 foot setback required

Zero lot line attached units

8 foot setback required

With the cities approval to divide lot into two parcels the developer could make use of a smaller neighboring buffer requirement than is allowed with the same physical piece of property left as a single lot.

The Neighborhood Response:

13 pieces of written testimony were entered into record on the requested land partition. They were unanimously opposed to its being approved.

City Staff Response:

City staff response to the neighborhood has been consistent and is essentially 'The city needs to use objective measures to assess a development. These objective measures are the Land Use Development Codes (LDC). If the developers request(s) meet the LDC requirements then they are approved'.

City Leadership Response:

Essentially: 'In 2006 the LDC was approved by the citizens of Corvallis as a means to implement the Corvallis Comprehensive Plan. The existing process for LDC changes should be used to address these issues'.

Where things currently stand:

We believe that the intent of the LDC and Corvallis Comprehensive Plan are being made a mockery of by developers who are willing to re-define a piece of property in any way that meets the cities assessment bar of LDC requirements, regardless of the codes intended use.

We further believe that the disparities between LDC application and intent, apparent in this single test-case development, are indicative of a greater issue: the willingness of individuals or corporations to take advantage of the inherent weakness of laws & codes for their own monetary gain.

Finally, we believe the cities recommendation of addressing this through the 'normal' (and lengthy) channels of LDC proposal, acceptance and approval, allows additional land to be improperly developed and does a disservice to the citizens of Corvallis, its neighborhoods and communities.

Path Forward:

In the box approach-

LDC proposals to address the specific issues described in this presentation (lot shape requirements to ensure land is usable, identical setback requirements for identical buildings, compatible building transition code) will be taken to the Corvallis Collaboration Project to initiate the standard process of addressing development issues.

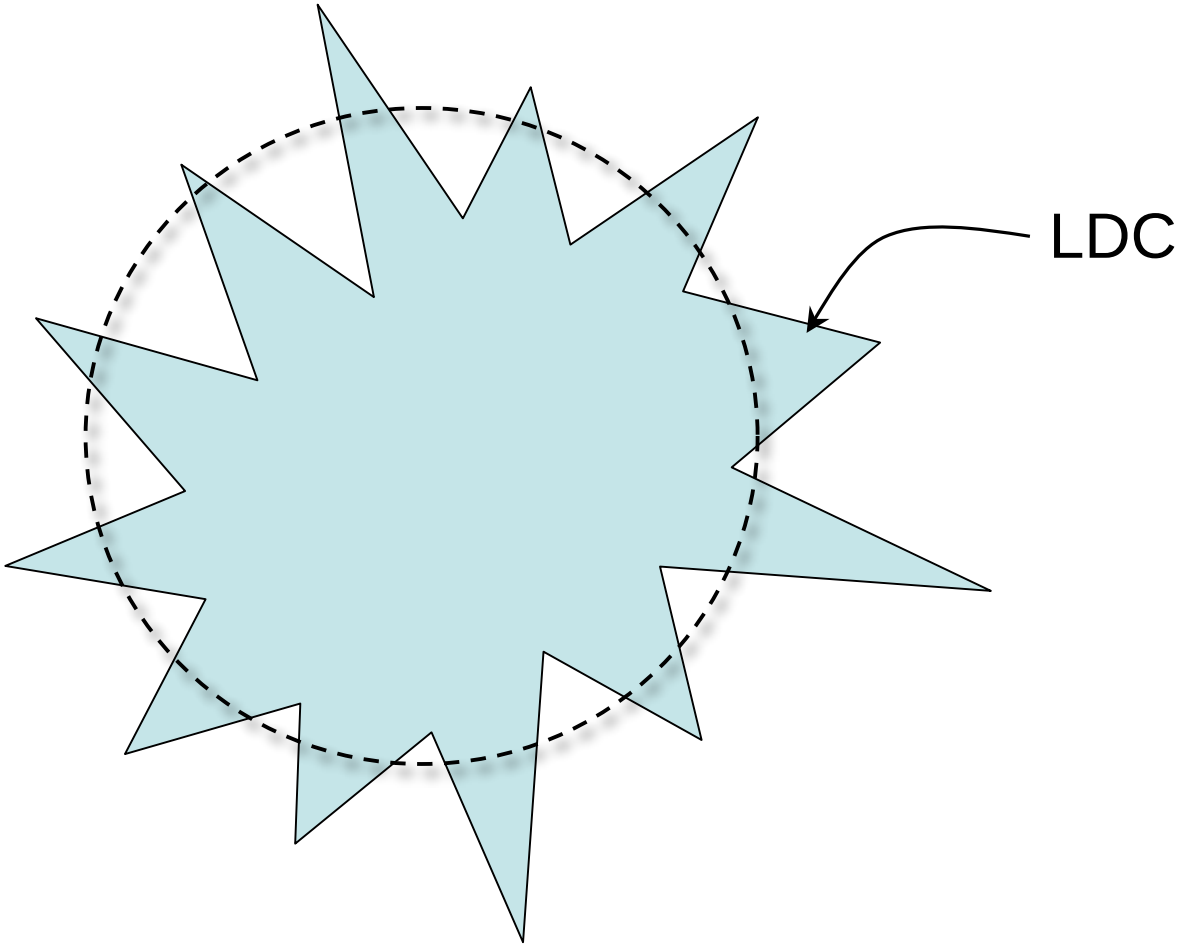
Outside the box approach -

At the Oct 1st city council meeting the council will be asked to formulate a more timely response to pro-actively address development scenarios that fail to meet the Corvallis Comprehensive Plan requirements and/or intent of the LDC.

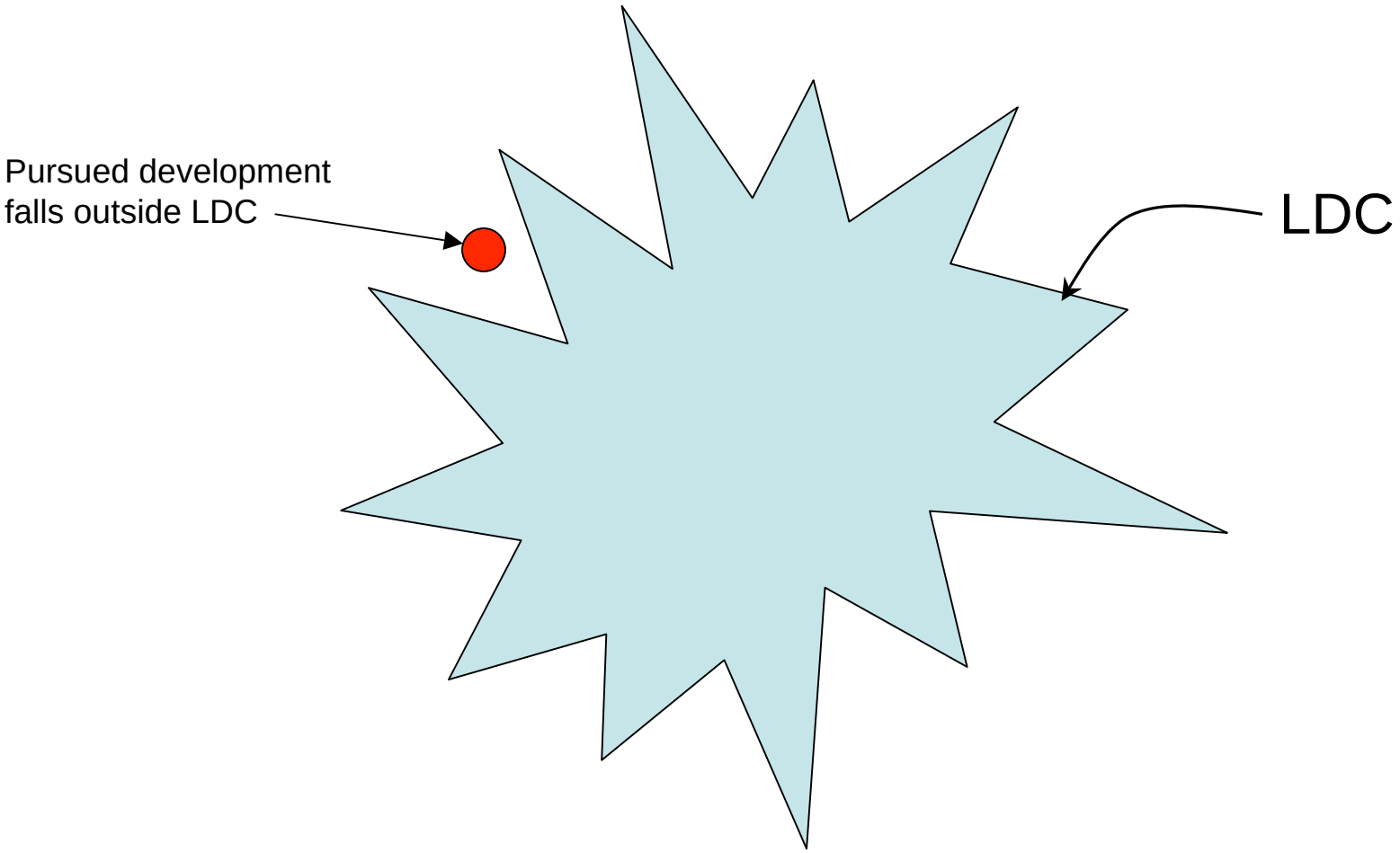
Corvallis Comprehensive Plan - the ‘citizens & homeowners’ document

LDC - the investment property owners document

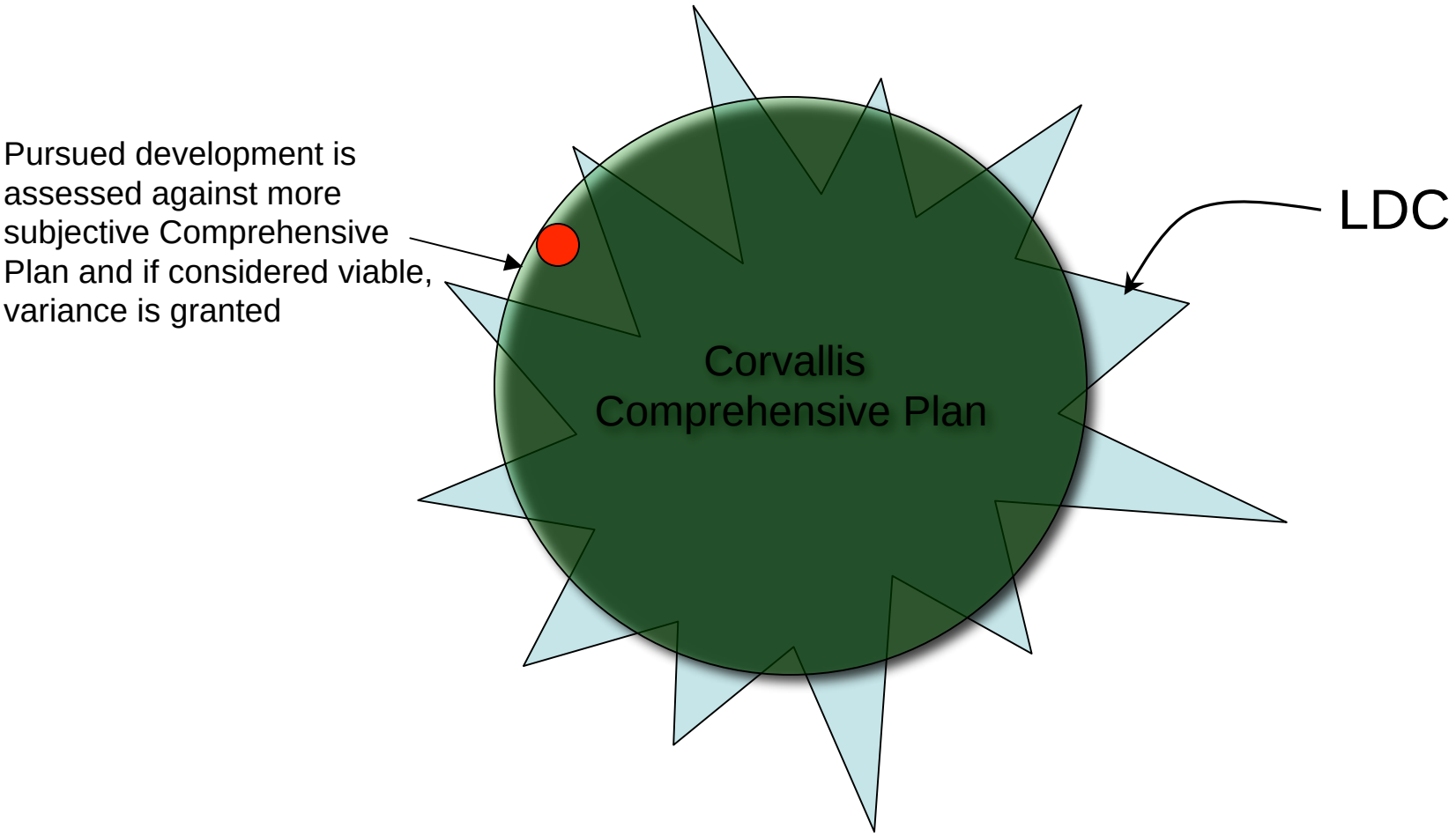
City ‘gating’ assessment tool from 2006



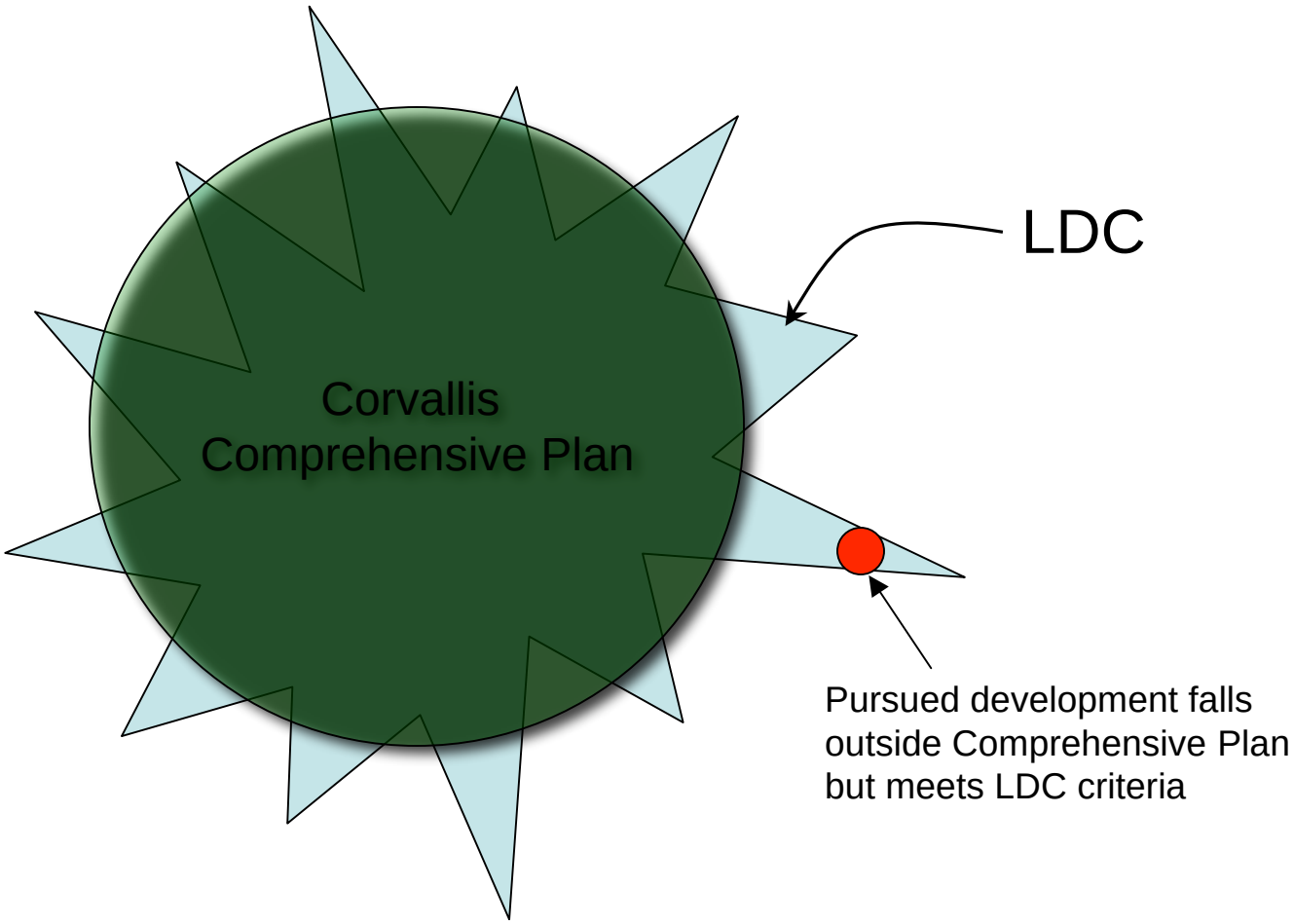
When property constraints fail to meet LDC requirements:



Subjective assessment done at developers request for variance



No process offered community to gain subjective assessment



City Staff indicate that appealing bodies are bound to judge appeals using the same LDC criteria the planning department is bound to so while appeals are allowed, they are ultimately not viable in cases where the LDC are met.

31 March; 2014 Marilyn Koenitzer; 4240 SW Fairhaven Drive, 97333

Corvallis Planning Commission
501 SW Madison Avenue
Corvallis, OR 97333

Re: Additional Testimony for LDC Code Update

Dear Commissioners,

I support the testimony of both the League of Women Voters and the testimony of Kirk Bailey and Tony Howell, which was submitted for your 19 March 2014 meeting. Today I will concentrate on the testimony by Bailey and Howell.

I support the infill amendments in *Section II*, recommended by the Neighborhood Planning Workgroup. These amendments have been percolating through the community for a long time, with impressive community involvement and deserve to be adopted. They are a step in the right direction to making infill less onerous for city residents. Please **adopt** them.

I support testimony of Kirk Bailey and Tony Howell on *Section III, Proposed Code Amendment for Minor Plan adjustments and Determining Compliance with Planned Development Approvals*. Their recommendation follows the knowledge that Bailey and Howell have gleaned from long study of the LDC. They have always tried to make the Code clearer, and to eliminate conflicts. You should **adopt** this recommendation.

I support testimony of Kirk Bailey and Tony Howell on *Section III, Proposed Code Amendment To Allow For Code-Compliant Development Of Industrial Properties Containing An Approved Planned Development That Has Not Been Substantially Developed Under The Planned Development.* Please **reject** this proposed amendment. Mr. Bailey and Mr. Howell have been immersed in the triumphs, struggles and city interaction with south Corvallis. They know the Code (and lack of it) inside and out. They are very credible witnesses to and participants in this whole process.

The Economic Development Committee (EDC) understandably wants industrial land to be shovel-ready without delay, and tries to eliminate all obstacles to development, citing certainty, predictability, flexibility and timeliness as desirable traits for developers. Chair French noted in her recommendation that "the Commission clearly did not want to circumvent the high standards that the community has in place for development. . ." It is clear, however, that the high standards for development cited by Ms. French for industrial land have not been met in south Corvallis due to the lack of an update of the General and Limited Industrial chapters of the LDC since 1993.

The South Corvallis Area Refinement Plan (SCARP), accomplished in 1998, is included in the 2000 comprehensive Plan, but has not been implemented in Code. The city and the Economic Development Committee should put as first priority the update and adoption of the code before asking to remove Planned Development Overlays as a means to

expedite development. The rationale that Mr. Howell and Mr. Bailey gave for rejection of the proposal by the EDC for removal of the PDO's is sound.

Furthermore, an update of the Code should aid in removing obstacles for development of the industrial lands in south Corvallis. Suggestions to ameliorate obstacles are outlined in the SCARP, and include internal transportation fixes.

But as you know, Corvallis has additional major obstacles to industrial development, especially in south Corvallis, that make the properties unattractive to businesses. Some are lack of a major airport, flooding, wetlands, inadequate access to transportation (such as easy freeway access), and isolation from other markets.

These properties have remained undeveloped for these many reasons, not just because they have PDOs. In fact, the PDOs protect residents from piecemeal development that could occur with their removal. As Bailey and Howell suggested, those properties that meet code now can request to remove the overlays if they so choose.

In order to encourage and protect the creative and industrious (but somewhat beleaguered) residents of south Corvallis, I ask you to reject the proposal to eliminate the PDOs from the Industrial lands in question, and instead recommend to Council an update to the Industrial Code. Doing so certainly should provide more certainty and predictability to the development process for both residents and businesses.

Yours truly,

Marilyn Koenitzer
4240 SW Fairhaven Drive
Corvallis, OR 97333

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]

[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.

[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.

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
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EXHIBIT F (32 of 51)

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

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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.

[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.

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
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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, AICP
OSU Senior Planner

Melanie Place
638 SE Alexander Avenue
Corvallis, OR 9733

RECEIVED

APR - 1 2014

Community Development
Planning Division

City of Corvallis Planning Commission
City Hall
501 SW Madison Ave.
Corvallis, OR 97330

March 31, 2014

Dear Planning Commission,

Current zoning should be amended back to pre-2006 rules.

City residents were not given a fair chance to address the changes to the 'rounding up' feature that was implemented in 2006. The "Rounding Up" rule needs to be eliminated.

If city councilors back in 2006 were given this example by city staff, those city staff should be fired. This example is beyond confusing. This example begs the question of if city staff were purposefully obfuscating the issue:

Here's how city staff described the effect:

"Example: A Low Density Residential (LDR) property is proposed for development. LDR properties have an allowed density range of 2 to 6 units per acre; however, this property is zoned RS-6, which requires a minimum density of 4 dwelling units per acre. Minimum density is by definition net density, which excludes protected natural resource areas. Maximum density is gross density, which includes the entire site. Assume the entire site is 3.41 acres and 1.26 acres are natural resources that will be protected. The gross density for the site is 20.46 units (6 units times 3.41 acres), which would round down to 20 units. The minimum (net) density would be based on 2.15 acres. This would calculate to 8.6 units (4 units times 2.15 acres) and would round up to 9 units. Thus, the density range allowed for this property zoned RS-6 would be from 9 to 20 units."

I have a college education. I have had a college level vocabulary since I was at least eight years old. The above example makes no sense to me. People who have interviewed city counselors who were sitting at the time this amendment was voted in place have found it appears that few, if any of those city counselors, understood the ramifications of this amendment.

City Staff SHOULD have summarized this example by describing the effect thus:

"The maximum density allowed for single unit developments will double and for duplexes it will be increased by 33%"

Corvallis does not need such high density.

Corvallis citizens are unfairly being asked to absorb the brunt of development costs (it costs the city more for development than is paid for, unlike the prevailing, misguided view) of OSU's increasing student population.

Corvallis citizens never had a chance to fairly weigh in against the 'Rounding Up' proposal in 2006.

The development code for Corvallis needs to be changed so that individual home owners have the legal right to keep developers from building multi-unit buildings on their block.

Although this is beyond the scope of your current purview, OSU needs to provide sufficient student parking on campus, in locations that students will and can use, to decrease the pressure on the surrounding neighborhoods. And, OSU needs to stop pressuring the City of Corvallis to create a multitude of unneeded new 'parking districts' and especially to avoid expensive parking passes for Corvallis residents who live near campus. Changing the "Rounding Up" feature back to pre-2006 levels is the first step for OSU to pay their fare share for the costs of student growth that have been foisted on the City of Corvallis' infrastructure.

The development code needs to be tightened so that the City Council stops approving 'exceptions' to our already existing code, like for the development off Harrison & Circle (900+ units)

Corvallis does not have a housing crisis such that this 'Rounding Up' feature is needed. The "Rounding Up" does not facilitate 'compatible infill development."

If I read your website correctly, the proposed text amendments I want corrected are:

- Change density calculations for replats and minor land partitions to disallow the "half - street bonus and
- Change minimum density rounding for infill development

Please pay attention to all the yard signs in town that read "This is what a house looks like." Not all of us can attend city counsel meetings or planning commission meetings, or any of the other meetings you have to address these issues. Our city counselors have routinely disregarded the will of the citizens of Corvallis in these matters. It is past time that changes were made to protect the livability of our neighborhoods.

I live in South Corvallis, nowhere near the OSU campus, but I know many people who live in neighborhoods affected by the rampant, cancerous growth of condos, apartment houses and other high density, multi-floor dwellings. I drive through these neighborhoods. I walk through them. I shop near them. This growth is hurting Corvallis. It needs to stop.

Sincerely,

Melanie Place

Melanie Place
Corvallis, Oregon

RECEIVED

MAR 28 2014

Community Development
Planning Division

March 28, 2014

Dear City Councilors and Mayor,

In the March 17, 2014 City Council meeting, the League of Women Voters introduced a request (attached) that language amending the City Land Use code proposed by the City Attorney in a November 18, 2014 legal memo be adopted.

Apparently, the Urban Services Committee considered this proposal in its March 19, 2014 meeting and included some version in the code amendments it will be forwarding to Council. This week (March 24, 2014 - March 28, 2014), due to the fact the knowledgable City staff is on vacation, I have not been able to contact anyone with the City who could tell me whether the language proposed in the City Attorney's November 28, 2014 legal memo was adopted as-is, or if it was further amended. Also, as of this writing minutes of the meeting that might include relevant deliberations are not yet available to the public.

Since the public record is only open until 5:00PM, Tuesday April 2, 2014, I am submitting this out of an abundance of caution to address an arguable flaw in the language that the LWV in turn quotes from the City Attorney's legal memo.

In summary, the language proposed by the City Attorney and the LWV attempts to update the conflict-of-interest provisions in the City Land Use Code. As background here, it should be noted that the section of the ORS that actually sanctions "prohibited acts" (i.e. "conflicts") is ORS 244.040. The definitions of a "potential conflict" and "actual conflict" which the proposed City code would adopt are actually cited in ORS 244.120. That section only addresses "methods for handling conflicts" based on the definitions of a "potential conflict" and "actual conflict" in ORS 244.020. Indeed, ORS 244.040(7) makes the distinction between the subject matter of ORS 244.040 and ORS 244.120 explicit:

> *(7) The provisions of this section apply regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed under ORS 244.120.*

In an email to me (text attached), the OGEC has opined the examples of potential and actual conflicts in the City Attorney's proposed language, and as quoted in the LWV's request, are "somewhat ambiguous".

I bring this attention so that you may consider the matter as you see fit. I would be happy to discuss this further with you or anyone you may designate.

Thank You

Best Regards,
Rick Hangartner

From: "CASLER Russell J * OGEC"
To: "'Rick Hangartner'"
Subject: RE: LWV request for legislation by Corvallis City Council.

Dear Mr. Hangartner,

This email is written in response to your inquiry regarding the League of Women Voters recommendation to the Corvallis City Council. As you already know, the Oregon Government Ethics Commission has no jurisdiction over the actions of interest groups or public bodies, only individual public officials. I also mentioned in our phone conversation that public bodies may pass their own internal policies regarding conflicts of interest or other areas within the scope of Oregon Government Ethics law, but that those policies cannot be less restrictive than State law. It would appear from the letter you attached, dated March 17, 2014, that the League of Women Voters is recommending an amendment to the Corvallis Land Development Code (LDC) to comport with both State law and a recent interpretation of the City Council. An excerpt from City Attorney Jim Brewer's November 14, 2013 memorandum included in the letter contains examples of actual and potential conflicts of interest. These examples, though somewhat ambiguous, do not appear to be less restrictive than Oregon Government Ethics law contained in ORS Chapter 244.

If you have any additional questions, or you believe that I have misunderstood the circumstances you provided, please don't hesitate to contact me again.

Best,

Russ
--
Russ Casler
Trainer/Program Analyst
Oregon Government Ethics Commission<http://www.oregon.gov/OGEC>
3218 Pringle Rd. SE, Suite 220
Salem, OR 97302
503-378-8066

*****DISCLAIMER*****
This staff advice is provided under the authority given in ORS 244.284(1). This opinion offers guidance on how Oregon Government Ethics law may apply to the specific facts described in your request. This opinion is based on my understanding and analysis of the specific circumstances you described and should not be applied to circumstances that differ from those discussed in this request.

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

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

CITY ATTORNEY'S OFFICE MEMORANDUM

To: Mayor and City Council

From: Jim Brewer, Deputy City Attorney

Date: November 14, 2013

Subject: Public hearing on 9th and Maxine Comprehensive Plan and Zone Change Ambiguity of LDC 1.1.60 – Conflicts of Interest

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Issues:

The current text of LDC 1.1.60 is ambiguous. Ambiguities in local land use regulations need to be resolved by the City Council.

Is LDC 1.1.60 intended to prohibit members of hearings authorities from participating in some circumstances where state law would permit participation?

Background:

During the November 4, 2013 meeting, Councilor Brauner disclosed the distance of his home from the property that is the subject of the proposed Comprehensive Plan and Zone Change. I asked if his property was within the notice area for the application. When he replied that he was, I stated that under the terms of the LDC, this was a conflict of interest. Councilor Brauner, following that advice, accordingly recused himself from the remainder of the proceedings that evening.

After the November 4, 2013 meeting I reviewed LDC 1.1.60, the state law dealing with conflicts of interest, notice provisions for land use proceedings, and have reviewed archival records looking for prior versions of LDC 1.1.60 and any minutes or staff reports that would provide relevant legislative history. Following that review, and prior to my discussing the matter with any Councillors or staff, I had a concern that my statement that the LDC classifies ownership of property within the notice area as a conflict of interest was not the most nuanced approach to this issue and did not serve the Council as a body, or Councilor Brauner, well. I hope that a more detailed explanation will make it clear that the language in LDC 1.1.60 is

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ambiguous.

Consistent with Oregon law and the holding of LUBA and appellate courts in Oregon, ambiguities in local land use regulations should be resolved by the City Council as a body interpreting the ambiguous language. So long as that interpretation is plausible (not necessarily even the "most plausible" interpretation), LUBA and Courts will defer to that interpretation.

Although City staff have proposed including the terms of LDC 1.1.60 into each staff report and providing an explanation of the provision into the required disclosures in the land use procedure, that proposal doesn't resolve the ambiguity in the language of the code. This memorandum is intended to place this issue before the Council, with some detailed analysis and considerations that were not available during the abbreviated discussion during the public hearing. An interpretation by Council should then be followed by staff and lower decision making bodies as well as the Council in its future proceedings.

Discussion:

State law and LDC 1.1.60.

The text of LDC Section 1.1.60 deals with conflicts of interest in land use decisions. Since adoption by the City Council in October of 2006, the text reads:

Section 1.1.60 – Conflict of Interest

> *A member of a hearing authority shall not participate in any proceedings or action in which the member has a conflict of interest as defined in State law. Any actual or potential conflict of interest shall be disclosed at the meeting of the hearing authority where the action is being taken. Examples of conflict of interest include:*
>
> *a. Member owns property within the area entitled to receive notice of the public hearing;*
>
> *b. Member has a direct private interest in the proposal; or,*
>
> *c. For any other valid reason, the member has determined that participation in the hearing and decision cannot be impartial.*

On its face, LDC 1.1.60 generally references state law regarding conflicts. ORS 244.020 provides definitions for the statutes generally dealing with conflicts of interest for public officials (ORS 244.010 - 244.400). There is no definition in State law for "conflict of interest". There are definitions for "Actual Conflict of Interest" (ORS 244.020 (1) and for "Potential Conflict of Interest (ORS 244.020(12):

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As used in this chapter, unless the context requires otherwise:

(1) "Actual conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (12) of this section.

* * *

(12) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged.

(c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

The distinction between the two definitions is that actual conflicts of interest "***would***" be to the private pecuniary advantage of the public official and a potential conflict of interest "***could***" be to the private pecuniary advantage of the public official.

While the Council is not entitled to deference in interpreting the state law, nothing in these definitions makes ownership of property in close proximity to an application site, without something more, an "actual conflict of interest". At most, ownership of property within a land use notice area might be considered a "potential conflict of interest." Another related factor is that LDC 2.0.50.04.c.2.a requires a 300 foot notice area, while state law only requires a 100 foot notice area, raising the question of whether a wider notice area would even constitute a potential conflict of interest under the state law. Under state law, a potential conflict of interest requires disclosure of the potential conflict of interest, and a statement from the public official that the person is capable of making a fair and impartial decision, notwithstanding the potential conflict

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of interest. That is precisely what Councilor Brauner did on November 4. Under state law, a member of a hearing authority would not be barred or even discouraged from participating because of a potential conflict of interest.

The ambiguity in the text of the code language arises in the first sentence from the use of the term "conflict of interest" without either of the modifiers used in state law. Read in context, the second sentence of the provision does not clarify what the first sentence means, as it requires disclosure of both actual or potential conflicts, but does not speak to participation after disclosure. The final sentence again uses "conflicts of interest" to describe a list of three examples. Like the first sentence, this preamble to the three examples does not explicitly distinguish between "actual" conflicts or "potential" conflicts. If the three examples were considered under the definitions set out in state law, the example in LDC 1.1.60.a, describes what might be a potential conflict of interest; LDC 1.1.60.b describes an actual conflict of interest; and LDC 1.1.60.c seems to describe a disqualifying bias, which might or might not be related to an actual or potential conflict of interest at all. Because LDC 1.1.60.b uses the same language in ways that might mean more than one thing, the text is ambiguous, and interpretation by the Council is appropriate. Under Oregon land use laws, it would not be appropriate to interpret text that is clear on its face, when read in context, including, if necessary the legislative history of the text as part of the context.

In interpreting the code provisions, the Council may consider some fairly recent legislative history of the text. Below are two different versions of Section 1.160 (copied from the City archive website), in reverse chronological order. I have underlined relevant changes over time:

10/16/2006 - Current:

> *Section 1.1.60 – Conflict of Interest*
>
> *A member of a hearing authority shall not participate in any proceedings or action in which the member has a conflict of interest as defined in State law. Any actual or potential* ***<u>conflict of</u>*** *interest shall be disclosed at the meeting of the hearing authority where the action is being taken. Examples of conflict of interest include:*
>
> *a. Member owns property within the area entitled to receive notice of the public hearing;*
>
> *b. Member has a direct private interest in the proposal; or,*
>
> *c. For any other valid reason, the member has determined that participation in the hearing and decision cannot be impartial.*

I should note that this language was adopted by the City Council as part of a "clean copy" packet. In adopting this language, the City Council omitted language from the first sentence that

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had been in prior versions for a number of decades. I have not been able to find a contemporary staff report or minutes describing the reason for adopting this specific language (or for the reason to add "conflict of" in the third line). I have not been able to find a redline and strikeout version of this language, which might have provided some insight or drawn attention to the change.

To provide a point of reference for the omission, earlier in the same calendar year, in June of 2006, the Council adopted a version of LDC 1.1.60 that reflects changes from a Historic Property Advisory Board to the current Historic Resources Commission. That version, adopted in 6/5/2006 reads:

> *Section 1.1.60 - CONFLICT OF INTEREST*
>
> *A member of the hearing authority shall not participate in any proceedings or action in which the member has a legal conflict of interest defined in State law* ***that would bar participation in a decision by a Planning Commissioner or Historic Resources Commissioner****. Any actual or potential interest shall be disclosed at the meeting of the hearing authority where the action is being taken. Examples of conflict of interest include: a) the member owns property within the area entitled to receive notice of the public hearing; b) the member has a direct private interest in the proposal; or, c) for any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.*

So prior to October of 2006, the first sentence of LDC 1.1.60 included an additional explanation, which made it clearer that the local code was not intended to bar participation by members of a hearing authority unless the member was prohibited by state law. The specific reference to Planning Commissioner also is arguably related to a specific method of handing conflicts of interest for planning commissioners, set out in ORS 244.135. While this section has somewhat more stringent requirements than the general requirements, the prohibition on participation is related to direct or substantial financial interest, with a requirement to disclose actual or potential interest. On the other hand, this doesn't seem consistent with the reference to Historic Resources Commissioners, who do not have separate provisions in state law for conflicts of interest.

In September of 2000, much earlier in the periodic review and land development code update process, staff presented a package of land development code amendments which included a strike out/redline version of the provisions proposing the following:

> *A member of the hearing authority shall not participate in any proceedings or action in which the member has a legal conflict of interest defined in State law that would bar participation in a decision by ~~a Planning Commissioner~~ the member.*

Prior to 2000, and for the rest of the 1990s and late 1980s, the language read:

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A member of the hearing authority shall not participate in any proceedings or action in which the member has a legal conflict of interest defined in State law that would bar participation in a decision by a Planning Commissioner. Any actual or potential interest shall be disclosed at the meeting of the hearing authority where the action is being taken. Examples of conflict of interest include: a) the member owns property within the area entitled to receive notice of the public hearing; b) the member has a direct private interest in the proposal; or, c) for any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

Conclusion

In reviewing the language of LDC 1.1.60, there are a number of ambiguous provisions regarding conflicts of interest. From sentence to sentence, the term "conflict of interest" seems to take on different meanings, After looking at the legislative history for this provision, I suspect that the Council did not intend to deviate from the prior meaning of this provision. It certainly is plausible that the Council read the current version of LDC 1.1.60 and understood it to mean that members of hearing authorities would comply with the statutory requirements set out in ORS 244. Equally plausibly, the Council intended and understood the first sentence to mean only "actual conflicts of interest" and for the last sentence to mean something like examples of conflicts of interest that could occur, without intending to inform members of hearing authorities that they would be disqualified in these circumstances. Or the Council might have intended some other meaning, addressing a particular concern or attempting to simplify the text. Further, the City currently has a larger notice area for land use hearings than is required by State law, which seems to make the examples of "conflicts of interest" inconsistent with the paragraph above them. If the City were to expand that notice area, as is currently under some discussion, there could be an unintended consequence to following the narrow interpretation of the current text. Presumably, if the Council had intended to impose a more burdensome requirement on members of hearing authorities, there would have been some discussion, deliberation or explanation at the time the current language was enacted. This does not seem to be the case.

In order to clarify the meaning of LDC 1.1.60, the Council could plausibly interpret the current text to mean:

*A member of a hearing authority shall not participate in any proceedings or action in which the member has **an actual** conflict of interest as defined in State law. Any actual or potential conflict of interest shall be disclosed at the meeting of the hearing authority where the action is being taken. Examples of **potential and actual** conflicts of interest include:*

a. Member owns property within the area entitled to receive notice of the public hearing;

b. Member has a direct private interest in the proposal; or,

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c. *For any other valid reason, the member has determined that participation in the hearing and decision cannot be impartial.*

The Council may, of course, adopt the above or any other plausible interpretation. The interpretation by the Council would then be meaning of LDC 1.1.60 for all hearing authorities in the City. That interpretation could not be easily changed barring some discovery of original legislative history to the contrary. Nothing would preclude the Council from amending the text, so that it is less ambiguous in reflecting the Council's intent.

I apologize to the Council for not raising these issues at the earlier meeting. If the above is the interpretation the Council adopts, or if the Council adopts a similar interpretation, then Councilor Brauner could participate in making the final decision in the hearing for the Comprehensive Plan Amendment and Zone Change for 9th and Maxine. He would need to review the recording of the proceedings after he recused himself, and during the required disclosures the Council makes prior to adopting findings he would need to state that based on the Council interpretation of LDC 1.1.60, he did not have an actual conflict of interest, could make a fair and impartial decision, and intended to participate.

Recommendation:

By motion, interpret LDC 1.1.60, taking into account the legislative history of the text.

I move to adopt the interpretation of LDC 1.1.60 set out in the Deputy City Attorney's memo of November 13, 2013.

Or

I move to adopt the following interpretation of LDC 1.1.60: [provide alternate interpretation]

Deputy City Attorney

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LWV Corvallis
PO Box 1679, Corvallis, OR 97339-1679
541-754-1172 • http://www.lwv.corvallis.or.us

March 17, 2014

Dear Mayor Manning and Members of the City Council:

Corvallis Land Development Code (LDC) Section 1.1.60 - CONFLICT OF INTEREST needs to be amended to codify the interpretation the City Council passed on November 18, 2013.

Last fall, you may recall, there was some confusion about what constituted a conflict of interest in land use decisions as the language in the LDC Section 1.1.60 is ambiguous. As a result, Deputy City Attorney Jim Brewer proposed that Council adopt the following interpretation of the current text in a November 14th memorandum.

A member of a hearing authority shall not participate in any proceedings or action in which the member has ***an actual conflict of interest as defined in State law****. Any actual or potential conflict of interest shall be disclosed at the meeting of the hearing authority where the action is being taken. Examples of potential* ***and actual*** *conflicts of interest include:*

a. *Member owns property within the area entitled to receive notice of the public hearing;*
b. *Member has a direct private interest in the proposal; or,*
c. *For any other valid reason, the member has determined that participation in the hearing and decision cannot be impartial.*

This adopted interpretation provides legal guidance for the current Council, but according to Attorney Brewer, a citizen or maybe a future councilor or planning commissioner reading the code would not know this unless this new interpretation is put into the LDC. As the League supports measures to insure effective, impartial, prudent, and lawful enforcement of the implementation of the Comprehensive Plan, we strongly suggest that Council direct the staff to include this change in the package of proposed LDC amendments currently being prepared to come before the Planning Commission and City Council this spring.

Sincerely,

Ann Brodie, President

From: Maggie [mailto:maggieatcvec@gmail.com]
Sent: Monday, March 24, 2014 8:55 AM
To: Young, Kevin
Subject: Round up practice & investigation

Maggie Underwood
625 NW 13th St
Corvallis, OR
3/24/14

Planning Commission
Re: Cease the use of Round Up Feature & call for Investigation

I agree with Jeff Hess that the planning department is allowing developments to occur that significantly violate the legal maximums within each zone.

The LDC clearly and unambiguously states a maximum density for each zone. These values were arrived at after significant public input as well as time spent by city commissions, elected officials and city staff, all of which incur some cost on taxpayers. At some point after these numbers were established, avoiding the significant public discourse that such a change warranted, the planning department began allowing developments to occur that surpassed the stated maximums significantly (for instance in RS-9 with a stated maximum of 12 units/acre they're now allowing duplexes up to 16 units/acre and single unit developments up to 24 units/acre).
This practice is damaging to Corvallis and should cease.

Additionally, I request an investigation to understand the following:
1. who first violated the stated maximums and how did that practice become accepted within the planning department?
2. why did the example provided by the planning department avoid the engineering standard of providing the 3 sigma impact?
3. why has it taken a year and a half to reach or city's experts, the planning commission?

Maggie Underwood

Input to planning commission : kevin.young@corvallisoregon.gov

Sent from my iPod

3) Revise Property Line Adjustment criteria to disallow the creation of "unusable areas" that are not necessary to provide access from a public or private street to the subject property.

The above code amendments were developed as part of the Corvallis-OSU Collaboration Project and were recommended by the Neighborhood Planning Work Group to facilitate more compatible infill development in the City. Item 1 (increase side yard setback) would apply within the listed residential zones in the City, Item 2 (eliminate "half-street bonus") would apply in all residential zones in the City, and Item 3 (disallow creation of unusable areas) would apply to all lots within the City Limits. However, all of these code changes would only apply at the time of development or re-development on your property.

Why am I Receiving this Notice?

You are receiving this notice because Oregon Revised Statute (ORS) 227.186 requires an individual notice to a property owner if a change in local regulations "limits or prohibits land uses previously allowed in the affected zone." The City's Geographic Information System database indicates that you own one or more properties in the City that may be affected by the proposed code amendments.

If Approved, When would these Changes be in Effect?

All Land Development Code Text Amendments are reviewed by both the Planning Commission and the City Council at separate hearings. The Planning Commission makes recommendations to the City Council on all such amendments, and the City Council makes the decision regarding proposed Land Development Code amendments. It is anticipated that the City Council hearing to consider the code amendment package will be in May or June of 2014, after which, any adopted changes would take effect.

ORS 227.186 requires the City to print the following sentence:

"The City has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property." Actually, no determination has been or is expected to be made as to the effect of the proposal on the value of your property.

For Further Information:

The staff report to the Planning Commission will be available from the Planning Division on March 12, 2014. For additional information, please call the City of Corvallis Planner on Duty at (541) 766-6908 or send an e-mail to:

Planning@CorvallisOregon.gov

RECEIVED
MAR 21 2014
Community Development
Planning Division

To Planning Commission:
All these changes discourage in fill & are counterproductive with regard to land use goals of maximum density in inner city areas where density makes sense. Toward setbacks in MSLT +12M is stupid. Height is limited + these changes make a big difference in developability + make a discernable difference to the livability of neighborhoods. Dense neighborhoods will still have dense + development will be pushed further out affecting other neighborhoods & the T.C. Might as well encourage land use planning although elsewhere all neighborhoods reflect code-cutter subdivision. — Dave

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

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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.

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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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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.

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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.

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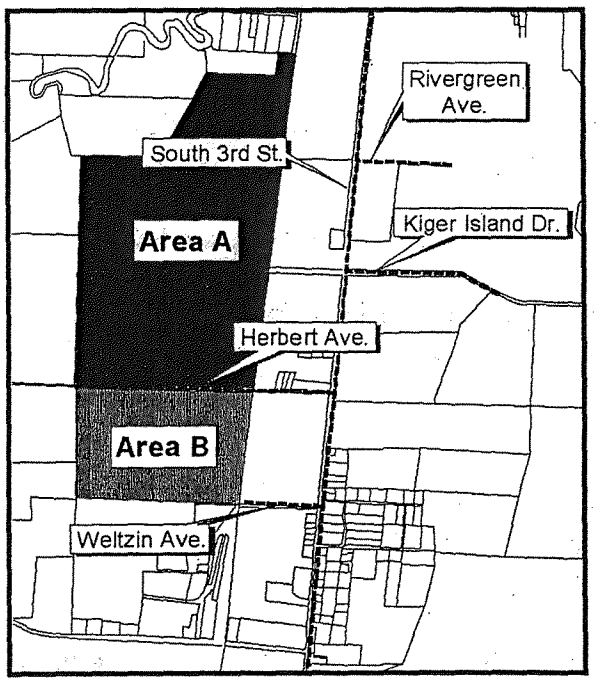
The subject property contains land located inside and outside of the City Limits. A maximum of 50% of the land in Area A (the area inside the City Limits on December 31, 1998) and 50% of the land in Area B (the area outside the City Limits on December 31, 1998) described on the following exhibit can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

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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*

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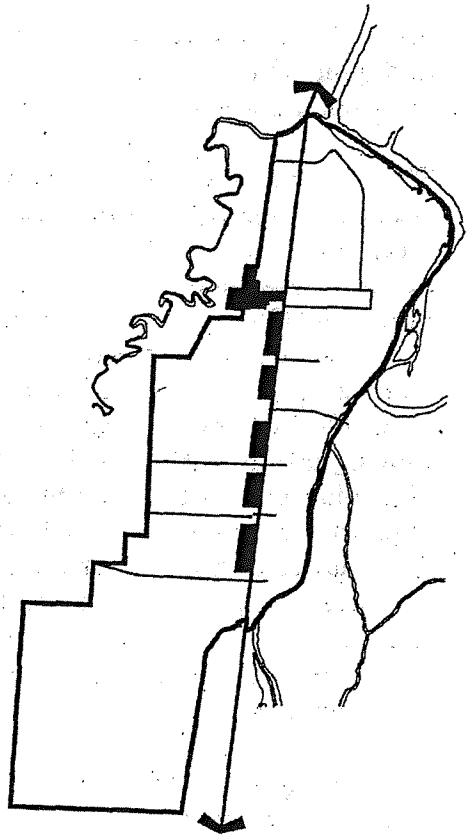
- Reduce adverse impacts from General Industrial use.
- Create a more desirable visual impact along South Third Street.
- Provide additional opportunities for office uses in South Corvallis.
- Provide a buffer between general industrial use to the west and residential uses on the east side of South Third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

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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.

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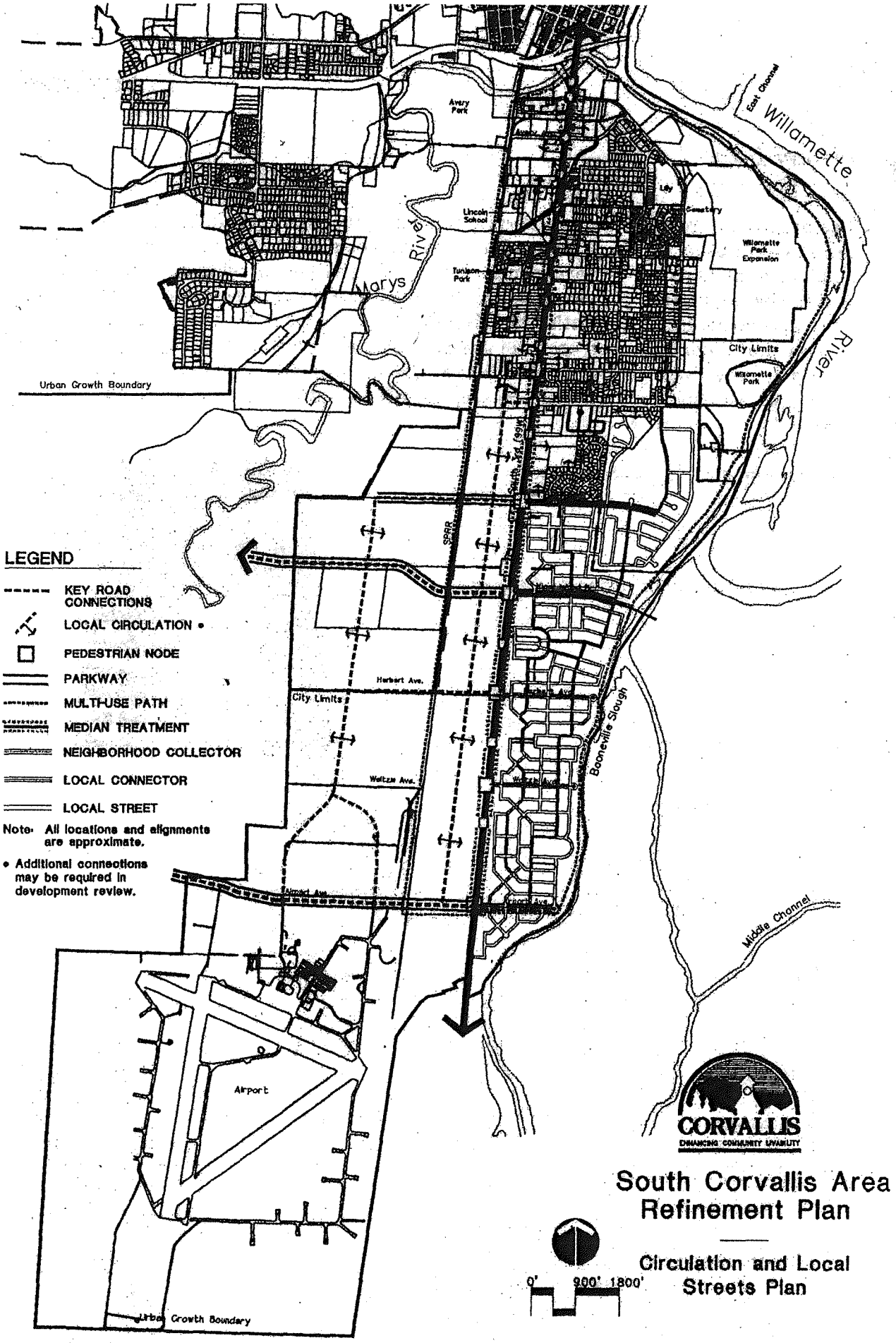

Figure 6

Attachment B

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
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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.

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
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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.

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
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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.

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
June 9, 2014, City Council Staff Report
EXHIBIT G (35 of 46)

Attachment B

Written Testimony Regarding the Package #1 Land Development Code Text Amendments (LDT13-00002 and LDT13-00003), received prior to the Planning Commission's March 19, 2014, Public Hearing

LWV Corvallis
PO Box 1679, Corvallis, OR 97339-1679
541-754-1172 • http://www.lwv.corvallis.or.us

March 17, 2014

Dear Mayor Manning and Members of the City Council:

Corvallis Land Development Code (LDC) Section 1.1.60 - CONFLICT OF INTEREST needs to be amended to codify the interpretation the City Council passed on November 18, 2013.

Last fall, you may recall, there was some confusion about what constituted a conflict of interest in land use decisions as the language in the LDC Section 1.1.60 is ambiguous. As a result, Deputy City Attorney Jim Brewer proposed that Council adopt the following interpretation of the current text in a November 14th memorandum.

A member of a hearing authority shall not participate in any proceedings or action in which the member has ***an actual conflict of interest as defined in State law****. Any actual or potential conflict of interest shall be disclosed at the meeting of the hearing authority where the action is being taken. Examples of potential* ***and actual*** *conflicts of interest include:*

a. *Member owns property within the area entitled to receive notice of the public hearing;*
b. *Member has a direct private interest in the proposal; or,*
c. *For any other valid reason, the member has determined that participation in the hearing and decision cannot be impartial.*

This adopted interpretation provides legal guidance for the current Council, but according to Attorney Brewer, a citizen or maybe a future councilor or planning commissioner reading the code would not know this unless this new interpretation is put into the LDC. As the League supports measures to insure effective, impartial, prudent, and lawful enforcement of the implementation of the Comprehensive Plan, we strongly suggest that Council direct the staff to include this change in the package of proposed LDC amendments currently being prepared to come before the Planning Commission and City Council this spring.

Sincerely,

Ann Brodie, President

LWV Corvallis
PO Box 1679, Corvallis, OR 97339-1679
541-754-1172 • http://www.lwv.corvallis.or.us

RECEIVED
MAR 18 2014
Community Development
Planning Division

March 19, 2014

To: Members of the Planning Commission

From: League of Women Voters, Ann Brodie, President

Re: Package #1 Land Development Code Text Amendments

In 1970, the League of Women Voters adopted its Community Planning position which includes the following statement: "Support of extensive, representative community participation and of emphasis on livability and environmental quality in the development and implementation of the Comprehensive Plan." Our comments and questions about the amendments before you tonight are based on this position.

The page numbers below refer to the material in the March 19 meeting packet.

p. 6: Annual Review of Land Use Application Fees (LDC 1.2.100.02)

The League has no problem with changing the schedule for the annual review of fees from the calendar to the fiscal year if this change makes easier the calculations of the cost of staff time upon which the fees are based. Whatever the schedule for review, however, we strongly discourage any increase in fees for appeals by individuals or citizen organizations.

p. 16: Exemption of Affordable Housing Projects from 4/5 Bedroom Parking Requirements (Item 2-1 Collaboration Project)

Raising the parking requirements was the first adopted recommendation of the Collaboration Project's Neighborhood Planning Work Group because parking was one of the main issues that generated the need for the Corvallis-OSU Collaboration Project. We understand that the intent of the proposed revision is to try to encourage needed affordable housing. Some of the people who meet the income eligibility requirements for affordable housing are students, and students these days have cars. A 4 or 5 bedroom affordable home could potentially house 4 or 5 students, and there may be as many cars. So, the question is, would the proposed "qualified affordable" housing somehow preclude this group of renters? If not, the problem of lack of parking would remain.

p. 19-20: Change the Definition of Family to Include Domestic Partnership (Item 2-2, 2-3)

League approves the addition of domestic partnership, but also thinks that a residential home group is not a family nor a group of 5 unrelated individuals living together and should have its own definition consistent with the definition provided in ORS 19.600(2) as recommended by the Neighborhood Planning Task Force.

p. 21-27: Revise Property Line Adjustment Criteria to not allow "unusable areas" (Item 2-5)
Increase Setback Standards for Zero Lot Line, Single Attached Units (Item 2-6)
Change Density Calculations for Replats and Minor Land Partitions to Disallow The "Half Street Bonus" (Item 2-7)
Change Minimum Density Rounding for Infill Development (Item 2-9)

These recommendations from the Neighborhood Planning Task Force were arrived at after public input and much discussion about how to preserve the character of existing neighborhoods when infill is proposed. The League is in general agreement with these recommendations.

Staff suggests applying the modified setback standards and other potential standards addressing infill development in established neighborhoods to the area of the City annexed in 1950 or earlier because those areas tend to contain more compact styles of development than occurred later. League recommends that the Planning Commission carefully study the annexation maps as there are a number of neighborhoods annexed between 1950 and 1960 that are beginning to change due to the incursion of larger rental units. These may also benefit from the modified standards.

p. 30-31: Increase the Public Notice Area for a Major Lot Development Option Applications (Item 2-8)

The increase in public notice area for a major lot development option to 500 feet is good. League believes that the public notice area for all of the applications listed in LDC 2.0.50.04 3 should be increased to 500 feet. The types of activities applied for on this list could have major impacts on neighbors so adequate notice is imperative.

Also, in Section 2.0.50.04 no. 4: Notice to persons within 100 feet would include only those a mere block away. This distance should be increased to at least 200 feet especially for items e., j and k.

p. 36-41: Facilitate Code-Compliant Changes Within Approved Planned Developments or Within Planned Development Overlay Areas With No Planned Development Approvals.

The League has some concerns about these changes recommended by the Economic Development Commission. Can there be assurance that all the criteria for allowing the changes will be met without the full land use process? Will there be a limit on the number of this type of change that can be requested on a given parcel? If not, a large number of changes could result in a significantly different development than was originally approved.

Finally, we appreciate the work that is being done to facilitate compatible development when designated historic resources are involved. The League's Community Planning Committee has not reviewed the amendments currently proposed so, consequently, we have no comments at this time.

Thank you for listening and for all your work on behalf of the people of Corvallis.

Richardson, Robert

From: Richardson, Robert
Sent: Monday, March 17, 2014 12:48 PM
To: 'jackiegamble@comcast.net'
Subject: FW: Tax Lots at 1025 and 1045 SW 53rd : LDT3-00002, LDT13-00003

Jackie, Faye:
The lots at 1025 and 1045 SW 53rd Street are zoned Low Density Residential (RS-3.5). This zone allows density in the range of 2-6 dwelling units per acre. The Lot at 1025 NW 53rd Street is approximately 0.3 acres in size, and the lot at 1045 SW 53rd is approximately 1.12 acres. This results in density ranges of 1 to 2 units and 2 - 7 units, respectively, for the lots. Achieving maximum density is not guaranteed, however, as compliance with development standards and access requirements to new lots and homes would likely reduce the total number of possible units that could be constructed. Development standards for the RS-3.5 zone are found in Corvallis Land Development Code (LDC) Chapter 3.1 http://www.corvallisoregon.gov/modules/showdocument.aspx?documentid=7593.

There are no proposed changes to the RS-3.5 development standards. As specified in the public notice you received, the "half-street bonus" provision is proposed to be eliminated. This provision of the current LDC allows an applicant to count half of the abutting street right-of-way area in the calculation of allowed residential density as part of a Minor Land Partition or Minor Replat process. Eliminating this provision would mean that density would be calculated based only on the lot area, not inclusive of any street right-of-way.

Additionally, as specified in the public notice, Property Line Adjustment criteria are proposed to be modified to disallow the creation of unusable areas that are not necessary to provide access from a street to a property. This change would prevent configuring lots in odd shapes simply to achieve a certain lot size to increase the number of units that could be built on that lot.

In your email, you state that you are opposed to the proposed Text Amendments to allow for due process. Would you please explain what you mean by this?

Please don't hesitate to contact me with other questions.

Best,

Bob Richardson,
Associate Planner, City of Corvallis
(541) 766-6575

-----Original Message-----
From: Planning
Sent: Monday, March 17, 2014 9:38 AM
To: Richardson, Robert
Subject: FW: Tax Lots at 1025 and 1045 SW 53rd : LDT3-00002, LDT13-00003

Here is the LDC Text Amendment inquiry I mentioned.
Thanks!

Marci

-----Original Message-----
From: Jackie Gamble [mailto:jackiegamble@comcast.net]
Sent: Saturday, March 15, 2014 4:13 PM

To: Planning
Cc: Faye. Robinson; jackie Gamble
Subject: Tax Lots at 1025 and 1045 SW 53rd : LDT3-00002, LDT13-00003

Dear Marci,

Thank you for your quick response. We were able to open the staff report and have done our best to understand it. However, with over 200 pages we could not quite get the answers we need. Please ask planning staff to address our questions:

1. Without the proposed modifications to the code how many new living units are we allowed to build on these lots?
   a) What restrictions / variances would apply?

2. Assuming all of the proposed modifications are adopted and implemented…
   a) How many new living units are we allowed to build?
   b) Would there be new conditions that would increase cost of development?
   c) What restrictions / variances would apply?

We would assume receipt of this information in time to register our position regarding the proposals.

If that is not possible please put us on record as opposing the change to allow for due process.

Sincerely,

Faye Robinson
Jackie Robinson Gamble

On Mar 14, 2014, at 8:10 AM, Planning <Planning@corvallisoregon.gov> wrote:

> Hi Jackie,
> We spoke on the phone about 5pm yesterday regarding how to locate this staff report. I am providing a link here just in case you need it. Planning staff are available if you have questions.
>
> http://archive.corvallisoregon.gov/ElectronicFile.aspx?docid=405879
>
> Regards,
>
>
> Marci Laurent
> Administration Division
> Community Development Department
> 541.766.6981
> -----Original Message-----
> From: Jackie Gamble [mailto:jackie game@icloud.com]
> Sent: Thursday, March 13, 2014 4:14 PM
> To: Planning
> Subject: LDT13-00002, LDT13-00003
>

> To: City Planner, Planning Commission
>
> Re: LDT13-00002-LDT13-00003
>
> I am unable to attend the March 19th Planning Commission meeting and wish information regarding this proposal. Pleas advise me on how to receive the staff report regarding these issues. I am doing this on behalf of my mother, Faye Robinson who resides within the proposed area of change.
> Thank you,
>
> Jackie Gamble
> 1-503-804-2579
> jackiegamble@comcast.net

TO: CITY OF CORVALLIS PLANNING COMMISSIONORS

REGARDING: TESTIMONY ON THE 2014 PROPOSED LDC CODE CHANGES as presented in the Staff Report published March 12, 3014 on the City of Corvallis website.

II. OSU/CITY COLLABORATION: NEIGHBORHOOD PLANNING WORKGROUP LDC TEXT AMENDMENT RECOMMENDATION

III. FACILITATE CODE-COMPLIANT CHANGES WITHIN APPROVED PLANNED DEVELOPMENTS OR WITHIN PLANNED DEVELOPMENT OVERLAY AREAS WITH NO PLANNED DEVELOPMENT APPROVALS.

FROM: Carolyn A.H. Miller, Community and Regional Planner
4474 NW Crocus Place, Corvallis, Oregon

RECEIVED
MAR 19 2014
Community Development
Planning Division

DATE: March 18, 2014

Greetings Planning Commissioners,

This testimony is my own and written from the perspective of 10 years of experience helping Benton Habitat for Humanity (BHfH) figure out how to build on hard-to-develop properties. As a community and regional planner, I have worked on several Habitat projects including two PD/Subdivision approvals (Conifer Village 2004 and Hilltop Village 2008) and the Tunison Street zero lot line homes. In each project I worked closely with homeowners in the immediate neighborhoods, city staff, engineers, planners, architects, house designers, as well as the new Habitat homeowners.

I will be commenting on proposed changes in the Land Development Code (LDC) from Sections II and III of the Staff report because they have the most potential for impacting homeownership opportunities that BHfH develops in Corvallis for residents earning ≤60% of median income.

SECTION II (Staff report pages 9-20)

Item 2-1. Exemption of Affordable Housing Projects from 4/5 Bedroom Parking Requirements

Item 2-2. Change the Definition of Family to Include Domestic Partnership

SUPPORT - Overall, these two changes are appropriately inclusive and responsive to a vital need for affordable housing units in Corvallis. As staff noted, they concur with the goals of the Corvallis Comprehensive Plan (CCP).

1. The usefulness of the parking exemption has tangible value. One additional parking space (approximately 10'w x 19'l) is the equivalent of two standard 9'x10' bedrooms in a Habitat for Humanity home.
2. Domestic Partnership is increasingly recognized in Oregon. Although various interpretations of "family" and "household" create some challenges when qualifying applicants for affordable housing, these can be addressed with well-written standards and careful scrutiny of applicants.

CONCERNS – Elements of both proposals need some clarification and a certain amount of word-smithing so they won't lead to misunderstanding.

1. Item 2-1 – Without staff's explanations, the proposed text for "Qualified Affordable Housing Development" appears to be inconsistent with the CCP and the LDC. As written, it raises the question: which qualifies as "affordable housing"... housing priced at ≤ 80% of median income or housing priced at ≤60% of median income?
   - See suggested wording in #4 of this section.
2. Item 2-1 – Affordable and market housing units may be intermingled in the same development and is encouraged by the CCP in 9.5.21. Therefore, the affordable housing "unit" is a more appropriate basis for the exemption/variance, than a housing "development."

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
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- See suggested wording in #4 of this section.

3. Items 2-1 and 2-2

a. The terms "household" and "family" are used interchangeably in the LDC. Unintentionally, the proposed definition of "family" perpetuates ongoing misunderstandings about who may qualify for affordable housing.

- LDC 1.6 defines "household" as: "Domestic establishment including a member or members of a family and/or others living under the same roof."

b. Since the current and proposed definition of "family" includes all sorts of arrangements among various people, it is vital to qualify applicants for affordable housing units based on their "combined" income per household or family.

- See suggested wording in #4 of this section.

4. Items 2-1 and 2-2 – Please consider the following changes printed in red Batang font, below. They are intended to address the concerns stated above.

Concern 1 - the word "Select" replaces "Qualified" to avoid questions about 80% median area income also qualifying as affordable housing.

Concern 2 - the word "Unit" replaces "Development" since affordable housing units may be part of, or added within, larger developments.

Concern 3 - the word "combined" has been added to clarify the income requirements for affordable housing.

- Select Affordable Housing Units – Within the range of Affordable Housing, select units may qualify for certain variances and exemption. To qualify as a Select Affordable Housing Unit, the unit(s) must be **designed to serve residents through ownership or rental costs that comprise no more than 30 percent of the gross monthly income of a household that has** a combined **income at or below 60% of the Corvallis area median.** Select **Affordable Housing** Units **shall demonstrate commitment to providing affordable housing through deed restrictions, restrictive covenants, or other acceptable form of assurance, for a period of not less than 20 years.**

5. Item 2-1 – Please clarify whether the parking variation is for 2 spaces or 2.5 spaces for affordable housing units with 4 and 5 bedrooms. Staff comments on pages 18 and 19 state that 2 parking spaces are allowed. However, the proposed footnote on page 17, Section 4.1.30 specifies that there "...shall be 2.5 spaces per unit...."

Section II (Staff report pages 21-30)

Item 2-5.	**Revise Property Line Adjustment criteria to not allow "unusable areas"**
Item 2-6.	**Increase setback standards for zero lot line, single attached units AND modify current definition of "Infill."**
Items 2-7 and 2-9.	**Change density calculations for replats and minor land partitions to disallow the "half-street bonus" AND Change minimum density rounding for infill development.**

COMMENTS – The purpose of these proposed changes is to rein-in the "over-building" that plagues many downtown neighborhoods, a goal I fully support! However, simultaneous to maintaining historic development patterns, the City also wants to allow higher density in the city core. To achieve these paired goals, regulations need to address specific locales and circumstances.

CONCERNS – The real issues of insufficient parking, adequate space between homes, and residential design of appropriate mass and scale are not addressed directly by any of these proposals. The proposals are, for the most part, one-size-fits-all solutions that may not be appropriate in many development situations and locations. Furthermore, because they are generalized proposals, I am skeptical of their ability to curb the intense development ambitions at work in the older, downtown neighborhoods.

What these proposals will do is hinder innovative, diverse and affordable residential development. In the last decade, BHfH has built several "infill" homes that were only possible by utilizing the existing codes that the proposals would change or eliminate:

- previously unusable square footage,
- the 8-foot setback for narrow zero lot-line homes,
- the "half-street" bonus, and
- rounding density calculations.

1. Item 2-5 (unusable areas) is defined too narrowly for successful application over the diverse and extensive areas over which it may be applied. Many Corvallis lots are irregularly shaped and/or on slopes. Therefore, the proposed language will be difficult to interpret/administer throughout the city. Even if the area located between opposing property lines meets the size criterion, it could be "unusable" for other reasons including a steep slope, unique shape, or overlay protections, and still increase the square footage so more housing units are allowed on the lot.

2. Item 2-6 (increase side setback) limits the types of homes that can be built for families with children, the elderly, and people with disabilities on smaller lots that are intended to increase density and provide diverse housing options.

   The trade-offs for adding only 2 additional feet to the side-yard setback of attached single homes will be exponential, negatively effecting treasured lifestyle amenities and community housing goals such as: (a) diverse home ownership options, (b) outdoor yards of usable size and shape, and (c) stable neighborhoods anchored by long-term residents.

   This proposal also overlooks important differences between rental and homeownership, such as:
   - the extent of personal investment in one's home and community,
   - the duration of residency and pride in ownership, and
   - the flexibility available as family size change and life's phases occur.

   2006 zoning changes resulted in many small lots. Those laid out for attached homes, are often quite narrow and 2-story homes are needed for adequate living space. Since the homes longest wall parallels the side property line, the loss of livable interior space from two-feet along the side property line is excessive and doubles in a two story home. *See Examples below.*
   - Compensating for the loss of width requires making a house longer, which, reduces or eliminates private or usable back yards and increases the proportion of frontage covered by the garage.
   - Options for basic accessibility and aging-in-place are reduced or eliminated without the square footage needed for a bathroom and bedroom on the main floor.

   Example 1: Two Habitat zero-lot line homes were built in 2009 on lots approximately 25' wide and 80' deep/each. Each home has 2 parking pads behind the sidewalk and small, but active back yards, with projects, flowers and vegetables growing.

- If an additional two-feet were subtracted along the side of each two-story home, house widths would shrink from 17′ to 15″ and *each home would lose 162 square feet , the equivalent of two fewer bedrooms in each of the 3-bedroom homes.*

Example 2: Due to the mother's walking disability, a family with four children needed an accessible bedroom and bath on the main floor. Because the lot was wide enough, BHfH was able to build a zero lot-line home with the parents "suite" next to the kitchen/dining area. A single car garage, just off the kitchen, was also integrated into the house plan.

Example 3: At Hilltop Village, a future mixed-income development site, nine of eighteen lots are laid-out for zero lot-line homes. Five of these lots are intended for "universal design" homes. By locating the main entry, living and dining rooms, kitchen and a bedroom and full bath on the main floor, Universal Design homes are accessible for adults and children with disabilities and are comfortable for aging-in place.

- By increasing the side setback two-feet, the buildable square-footage of the zero lot-line homes is reduced by 740 square feet or the equivalent of 9 bedrooms, and attached universal design homes could not be built.

NOTE: As originally proposed, this setback would be utilized within downtown neighborhoods where infill developments are generally the only option. This I would support.

3. Item 2-7 (half-street bonus) should not be eliminated, but creatively bundled with other development options to motivate building very small homes that are energy efficient and affordable on lots that would otherwise be too small to build on. For instance, lots that are smaller than the zone's minimum requirements could qualify for development under certain circumstances. In conjunction with other options, the "half street bonus" could be awarded to developer/builders who meet certain qualifications for house size, affordability, energy efficiency, materials innovation, etc.

4. Item 2-9 (rounding density) focuses regulation on appropriate locales and assures enough flexibility for builders/developers to have reasonable options and choices. Of all the proposals, I believe it has the best chance of moderating growth without stalling innovation and a gradual, appropriate increase in density.

Section II (Staff Report pages 30-32)

Item 2-8 Increases the public notice area for Major Lot Development Option applications (page 30)

COMMENTS: Expanding the public notice area is vital because of the variability and creativity allowed by this process. A more inclusive public hearing process also motivates developers to provide area property owners and residents with a source of information and communication in advance of the public hearing.

Section III (Staff Report pages 33-41)

C1. Proposed Amendment to Compliance with Detailed Development Plan – All Use Types (page 35)

C2. Proposed code Amendment for Minor Plan Adjustments and Determining compliance with Planned Development Approvals.

COMMENTS: Both of these proposals provide appropriate oversight for making code-compliant changes to approved Detailed and Planned Developments. They eliminate the punitive nature of the current process which demands extraordinary time and costs from developers who want to make improvements and updates to their plans and projects.

Corvallis Planning Division
Staff Report to the Planning Commission: March 7, 2014
Public Hearing: March 19, 2014
Staff Contacts: Jason Yaich, (541) 766-6577,
Jason.Yaich@CorvallisOregon.gov
Sarah Johnson, (541) 766-6574
Sarah.Johnson@CorvallisOregon.gov
Bob Richardson, (541) 766-6575
Robert.Richardson@CorvallisOregon.gov
Kevin Young, (541) 766-6572
Kevin.Young@CorvallisOregon.gov

Package #1 Land Development Code Text Amendments (LDT13-00002 and LDT13-00003)

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
June 9, 2014, City Council Staff Report
EXHIBIT H (1 of 266)

Case Summary

Case:	Package #1 Land Development Code Text Amendments, consisting of: • LDT13-00002 OSU Collaboration – Chapter 2.9 Revisions • LDT13-00003 OSU Collaboration – Neighborhood Planning Items (and other items)
Request:	The proposed Land Development Code (LDC) Text Amendments are designed to: 1. facilitate compatible infill development and discourage incompatible infill development, 2. facilitate code-compliant development under certain circumstances within approved Planned Developments (without need for a Planned Development Modification process), 3. facilitate certain types of Historic Preservation Permit reviews, 4. update LDC provisions, and 5. allow for land use application fee reviews consistent with fiscal year timeline.
Applicant:	Consideration of this package of Land Development Code Amendments was initiated by the City Council, and is based on recommendations from the City/OSU Collaboration's Neighborhood Planning Work Group, from the City's Historic Resources Commission, from the City's Economic Development Commission, and from City staff.

Location:	Some of the proposals apply Citywide and would affect development throughout the City, while others would have an affect only in certain zones or areas, or for certain types of development.
Public Notice:	Notice of this proposed Post Acknowledgement Plan Amendment was provided to the Oregon Department of Land Conservation and Development (DLCD) on February 10, 2014. Since that time, no concerns have been communicated from DLCD staff. In compliance with ORS 227.186 ("Measure 56"), notice was mailed to all property owners within the City who may find the proposed code amendments would limit or prohibit a land use previously allowed in an affected zone. A public notice of the Planning Commission hearing was published in the Corvallis Gazette-Times on March 6, 2014, in accordance with the provisions of Land Development Code Section 2.0.40. No written testimony has been received as of March 9, 2014.

Attachments

A. Approved 2013 – 2014 Planning Division Work Program
B. September 30, 2013, Memorandum from the Community Development Director to the Mayor and City Council Regarding Collaboration Project Action Requests
C. Map Showing Areas of Corvallis Annexed Prior to January 1, 1950
D. Estimate of Typical Cost Difference Between a 300-foot Notice Area and a 500-foot Notice Area
E. Map Showing Locations of Vacant or Underdeveloped PD(LI), PD(LI-O), and PD(GI) Areas within the Current City Limits
F. Memorandum from OSU, dated February 2, 2014, regarding proposed Director-level provisions in LDC Chapter 2.9 – Historic Preservation Provisions
G. Minutes from the December 3, 2013; January 7, 2014, and January 14, 2014, meetings of the Historic Resources Commission; and, Staff Reports to the HRC dated November 26, 2013, and December 30, 2013.

Background

In April of 2013, the City Council approved a bi-annual work program for the Planning Division after receiving public input and a recommendation from the Planning Commission **(Attachment A)**. The first item on the list is a "Near-term" package of Land Development Code Amendments, to include:

a. Recommended LDC Amendments from the Corvallis/OSU Collaboration Work Groups, which are supported by the Steering Committee and City Council,

b. Develop process and amend LDC to facilitate code-compliant alterations within approved Planned Developments, and

c. 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")

The Corvallis/OSU Collaboration Work Groups have now completed their work and the Collaboration Steering Committee and City 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 City Council has also advanced for consideration the recommendation from the Economic Development Commission to amend the LDC to facilitate code-compliant alterations within approved Planned Developments. Lastly, the Historic Resources Commission has held a number of work sessions and prepared a recommendation to approve LDC Amendments to facilitate certain types of historic reviews.

At the October 7, 2013, City Council meeting, the City Council was presented with a memorandum from the Community Development Director regarding the City-OSU Collaboration Project and associated action requests **(Attachment B)**. The memorandum proposed a schedule and course of action for the consideration of two packages of Land Development Code (LDC) Amendments, largely, but not entirely, associated with recommendations stemming from the City-OSU Collaboration Project. The first proposed package, Package #1, includes a number of recommended Land Development Code Amendments from the Neighborhood Planning Work Group, along with the development of text amendments to facilitate code-compliant changes within approved Planned Developments and the development of text amendments to facilitate certain types of historic reviews in the OSU Historic District. At the October 7, 2013, City Council meeting, the Council authorized Community Development staff to begin work on the development of Package #1.

Additionally, as part of the City Council's review of Land Use Application Fees for 2014 it was determined that there is a need for better data regarding the amount of time that Planning Division staff spend on various types of land use applications. Due to the recent change in the structure of the Planning Division to eliminate a specific position or number of "full time equivalent" (FTE) staff dedicated to long range planning, and due to the complexity of the prior methodology for the establishment of land use application fees, Planning Division staff have recently begun logging their time spent on various projects and activities to provide more accurate data for the development of a streamlined methodology for determining land use application fees. As part of the City Council's review of fees, it was determined that it would be most appropriate to calculate land use application fees based on the fiscal year calendar, from July 1st to

June 30th of the following year, so that Planning Division costs and revenues could be reported and projected consistent with the City's budget schedule. However, this is inconsistent with the current code language in LDC Section 1.2.100.02, which states that the annual adjustment of fees will be effective January 1st of each year. To rectify this problem, an LDC Amendment is also proposed to allow adoption of the land use fee schedule on a fiscal year basis.

Initially, it wasn't clear if the proposed amendments to Chapter 2.9 (Historic Preservation Provisions) would proceed on a different schedule than the rest of the proposed code amendments, and so Package #1 was split into two land use applications: LDT13-00002, regarding the changes to Chapter 2.9, and LDT13-00003, regarding Neighborhood Planning Work Group recommendations and other changes. Since that time, staff have determined that the two applications may be considered concurrently, which is why this staff report addresses all proposed code amendments together. However, two motions will be needed, one for each set of code amendments.

Requested Action

The Planning Commission is requested to review the proposed Text Amendments and recommend that the City Council:

I. Approve the Text Amendments as proposed;
II. Approve the Text Amendments as revised by the Planning Commission; or
III. Deny the proposed Text Amendments.

The process and decision criteria for Land Development Code Amendments are explained in Section 1.2.80 of the Land Development Code:

Section 1.2.80 - TEXT AMENDMENTS

1.2.80.01 - Background

This Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable policies.

1.2.80.02 - Initiation

An amendment may be initiated through one of the following methods:

a. Majority vote of the City Council; or

b. Majority vote of the Planning Commission.

1.2.80.03 - Review of Text Amendments

The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings.

The balance of this report presents staff analysis regarding the consistency of the Text Amendments with applicable review criteria and policies. The report is divided into four sections, one for each discrete set of code amendments. Within each section the specific proposed language for the Land Development Code amendments is included. New proposed language is double underlined and proposed deletion of existing language is ~~struck out~~. Additionally, all proposed text revisions, whether adding or removing language, is highlighted. All Land Development Code text is *italicized* to differentiate the text from the staff analysis. The remainder of the report is organized as follows:

I. Schedule for Land Use Application Fee Reviews
- A. Background
- B. General Consistency with LDC Criteria and Policy Analysis
  - 1. Applicable Comprehensive Plan Policies
  - 2. Applicable Statewide Planning Goals
- C. Proposed LDC Text Amendments
- D. Conclusions and Recommendation

II. Recommendations from the Neighborhood Planning Work Group
- A. Background
- B. General Consistency with LDC Criteria and Policy Analysis
  - 1. Applicable Comprehensive Plan Policies
  - 2. Applicable Statewide Planning Goals
- C. Proposed LDC Text Amendments
- D. Conclusions and Recommendation

III. Facilitate Code-Compliant Changes within Approved Planned Developments
- A. Background
- B. General Consistency with LDC Criteria and Policy Analysis
  - 1. Applicable Comprehensive Plan Policies
  - 2. Applicable Statewide Planning Goals
- C. Proposed LDC Text Amendments
- D. Conclusions, Recommendation, and Proposed Motion for LDT13-00003

IV. Code Amendments to LDC Chapter 2.9 to Facilitate Certain Types of Historic Reviews
- A. Background
- B. General Consistency with LDC Criteria and Policy Analysis
  - 1. Applicable Comprehensive Plan Policies
  - 2. Applicable Statewide Planning Goals
- C. Proposed LDC Text Amendments
- D. Conclusions, Recommendation, and Proposed Motion for LDT13-00002

I. SCHEDULE FOR LAND USE APPLICATION FEE REVIEWS

A. BACKGROUND

The proposed LDC Amendment is necessary to allow land use application fees to be determined and established on a fiscal year basis, from July 1 through June 30 of each year, rather than on a calendar year basis, from January 1 through December 31 of each year.

B. GENERAL CONSISTENCY WITH LDC CRITERIA AND POLICY ANALYSIS

1. Applicable Comprehensive Plan Policies

There are no Comprehensive Plan Policies that speak directly to the subject of land use application fees and the schedule for the review of such fees. However, Comprehensive Plan Policy 2.2.5 states as follows:

> **The City shall strive to ensure that all public information on land use planning issues is available in an understandable form, is accurate and complete, and is made available to all citizens as soon as possible after receipt of an application. The City shall continue to take advantage of the best available technology for dissemination of this information.**

Additionally, land use application fees are governed, in part, by State law, and by the provisions in LDC Section 1.2.100.01, which states as follows:

> **Section 1.2.100.01 – Required Fees**
>
> **The Director is authorized to charge and collect fees for the provision of municipal services outlined in this Code. The City Council shall set fees in accordance with the Council's financial policies and shall charge no more than the actual or average cost of providing planning and development review services in accordance with ORS 227.175(1), as amended. The Director shall maintain a current schedule of fees for public review.**

The proposal is to amend the LDC to allow calculation and fee setting for land use application fees to occur on a fiscal year schedule, from July 1st through June 30th of the following year. This will allow for a more "transparent" process in which the evaluation of costs and work performed will be done over the same time period. Because of the requirement in the current LDC to set new land use application fees beginning January 1st of each year, past reviews have evaluated Planning Division work performed in the prior calendar year in relation to prior fiscal year data in order to determine appropriate fees. Changing the timeframe of reviews, as proposed, will allow for an "apples to apples" comparison that will be more consistent with Comprehensive Plan Policy 2.2.5 and with the above LDC provisions and State law. Consequently, staff find the proposed amendment is consistent with the applicable Comprehensive Plan Policy.

2. Applicable Statewide Planning Goals

City and County comprehensive plans in Oregon must be consistent with Statewide Planning Goals, and land use regulations must be enacted to implement the comprehensive plans that support those Statewide Planning Goals. When jurisdictions amend their comprehensive plans, or implementing measures (such as the Land Development Code) notice of the proposed changes must be provided to the Oregon Department of Land Conservation and Development (DLCD), and jurisdictions must demonstrate that the proposed code amendments are consistent with the 19 Statewide Planning Goals. On February 10, 2014, notice of this proposed package of LDC Amendments was mailed to DLCD. Although most of the Statewide Planning Goals do not relate to the establishment of land use application fees, the following analysis addresses the consistency of the proposed recommended measures with Goal 1: Citizen Involvement.

Goal 1: Citizen Involvement

Goal 1 calls for a number of important elements to effectively involving citizens in the planning process, including, but not limited to, assuring effective two-way communication, providing the opportunity for citizens to be involved in all phases of the planning process, and assuring that technical information is available in an understandable form. The proposed amendment is consistent with Goal 1 because it will support the public process for consideration of land use application fees, which provides an opportunity for review and public comment on proposed fees prior to City Council adoption. By allowing for an "apples to apple" comparison of work performed and fiscal year costs, the proposed change will provide a clearer connection between the work of the Planning Division and the fees that are established to support the portion of that work which is spent on land use applications.

C. PROPOSED LDC TEXT AMENDMENT

In order to change the schedule for the review of land use application fees, the following LDC language is proposed:

1.2.100.02 – Annual Review

Development review fees shall be reviewed annually and revised to reflect the change in costs to the City, including, but not limited to, the ~~for~~ wages and benefits of appropriate ~~represented~~ employees in the current fiscal year. The annual adjustment of fees shall be effective ~~January~~ July 1 of each year.

Staff Analysis:

As noted previously, the proposal is to amend the LDC to allow calculation and fee setting for land use application fees to occur on a fiscal year schedule, from July 1st

through June 30th of the following year. This will allow for a clearer process, in which the evaluation of costs and work performed will be done over the same time period. Because of the requirement in the current LDC to set new land use application fees beginning January 1st of each year, past reviews have evaluated Planning Division work performed in the prior calendar year in relation to prior fiscal year data in order to determine appropriate fees. Changing the timeframe of reviews, as proposed, will allow for an "apples to apples" comparison of work performed and budget costs within each fiscal year.

Advantages:

The proposed amendment will facilitate staff analysis of work performed, revenues collected, and total costs of land use applications within each fiscal year. It is expected that this will save staff time and allow for a clearer and more direct relationship between proposed land use application fees and data collected from the prior fiscal year. This is also anticipated to facilitate public review and input regarding land use application fees, and should allow for a more easily understandable methodology for updating land use application fees.

Disadvantages:

As a result of this change, land use application fees would change July 1st of each year, rather than January 1st. For those used to the current system, this will take some adjustment, and could complicate budgeting for land use application fees within a calendar year period. However, it is anticipated that applicants would be able to adjust to a different timeline for updating land use application fees.

Staff Recommendation:

Based on the above analysis, and the advantages of streamlining staff review and providing a more comprehensible methodology for establishing land use fees, staff recommend approval of the proposed code amendment.

II. OSU / CITY COLLABORATION: NEIGHBORHOOD PLANNING WORKGROUP LDC TEXT AMENDMENT RECOMMENDATIONS

A. BACKGROUND

As noted above, the Land Development Code text may be amended *"whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable policies."* This report section presents staff analysis regarding each text amendment recommended by the Neighborhood Planning Workgroup, with a discussion about applicable Comprehensive Plan policies and Statewide Planning Goals. It then presents the text amendment language recommended by Staff, followed by Staff analysis of each recommended amendment, including advantages and disadvantages of the proposed changes.

As acknowledged by the Planning Commission at its February 5, 2014, meeting concerning the general scope and concept of each proposed text amendment, the recommended LDC code changes include the following measures. The number preceding each item refers to the numbering scheme from the City-OSU Collaboration Project, as reflected in the Community Development Director's September 30, 2013, memorandum to the Mayor and City Council (**Attachment B**):

Table 1: Proposed Text Amendments - General Description

Item	Description	Applicable LDC Chapter
2-1	Exemption of affordable housing projects from 4/5 Bedroom Parking Requirements	1.6 and 4.1
2-2	Change the definition of family to include domestic partnership	1.6
2-3	Add a definition of "residential home" to the Land Development Code	1.6
2-5	Revise Property Line Adjustment criteria to not allow "unusable areas."	2.14
2-6	Increase setback standards for zero lot line, single attached units	1.6 (for Infill definition), 3.2, 3.3, 3.4, 3.5, 3.6, and 3.7
2-7	Change density calculations for replats and minor land partitions to disallow the "half-street bonus"	1.6 and 2.14
2-8	Increase the public notice area for Major Lot Development Option applications	2.0
2-9	Change minimum density rounding for infill development	1.6 (for Infill and Density definitions)

B. GENERAL CONSISTENCY WITH LDC CRITERIA AND POLICY ANALYSIS

The proposed text amendments, forwarded by the Neighborhood Planning Workgroup, have been reviewed for consistency with applicable Comprehensive Plan Policies and Statewide Planning Goals.

1. Applicable Comprehensive Plan Policies

In general, the proposed code amendments are supported by the following Comprehensive Plan Policies:

> **1.2.1 The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.**
>
> **1.2.6 The applicable criteria in all land use decisions shall be derived from the Comprehensive Plan and other regulatory tools that implement the Plan.**

The code amendments are intended to carry out policies of the Comprehensive Plan, or clarify issues with the existing code language. The Land Development Code serves as the primary mechanism for implementing adopted Comprehensive Plan policies, and with the exception of the proposed changes in density calculation (Items 2-7 and 2-9), the proposed code amendments are found to be consistent with those policies in general, because the proposed code amendments do not change standards that would represent a shift in policy. Adoption of the proposed code amendments would be consistent with CCP policies 1.2.1 and 1.2.6.

Further discussion regarding the density calculation methodology changes is contained below, along with Comprehensive Plan Policies that lend support to that proposal.

> **1.2.8 Procedures for public notification, including timing, shall be contained in the Land Development Code.**

The amendment related to increasing the public notice area for Major Lot Development Option applications (Item 2-8) is consistent with CCP policy 1.2.8.

> **2.2.8 The City shall continue to work with neighborhood organizations and other neighborhood and community groups to facilitate dissemination of land use information and review of neighborhood issues.**
>
> **2.2.9 The City shall seek participation from citizens within the entire Urban Growth Boundary in all land use planning.**

As noted above, the proposed code amendments have been forwarded to the Planning Commission and City Council for consideration, based on discussions that have occurred in the community as part of the OSU-City Collaboration Project, and particularly the work of the Neighborhood Planning Workgroup. This workgroup has solicited testimony from citizens and other interested parties, which has highlighted

concerns about the impacts of redevelopment in existing neighborhoods associated with the market demands for new student housing.

The process of soliciting input from neighborhood organizations and citizens relative to land use issues is supported by Comprehensive Plan Policies 2.2.8 and 2.2.9. These policies reflect the community's desire to stay abreast of import land use issues in Corvallis, and to adapt to change by continuously evaluating the City's land use policies and to implement code revisions from time to time that address issues important to the community.

3.2.3 The City shall address compatibility conflicts through design and other transitional elements, as well as landscaping, building separation, and buffering.

5.2.3 The City shall develop standards which ensure adequate open space and landscaping on residential, commercial, and industrial developments, and shall maintain these standards in the Land Development Code.

Article 50 – Definition of Infill

Infill – Developing vacant and partially vacant land within a built environment. To be considered infill, such land shall be less than 0.5 acres in size for residentially designated lands or less than 1.0 acre in size for lands designated otherwise.

The proposed amendments to side yard setback standards for zero-lot line, attached dwelling units (Item 2-6) is supported by Comprehensive Plan Policy 3.2.3, by addressing compatibility conflicts through increased building separation requirements. The proposed change to the side yard setback standards also ensures additional open space in these limited development scenarios, consistent with Comprehensive Plan Policy 5.2.3.

As noted above and below, the Neighborhood Planning Workgroup indicated that the proposed side yard setback standard for zero-lot line, attached dwellings should only apply in the specific cases of infill development. It is important then to consider the existing definitions of "Infill", which are located both in the Comprehensive Plan and in Chapter 1.6 of the Land Development Code. Additional discussion is contained below, regarding the definition of Infill.

3.2.1 The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:

A. Preservation of significant open space and natural features;
B. Efficient use of land;
C. Efficient use of energy and other resources;
D. Compact urban form;
E. Efficient provision of transportation and other public services; and
F. Neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas.

The proposed new criterion for Property Line Adjustments (Item 2-5) is supported by Comprehensive Plan Policy 3.2.1, by encouraging efficient use of land. Allowing Property Line Adjustments to occur in a way that introduces unusable or undevelopable

portions of a property leads to inefficient use of land and creates spaces that are otherwise opportunities for unsecure or unsanitary conditions.

9.2.1 City land use decisions shall protect and maintain neighborhood characteristics (as defined in 9.2.5) in existing residential areas.

9.2.2 In new development, City land use actions shall promote neighborhood characteristics (as defined in 9.2.5) that are appropriate to the site and area.

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.

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.

C. Comprehensive neighborhoods have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities.

D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.

E. Neighborhoods have a mix of densities, lot sizes, and housing types.

F. Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.

G. Neighborhoods have a layout that makes it easy for people to understand where they are and how to get to where they want to go. Public, civic, and cultural buildings are prominently sited. The street pattern is roughly rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape.

H. Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.

I. Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.

J. Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.) Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.

K. Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.

L. Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.

M. Neighborhoods have street trees in planting strips in the public right-of-way.

In evaluating proposed changes to the Density Calculation methodology for Minor Land Partitions and Minor Replats, it is important not to lose sight of the City's overarching land use goals of supporting compact, urban development that includes a mix of densities and housing types within neighborhoods, as described in Policy 3.2.1.

9.3.5 Residential developments shall conform to the density ranges specified by the Comprehensive Plan and be of housing types permitted by the applicable zoning district.

9.3.6 The development review process shall not result in the exclusion of needed housing at densities permitted by underlying district designations or result in unreasonable cost or delay.

9.5.15 The City shall evaluate increasing the minimum density in low density residential districts.

14.3.1 Infill and redevelopment within urban areas shall be preferable to annexations.

However, there is an equal importance placed on preserving the character and quality of life inherent in Corvallis' established neighborhoods, and ensuring that development complies with the density ranges specified by the Comprehensive Plan, per Policy 9.3.5. There is a need to balance development and redevelopment that is compact in form, and makes efficient use of land and energy, and that provides needed housing per Policy 9.3.6, while being sensitive to existing development patterns by encouraging compatible building forms and massing. This balancing is consistent with the "Comprehensive Neighborhood" concept outlined in Policy 9.2.5, and the City's desired land use pattern described in Policy 3.2.1.

The proposed changes in Density Calculation, while reducing potential densities in certain development scenarios, will not lead to an overall reduction in density that is provided for in the minimum and maximum densities prescribed by the Comprehensive Plan and underlying Zones. Therefore, the proposed amendments associated with Items 2-7 and 2-9 are consistent with the Comprehensive Plan Policies 3.2.1, 9.2.5, 9.3.5, and 9.3.6.

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.

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.

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.

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.

9.5.4 It shall be the goal of the City that 15% of residential owner-occupied units be affordable to buyers with incomes at or below 80% of Benton County median for a household of three persons.

9.5.6 It shall be the goal of the City that 15% of residential rental units be affordable to renters with incomes at or below 50% of Benton County median for a household of two persons.

The proposal to exempt affordable housing projects that meet certain standards from the 4/5 bedroom parking requirements is relevant to the policies above. That proposal is consistent with the policies above, because it supports the development of affordable housing options in Corvallis, allowing for lesser parking requirements for development that meets certain affordable housing metrics, reducing the cost of development for affordable housing projects, and promoting efficient use of land. The proposed amendments are consistent with the applicable Comprehensive Plan Policies above.

2. Applicable Statewide Planning Goals

City and County comprehensive plans in Oregon must be consistent with Statewide Planning Goals, and land use regulations must be enacted to implement the comprehensive plans that support those Statewide Planning Goals. When jurisdictions amend their comprehensive plans, or implementing measures (such as the Land Development Code) notice of the proposed changes must be provided to the Oregon Department of Land Conservation and Development (DLCD), and jurisdictions must demonstrate that the proposed code amendments are consistent with the 19 Statewide Planning Goals. On February 10, 2014, notice of this proposed package of LDC Amendments was provided to DLCD. The following analysis addresses the consistency of the proposed recommended measures with applicable Statewide Planning Goals.

<u>Goal 1: Citizen Involvement</u>

Consistent with Goal 1, the process of developing the proposed code amendments has benefitted from extensive public involvement, largely due to the efforts of the OSU-City Collaboration Project's Neighborhood Planning Workgroup. The Neighborhood Planning Workgroup's efforts have then been shared with the general public through extensive

discussion at Planning Commission and City Council meetings, and in the local newspaper. Public comment has been encouraged throughout this process, and these proposed code amendments have largely been brought into being from the efforts of engaged Corvallis citizens.

Additionally, increasing the notice area for Major Lot Development Option applications will increase opportunities for citizen involvement, consistent with Goal 1. The process for consideration of all proposed LDC amendments is consistent with Goal 1 because it allows for ample public input regarding the potential changes. In addition to the required Measure 56 Notice that was mailed to all property owners in Corvallis, notice of the proposed amendments has been published in the Corvallis Gazette-Times. The Planning Commission will hold a public hearing to consider the proposed amendments, and will include an opportunity for public testimony, both written and delivered in person. Following the public hearing, the Planning Commission will make a recommendation to the City Council, who will then hold another public hearing to consider the code amendments and the Planning Commission's recommendation prior to making a decision on the package of Land Development Code Amendments.

Goal 2: Land Use Planning

The process followed for review of the proposed amendments is consistent with the process laid out in Section 1.2.80 of the Land Development Code for text amendments to the code. The proposed amendments in all cases provide either clear and objective standards for development consistent with Land Development Code provisions, or establish a clear process for land use decisions supported by adequate findings of fact.

Goal 10: Housing

This Statewide Planning Goal specifies that each City must plan for and accommodate needed housing types (typically, multi-family and manufactured housing). It requires each City to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

In evaluating the proposed text amendments, it is important to ensure that any changes to development standards in the Land Development Code do not discourage development of the community's needed housing. While the proposed amendments related to density calculation will, in effect, reduce potential densities in some circumstances, there is no negative impact on the ability of each development to comply with the density ranges specified in the Comprehensive Plan. The net result is that the City's adopted density ranges are maintained.

Requiring an increase in side yard setback distances for zero-lot line attached dwelling units will create additional open space in the side yards for those development types, and will provide additional restrictions on the building envelope for this particular

residential building type. However, it will not limit the ability of this housing type to be provided in general.

Conclusion

As discussed above, the Comprehensive Plan contains several policies which support the proposed text amendments. Additionally, the proposed amendments are consistent with Statewide Planning Goals 1, 2, and 10. Staff find the proposed amendments are generally consistent with the cited Comprehensive Plan Policies and Statewide Planning Goals, and are not inconsistent with any other Comprehensive Plan Policies or Statewide Planning Goals.

C. PROPOSED LDC TEXT AMENDMENTS

The proposed code amendments are included in items 1 - 7 below. Proposed revisions to the LDC are shown using a double-underline font for new text, and a strike-out font for deleted text. All revised text is emphasized by highlight. Land Development Code Text is italicized to differentiate the text from the staff analysis. For example:

- *This formatting indicates new text.*
- ~~*This formatting indicates text that has been deleted.*~~

To facilitate reading this document, subheadings that describe the subject of the revised text have been included in underlined bold (e.g. **Revise Property Line Adjustment criteria to not allow "unusable areas"**).These subheadings will not necessarily be included in the LDC. Explanations for each revision are provided under the heading staff analysis (e.g. Staff Analysis), which is generally provided after each revision, but occasionally is provided before the revision if background information is necessary to understand the revised text.

1. Exemption of Affordable Housing Projects from 4/5 Bedroom Parking Requirements *(Item 2-1)*

This item relates to a current LDC standard (recently adopted) that applies a higher off-street parking requirement for four- and five-bedroom dwelling units. That standard was recommended by the Neighborhood Planning Work Group in response to development of four and five-bedroom unit developments and lack of adequate parking. However, the Work Group identified concerns that the higher off-street parking standards would have negative impacts on the development of affordable housing for low-income residents. The main concern raised was that higher off-street parking requirements would necessitate more land for each dwelling unit, increasing the price and potentially discouraging the development of affordable housing. This recommendation establishes metrics for affordable housing developments that would be exempt from higher parking requirements, establishing the exemption in Chapter 4.1 – Parking, Loading, and

Access Requirements, and defining projects that qualify for the reduced parking standard as Qualified Affordable Housing Development, in Chapter 1.6 – Definitions.

The proposed text amendments are as follows:

Chapter 1.6 – Definitions

Affordable Housing - Housing for which ownership costs (mortgage loan principal, interest property taxes, and insurance), or rental costs (unit rent and utilities) require no more than 30 percent of the gross monthly income of a household that has income at or below 80 percent of the Corvallis area median. The Corvallis area median is calculated annually by the U. S. Department of Housing and Urban Development (HUD) and applied based on household size. These numbers are updated annually by HUD and are on file in the City's Housing Division. See also; Qualified Affordable Housing Development.

Qualified Affordable Housing Development - Housing development that is designed to serve residents through ownership or rental costs that comprise no more than 30 percent of the gross monthly income of a household that has income at or below 60% of the Corvallis area median. Qualified Affordable Housing Development shall demonstrate commitment to providing affordable housing through deed restrictions, restrictive covenants, or other acceptable form of assurance, for a period of not less than 20 years.

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 –

1. Single Detached and Manufactured Homes -
a) Vehicles - Two spaces per dwelling unit.
b) Bicycles - None required.

2. Single Attached - Zero Lot Line
a) Vehicles -
1) One, Two, or Three-bedroom Unit - Two spaces per unit.
2) Four-bedroom Unit - 3.5 spaces per unit.[1]
3) Five-bedroom Unit - 4.5 spaces per unit.[1]
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.

3. Single Detached with more than one dwelling unit on a single lot, Duplex, Attached, and Multi-dwelling -
a) Vehicles -

[1] Minimum parking requirements for four- and five-bedroom units in Sections 4.1.30.a.2., and 3., above shall be 2.5 spaces per unit for development that meets the requirements of Qualified Affordable Housing Development, as defined in Chapter 1.6 – Definitions.

	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.[1]**
	6)	**Five-bedroom Unit -**	**4.5 spaces per unit.[1]**
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.

Staff Analysis:

The proposed code amendment responds to concerns that increased parking requirements for four-and five-bedroom housing units will present barriers to the development of affordable housing options in Corvallis. The higher parking requirements result in a need for more land for each unit, creating a higher cost for development of housing. The proposed amendment provides an opportunity for development that meets the metrics under the definition for Qualified Affordable Housing Development to provide parking spaces consistent with the requirement for three-bedroom units (two spaces per unit), thereby allowing for potentially lower development costs and encouraging the development of affordable housing. Additionally, it is anticipated, given the circumstances of residents in Qualified Affordable Housing Developments, that residents would likely possess fewer vehicles than residents of a typical development. The definition for Qualified Affordable Housing Development also includes requirements for assurances that the project will remain dedicated to affordable housing options for a period of not less than 20 years.

Advantages:

The proposal provides an option for Qualified Affordable Housing Development to reduce the number of on-site required parking spaces for four-and five-bedroom units, reducing potential development costs for affordable housing development. The proposal is consistent with Comprehensive Plan policies to provide affordable housing options in Corvallis.

Disadvantages:

The higher parking requirements for four- and five-bedroom units were established based on an observation that higher bedroom unit developments were not providing adequate parking on site to meet the needs of residents, and that on-street parking was being negatively impacted by overflow parking needs. This proposal exempts certain developments from the requirement to provide greater on-site parking; however,

developers who wish to provide two spaces per unit for four- and five-bedroom units must prove that the development qualifies for the reduction, per the definition of Qualified Affordable Housing Development.

Staff Recommendation:

Staff find that the proposed code amendment will result in lesser development costs for certain development designed to provide affordable housing options in Corvallis, and that this is consistent with Comprehensive Plan policies that call for efficient use of land and the provision of affordable housing in Corvallis. While the higher parking requirements were established based on observations that on-site parking was not adequate for four- and five-bedroom housing development, staff find that the limited scope of the reduction, based on metrics for qualification, and the City's stated policies that encourage development of affordable housing options, justify the provision. Staff recommend approval of the proposed code amendment.

2. **Change the Definition of Family to Include Domestic Partnership** *(Item 2-2)*

The proposed code amendment would change the definition of Family in Chapter 1.6 – Definitions, to include domestic partnership.

> **Chapter 1.6 – Definitions**
>
> **Family - Individual or two or more persons related by blood, adoption, or marriage, or domestic partnership, or a group of not more than five adults unrelated by blood or marriage, living together in a dwelling unit. As used in this Code, Family also refers to not more than five unrelated ~~physically or mentally handicapped, elderly, or drug- or alcohol-dependent persons receiving treatment~~, persons receiving residential care, residential training or residential treatment, as those terms are defined in ORS 443.400. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. The relevant Oregon Revised Statutes that pertain to this definition include ORS 197.660(2) and ORS 197.665, as amended.**

Staff Analysis:

The proposed amendment changes the definition of Family in Chapter 1.6 – Definitions, to include domestic partnership. This inclusion clarifies and expands the City's definition of Family per the LDC, which is used in determining and enforcing application of residential use types.

The Planning Commission-directed amendment changes the definition of Family in Chapter 1.6 – Definitions, to remove outdated language and replace that language with text that aligns with the State's definition for purposes of determining use types that may be considered a "residential home."

Advantages:

The inclusion of domestic partnership in the definition of Family clarifies the LDC definition, allowing for the application of the definition of Family to residential uses that is consistent with the general goals of the community. The Planning Commission-directed proposed change clarifies the LDC definition of Family, and better informs the types of facilities that are protected as residential home uses, consistent with State law.

Disadvantages:

Staff find no disadvantages to the proposed code amendment.

Staff Recommendation:

Staff find the proposed code amendment is consistent with the goals and policies of the State and the City of Corvallis, and recommend approval of the amendment.

3. **Add a Definition of "Residential Home" to the Land Development Code** *(Item 2-3)*

This recommendation came out of a collection of discussions of the Neighborhood Planning Work Group with regard to a potential change that would limit the number of unrelated persons in a dwelling unit to three instead of five, and the consequential need to differentiate between typical single family homes, where the three person maximum would apply, and residential treatment facilities with five or fewer persons receiving treatment, which are defined and protected by State statute.

Staff Analysis:

Had there been a proposed code amendment to limit the number of unrelated persons living in a residential unit to three, the addition of a definition of "residential home" would have been helpful in delineating between a general residence and a group care facility, which is limited to five or fewer persons plus caregivers, and is protected by State statute. Below is the current LDC definition of Family (Note that Item 2-2, above, proposes to amend this definition to include domestic partnership.)

Chapter 1.6 – Definitions

Family - 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. As used in this Code, Family also refers to not more than five unrelated physically or mentally handicapped, elderly, or drug- or alcohol-dependent persons receiving treatment, and any number of resident staff persons engaged in their care. The relevant Oregon Revised Statutes that pertain to this definition include ORS 197.660(2) and ORS 197.665, as amended.

However, since there is no recommendation for the reduction in the number of unrelated persons residing in a residential home, this code amendment is not necessary. The current LDC definition of Family is used to inform a residential Use Type, and includes the allowance of five or few unrelated persons, as well as language that protects residential group care facilities.

Staff Recommendation:

Staff find that the proposal is not necessary to inform or enforce residential Use Types. Additionally, staff find that creating a definition for a "residential home" that provides treatment to five or fewer persons, as a use type that would be a distinct subset or use type within the broader use type of a "family" would run counter to the intent of State law, which requires such facilities to be considered within the category of a "family." Consequently, staff recommend no action be taken to add a definition of "residential home" to the Land Development Code.

4. **Revise Property Line Adjustment criteria to not allow "unusable areas"** *(Item 2-5)*

The proposed code amendment is as follows:

Section 2.14.60 – PROPERTY LINE ADJUSTMENT PROCEDURES

b. A Property Line Adjustment shall be approved if the following criteria have been met:

1. **The Property Line Adjustment shall not result in creation of an additional unit of land;**
2. **Any unit of land reduced in size by the Property Line Adjustment shall comply with all applicable zoning regulations;**
3. **The Property Line Adjustment shall not increase the degree of nonconformity that may exist on the subject lots; ~~and~~**
4. **The availability of both public and private utilities and required access shall not be adversely affected by a Property Line Adjustment; and**
5. **The Property Line Adjustment shall not result in the creation of unusable area on resultant properties. For the purposes of these provisions, "unusable area" is defined as a section of property with a dimension between opposing property lines of less than twice the applicable side-yard setback in the Zone. However, if an existing lot, subject to a Property Line Adjustment, contains an area with such an existing non-compliant configuration, and the proposed Property Line Adjustment does not alter or worsen the non-compliant configuration, then the non-compliant configuration will be allowed to continue.**

Staff Analysis:

The process for changing property ownership boundaries, without affecting underlying platted lot or parcel lines, is termed a Property Line Adjustment. The term Property Line Adjustment is consistent with Benton County Development Code and State of Oregon (ORS Chapter 92) laws that address this type of land use process. The LDC currently provides additional criteria in Chapter 4.4, for the size, width, shape, and orientation of lots and parcels that are created through a land division process such as a subdivision or partition plat. However, these provisions are not extended to Property Line

Adjustments, and the review criteria for a Property Line Adjustment do not include required compliance with the standards in Chapter 4.4.

The proposed text amendment is intended to disallow configuration of property lines such that areas are created within the resultant lot or parcel boundary that are "unusable". Staff find the term "unusable" to be ambiguous, and have provided an additional definition in the criterion that provides a clear and measurable standard. The proposal defines "unusable" as "a section of property with a dimension between opposing property lines of less than twice the Zone's setback that is applicable to the affected property lines". In most cases, this will create a usable area of somewhere between 10 and 16 feet, depending on which Zone the subject property is located in.

Previous applications for Property Line Adjustments have configured resultant property lines in ways that allow one of the resultant properties to gain enough lot area to increase the density, because the increase in lot area allowed a more intensive building type (eg. contained enough area to allow a duplex instead of a single-family dwelling), or provided just enough additional area in order to allow a lot to be further subdivided. The configuration of the resultant property lines created a section of that property that was essentially unusable, because its dimension was approximately 70 feet long by 7 feet wide (see Figure 1).

Figure 1 - Unusable Area from Property Line Adjustment

Advantages:
Provisions in the additional Property Line Adjustment review criterion will minimize creation of areas within resultant properties that are unusable. This additional criterion will provide for efficient use of land, consistent with Comprehensive Plan Policy 3.2.1, by ensuring that property boundaries are configured appropriately for the uses intended in the Zone.

Disadvantages:
The proposed additional review criterion imposes additional restrictions on the configuration of property boundaries that occurs through a Property Line Adjustment that are not currently in the Land Development Code. However, this additional restriction is balanced by the benefits provided by the new criterion, by providing more usable space on the lot or parcel for the residents of the affected property.

Staff Recommendation:
Staff find the proposed changes would improve the general welfare of the community consistent with LDC Section 1.2.80.01 by providing additional assurances that properties are configured with usable space through the Property Line Adjustment process.

5. **Increase setback standards for zero lot line, single attached units AND modify current definition of "Infill"** *(Item 2-6)*

The proposed code amendments would affect row "e" (setbacks) in the development standards tables in each of the following Zones / Chapters:

- Low Density (RS-5) Zone – Chapter 3.2
- Low Density (RS-6) Zone – Chapter 3.3
- Medium Density (RS-9) Zone – Chapter 3.4
- Medium Density – University (RS-9(U)) Zone – Chapter 3.5
- Medium-High Density (RS-12) Zone – Chapter 3.6
- Medium-High Density – University (RS-12(U)) Zone – Chapter 3.7

An example of the proposed amendments for row "e" is as follows:

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~~**	**5 ft. minimum. ~~Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.~~**

3.	**Side yards**	
	Interior attached townhouses exempt from interior side yard setbacks.	
	a) Single Detached	**5 ft. minimum each side yard**
	b) Single Attached ~~and~~	**~~0 ft. one side; 8 ft. minimum on opposite side1~~ 0 ft. one side; 10 ft. minimum on opposite side**
	c) Zero Lot Line Detached	**0 ft. one side; 8 ft. minimum on opposite side[1]**
	d ~~c)~~ Duplex, Triplex and Fourplex	**10 ft. minimum each side**
	e ~~d)~~ Abutting a more restrictive zone	**10 ft. minimum**
4 ~~3~~.	**Exterior Side Yard and Rear Yard abutting a Street** **See also "k," and "l," below.**	**10 ft. minimum vision clearance areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.**

The Neighborhood Planning Workgroup proposed to limit this proposed change in the setback standard to those developments that constitute "Infill" or "Redevelopment" in established neighborhoods. Chapter 1.6 of the LDC defines the two terms as follows:

> **Infill - Developing vacant and partially vacant land within a built environment. To be considered infill, such land shall be less than 0.5 acres in size for residentially designated lands or less than 1.0 acre in size for lands designated otherwise.**
>
> **Redevelopment – Restoring or replacing existing buildings. See also Infill.**

Staff began developing a special side-yard setback for single attached dwelling units based on these definitions, but realized that the definition for "Infill" is very broad, because most residential lots that are developed in the City are 0.5 acres in size, or less. Consequently, the "special" standards would apply to most such redevelopment. Also, because the proposed change is a two-foot difference from the current standard, staff feel that it would be much simpler, and easier to administer, if the proposed side yard setback change were to apply to all such development of Attached Dwelling Units in the specified residential zones. The proposed language advances that proposal.

Alternatively, if the Planning Commission feels that it is important to differentiate the side yard setback for Attached Dwelling Units in the context of infill development from the standard that would be applied in other situations, staff recommend an alternative approach to using the LDC definitions of "Infill" or "Redevelopment" to inform those standards. Given that much of the concern expressed by the Neighborhood Planning

Work Group regarding redevelopment in existing neighborhoods was focused on impacts within neighborhoods with historic character located in close proximity to the University, staff would propose applying this modified setback standard, and other potential standards addressing infill development in established neighborhoods, to a specified area of the City. Specifically, a threshold that roughly differentiates between more compact, pre-World War II, styles of development and more suburban, post-World War II, styles of development, is to divide areas of the City into those annexed prior to January 1, 1950, and those annexed after that date. **Attachment C** is a map which shows the area of the City that was annexed prior to January 1, 1950. In general, these are areas that are distinguished by a more compact and traditional neighborhood character. The area extends to the Willamette River to the east, to Highway 20/34 and Oak Creek to the south, to 35th Street and beyond to the west, and to Grant Avenue and Buchanan Avenue to the North. The Planning Commission may direct staff to revise this proposed setback standard, and potentially other infill-related standards, to be applied within this area.

Staff Analysis:

The proposed amendment will increase a side yard setback standard for one specific residential building type, the zero-lot line, single attached type. Rather than applying this altered standard only in infill situations, staff propose applying this revised setback uniformly. The change would be consistently applied to each of the affected Zones outlined above.

In evaluating the proposed code amendments, it is important, particularly in the context of infill development within existing neighborhoods, to consider Policy 9.2.5, noted above, and Finding 9.2.e, in Comprehensive Plan Article 9, which states:

> ***Finding 9.2.e:***
>
> ***The Oregon Department of Land Conservation and Development and Oregon Department of Transportation's Smart Development Code Handbook states that modifying existing standards for setback and minimum lot size requirements reduces barriers to infill development without adversely affecting existing neighborhoods. Among the benefits of modifying such standards are:***
>
> > ***i. New buildings on smaller lots can add to the diversity of housing types in a neighborhood, enriching its character and improving its affordability.***
> > ***ii. The ability to vary lot dimensions allows the necessary flexibility to vary housing type, providing greater market choice.***
> > ***iii. Promoting diverse housing types in a new development by relying on the average overall sizes of the lots encourages building according to site conditions, and the mixing together of single and multi-family units.***
> > ***iv. A mix of housing types and costs allows for a diversity of household types, varied ages and incomes.***

In review of these applicable Comprehensive Plan Policies and findings, the general direction given is that infill should be encouraged, but that it should be developed in a way that is compatible with existing, established neighborhoods.

Advantages:
Increasing the setback standard for the zero-lot line, single attached units where a side yard is provided, from eight feet to ten feet will provide benefits to both the residents of the development site, as well as the neighbors that abut the affected side yard. These benefits come in the form of increased separation between buildings, contributing to increased privacy for both parties. An added benefit to the residents of the development site is a larger side yard setback for enjoyment of the outdoor space.

The change would also provide consistency in terms of visual impacts related to the massing of residential structures, by applying the same side yard setback that currently exists for duplexes, to the zero-lot line attached units, which have the same outward appearance as a duplex, but with the exception that a property line divides the two units. To neighbors on either side of a two unit, zero-lot line attached development project, the visual elements are typically the same as if a duplex existed between the two neighbors. The proposed change will lead to a consistent side yard setback standard for the two visually-related development scenarios.

Disadvantages:
Increasing the setback standards for this residential building type may render some existing developments as non-conforming. A specific number of existing properties affected by this change is not known as this time, and the Community Development Department does not currently have the data to be able to quickly identify the properties with existing zero-lot line, single-attached units.

Another disadvantage is that the enlarged setback will reduce flexibility in design and the potential building footprint that may be achieved by these zero-lot line attached dwellings.

Staff Recommendation:
Staff find that the proposed amendment to the side yard setback standards for zero-lot line attached dwelling units would improve the general welfare of the community, by providing building setback standards that are consistent with duplexes, because both building types have a similar massing and have similar compatibility impacts on neighboring properties. Given the scope of the change (a 2-ft. difference), staff do not recommend applying this revised standard only to "infill development," but recommend that the revised standard be applied uniformly.

6. **Change density calculations for replats and minor land partitions to disallow the "half-street bonus" AND Change minimum density rounding for infill development** *(ITEMS 2-7 and 2-9)*

The proposed code amendments are as follows:

> **Section 1.6.30:**
> **Density Calculation - Density is calculated as either gross density or net density. The minimum density for a site is net density and the maximum density is gross density.**

a. **Density, Gross - Number of dwelling units per gross area, in acres. See definition for Area, Gross. ~~Additionally, in calculating gross density for a Minor Land Partition site, applicants may include in their calculation 50 percent of the area of any street rights-of-way that front the subject site, for the distance the streets front the subject site.~~**

b. **Density, Net - Number of dwelling units per net area, in acres. See definition for Area, Net.**

c. **Fractions – When the sum of the dwelling units is a fraction of a dwelling unit, the following adjustments to the Density Calculation apply:**

1. Development occurring in areas Annexed prior to January 1, 1950 (see Figure 1.6-11(b): When the fraction is equal to or greater than 0.5, an additional dwelling unit is allowed, but not required. If the fraction is less than 0.5, an additional dwelling unit shall not be allowed.

2. In All Other Areas: When the sum of the dwelling units is a fraction of a dwelling unit, and the fraction is equal to or greater than 0.5, an additional dwelling unit shall be required (minimum density) or allowed (maximum density). If the fraction is less than 0.5, an additional dwelling unit shall not be required (minimum density) or allowed (maximum density).

Section 2.14.30.01.a(4) (Non-residential Partitions)
(Remove references to density in this section altogether and re-number)

~~4. Consistency with the density requirements of the Zone. When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site, for the distance the streets front the subject site.; and~~

Section 2.14.30.05.b(2)(b)
b. Residential Partitions - Requests for the approval of a Tentative Partition Plat shall be reviewed to ensure:

2. The following criteria are met for Residential Partitions and the application demonstrates adherence to them:

b) Consistency with the density requirements of the zone. ~~When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site, for the distance the streets front the subject site;~~

Staff Analysis:
The Minor Land Partition and Minor Replat processes currently provide for an alternative method for calculating allowable density. This alternative is provided for in Chapter 1.6 (definition for "Density Calculation") and in Chapter 2.14 (Partitions, Minor Replats and Property Line Adjustments). Prior to December 31, 2006, the LDC did not provide for this alternative to the Density Calculation methodology. With implementation of Phase I of the LDC on December 31, 2006, this alternative methodology, first adopted by City Council in 1998, was incorporated into the LDC.

When calculating density, the definitions of “Area, Net” and “Area, Gross” are applied. The definition for “Area, Gross” does not explicitly allow for inclusion of abutting street rights-of-way, when calculating the Gross (Maximum) Density for a subject development site. Therefore, without the alternative methodology provided for in the definition of “Density Calculation” and the criterion in LDC Section 2.14.30.05.b.(2)(b), a development site’s Maximum Density calculation is limited to the size of the parcel multiplied by the Maximum Density allowed in each particular Zone.

Maintaining the existing alternative method for Density Calculation applied to Minor Land Partition and Minor Replat applications potentially increases the density beyond what the underlying Zone and Comprehensive Plan designations would otherwise allow based on a property’s land area. In recent years, this provision has been utilized with Minor Replat projects that occur in existing, established neighborhoods. The increases in density, as a result, have led to developments that have, in some cases, been incompatible with the existing development patterns in these established neighborhoods.

In regard to inclusion of new language related to adjusting for how fractions are handled in calculating density specifically for infill development, the amendments would essentially temper density increases for infill situations, by not requiring an increase in minimum density if the density calculation yields a fraction of a unit that is more than 0.5. Currently, the Density Calculation methodology requires the developer to increase the number of dwellings on a development site, by one dwelling unit, if the minimum density calculation results in a fraction of a unit that is 0.5 or greater.

Advantages:
Eliminating the Density Calculation provisions that provide for increased potential density on Minor Land Partition and Minor Replat development projects would make consistent the Density Calculation methodology for all development within the City. By not requiring an additional dwelling unit for projects within the portion of the City annexed prior to 1950 (**see Attachment C**), where the minimum density calculation yields a fraction of a unit 0.5 or greater, new development projects will be potentially more compatible with the surrounding neighborhood, by limiting the minimum required density.

The proposed code amendments would maintain the ability to increase by one dwelling unit, development projects in all situations including the older neighborhoods in the City, where the density calculation yields a fraction of a dwelling unit 0.5 or greater.

Disadvantages:
Allowing for the reduction in achievable densities may reduce the density that occurs with redevelopment in the older neighborhoods in the City, which are generally closer to activity centers such as the University, the Downtown area, and Corvallis High School. Because this would be expected to cause additional density outside of these areas,

there may be higher vehicle traffic impacts traveling to and from activity centers in this area.

The proposed "rounding rule" is not consistent with standard practice for rounding fractions, which may create some confusion.

Staff Recommendation:
Staff find that public necessity requires amending the current alternate Density Calculation methodology for Minor Land Partition and Minor Replat applications, to eliminate potential incompatible development patterns in established neighborhoods. Additionally, staff find that allowing applicants to round down required minimum density for development or redevelopment in the older portion of town will allow for more compatible development in this area.

7. **Increase the public notice area for Major Lot Development Option applications** *(Item 2-8)*

The proposed code amendment is as follows:

2.0.50.04 - Public Notice

c. Notice List - The notice shall be sent by mail at least 20 days prior to the hearing to the following persons:

1. The applicant or authorized agent(s), and owner(s) of the property of the subject application if different from the applicant. For the purposes of this mailing, the property owner shall be determined using the most recent Benton County Assessor's database supplied to the City;

2. Any person who resides on or owns property within 500 ft., including street right-of-way, of a parcel of land proposed for:

a) Major Lot Development Option.

3 ~~2~~. Any person who resides on or owns property within 300 ft., including street right-of-way, of a parcel of land proposed for:

a) Zone Changes or Comprehensive Plan Amendments - excluding establishing or removing Historic Preservation Overlay Zones and Research Technology Center time extensions;
b) Subdivisions and Major Replats (Non-Residential);
c) Conditional Development - including Willamette River Greenway Permits;
d) Annexation proposals;
e) Planned Developments, including:
1) Conceptual and/or Detailed Development Plans;
2) Major Planned Development Modifications; and
3) Planned Development Nullifications per Section 2.5.80.b:
f) Refinement Plans and Refinement Plan Nullifications;
g) HRC-level Historic Preservation Permits related to Demolitions;
h) Major Neighborhood Center Master Site Plans, including:
1) Master Site Plans; and
2) Major Master Site Plan Modifications; and
~~i) Major Lot Development Options; and~~
i ~~j~~) Floodplain Development Permit Variances.

4 ~~3~~. **Any person who resides on or owns property within 100 ft., including street right-of-way, of a parcel of land proposed for:**

- **a) Appeals of a General Development decision of the Director;**
- **b) Establishing or removing a Historic Preservation Overlay zoning designation, in accordance with Chapter 2.2 – Zone Changes, including appeals of Administrative Zone Changes;**
- **c) HRC-level Historic Preservation Permits, except those covered by "2.g," above;**
- **d) Minor Planned Development Modifications;**
- **e) Expedited Land Divisions;**
- **f) Major Neighborhood Center Minor Site Plan Modifications;**
- **g) Request for Extension of Services outside the City limits. In addition, all property owners between the City limits and the subject property shall be mailed a notice;**
- **h) Sign Variance;**
- **i) Minor Lot Development Options;**
- **j) Subdivisions and Major Replats (Residential); and**
- **k) Conditional Development Permit Modifications**

Staff Analysis:

The proposed code amendment increases the distance used in calculating which properties (owners and occupants) are included on the notice list, from 300 feet to 500 feet, specifically for Major Lot Development Option applications. The net effect of this change is more property owners and occupants of property will receive the public notice for Major Lot Development Option applications. This would make the Major Lot Development Option the only Quasi-Judicial land use decision that requires a 500-ft. notice area. The Neighborhood Planning Work Group determined that, because the Major Lot Development Option process could result in significant variations from Land Development Code requirements, a larger notice area is warranted.

Advantages:

Increasing the notice area for Major Lot Development Options will increase opportunities for citizen engagement in land use decisions at the neighborhood scale. This change will notify more citizens within the vicinity of a proposed development for which a request to vary from code standards is necessary, thereby providing better opportunities for public input.

Disadvantages:

The proposed change to the notice area for Major Lot Development Options would be greater than the required notice area for all other land use applications, including Annexations, Comprehensive Plan Amendments, and Planned Developments.

Staff anticipate increased monetary costs associated with processing and mailing public notices, because the overall number of notices to be mailed will increase. It is somewhat difficult to quantify what the average cost increase would be, because there are many variables that affect the overall count of public notices, such as parcel size, geographic constraints such as highway right-of-way, and the variability in adjacent development types between low density residential and large apartment complexes that

require many more notices for the occupants. However, **Attachment D** shows one hypothetical scenario and the resultant cost differences between a 300 foot notice area and a 500 foot notice area. It has not been determined at this time how the increased cost of mailing additional notices will be recovered. However, Staff note that the majority of Lot Development Option applications filed and processed over the past decade have been of the Minor type. Therefore, Staff believe the increased costs as a percentage of all public notification events will be minimal.

Staff Recommendation:
Staff find that public necessity requires amending the notice area requirements for a Major Lot Development Option application, and encourages additional public involvement in land use decisions that may impact neighborhoods.

D. OVERALL CONCLUSIONS AND RECOMMENDATION

Based on the analysis provided of the proposed code amendments from the Neighborhood Planning Work Group, staff find that the proposed code amendments are consistent with Statewide Planning Goals and applicable Comprehensive Plan Policies. Furthermore, staff find that the package of proposed amendments will improve the general welfare of the community consistent with LDC Section 1.2.80.01. Consequently, staff recommend that the Planning Commission forward a recommendation to the City Council to adopt these proposed Land Development Code Amendments.

III. FACILITATE CODE-COMPLIANT CHANGES WITHIN APPROVED PLANNED DEVELOPMENTS OR WITHIN PLANNED DEVELOPMENT OVERLAY AREAS WITH NO PLANNED DEVELOPMENT APPROVALS

A. BACKGROUND

This report section presents staff analysis regarding the consistency of the text amendments recommended by the Economic Development Commission and authorized for consideration by the City Council with applicable review criteria and policies. It then presents the text amendment language recommended by staff, followed by staff analysis of each recommended amendment.

B. GENERAL CONSISTENCY WITH LDC CRITERIA AND POLICY ANALYSIS

1. Applicable Comprehensive Plan Policies

Following is a list of staff-identified Comprehensive Plan Policies that support the proposed code amendments:

1.2.1 The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.

The Land Development Code serves as the primary mechanism for implementing adopted Comprehensive Plan policies, and the proposed code amendments are found to be consistent with those policies in general, because the proposed code amendments do not change standards that would represent a shift in policy, or propose changes that support existing Comprehensive Plan policies, as delineated below. Adoption of the proposed code amendments would be consistent with CCP policy 1.2.1.

3.2.1 The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:
A. Preservation of significant open space and natural features;
B. Efficient use of land;
C. Efficient use of energy and other resources;
D. Compact urban form;
E. Efficient provision of transportation and other public services; and
F. Neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas.

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.

8.10.2 Given the community's intention to prevent decline in existing commercial areas, the City shall explore opportunities to facilitate and assist in the redevelopment of existing commercial areas, in a manner that meets current standards.

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 proposed code amendments allow for flexibility in development of projects that have been approved under the Planned Development process. They permit flexibility in development where all other LDC standards have been met, the proposal does not conflict with any previously approved Conditions of Approval, and does not erode any previously approved compensating benefits for variations approved with the original Planned Development. The proposed amendments comply with the applicable Comprehensive Plan policies above, because they promote a clear path to code-compliant development of residential, commercial, civic, and industrial properties. The proposed code amendments provide an alternative path to development for industrial properties that do not require discretionary reviews, specifically consistent with Policy 8.9.12, above. They assist in the facilitation of development and redevelopment of commercial properties, and take into account the immediate and long-term effects of regulations and standards (PD approvals, modifications, and associated discretionary reviews) on certain types of development subject to Planned Developments throughout the City. Consequently, staff find that the proposed code amendments are consistent with the applicable Comprehensive Plan policies cited above.

2. Applicable Statewide Planning Goals

Goal 1: Citizen Involvement

Consistent with Goal 1, the process of developing the proposed code amendments has benefitted from public involvement, through the work of the Economic Development Commission. The Economic Development Commission developed this recommendation with citizen input and staff assistance. The City Council has authorized the development and consideration of the proposed amendments through the public hearing process required for consideration of Land Development Code Amendments, which includes public hearings with the Planning Commission and City Council. Public input will be encouraged throughout this process, consistent with Goal 1.

Goal 2: Land Use Planning

The proposed amendments in all cases provide clear and objective standards for development consistent with Land Development Code provisions.

Goal 9: Economic Development

Included in the Implementation Section of Goal 9 is the following statement:

> "(Comprehensive) Plans should take into account methods and devices for overcoming certain regional conditions and deficiencies for implementing this goal, including, but not limited to…(2) land use controls and ordinances…."

The proposed code amendments were recommended by the Economic Development Commission because of concerns that some Planned Development requirements, specifically as they impacted commercial and industrial development, were having the effect of discouraging expansion and economic growth in Corvallis. Consequently, the proposed amendments are consistent with Goal 9.

Goal 10: Housing

The proposed code amendments would allow for certain changes to Planned Development approvals, providing for a measure of flexibility where code compliant development is proposed, and relating to development of Group Residential, Cooperatives and Fraternity and Sorority Houses, Residential Care Facilities, and Multi-dwelling Building Types. The proposed measures would not restrict the development of housing in the community. Therefore, this package of code amendments is consistent with Goal 10.

C. PROPOSED LDC TEXT AMENDMENTS

Proposed revisions to the LDC are shown using a double-underline font for new text, and a strike-out font for deleted text. All revised text is emphasized by highlight. Land Development Code Text is italicized to differentiate the text from the staff analysis. For example:

- *This formatting indicates new text.*
- ~~*This formatting indicates text that has been deleted.*~~

To facilitate reading this document, subheadings that describe the subject of the revised text have been included in bold (e.g. **Proposed Amendment to Compliance with Detailed Development Plan – All Use Types**).These subheadings will not necessarily be included in the LDC. Explanations for each revision are provided under the heading staff analysis (e.g. Staff Analysis), which is generally provided after each revision, but occasionally is provided before the revision if background information is necessary to understand the revised text.

1. Proposed Amendment to Compliance with Detailed Development Plan – All Use Types

The proposed code amendment relates to all residential, commercial, civic, and industrial properties that contain approved Planned Developments, and is intended to provide a measure of flexibility in the application of the Planned Development, in order to provide for changes in code-compliant site design elements where certain thresholds are met, without the need for a Planned Development modification and its associated land use process.

2.5.50.10 - Review Criteria for Determining Compliance with a Detailed Development Plan

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in compliance with the approved Detailed Development Plan. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.5.40.04, does not involve any new modifications to this Code's development standards, and does not involve changes to any specific requirements established at the time of Detailed Development Plan approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Detailed Development Plan. Minor revisions shall be allowed if all of the following are met:

1. Falls below the thresholds identified in Section 2.5.60.02.a;

2. Does not affect any conditions of approval;

3. Does not affect any approved compensating benefits;

4. Adds, or reduces, less than 1,000 sq. ft. of floor area to the approved development plan, but does not result in the cumulative transfer of approved building square footage between approved buildings beyond 1,000 square feet;

5. Complies with all applicable Land Development Code provisions; and

6. Revisions to approved site design elements, such as landscaping, green areas, sidewalks and pedestrian routes, do not result in a change greater than 10% to those elements approved in the Detailed Development Plan.

7.~~6.~~ When evaluated in relation to all prior approved minor revisions to the approved Planned Development, does not result in changes that would cumulatively exceed the thresholds listed above.

Staff Analysis:

This proposed amendment allows for flexibility in elements of site design without the need for a land use process, where the proposed changes relate to site design elements, are code compliant, do not affect any Conditions of Approval or compensating benefits approved under the Planned Development, and fall below a threshold of change.

Advantages:

The proposed code amendment permits a measure of flexibility in site design to respond to changing circumstances, without the time, cost, and uncertainty that results from a land use process. It promotes development that is consistent with current LDC standards, allows for non-discretionary review in certain circumstances, and promotes code-compliant development of residential, commercial, civic, and industrial projects, while reducing the expenditure of resources in review of such changes.

Disadvantages:

The proposal does potentially reduce the amount of public involvement in the approval of certain changes to previously-approved Planned Developments, but also permits a limited amount of flexibility to plans for projects that have been approved under a Planned Development, providing a clearer path to development without the time, expense, and uncertainty of a land use process and approval for minor changes to site design. On balance, staff find that the proposal contains little disadvantage compared to the advantages afforded by the change.

Staff Recommendation:

Staff find that the proposal is consistent with the City's goals to provide a clear path to code-compliant development of residential, commercial, civic, and industrial properties that will assist in furthering the City's goals for development, as referenced in the applicable Comprehensive Plan policies above.

2. Proposed Code Amendment for Minor Plan Adjustments and Determining Compliance with Planned Development Approvals

The proposed code amendments provide a small allowance for additional development or redevelopment on a site with an approved Detailed Development Plan, without the need for a land use process. This proposed standard allows for some consideration of scale for larger developments, but in all cases allows for at least 500 sq. ft. of expansion without a land use process. The proposed amendment contains language that applies to all types of Planned Developments (Residential, Commercial, Civic, and Industrial), with some minor differences in criteria for certain Planned Development Types. The proposed Land Development Code language is as follows:

2.5.50.20 Minor Plan Adjustments Considered to be in Compliance with an Approved Detailed Development Plan – Minor plan adjustments to Planned Developments are permitted and considered to be in compliance with an approved Detailed Development Plan, subject to the following criteria, and the additional criteria in A, B, and C, below:

A. The expansion falls below the thresholds identified in Section 2.5.60.02.a;
B. The expansion does not affect any Conditions of Approval; and,
C. The expansion does not affect any approved compensating benefits and would not allow for a reduction in enhancements provided to offset allowed flexibility from LDC standards

1. Residential Minor Plan Adjustments Considered to be in Compliance with an Approved Detailed Development Plan - Minor plan adjustments to a Residential Planned Development are permitted for the following Residential Use Types and Residential Building Type:

a) Group Residential
b) Cooperatives and Fraternity and Sorority Houses
c) Residential Care Facility
d) Multi-dwelling Building Type

Minor Plan Adjustments to the above Residential Use Types and Residential Building Type are considered to be in compliance with an approved Detailed Development Plan, provided the adjustments fall below the thresholds below:

a. The expansion adds floor area of 500 sq. ft. or less; or
b. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area; and,
c. The proposed expansion, in conjunction with all prior development authorized under these provisions, constitutes no more than 10% of the total gross area approved under the Planned Development.

2. Commercial, Civic, and Industrial Minor Plan Adjustments Considered to be in Compliance with an Approved Detailed Development Plan - Minor plan adjustments to a Commercial, Civic, or Industrial Planned Development are considered to be in compliance with an approved Detailed Development Plan, provided the adjustments fall below the thresholds below:

a. The expansion adds floor area of 500 sq. ft. or less; or
b. The expansion adds floor area of 5,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area; and,
c. The proposed expansion, in conjunction with all prior development authorized under these provisions, constitutes no more than 20% of the total gross area approved under the Planned Development.

Staff Analysis:

The proposed code amendments allow for a measure of flexibility in development under approved Planned Developments, where the above standards are met. Development that meets the above criteria would be permitted without a land use process, provided it also complies with 2.5.50.20. A though C above. This proposal provides a pathway to code-compliant development plan adjustments, expansions, or redevelopment without the requirement to go through a Planned Development or Modification process.

Advantages:

The proposed code amendments respond to concerns that the Planned Development modification process creates a lengthy, costly, and uncertain process, even for minor changes to site design and expansions that are otherwise code-compliant. The proposal allows for a small amount of variation to approved Detailed Development Plans, where certain criteria are met, and provides a clear and objective process for development without the need for a land use process.

Disadvantages:

The proposal removes the requirement for a land use process associated with limited changes to approved Planned Developments, which would eliminate the requirement for public notice and the opportunity for public comment. However, when a proposal meets the above criteria, the proposed amendment allows for development that is consistent with standards in the Land Development Code, which implements Comprehensive Plan policy.

Staff Recommendation:

Staff conclude that the proposed code amendments provide for clear and objective standards by which code-compliant minor adjustments to previously approved Planned Developments may be made without the need for a land use process. The proposed amendments reduce the time, cost, and uncertainty associated with making small changes to Planned Developments, and are consistent with applicable Comprehensive Plan policies above, that call for more direct and less process-oriented paths to development, and promote economic development efforts such as industrial development and commercial area development and redevelopment. Staff find the proposed code amendments meet the criteria above.

3. Proposed Code Amendment to Allow for Code-Compliant Development of Industrial Properties Containing an Approved Planned Development That Has Not Been Substantially Developed Under the Planned Development

The proposed code amendment allows for code-compliant industrial development in the Limited Industrial (LI), Limited Industrial – Office (LI-O), and the General Industrial (GI) Zones, where there is an approved Planned Development that either does not have a Conceptual or Detailed Development Plan, or has a Detailed Development Plan under which 5% or less of approved development has occurred. The amendment would permit properties described above to be developed per Land Development Code standards, and would contain the same parameters for development as above; that development is fully code-compliant, does not conflict with any Conditions of Approval, and does not erode compensating benefits that were approved through the Planned Development.

The Limited Industrial (LI), Limited Industrial – Office (LI-O), and the General Industrial (GI) Zones are the best candidates for provisions that would facilitate development without the need for land use reviews, despite the existence of PD Overlays. Vacant properties zoned PD(LI), PD(LI-O), and PD(GI) represent some of the most attractive large-lot sites in the City that would support larger-scale economic development, and which would consequently provide significant economic development opportunities for the City. **Attachment E** shows the location of vacant, or largely undeveloped, properties with these zoning designations in the City. The proposed Land Development Code language is as follows:

2.5.50.30 – Development of Industrial Property Consistent with Land Development Code Standards – Industrial Development shall not require additional Planned Development review when the following thresholds are met:

1. **The property is zoned PD(LI), PD(LI-O), or PD(GI);**
2. **The proposed development does not conflict with any Conditions of Approval or exceed any limitations placed on the intensity of development and established by a Planned Development Approval; and,**
3. **The proposed development does not affect any compensating benefits approved with the Planned Development and would not allow for a reduction in enhancements provided to offset allowed flexibility from LDC standards;**

And:

3. **There is no active Conceptual or Detailed Development Plan on the subject property, or**
4. **Existing development under an active Detailed Development Plan comprises 5% or less of the authorized square footage or total development area approved under the Planned Development.**

Staff Analysis:

For industrial lands that are zoned either PD(LI), PD(LI-O), or PD(GI), which have either not received any Planned Development approvals, or which have thus far seen very little development consistent with an approved Detailed Development Plan (5% or less), the proposed code amendment would allow development on the remainder of these sites consistent with the requirements of the Land Development Code, and within the parameters specified above, but without need for a further land use approval process. This would affect a number of large industrial sites in Corvallis, including the site on South 3rd Street that was previously proposed for a car dealership, and the McFadden site, near the Hewlett Packard campus, among others (see **Attachment E**). The proposed implementation of these provisions is intended to facilitate future industrial development in the City that complies with the Land Development Code.

Advantages:

As mentioned above, the proposed amendment was developed in response to a large quantity of vacant or minimally developed industrial property being encumbered by Planned Developments requiring a public process for development. The proposal is intended to positively impact industrial and economic development in Corvallis, and responds to Comprehensive Plan Policy 8.9.12, which highlights the constraints to industrial development associated with Planned Development overlays, and directs the City to examine alternatives to Planned Developments that do not require discretionary review.

Disadvantages:

The proposal permits development, or changes to development plans that are code-compliant and meet the parameters above, without the need for an additional land use process for approval. However, the standards proposed above ensure that development under these provisions would be compliant with the Land Development Code, would not affect any Conditions of Approval or established limitations placed on the intensity of development, and would not erode any compensating benefits or enhancements provided to offset allowed flexibility from development standards that had been approved with a Planned Development.

Staff Recommendation:

Based on the analysis above, staff conclude that the proposed text amendment provides a clear path to code compliant industrial development for properties that are vacant or have development to a very small degree (5% or less) under an active Conceptual or Detailed Development Plan. Staff conclude that this provision is consistent with the City's goals to encourage industrial and economic development, and to provide standards for industrial development that do not require discretionary reviews.

D. OVERALL CONCLUSIONS AND RECOMMENDATION

Based on the analysis provided of the proposed code amendments, staff find that the proposed amendments are consistent with Statewide Planning Goals and applicable Comprehensive Plan Policies. Furthermore, staff find that the package of proposed amendments will improve the general welfare of the community consistent with LDC Section 1.2.80.01. Consequently, staff recommend that the Planning Commission forward a recommendation to the City Council to adopt these proposed Land Development Code Amendments. A motion is provided to do so, as follows:

Recommended Action
The Planning Commission is asked to make a recommendation to the City Council regarding the proposed Text Amendments recommended by the Neighborhood Planning Work Group, the Economic Development Commission, and City staff (LDT13-00003). The Planning Commission has three options with respect to a recommendation.

Option 1 Recommend approval of Text Amendments as proposed.

Option 2 Recommend approval of Text Amendments as modified by the Planning Commission.

Option 3 Recommend denial of proposed Text Amendments.

Given the analysis provided in this report above, and the recommendations of the Neighborhood Planning Work Group and Economic Development Commission to

support the proposed Text Amendments, Staff suggest the Planning Commission chose either Option 1 or Option 2. Recommended motions for each are provided below.

Option 1 Motion for LDT13-00003:

Based on the findings in the March 12, 2014, Staff Report to the Planning Commission, and based on the findings in the minutes of the March 19, 2014, Planning Commission meeting, I move to recommend that the City Council adopt the proposed package of Land Development Code Amendments (LDT13-00003) as presented by staff. This package of Land Development Code Amendments includes amendments recommended by the Neighborhood Planning Work Group, the Economic Development Commission, and by City staff.

Option 2 Motion for LDT13-00003:

Based on the findings in the March 12, 2014, Staff Report to the Planning Commission, and based on the findings in the minutes of the March 19, 2014, Planning Commission meeting, I move to recommend that the City Council adopt the proposed package of Land Development Code Amendments (LDT13-00003) as presented by staff, <u>and modified by the Planning Commission during the March 19, 2014, meeting on this matter</u>. This package of Land Development Code Amendments includes amendments recommended by the Neighborhood Planning Work Group, the Economic Development Commission, and by City staff.

IV. REVISIONS TO LDC CHAPTER 2.9 – HISTORIC PRESERVATION PROVISIONS TO FACILITATE COMPATIBLE DEVELOPMENT PROPOSALS (LDT13-00002)

A. BACKGROUND

Over the past few months, City staff, in conjunction with the Historic Resources Commission, have developed draft Text Amendments to LDC Chapter 2.9 – Historic Preservation Provisions. The proposed amendments incorporate ideas of OSU planning staff and the Historic Resources Commission. The HRC has had in depth discussions and worked through three iterations of amendments during public meetings held on December 3, 2013, and January 7 and 14, 2014. On January 14, 2014, the HRC unanimously recommended approval of the draft Text Amendments provided in this memorandum. **Attachment G** contains the minutes of these HRC meetings.

The idea of reducing the amount of City resources dedicated to review of Historic Preservation Permit applications has been under discussion since at least 2012. At the request of the City Council, City staff met with staff from OSU Facilities Planning and the State Historic Preservation Office (SHPO) to explore the possibility of giving OSU more authority to regulate Designated Historic Resources within the OSU Historic District. As a result of this and subsequent discussions, the Historic Resources Commission (HRC) made the following recommendation to the City Council in 2012:

> *The current system and Land Development Code review hierarchy is functioning well and as expected. However, at the direction of City Council, it is recommended that the City's Historic Preservation Provisions be evaluated to identify changes that would increase or expand upon the types of activities that are either exempt from the need for a Historic Preservation Permit, and/or that can be approved administratively. This effort would focus on activities within the OSU Historic District.*

Part of the reason for the emphasis on the OSU Historic District is that it was formed without rules tailored to it. As such, it was required to be governed under existing Historic Preservation provisions, which were crafted with a focus on residential structures in residential neighborhoods. The OSU Historic District includes the campus core and buildings that are significantly different in form and function than most other Designated Historic Resources. As a result of the new OSU Historic District, more staff resources were required to be dedicated to Historic Preservation Permit (HPP) review simply because there were now more buildings and development area under the purview of the City's Historic Preservation Provisions. Additionally, the University is continually undertaking projects to maintain buildings, retrofit them to comply with evolving standards (such as those related the Americans with Disability Act and emergency egress requirements), and to build new structures to meet a variety of goals and needs. In many instances these types of alterations or new construction activities have a negligible impact on the Historic District or on an affected Designated Historic Resource structure. However, unless activities are specifically identified in LDC Chapter 2.9 – Historic Preservation Provisions as being exempt from the need for an HPP, or

eligible for Director-level (administrative) approval, the activities require review by the HRC. This entails creation and mailing of public notices, writing detailed staff reports, and holding public hearings, all of which consume more staff time and resources, along with the time and resources of the decision makers and the applicant.

Past amendments to Chapter 2.9 have created more exemptions, and some that are particularly applicable to the OSU District. The proposed Text Amendments build upon past work and follow the same direction by expanding the kinds of development activities that can occur without a Historic Preservation Permit, or that can be approved administratively. It would have been possible to move some of the proposed exempt activities under the Director-level review in LDC Section 2.9.100.03; however, in most instances this was not done because both exempt and Director-level criteria are prescriptive, clear, and objective, and staff level review was not determined to be warranted. Unless it was believed that it was important for staff to check that an activity met the clear and objective criteria, text amendments have been written as exempt activities. This is because even Director-level applications require review of applications for completeness, and written analysis contained within a Disposition that requires a 12-day appeal period. Altogether, it typically takes approximately 45-days for a Director-level application to become effective. To avoid this time and process, effort was made to expand the scope and number of exempt activities rather than add to the list of activities that could be approved by the Director. In all cases, the proposed exempt activities are considered to be historically compatible and without need for discretionary review.

B. GENERAL CONSISTENCY WITH LDC CRITERIA AND POLICY ANALYSIS

Proposed amendments affect properties both within and outside of the OSU national Register Historic District. Generally speaking, proposed amendments could be placed into four categories: Alterations to Nonhistoric and Nonhistoric / Noncontributing Resources; Alterations to Facilitate Compliance with the Americans with Disabilities Act (ADA), Building Code, or Safety Requirements; Minor Alterations Facilitating Contemporary Use, and; Simplification or Clarifications of Code. Further explanation of proposed amendments and proposed LDC text is provided later in this report.

1. LDC Criterion

The single review LDC criterion used to evaluate Text Amendment applications is found in Section 1.2.80.01 – Background. It states,

> **This Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable policies.**

As discussed above, the proposed amendments are in the interest of public necessity, convenience, and the general welfare of the community. In summary, the proposed amendments would continue to regulate alterations and new construction on Designated Historic Resources structures and sites. Maintaining these regulations is

consistent with Section 1.2.80.01. The regulations found in LDC Chapter 2.9 – Historic Preservation Provisions are proposed to be altered to increase the number of activities that are exempt from the need for a Historic Preservation Permit, and to expand the parameters of other activities that are permitted with Director-level approval. By increasing the number of exemptions using clear and objective criteria, and expanding Director-level review parameters, it becomes easier and more convenient to alter Designated Historic Resources (structures and sites) in certain ways, while maintaining historic compatibility. This improved level of convenience could potentially result in at least four benefits in the interest of the general welfare of the community.

- Designated Historic Resources, including those classified as Nonhistoric, and Nonhistoric / Noncontributing can be updated more easily, facilitating their on-going maintenance and long term viability.
- Achieving compliance with certain ADA, Building Code, and safety requirements will be facilitated.
- Increased support by community members, including those that own or are responsible for maintaining Designated Historic Resources, if regulations are viewed as reasonable and not overly onerous.
- More efficient use of City resources, such as the ability to dedicate more staff time to other high priority tasks on the Planning Division work plan such as upcoming long range planning efforts.

The Historic Resources Commission has closely reviewed the proposed amendments. They acknowledge that the increased flexibility for developing on Designated Historic Resource properties could have some negative impacts from a more strict historic preservation perspective compared to current regulations. However, overall, the HRC found that the proposed amendments would not result in historically incompatible development. This is important, because protecting Designated Historic Resources is in the interest of the community's general welfare. By maintaining regulations that sufficiently protect the historic character of Designated Historic Resources, including individual structures and historic districts, the proposed amendments are consistent with Section 1.2.80.01.

Per Section 1.2.80.01, the proposed amendments are evaluated below against applicable Corvallis Comprehensive plan (CCP) policies and Statewide Planning Goals. Analysis in these sections finds the proposed amendments are consistent with applicable Policies and Goals, and are therefore, consistent with the criterion in Section 1.2.80.01. Findings from those sections are incorporated here by reference.

2. Applicable Comprehensive Plan Policies

Following is a list of staff-identified Comprehensive Plan Policies that support the proposed code amendments:

1.2.1 The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.

1.2.6 The City shall maintain a formal Unresolved Planning Issues list to be used as a guide to planning issues that require further study and investigation by City staff and the Planning Commission.

The proposed Text Amendments are intended to regulate Designated Historic Resources consistent with the Comprehensive Plan. The Land Development Code serves as the primary mechanism for implementing adopted Comprehensive Plan policies, and the proposed amendments are found to be consistent with those policies in general, because the proposed code amendments do not change standards that would represent a shift in policy. Adoption of the proposed code amendments would be consistent with CCP policy 1.2.1.

5.4.1 The City shall continue to use the Corvallis Register of Historic Landmarks and Districts as the City's official historic site listing. The intent of this inventory is to increase community awareness of historic structures and to ensure that these structures are given due consideration prior to alterations that may affect the historic integrity of the structure.

5.4.2 The City shall encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.

5.4.4 The public's safety and general welfare shall be carefully evaluated when a conflict surfaces between the renovation of an historic structure and the City's building and fire codes.

5.4.5 Special architectural review criteria for historic structures shall be maintained in the Land Development Code.

5.4.8 The first priority for historic inventory and preservation work shall be older neighborhoods, especially those bordering the downtown and the Oregon State University campus.

Designated Historic Resources, as defined in LDC Chapter 1.6 – Definitions are regulated under LDC Chapter 2.9 – Historic Preservation Provisions. Some Designated Historic Resources are listed in the Corvallis Register of Historic Landmarks and Districts (Local Register), others are listed in the National Register of Historic Places (National Register), and some are listed in both. Under the proposed amendments, activities affecting the Historic Integrity of Designated Historic Resources would still be given consideration, consistent with Corvallis Comprehensive Plan (CCP) 5.4.1. Also, consistent with CCP 5.4.1, many of the proposed amendments would make certain activities on certain types of Designated Historic Resources exempt from the need for a Historic Preservation Permit review under LDC Chapter 2.9. The nature and/or scale of these exempt activities has been determined to have no impact, or such a negligible impact on the Historic Integrity of a Designated Historic Resource, that Historic Preservation Permit (HPP) review is not required.

As discussed previously, many proposed amendments affect development within the OSU Historic District. While the proposed amendments don't contemplate any historic

inventory work, the focus on creating criteria responsive to the unique development issues within the OSU District is in line with the direction in CCP 5.4.8.

Consistent with CCPs 5.4.3 and 5.4.5 alterations that do not meet the clear and objective HPP exemption or Director-level (administrative) criteria would continue to be required to be reviewed against a set of architectural review criteria to determine historic compatibility. Such HPP applications require review by the Historic Resources Commission, the body that has replaced the Historic Preservation Advisory Board. These review criteria are not proposed to be altered through the subject Text Amendment.

Most proposed Amendments make identified activities exempt from the need for an HPP. Exempt activities have been determined to be historically compatible, eliminating the need for a City review process to determine compatibility. The ability to expediently make pre-defined alterations to buildings and structures may be economically beneficial to those maintaining the building or structure. Similarly, some proposed amendments would allow changes to buildings that are required to comply with Building Codes or ADA requirements, or otherwise facilitate a contemporary use for a Historic building. By allowing these changes outright, buildings can be updated to meet current Building Code and ADA requirements, which facilitates the on-going use of Historic buildings in an economically viable manner. This is consistent with CCPs 5.4.1 and 5.4.4. Specific amendments that may allow buildings to be used in a more economically viable manner or be altered to comply with Building Codes include Sections 2.9.70.k, “l”, “m”, “w”, “q”, “s”, “z”, “aa”, and 2.9.100.03.b, “c”, and “e”.

In conclusion, staff find the proposed amendments to Chapter 2.9 are consistent with applicable Comprehensive Plan Policies.

3. Applicable Statewide Planning Goals

City and County comprehensive plans in Oregon must be consistent with Statewide Planning Goals, and land use regulations must be enacted to implement the comprehensive plans that support those Statewide Planning Goals. When jurisdictions amend their comprehensive plans, or implementing measures (such as our Land Development Code) notice of the proposed changes must be provided to the Oregon Department of Land Conservation and Development (DLCD), and jurisdictions must demonstrate that the proposed code amendments are consistent with the 19 Statewide Planning Goals. On February 10, 2014, notice of this proposed package of LDC Amendments was delivered to DLCD. The following analysis addresses the consistency of the proposed recommended measures with applicable Statewide Planning Goals.

<u>Goal 1: Citizen Involvement</u>
The proposed Text Amendments have been discussed in detail over the course of three Historic Resources Commission (HRC) advertised public meetings held on December 23, 2013, and January 7 and 14, 2014. During these, the HRC considered staff proposed amendments, and took public testimony regarding proposed amendments.

Based on public testimony and HRC direction, the proposed amendments were revised, and ultimately, the HRC unanimously recommended approval of the text amendments presented by City staff on January 14, 2014.

Opportunities for public involvement and influence on proposed amendments will be provided through the Planning Commission and subsequent City Council public hearing processes. All public meetings and public hearings have been or will be noticed per state and local requirements. Consequently, sufficient opportunity has been given for members of the public to participate in the subject planning process.

Goal 2: Land Use Planning

The process followed for review of the proposed amendments is consistent with the process laid out in Section 1.2.80 of the Land Development Code for text amendments to the code. The proposed amendments in all cases provide either clear and objective standards for development consistent with Land Development Code provisions, or establish a clear process for land use decisions supported by adequate findings of fact.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

The proposed amendments are designed to protect previously identified historic resources. The City's regulations of Designated Historic Resources, which is primarily found in LDC Chapter 2.9 – Historic Preservation Provisions, will be retained, and amended as proposed. By maintaining an inventory of regulated historic resources and a plan to govern development impacts on those resources, the proposed Text Amendment application is consistent with Statewide Planning Goal 5.

Goal 9: Economic Development

The proposed amendments to Chapter 2.9 will generally serve to facilitate review of alterations or new construction on historic resources or to properties within historic districts, some of which may also be significant locations for economic development. By providing more certainty in the review process, and by eliminating the requirement for review of many types of alterations, the proposed code amendments will support economic development in the City, consistent with Goal 9.

Goal 10: Housing

Some proposed amendments will permit greater exterior alterations to residential buildings and sites regulated by LDC Chapter 2.9 – Historic Preservation Provisions without the need for a Historic Preservation Permit. To some extent this facilitates the provision of housing in the community. Though Historic Preservation Permits would still be required for many types of alterations affecting residential development, none of the proposed measures would serve to restrict the development of housing in the community beyond restrictions of other LDC provisions. Therefore, the proposed Text Amendments affecting LDC Chapter 2.9 are consistent with Statewide Planning Goal 10.

In conclusion, staff find the proposed amendments are consistent with applicable Statewide Planning Goals.

C. PROPOSED TEXT AMENDMENTS

Provisions in LDC Chapter 2.9 – Historic Preservation Provisions where substantive (more than re-numbering) Text Amendments are proposed are presented below. Code language is provided in a series of tables, each with two columns. The left hand column contains existing LDC text, and the right column contains proposed LDC text. Proposed Text is shown in redline / strikeout format. It is worth noting that proposed amendments have already been modified multiple times through the HRC review process. As a result, some sentences and paragraphs have rearranged, and numbering modified. This may create some challenges in seeing precisely what has changed and how. It is recommended that both existing and proposed text be completely read to best understand proposed amendments. To assist in understanding proposed changes, an explanation of each is proposed following each table.

It should also be noted that the headings above the tables are based on the current LDC numbering, and do not reflect numbering changes related to proposed amendments. This has been done to facilitate cross-referencing with the existing LDC and to remain consistent with previous documents reviewed by the HRC. The actual LDC text amendments presented below have been updated to reflect numbering changes.

While there is some overlap among proposed amendments, they are grouped into four categories: 1) Alterations to Nonhistoric and Nonhistoric / Noncontributing Resources; 2) Alterations to Facilitate Compliance with ADA, Building Code, or Safety Requirements; 3) Minor Alterations Facilitating Contemporary Use; and 4) Simplification or Clarifications of Code. Grouping in these categories helps identify the public need or benefit provided by the proposed amendments.

1. Alterations to Nonhistoric and Nonhistoric / Noncontributing Structures

Sections 2.9.70.e. and t – Alterations to Nonhistoric and Nonhistoric / Noncontributing Structures

e. Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District *- Exterior Alteration or New Construction to a property in a National Register of Historic Places Historic District that is classified in its entirety as Nonhistoric/Noncontributing shall be exempt from review, provided the Alteration or New Construction is not visible from public rights-of-way or private street rights-of-way, except for alleys, from which it may be visible, and the Alteration*	***e. Alterations to Nonhistoric and Nonhistoric/Noncontributing Structures –*** *Exterior Alterations, including additions, to Nonhistoric / Noncontributing structures in a National Register Historic District, and to Nonhistoric structures on a Designated Historic Resource property outside of a National Register Historic District, if the applicable standards below are met. This exemption does not include freestanding structures which are addressed in Section 2.9.70.h, nor equipment enclosures, which are addressed in Section 2.9.70.z.*

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or New Construction is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.	***1. Windows and Doors on All Nonhistoric and Nonhistoric / Noncontributing Structures*** *a. Windows and Doors visible from public or private street rights of way may be replaced with new windows and doors in the same location and of the same size and style.* *b. Windows and doors on facades not visible from public or private street rights-of-way, excluding alleys from which they may be visible, may be replaced with windows and doors of different sizes and styles than existing windows and doors.* *c. New window and door openings may be created on facades not visible from public or private street rights-of-way.* ***2. Structures and Properties Not in the OSU National Register Historic District*** *a. The Alteration does not exceed the height of the structure being altered, except for chimneys, which may exceed the structure's height to the extent necessary to comply with the Building Code.* *b. The Alteration shall not exceed a footprint of 200 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval.* ***3. Structures within the OSU National Register Historic District*** *a. The Alteration does not exceed the height of the structure being altered, except for projections permitted under Section 4.9.50.01 – General Exceptions to the Building Height Limitations.* *b. An Alteration to the structure shall not exceed a footprint of 400 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval.* ***4. Not Visible from Public or Private Streets -*** *Unless exempt under the above criteria or per other provisions in Section 2.9.70, alterations shall not be visible from public or private street rights-of-ways, except for alleys.*

Staff Analysis:

Section 2.9.70.e addresses alterations to Nonhistoric and Nonhistoric / Noncontributing structures in National Register Historic Districts. There are three major changes proposed to Section 2.9.70.e.

1. Section 2.9.70.t, which currently addresses windows and doors on Nonhistoric / Noncontributing buildings has been combined with Section 2.9.70.e.

2. This provision has been restructured to include four subsections. Subsection 1 addresses window and door alterations; subsection 2 addresses other alterations, such as additions, on buildings not in the OSU Historic District; subsection 3 addresses alterations on buildings within the OSU Historic District; and subsection 4 is a standard prohibiting the noted alterations from being visible from streets as an exempt activity.

3. Provisions addressing windows and doors have been modified so that windows and doors on Nonhistoric and Nonhistoric / Noncontributing buildings may be replaced with windows and doors of any material. On these types of buildings, windows and doors visible from streets must be replaced in the same location, and with the same size and style of window and door (but not materials). While on facades not visible from streets, replacement windows and doors would be able to be replaced with windows and doors of different sizes, styles, and materials.

4. For structures in the OSU Historic District, the maximum size of additions permitted as an exempt activity is proposed to increase from 200 sq. ft. to 400 sq. ft., and projections listed in Section 4.9.50.01 – General Exceptions to the Building Height Limitations are included as exemptions. This would allow elevator shafts and similar projections if not visible from streets.

Overall, the proposed amendments to Sections 2.9.70.e and 2.9.70.t allow more flexibility in the types of windows and doors permitted on Nonhistoric and Nonhistoric / Noncontributing buildings, primarily by not regulating window and door materials. The proposed amendments allow larger additions to OSU buildings, without the need for an HPP, than current provisions allow, and make clear that additions and other alterations, such as dormers, can fall under the exemption criteria in Section 2.9.70.e.

Advantages

The advantage to the proposed amendment is that greater flexibility is allowed with respect to alterations to Nonhistoric and Nonhistoric / Noncontributing resources without Historic Preservation Permit review.

Disadvantages

The increased flexibility without Historic Preservation Permit review increases the risk that alterations that may be considered to have a negative impact on surrounding Historic and Historic / Contributing Resources could occur. For example, in most cases replacing a typical window on the side of a Nonhistoric / Noncontributing garage with a window of a different material and different size would not be considered to negatively impact an adjacent Historic Contributing resource. However, the proposed provision could be exploited to potentially allow a person to replace most of a wall with a large window. At extremes, the above provisions may permit alterations that would negatively impact other Designated Historic Resources.

Section 2.9.70.k - Access Ramps and Roof Top Fall Protection

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

	grade or to the first-level of the building. ~~3.~~*4. Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements.* ~~4.~~*5. Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone.* ~~5.~~*6. Roof Top Fall Protection Rails and Anchors – If required to comply with the Building Code.*

Staff Analysis:
Proposed amendments to Section 2.9.70.k would allow door opening sensors and knox boxes to be attached to buildings. Door opening sensors is a general term meant to describe buttons that, when pushed, open a door. A knox box is a proprietary term, but the common term for a small, wall mounted safe often attached to the outside of a building that holds keys for emergency personal to use to enter the building. Amendments would also allow rooftop fall protection equipment to be installed without a Historic Preservation Permit. This kind of equipment includes railings, and anchors on which service workers can attach safety ropes.

Proposed amendments also address the installation of access ramps separately for OSU Historic District buildings and other Designated Historic Resource properties. Within the OSU Historic District, the proposed exemption would allow access ramps to be installed below ground and up to the first level of a building. For non-OSU Historic District buildings, ramps could be installed below grade and up to 48-inches above grade. The current Code language does not contemplate below grade ramps; and 48-inches is the maximum height for ramps as an exempt activity. These changes are intended to make it easier to comply with ADA requirements. Compliance with ADA within parameters of Section 2.9.70.k is not expected to negatively impact Designated Historic Resource structures or Historic Districts.

Advantages
The proposed amendments to Section 2.9.70.k facilitate updates to buildings that allow improved ADA access and safety features for maintenance workers. It is expected that these changes will benefit development within the OSU Historic District, along with other Historic Resources. Typically the types of alterations contemplated in Section 2.9.70.k are required by Building Code and the above language permits compliance with those

Building Codes without need for an HPP, as long as alterations are within the parameters set forth.

Disadvantages

Compliance with Building Codes and ADA requirements is required, but on Designated Historic Resources complying with Building Codes and ADA requirements must be done in a manner that is historically compatible. The extent of the alterations permitted under the above provision is expected to result in historically compatible development. However, without review some discretionary influence is lost. For example, fall protection anchors might be installed only where easiest to comply with Building Code requirements, when other more historically appropriate and Building Code compliant locations are available.

Section 2.9.100.03.e – Replacement of Windows and Doors

e. Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing Resources- *Windows and doors may be replaced with new windows and doors containing double-pane glazing and meeting current Building Code energy efficiency standards. The following provisions also apply:* *1. Except as otherwise provided in subsections 2-5, below, the replacements shall match the replaced items in:* *a. Materials;* *b. Design or style;* *c. Size;* *d. Sash and Muntin dimensions (a ½-in. tolerance in size is permitted for Sashes, and a 1/8-in. tolerance in size is permitted for Muntins);* *e. Number and type of divided lites (either true or simulated lites are permitted; snap-on grids are not); and* *f. Shape.* *2. Metal-clad wood may be substituted for the original, non-glass materials of the replaced items.* *3. On residential structures, non-wood doors and hollow-core doors may be replaced with doors of a dissimilar design, provided the replacement doors are solid wood*	***e. Replacement of Windows or Doors*** ***1. Replacement of Windows and Doors on Historic, Historic/Contributing, and Historic/Noncontributing ~~Resources~~Structures-*** *Windows and doors may be replaced with new windows and doors if the following standards and criteria are satisfied. ~~containing double-pane glazing and meeting current Building Code energy efficiency standards. The following provisions also apply:~~* *a. Except as otherwise provided in subsections 2-5, below, the replacements shall match the replaced items in:* *1. Materials;* *2. Design or style;* *3. Size;* *4. Sash and Muntin dimensions (a ½ in. tolerance in size is permitted for Sashes, and a 1/8-in. tolerance in size is permitted for Muntins);* *5. Number and type of divided lites (either true or simulated lites are permitted; snap-on grids are not); and* *6. Shape.* *b. Metal-clad wood may be substituted for the original, non-glass materials of the replaced items.* *c. On residential structures, non-wood doors and hollow-core doors*

or metal-clad solid wood and are the same size, and in the same location as the door to be removed. Glass is permitted in the replacement door. *4. Alterations involving decorative art glass and leaded glass windows shall be reviewed by the HRC unless the alteration satisfies the Chapter 1.6 definition for In-kind Repair or Replacement.* *5. Installation of new, or replacement of windows and doors on Nonhistoric and Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are exempt per Section 2.9.70.t.*	*may be replaced with doors of a dissimilar design, provided the replacement doors are solid wood or metal-clad solid wood and are the same size, and in the same location as the door to be removed. Glass is permitted in the replacement door.* *d. Alterations involving decorative art glass and leaded glass windows shall be reviewed by the HRC unless the alteration satisfies the Chapter 1.6 definition for In-kind Repair or Replacement.* ~~*5. Installation of new, or replacement of windows and doors on Nonhistoric and Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are exempt per Section 2.9.70.t.*~~ ***2. Replacement of Windows or Doors Visible from Streets on Nonhistoric, and Nonhistoric / Noncontributing Structures –*** *Windows and doors visible from public or private street rights-of-way may be replaced with new windows and doors if the following standards and criteria are satisfied.* *a. The window or door is the same style and in the same ~~opening~~ location as the window or door to be replaced; and* *b. The window or door is the same size as the window or door to be replaced, except that the size of windows and doors may be modified to the minimum extent necessary to comply with the Americans with Disabilities Act and emergency egress requirements.*

Staff Analysis:

The proposed amendments to the Director-level criterion in Section 2.9.100.03.e, replace the word "resources" with "structures" to be more specific about what is being altered, and it deletes the reference to Section 2.9.70.t, which is a provision that is proposed to be deleted through combination with Section 2.9.70.e.

The proposed new text in 2.9.100.03.e.2 only applies to Nonhistoric and Nonhistoric / Noncontributing structures, and corresponds with the exemptions in Section 2.9.70.e. The amendments proposed in this section allow window and door dimensions to be

modified if necessary to comply with ADA or emergency egress requirements. This is expected to be particularly helpful to development in the OSU Historic District as the University continues efforts to retrofit buildings to meet ADA and emergency egress requirements.

Advantages
The above changes allow greater flexibility for the types of windows and doors that can be approved administratively.

Disadvantages
There are no apparent disadvantages.

2. Alterations to facilitate compliance with ADA, Building Code or Safety Requirements

Section 2.9.70.k. Access Ramps and Roof Top Fall Protection
See above.

Section 2.9.70.l - ADA Parking

l. Conversion of Existing Vehicular Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA) *- Conversion of existing vehicular parking spaces to vehicular parking spaces that are needed to achieve compliance with the Americans with Disabilities Act (ADA), provided no additional impervious surface is created.*	***l. Conversion of Existing Vehicular Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA)*** *- Conversion of existing vehicular parking spaces to vehicular parking spaces that are needed to achieve compliance with the Americans with Disabilities Act (ADA), provided no additional impervious surface is created in Contributing Open Space areas.*

Section 2.9.100.03.c – Addition of Parking to Comply with ADA

c. Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA) *- Addition of vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.l.*	***c. Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)*** *- Addition of vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.l and not within Contributing Open Space areas.*

Staff Analysis:
This exempt provision in Section 2.9.70.l is proposed to be modified to allow existing vehicle parking spaces to be converted to ADA spaces without an HPP, even if the conversion requires new impervious surfaces for components such as parking lot aisles and accessible ramps. It also clarifies that no new impervious surface may be installed in a contributing open space area through this exemption. The Director-level provision in Section 2.9.100.03.c allows new ADA vehicle parking spaces to be created unless within a Contributing Open Space area.

Advantages
The above amendments facilitate the creation of ADA compliant vehicle parking spaces. The language makes it clear new ADA spaces may not be created in Contributing Open Space areas.

Disadvantages
There are no apparent disadvantages.

Section 2.9.70.q – Installation and Repair of Gutters, Downspouts, and Scuppers

q. Installation of New, and Repair or Replacement of Gutters and Downspouts *- Installation of new, and repair or replacement of existing gutters and downspouts using materials that match the appearance of the gutters and downspouts being replaced or match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The new, replaced, or repaired gutters and downspouts shall not damage or obscure any significant architectural features of the structure.*	***q. Installation of New, and Repair or Replacement of Gutters ~~and~~, Downspouts, and Scuppers ~~–~~*** *1. Where not covered under Section 2.9.70.b ~~I~~installation of new, and repair or replacement of existing gutters and downspouts, using materials that ~~match the appearance of the gutters and downspouts being replaced or~~ match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The new, replaced, or repaired gutters and downspouts shall not damage or obscure any significant architectural features of the structure.* *2. Changing the size of existing scuppers to comply with current Building Code standards. The resized scupper shall not damage any significant architectural features of the structure.*

Staff Analysis:
Section 2.9.70.q is proposed to be amended to simplify language regarding gutters and downspouts, and allow the size of scuppers to be modified to meet Building Code standards without the need for an HPP. A scupper is an opening in the side of a building, often in a parapet, through which rain water can drain.

Advantages
The above amendments facilitate compliance with current Building Code requirements.

Disadvantages
There are no apparent disadvantages.

3. Minor Alterations that Facilitate Contemporary Use

Section 2.9.70.h - Accessory Development

h. Accessory Development *- Installation of the following accessory items are exempt from the need for a Historic Preservation*	***h. Accessory ~~Development~~ Structures*** *1. Installation of ~~of the following~~ ~~a~~ Accessory*

Permit: *1. Benches;* *2. City-standard bus shelters;* *3. Blue light security kiosks;* *4. Replacement of uncovered bicycle racks with new uncovered bicycle racks on the same or other hard mounting/parking surface.* *5. Trash / Recycling receptacles with footprints less than 15 sq. ft. and meeting other Code standards; and* *6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets the criteria in Chapter 4.3 - Accessory Development Regulations, is not visible from public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.*	*Structures within the OSU Historic District ~~items~~ are exempt from the need for a Historic Preservation Permit if all of the following standards are met:* *a. The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and* *b. The structure is free-standing, less than 200 sq. ft., and less than 14-ft tall, unless a bicycle parking facility or transit shelter which may be up to 400 sq. ft.; and* *c. The structure is not located within a Contributing open space area, except as permitted by (a) and (b) below:* *1. The structure's footprint, not including footings or foundations, does not exceed 25 sq. ft.:* *2. Site furnishings and amenities such as, but not limited to, benches, bicycle parking racks, light poles, bike repair kiosks, security kiosks, trash / recycling receptacles. This exemption (h.1.c.2) does not include dumpsters, ground level mechanical equipment, transformers, similar structures, or associated screening, which are exempt under Section 2.9.70.y and 2.9.70.z.* *2. **Accessory Structures Not Within the OSU Historic District** - Installation of the following ~~accessory items~~Accessory Structures are exempt from the need for a Historic Preservation Permit if all of the following standards are met:* *a. The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and* *b. The structure is free-standing, less than 200 sq. ft. (floor area) and less than 14-ft tall; and* *c. Is not visible from public or private street rights-of-way, except lawn furniture and ornamental landscape accessories with footprints of 25 sq. ft.*

	or less.

Staff Analysis:
Section 2.9.70.h is proposed to be divided into two parts. Section h.1 only addresses structures within the OSU Historic District. This new section is proposed because, typically, the type and scale of accessory development within the OSU District is different than on other Designated Historic Resource properties. The current text lists specific items that can be constructed without an HPP, and states that other structures can be installed if they have a footprint of 200 sq. ft. or less, are 14-ft tall or less, and are not visible from streets.

Proposed text for the OSU District eliminates the specific list and allows any structure that is 200 sq. ft. or less in size, and 14-ft tall or less to be installed, regardless of whether or not the structure is visible from streets. This provision allows bicycle parking and transit shelters up to 400 sq. ft. as an exempt activity.

The types of structures that would be exempt under the proposed language include new covered and uncovered bicycle racks, light poles, security kiosks, benches, trash and recycling receptacles, and art work. These are common types of structures used throughout the OSU Historic District that are not expected to have a negative impact on the District based on the proposed size limitations. Because these kinds of structures would not have a negative impact on the Historic District, it is not believed to be necessary to require historic preservation review to install them.

Proposed Accessory Development text in Section 2.9.70.h.1 applies to non-OSU District properties. The proposed text removes the list of specific items exempt from the need for an HPP, because most of those items were most relevant to the OSU District, which as proposed would have specific exemption criteria for Accessory Development. Proposed text would allow, as an exempt activity, the construction or installation of any freestanding structure that is 200 sq. ft. or less, 14-ft tall or less, and not visible from streets. This is consistent with existing criteria in Section 2.9.70.h. The proposed text includes a provision that allows lawn furniture and accessory ornamentation in yards visible from streets, which is technically not permitted under current regulation without an HPP approval.

Advantages
The above amendments respond to typical, and often required or necessary development in the OSU Historic District, and permits more accessory development without need for an HPP than the current LDC.

Disadvantages
Some items proposed to be exempt, currently require HRC-level HPP approval, such as light poles and bicycle shelters. Typically, these kinds of structures have been approved as proposed. A disadvantage, however, is the inability to review accessory development for historic compatibility. Since there are more and larger structures that could be constructed without the need for HPP review, there is some risk that accessory

structures, or the accumulation of them, would occur in a way that was not historically compatible.

Section 2.9.70.m – Fencing Installation, Extension, or Removal

m. Fencing Installation, Extension, or Removal *- Installation or extension of new wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50. Additionally, the removal of an existing wood or chainlink fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.*	***m. Fencing Installation, Extension, or Removal –*** *1. Installation or extension of ~~new~~ wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50.* *2. ~~Additionally, the r~~Removal of ~~an existing wood or chainlink~~ a fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.* *3. If in the OSU Historic District, installing and removing, or moving fencing provided the fencing standards in Section 4.2.50, and Chapter 3.36 – OSU Zone are met, and the fence is not identified as Historically Significant based on any of the sources of information listed in Section 2.9.60.c. This exemption does not apply to Contributing open space areas within the OSU Historic District.*

Staff Analysis:
Amendments to the above provision are intended to simplify language, and allow the removal of any kind of fence that is not identified as Historically Significant. The amendment adds language specific to fencing in the OSU Historic District, which would permit the installation, removal, or moving of fencing in the OSU Historic District, except within Contributing open space areas, as an exempt activity.

Advantages
The above amendments facilitate installation of new fences, and alterations of existing fences. Unless specifically identified as such, fences are not considered Historically Significant.

Disadvantages
There are no apparent disadvantages.

Section 2.9.70.s – Uncovered Rear Deck or Patio Additions

s. Uncovered Rear Deck or Patio Additions 350 Sq. Ft. or Less *- Installation or removal of an uncovered deck or patio, provided the deck or patio is obscured from view from public rights-of-way and private street rights-of-way by a fence, hedge, or*	***s. Uncovered Rear Deck or Patio Additions ~~350 Sq. Ft. or Less~~*** *- Installation or removal of an uncovered deck or patio, provided the deck or patio is obscured from view from public rights-of-way and private*

other structure. The patio or deck may be visible from alleys. The deck shall be 30 in. or less in height, and shall be constructed in a manner that is Reversible.	*street rights-of-way by a fence, hedge, or other structure. The patio or deck may be visible from alleys. The deck shall be 30 in. or less in height, and shall be constructed in a manner that is Reversible.*

Staff Analysis:
The amendment proposed to Section 2.9.70.s primarily affects residential properties. It would remove size restrictions on uncovered rear deck or patio additions that could be constructed without an HPP.

Advantages
The advantage of the above amendment is that a property owner can install a larger deck or patio without an HPP. Since the requirement that it not be visible from streets is retained, impacts to surrounding Designated Historic Resources are expected to be minimal.

Disadvantages
Simply by adding a larger deck or patio, there is greater risk for negatively impacting a Designated Historic Resource structure or site.

Section 2.9.70.v - Installation of New or Expanded Pathways

v. Installation of New or Expanded Pathways *- Installation of new or expanded pathways, provided the pathways are:* *1. Constructed of softscape (e.g. bark mulch, etc.), stone steps, or flagstone, and are installed in a manner that is Reversible. Automobile parking is prohibited on pathways;* *2. Constructed of concrete, brick or pavers that do not exceed 5 ft. in width, 250 sq. ft., and are installed on residentially zoned sites; or* *3. Constructed of asphalt, concrete, brick, or pavers that do not exceed a 12 ft. width, are 1,000 sq. ft. or less, are not part of Historic Contributing open space areas, and are on nonresidentially-zoned sites.*	***~~v~~u. Installation of New or Expanded Pathways*** *- Installation of new or expanded pathways, provided the pathways are not within Contributing open space areas, e.g. OSU Memorial Union Quad.* *~~1. Constructed of softscape (e.g. bark mulch, etc.), stone steps, or flagstone, and are installed in a manner that is Reversible. Automobile parking is prohibited on pathways;~~* *~~2. Constructed of concrete, brick or pavers that do not exceed 5 ft. in width, 250 sq. ft., and are installed on residentially zoned sites; or~~* *~~3. Constructed of asphalt, concrete, brick, or pavers that do not exceed a 12 ft. width, are 1,000 sq. ft. or less, are not part of Historic Contributing open space areas, and are on nonresidentially-zoned sites~~*

Staff Analysis:
Section 2.9.70.v is proposed to be amended to eliminate most restrictions on the installation of pathways, including sidewalks. As proposed, pathways would be exempt

if not within a Contributing open space area. This section would be renumbered Section 2.9.70.u.

Advantages
Section 2.9.70.v permits the installation of pathways and sidewalks. These typically have no physical impact on Designated Historic Resource structures and are Reversible.

Disadvantages
There are no apparent disadvantages.

Section 2.9.100.03.b – Replacement of Materials

b. ***Replacement Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features*** *- Replacement of the following site features with dissimilar materials and/or a different design or style, provided the size of such features does not increase:* *1. Driveways;* *2. Paths and sidewalks;* *3. Bicycle parking areas; and/or* *4. Vehicular parking areas that involve 800 sq. ft. or less.*	***b.*** ***Replacement Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features*** *- Replacement of the following site features with dissimilar materials and/or a different design or style, provided the size of such features does not increase:* *1. Driveways;* *~~2. Paths and sidewalks;~~* *~~3~~2. Bicycle parking areas; and/or* *~~4~~3. Vehicular parking areas that involve 800 sq. ft. or less.*

Staff Analysis:
The Director-level criterion in Section 2.9.100.03.b is proposed to be amended by deleting reference to paths and sidewalks, as these items are proposed to be exempt under Section 2.9.70.v. (See above for advantages and disadvantages.)

Section 2.9.70.w - Utility Meters, Pipes, and Venting

w. ***Utility Meters, Pipes, and Venting*** *- Utility meters, pipes, and venting may be installed on, moved, or removed from structures, provided they do not alter windows, doors, or architectural details. Installation, alteration or removal of brick, stone, and masonry chimneys are not exempt activities.*	***~~w~~v.*** ***Utility Meters, Pipes, and Venting*** *- Utility meters, pipes, penetration for conduit, wireless routers, and venting may be installed on, moved, or removed from structures, provided they do not alter windows, doors, or architectural details. Installation, alteration or removal of brick, stone, and masonry chimneys are not exempt activities, except under Section 2.9.70.e. Within the OSU Historic District existing fume stacks may be replaced or extended to a maximum height of 16-ft.*

Staff Analysis:
Section 2.9.70.w is proposed to be amended to include penetration for conduit and wireless routers. It also includes language specific to the OSU Historic District allowing existing fume stacks to be replaced with new fume stacks up to 16-ft tall, without need for an HPP. Section 2.9.70.w would also be renumbered to 2.9.70.v.

Advantages

The most notable advantage of the above amendments is the ability of OSU to update buildings to allow modern programs to occur in older buildings, which require taller fume stacks, without an HPP.

Disadvantages

There are no apparent disadvantages, particularly because only existing fume stacks could be replaced with taller ones. New fume stacks could not be installed under the above provision.

Section 2.9.70.z – Ground-level and Rooftop Equipment Servicing Buildings

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

Staff Analysis:

Section 2.9.70.z is proposed to be amended by broadening the types of equipment that may be installed without an HPP to equipment servicing buildings, rather than mechanical equipment alone. This clarifies that equipment such as transformers and utility equipment could also be exempt.

Advantages

The proposed language makes it more clear which types of equipment are contemplated under Section 2.9.70.z, and brings the provision in-line with its practical application.

Disadvantages

There are no apparent disadvantages, since regardless of the equipment type or purpose, it is still required to be not-visible from streets and not attached to a building in a way that would damage significant architectural features.

Section 2.9.70.aa – Required Ground-level Screening

aa. Required Ground-level Screening *- Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:* *1. Complies with development standards of the underlying zone;* *2. Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure;* *3. Is composed of either vegetation, masonry walls, solid wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and,* *4. Does not exceed 6 ft. in height, does not exceed 10 ft. in length or width, and does not enclose an area greater than 100 sq. ft.*	***z. Required Ground-level Screening*** *1.* ***Required Ground-level Screening Within the OSU Historic District*** *- 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.* *2.* ***Required Ground-level Screening Not within the OSU Historic District*** *- Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:*

	a. Complies with development standards of the underlying zone; *b. 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;* *c. Is composed of ~~either~~ vegetation, masonry walls, solid wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and,* *d. 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.*

Staff Analysis:
Section 2.9.70.aa is proposed to be amended to better respond to development in the OSU Historic District. It does this by allowing larger equipment enclosures (400 sq. ft.) to be constructed than currently permitted (200 sq. ft.) as an exempt activity.

Advantages
As noted above, an advantage of the proposed amendment is that larger equipment enclosures within the OSU District would be permitted.

Disadvantages
Enclosures up to 400 sq. ft., and within other limitations in the Section 2.9.70.aa are expected to be historically compatible. However, any time a new structure is built, there is some risk that it could be done in a way that is not sympathetic to the historic character of its surroundings. This risk is greater without HPP review and for larger buildings.

OSU Proposed Section 2.9.100.03.k – Wireless Telecommunication Facilities
Oregon State University has proposed a new Director-level provision as follows:

k. Collocated/attached Wireless Telecommunication Facilities located in the OSU Zone - Collocated/attached Wireless Telecommunication Facilities that are Permitted Outright within the OSU Zone per section 3.36.20.01.b – Accessory Uses Permitted Outright for University-owned Properties, are allowed if they meet the following criteria:

1. **The facility is installed on a building at least 30ft in height.**

2. **If attached to a Designated Historic Resource, the facility shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible.**

3. **The facility is consistent with the Additional Provisions for Wireless Telecommunication Facilities outlined in Section 4.9.60 – Wireless Telecommunication Facilities.**

The proposed provision would permit the installation of certain wireless telecommunication facilities on OSU buildings. This concept was first presented to the HRC as an exempt activity under Section 2.9.70.z, which the HRC did not support **(Attachments G.6-8)**. Reasons given by the HRC for not supporting the inclusion of antennas as an exemption included concerns about the size of antennas relative to the buildings on which they would be placed, and visual impacts antennas might create within the OSU Historic District. Staff raised concerns that Accessory uses permitted outright in Section 3.36.20.01.b, which were referenced in the OSU proposed exemption, could include other antennas than those specifically contemplated by OSU, such as collocated and whip antennas.

In light of concerns raised by the HRC and staff, OSU proposes to permit the installation of collocated / attached Wireless Telecommunication Facilities as a Director-level activity, if the criteria in the provision proposed, above, are satisfied.

Staff support this proposed amendment, as modified below.

k. Collocated/attached Wireless Telecommunication Facilities located in the OSU Zone - Collocated/attached Wireless Telecommunication Facilities that are Permitted Outright within the OSU Zone per section 3.36.3~~2~~0.01.b.7 and 8 – Accessory Uses Permitted Outright for University-owned Properties, are allowed if they meet the following criteria:

1. The facility is installed on a building at least 30ft in height.

2. If attached to a Designated Historic Resource, the facility shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible.

3. The facility is consistent with the Additional Provisions for Wireless Telecommunication Facilities outlined in Section 4.9.60 – Wireless Telecommunication Facilities.

The changes above occur within the first sentence of the provision. Section 3.36.20.01 would be changed to Section 3.36.30.01 to reference the recent changes to LDC Chapter 3.36 – OSU Zone related to street standards. This Section number has also been changed to specifically reference subsections b.7 and b.8 which state:

7. **Collocated/attached Wireless Telecommunication Facilities on multifamily residential structures, three or more stories, and that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions**

8. **Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.**

By including reference to Sections 3.36.30.01.b.7 and 8, it is clear that it is only the antennas and facilities identified in this LDC section, that are permitted with HPP Director-level approval. Additionally, as OSU points out, such antennas and facilities must be screened in accordance with Section 3.36.60.02 – Roof Mounted Equipment, which states:

Section 3.36.60.02 – Roof-Mounted Equipment

a. **No roof-mounted mechanical equipment shall be visible from the entrance of buildings that abut the development site.**

b. **Satellite dishes, antennas, Colocated/attached Wireless Telecommunications Facilities, and other telecommunications equipment shall not be visible from nearby streets or buildings and must be screened behind a parapet wall or architectural feature.**

Staff Analysis

Because the wireless communication facilities and antennas eligible for Director-level HPP review would be required by the OSU Zone to comply with the provisions of Section 3.36.60.02, visual impacts within the District would be minimized. However, it would be possible that an antenna, for example, would not be visible from streets or buildings, but other surrounding areas, potentially creating a negative impact on the character of the Historic District.

Advantages

The OSU proposed amendment, as modified by Staff, would establish parameters for administratively permitting specific types of antennas on buildings at least 30-ft tall, and where the antennas and associated equipment would not be visible from nearby buildings and streets because they would be screened by existing parapet walls or architectural features. Compared to permitting installation of these facilities as an exempt activity, City Staff will have the opportunity to evaluate the placement of antennas with consideration to historic compatibility (per the Director-level criterion). This allows installation of such antennas with a minimal amount of process, facilitating the changing technology demands of OSU, while minimizing potential negative impacts to buildings within the OSU Historic District, and the District as a whole.

Disadvantages

As noted above, one potential disadvantage is that antennas and facilities permitted under Section 3.36.30.01.b.7 and b.8 could be placed where not visible from streets or

surrounding buildings, but would be visible from open space areas or greater distances. This could impact the visual quality of the Historic District.

OSU Proposed Section 2.9.100.03.l – Required Ground-level Screening
Oregon State University has proposed a Director-level provision that corresponds with the exemption in Section 2.9.70.aa. The new Director-level provision would be Section 2.9.100.03.l and would read (see also **Attachment F**):

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 Desiganted Historic Resource structure, except in the case of vegetation.**
   b. **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.**
5. **If vegetation is used for screening, it shall be consistent with the screening provisions in Chapter 4.2 – Landscaping, Buffering, Screening, and Lighting.**

Staff Analysis
The above proposed Director-level provision is different than the proposed revision to the exemption language in Section 2.9.70.y, as noted above, in that it would allow larger and taller enclosures, and would require staff review to ensure the placement of the enclosure was consistent with the subject criteria. It also requires staff review to determine if the enclosure would be constructed in a way that would not damage architectural features of any structure to which it was attached, and to determine if the enclosure was Reversible, meaning it could be removed without significantly damaging the primary structure.

As stated in **Attachment F.2**, OSU is requesting approval for the above Director-level provision as explained below.

Because structures within the OSU National Register Historic District are of a much larger scale than structures within Corvallis's other historic districts, larger-scale ground-level screening is less obtrusive than it would be in a historic district of a different character. The extensive research activities conducted on OSU's campus require a significant amount of associated infrastructure. This infrastructure includes items like generators, chillers, and transformers which are required to be screened when placed at ground level. The required screening for these items often exceeds the maximum dimensions allowed for exemption from Historic Preservation Permit requirements. Screening that is slightly larger in scale than what is allowed as an exempt activity would have a minimal impact on the character of the OSU National Register Historic District if the screening met the proposed material requirements. For that reason, OSU would like the commission to consider Director-level review of ground level screening that does not exceed 8 ft. in height, does not enclose an area greater than 600 sq. ft., and is not located between the street and front façade of the building.

Advantages

The proposed amendment is consistent with the kinds of Text Amendments that staff is recommending in that it would reduce the amount of resources needed to be used to permit development on the OSU campus that, in many cases would have minimal impacts on the historic character of the OSU District and its individual buildings. The proposed language is expressly intended to give City staff the opportunity to evaluate the placement and materials of enclosures, Reversibility, as well as impacts to abutting or adjacent structures. Considering these factors, and the relative scale of OSU buildings in relation to a 400 to 600 sq. ft. enclosure, would help ensure that enclosures would not result in negative impacts with respect to historic compatibility.

Disadvantages

The proposed amendment would apply to all buildings and locations within the OSU Historic District, including Contributing buildings such as the Memorial Union, Weatherford Hall, and the Women's Building. Staff is concerned that even if the proposed criteria were satisfied, adding a 600-sq. ft. enclosure to or very near Contributing buildings may not be historically compatible.

For administrative decisions, Staff can only add conditions of approval that would result in compliance with applicable clear and objective criteria. However, for quasi-judicial decisions made by a decision making body such as the HRC, discretionary compatibility criteria would apply and there would be greater ability to either apply conditions of approval to ensure historic compatibility on a case by case basis, or deny proposals that did not satisfy historic compatibility criteria. Losing the ability for a more nuanced evaluation of historic compatibility for larger enclosures is a disadvantage of permitting them through the Director-level HPP process.

Staff Recommendation

Taking a cautious approach, and considering the potential benefits and risks of the OSU proposed amendment in terms of historic compatibility; staff do not recommend inclusion of the OSU proposed Director-level provision Section 2.9.100.03.l. If the Planning Commission supports inclusion of this provision, Staff recommend the following change to the OSU proposed language:

- **I.3 would be modified to read "Is not located between the street and the ~~front façade of the~~ building".**

The Planning Commission might also consider modifying the proposed Director-level approval criterion so that it only applied to Nonhistoric and Noncontributing buildings within the OSU District and to enclosures that had at least a 20-ft separation from Contributing buildings and were not in Contributing Open Space areas.

4. *Simplification or Clarifications of Code*

Section 2.9.70.c - Painting

***c. Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. Exemption does not apply to artwork attached to buildings, murals, or painting over existing architectural features, such as signs, or previously unpainted metalwork, brickwork, stonework, and masonry.*	***c. Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. This e~~E~~xemption does not apply to ~~artwork attached to buildings, murals, or~~ murals that are 50-years old or older, or painting over existing architectural features, such as signs, or previously unpainted metalwork, brickwork, stonework, and masonry. New signs are not exempt from the need for a Historic Preservation Permit under this criterion.*

For the most part, painting does not require a Historic Preservation Permit, as stated in Section 2.9.70.c. Amendments to this section allow the exemption to apply to murals, unless the mural is 50-years old or older. The amended text also clarifies that, while painting is generally exempt, if what is painted is a new sign, other provisions apply, such as Section 2.9.70.d – Signs and Tablets.

Section 2.9.70.g - Installation of a Removable Heating or Cooling Device

***g. Installation of a Removable Heating or Cooling Device** - Installation of a removable heating or cooling device, such as an air conditioning unit, in an existing building opening, provided that none of the external historic features of the resource are altered.*	***g. Installation of a Removable Heating or Cooling Device** - Installation or removal of a removable heating or cooling device, such as an air conditioning unit, in an existing building opening, provided that none of the external historic features of the resource are altered.*

This provision has been modified to make clear that those devices that can be installed without a Historic Preservation Permit (HPP) can also be removed without one.

Section 2.9.70.u - Re-roofing

***u. Re-roofing** - Replacement of roofing material with a material similar to, or different from, the existing or original material, provided the existing roofing material is not specifically identified as Historically Significant; and* *1. The roof is flat and obscured by a parapet; or* *2. The roof is pitched and is being replaced with architectural*	***~~u~~t. Re-roofing** - Replacement of roofing material with a material similar to, or different from, the existing or original material, provided the existing roofing material is not specifically identified as Historically Significant; and* *1. The roof is flat and ~~obscured by a parapet~~not visible from public or private street rights-of-way; or* *2. The roof is pitched and is being replaced*

composition shingles. Skylights shall be addressed in accordance with Section 2.9.70.x, 2.9.100.03.h, or 2.9.100.04, as applicable.	*with architectural composition shingles. Skylights shall be addressed in accordance with Section 2.9.70.~~x~~w, 2.9.100.03.h, or 2.9.100.04, as applicable.*

The proposed amendment to Section 2.9.70.u removes the requirement that flat roofing be obscured by a parapet. Alterations to flat roofs would be exempt if the roof is not visible from public or private street rights-of-way. Section 2.9.70.u is also renumbered to 2.9.70.t, as Section 2.9.70.t is proposed to be deleted.

2.9.70.x - Skylights

x. Skylights - *1. Skylights from a structure's relevant Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows or doors with glass.* *2. Skylights that are existing but are not from a structure's relevant Period of Significance may be removed or retained and repaired in accordance with "1," above. However, in order for these skylights to be retained and repaired, they shall have been constructed prior to the establishment of the relevant Individual or National Historic Designation, or via an approved Historic Preservation Permit. Otherwise, the skylight shall be removed when deteriorated beyond repair or when a structure is being re-roofed, whichever comes first, unless a Historic Preservation Permit is subsequently approved to retain the skylight in accordance with Sections 2.9.100.03.h or 2.9.100.04, as applicable.* *3. New skylights may be installed in accordance with Sections 2.9.100.03.h and 2.9.100.04, as applicable.*	***w. Skylights** – The following activities involving skylights are exempt:* *1. Installation, removal, or alteration of skylights on Nonhistoric and Nonhistoric / Noncontributing buildings;* *2. If in a Historic District, removal or replacement of a skylight that was installed after the District's Period of Significance. If a skylight is replaced it shall be of an equal or lesser size than the existing skylight.*

As proposed, amendments to Section 2.9.70.x would simplify existing language by removing text that was not specifically exemption criteria. Section 2.9.70.x is renumbered to 2.9.70.w.

Section 2.9.100.03.h - Skylights

h. ***Skylights*** *- Activities involving existing skylights that are not already exempt via Section 2.9.70.x and new skylights are allowed on:* *1. Nonhistoric/Noncontributing structures;* *2. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet;* *3. Portions of structures that are not visible from private street rights-of-way and public rights-of-way, except for alleys from which they may be visible.* *All other modifications or installations of skylights shall be processed via Section 2.9.100.04.*	***h.*** ***Skylights*** *- Activities involving existing skylights that are not already exempt via Section 2.9.70.~~x~~w. and new skylights are allowed on:* *~~1. Nonhistoric/Noncontributing structures;~~* *~~2~~1. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet; or* *~~3~~2. Portions of structures that are not visible from private street rights-of-way and public rights-of-way, except for alleys from which they may be visible.* *All other modifications or installations of skylights shall be processed via Section 2.9.100.04.*

Staff Analysis

Director-level criterion 2.9.100.03.h has been revised as shown because skylights can be added, altered, and removed on Nonhistoric / Noncontributing structures as an exempt activity per Section 2.9.70.x. The word "or" has also been added to clarify that both sub-criteria need not be met for a proposal to meet this criterion.

Advantages

The above amendments are intended to clarify LDC language and make it easier for staff and the general public to read and understand. The proposed amendments do not substantially change existing requirements, except that skylights would be permitted on Nonhistoric / Noncontributing buildings as an exempt activity, rather than requiring Director-level approval.

Disadvantages

There are no apparent disadvantages.

D. OVERALL CONCLUSIONS AND RECOMMENDATIONS

The proposed Text Amendments to LDC Chapter 2.9 – Historic Preservation Provisions affect LDC Sections 2.9.70 – Exemptions from Historic Preservation Permit Requirements, and 2.9.100.03 – Alteration or New Construction Parameters and Review Criteria for a Director-level Historic Preservation Permit. Most proposed amendments increase the number of activities exempt from the need for an HPP, either

by adding new exemptions or expanding the parameters of existing exemptions. Additionally, emphasis was placed on amending the LDC in way that responds to the unique development needs within the OSU Historic District.

In general, the advantage of the proposed amendments is that more historically compatible development, as defined by the limitations to development in Sections 2.9.70 and 2.9.100.03, can occur without the need for an HPP, or only an administrative level permit. This is expected to allow City resources to be used more efficiently.

With respect to exempt activities, a disadvantage to increasing the number of exemptions is that Staff involvement is not required. A property owner can read Section 2.9.70 and determine that the work they would like to accomplish does not require an HPP without first consulting City staff. If they read the LDC incorrectly, they may perform work inconsistent with the exemption provisions, which could result in an LDC Violation.

A second disadvantage is that the exemption provisions could be exploited. In developing the proposed exemption provisions, it was decided to focus on the kinds of development that would normally be expected to occur, rather than developing provisions based on extremes. For example, in allowing sidewalks of any length to be installed per Section 2.9.70.v, it is expected that a sidewalk might be installed from a street to a building entrance, or from a front door to a garage. However, within the limits of the underlying LDC zone, it would be possible to install sidewalks in unusual configurations that might be inconsistent with surrounding development, and viewed as historically incompatible. In such situations, the proposed amendments could fail to ensure historically compatible development. Overall, the advantages of the proposed amendments outweigh the disadvantages, and are in the interest of the convenience and general welfare of the community, consistent Section 1.2.80.01 and applicable Comprehensive Plan policies and Statewide Planning Goals.

Recommended Action

The Planning Commission is asked to make a recommendation to the City Council regarding the proposed Text Amendments affecting LDC Chapter 2.9 – Historic Preservation Provisions. The Planning Commission has three options with respect to a recommendation.

Option 1 Recommend approval of Text Amendments as proposed.

Option 2 Recommend approval of Text Amendments as modified by the Planning Commission.

Option 3 Recommend denial of proposed Text Amendments.

Given the analysis provided in this report above, and the unanimous recommendation of the HRC to support the proposed Text Amendments, Staff suggest the Planning

Commission chose either Option 1 or Option 2. Recommended motions for each are provided below.

Option 1 Motion
I move to recommend that the City Council approve Land Development Code Text Amendment LDT13-00002, regarding LDC Chapter 2.9 – Historic Preservation Provisions as presented in the March 12, 2014, Staff Report to the Planning Commission. This motion is based on findings in support of the application presented in the March 12, 2014, Staff Report to the Planning Commission, and findings in support of the application made by the Planning Commission during deliberations on the proposed Text Amendments.

Option 2 Motion
I move to recommend that the City Council approve Land Development Code Text Amendment LDT13-00002, regarding LDC Chapter 2.9 – Historic Preservation Provisions as presented in the March 12, 2014, Staff Report to the Planning Commission, and modified by the Planning Commission during the March 19, 2014, meeting on this matter. This motion is based on findings in support of the application presented in the March 12, 2014, Staff Report to the Planning Commission, and findings in support of the application made by the Planning Commission during deliberations on the proposed Text Amendments.

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

MEMORANDUM

DATE: March 27, 2013

TO: Mayor and City Council

FROM: Ken Gibb, Community Development Director

SUBJECT: **2013 - 2014 Planning Division Work Program Review**

I. ISSUE

Each City Council term, the Planning Commission is asked to review the list of Unresolved Planning Issues, which is maintained by the Planning Commission, and to make recommendations to the City Council regarding Planning Division work program priorities for the upcoming City Council term. The Planning Commission conducted that review on February 20, 2013, and March 6, 2013, and has forwarded a recommendation to the City Council regarding the upcoming Planning Division work program **(Exhibit A)**. The City Council is asked to consider the Planning Commission's recommendation and to provide direction regarding the Planning Division Work Program for 2013 and 2014.

II. DISCUSSION

Planning Work Program

The February 13, 2013, Staff Report to the Planning Commission **(Exhibit B)** includes Community Development Department Staff's recommendation regarding the Planning Division Work Program for 2013, as well as a number of items that may be considered for the 2014 Work Program (assuming completion of the 2013 Work Program items). Items that were identified for consideration for the 2014 Work Program came from three sources: from the Planning Commission's Unresolved Planning Issues List **(Exhibit B-7)**, from the Community Development Director's December 31, 2012, Memorandum to the Planning Commission, Mayor, and City Council regarding review of the progress made on the 2011 - 2012 Work Program **(Exhibit B-37)**, and from City Staff **(Exhibit B-38)**. At the time the February 13, 2013, Planning Commission Staff Report was written, the City Council's goals

had not been finalized. Since that time, the City Council Goals have been finalized and include the following items:

- City/OSU Collaboration
- Sustainable Budget
- Economic Development
- Housing
- Homeless Cold Weather Shelter
- Public Process and Participation

City Council goals should certainly be factored into the consideration of the Planning Division's 2013 - 2014 Work Program, where appropriate. Some goals do not relate to the work of the Planning Division, but those that are most directly tied to the work of the Planning Division are the City/OSU Collaboration and Housing Goals. You will note that some of the items included in the Planning Commission's recommendation regarding the work program may overlap with, or relate to, these City Council Goals. For example, the Housing Study called for by the City Council might be used to inform updates to the Buildable Lands Inventory and Vision Statement (as well as to future updates to the Comprehensive Plan and Land Development Code). Additionally, the placeholder for LDC Amendments from the Corvallis/OSU Collaboration work groups in the recommendation for the 2013 work program ties directly to the City Council's City/OSU Collaboration Goal.

At the February 20, 2013, meeting, the Planning Commission received written testimony regarding the Planning Division Work Program from the Corvallis Infill Task Force, the League of Women Voters, and from David Dodson, of Oregon State University **(Exhibit C)**. No written testimony was received at the March 6, 2013, Planning Commission meeting. After receiving public comment and deliberating, Staff and the Planning Commission recommend the following items for the Planning Division's 2013 - 2014 Work Program:

<u>2013 - (Not in Order of Priority)</u>:

- "Near-term" package of Land Development Code (LDC) Amendments, to include:
  a. Recommended LDC Amendments from the Corvallis/OSU Collaboration work groups, which are supported by the Steering Committee and City Council
  b. Develop process and amend LDC to facilitate code-compliant alterations within approved Planned Developments, and
  c. 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,

- Authorize the Corvallis Infill Task Force to begin work on their proposed Limited Scope Code Fixes, as well as potentially working with City staff to

assist in the development of design standards that may be recommended by the Collaboration work groups.

2014 – (In Order of Priority):

1. Update the Buildable Lands Inventory and develop a policy/methodology for calculating the 5-Year Supply of Serviceable Land for use in Annexation applications

2. Package of LDC Amendments to include items not yet addressed from the 2013 Updated Unresolved Planning Issues List that are identified as possible items for "Code Tweaks" package, as well as:

   a. Review the definition of "infill" and determine if it should be used only relative to the implementation of Stormwater Master Plan and Comprehensive Plan policies, or whether it should be modified or another definition added to address infill for other analyses

   b. Delete LDC Section 4.11.50.02.c.2, which gives additional MADA credits for "areas of wetland mitigation...when infrastructure must be extended through a wetland."

   c. Evaluate whether it is appropriate to allow surface stormwater detention facilities within protected natural resource areas if the soils do not allow significant percolation, or if other factors preclude infiltration in these areas.

3. Update 2020 Vision Statement to provide for a 2040 Vision Statement

4. Consider further revisions to the solar energy policies of the Comprehensive Plan (Article 12.2) and/or the regulations in LDC Chapter 4.6, to recognize the lack of adherence to, and/or, as some have argued, the lack of necessity for these.

5. Establish a vegetation management plan (VMP) guidebook and mechanisms for reviews. Outline clear approval criteria and establish a baseline management VMP that the public can use. Also, streamline review and approval process for street trees.

It is important to note that there are significant limitations to the number of items staff will be able to address over the next two-year period. These limitations exist due to reductions in Planning Division staffing and budget, as described in more detail in the February 13, 2013, Staff Report to the Planning Commission **(Exhibit B)**. If adopted, Staff will endeavor

to complete the items in the work program, but are not able to offer assurances that all items can be completed within the two-year period. Without a dedicated Long-Range Planner position, the Planning Division's first priority is handling land use applications within the timeframes proscribed under State law. This means that other work items must be "fit in around the edges." However, using this technique, Staff were able to put in place an ambitious package of Land Development Code Amendments in 2012, and hope to make similar progress on the 2013 - 2014 Work Program.

It should also be noted that the proposals from the Corvallis Infill Task Force (CITF) were introduced at the February 20, 2013, Planning Commission meeting, and so Staff have not had the opportunity to better understand the intent and outcomes for all proposed measures. Given this, it is anticipated that Staff will work with the CITF as these items are developed, and may conduct a "check-in" with the Planning Commission regarding the proposed concepts, to ensure that the proposed measures will produce expected results, prior to initiation of the Land Development Code Amendment process.

Unresolved Planning Issues List

It also should be noted that the Planning Commission reviewed the Unresolved Planning Issues (UPI) List at their February 20, 2013, and March 6, 2013, meetings. Some items from the UPI list have been included in the recommended 2014 work program. The Planning Commission is charged with maintaining an Unresolved Planning Issues List, per Comprehensive Plan Policies 1.2.6 and 1.2.7, as follows:

> **1.2.6 The City shall maintain a formal Unresolved Planning Issues list to be used as a guide to planning issues that require further study and investigation by City staff and the Planning Commission.**
>
> **1.2.7 The Planning Commission shall schedule at least one public meeting each year to take input, receive a staff report on progress, and make decisions about the contents and relative priority of items on the Unresolved Planning Issues list.**

Typically, the Planning Division Work Program is developed in part from the UPI List. There is no requirement that any or all items on the UPI List be addressed, but the list is used to identify issues or projects that are believed to warrant consideration in the future. Staff are pleased to report that, given the progress made with recent Land Development Code Amendments, the Planning Commission was able to reduce the size of the UPI List from 26 pages to 15. An updated copy of the UPI List is included as **Exhibit D** to this Memorandum.

III. RECOMMENDATION

Based on the discussion in the February 13, 2013, Staff Report to the Planning Commission; the Planning Commission's consideration of public comment, deliberation, and recommendation to the City Council at the February 20, 2013, and March 6, 2013, meetings; and on the City Council's consideration of the March 27, 2013, Memorandum

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
June 9, 2014, City Council Staff Report
EXHIBIT H (78 of 266)

from the Community Development Director to the Mayor and City Council, it is recommended that the City Council affirm the upcoming Planning Division Work Program, as reflected in the following motion:

> **I move that the City Council approve the 2013 and 2014 Planning Division Work Program, as presented in the March 27, 2013, memorandum from the Community Development Director to the Mayor and City Council.**

Review and Concur:

James A. Patterson, City Manager

EXHIBITS:

A. **March 14, 2013, Memorandum from the Community Development Director and Planning Division Manager regarding the Planning Commission's Recommendations Regarding the 2013 - 2014 Planning Division Work Program**

B. **February 13, 2013, Staff Report to the Planning Commission, entitled "2013 - 2014 Planning Division Work Program Review"**

C. **Minutes of the February 20, 2013, and March 6, 2013, Planning Commission Meetings, including Written Testimony received at the February 20, 2013 Meeting**

D. **2013 Updated Unresolved Planning Issues List**

MEMORANDUM

Date: **September 30, 2013**

To: **Mayor and City Council**

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

Re: **Collaboration Project – Action Requests**

Background:

Staff provided an update (dated July 31, 2013) on the status of City-related Collaboration project implementation actions at the August 5, 2013 City Council meeting. At that time, Staff indicated that several specific items would be brought back for Council direction, most notably, a series of Land Development Code (LDC) amendment items.

Discussion:

As noted in the July 31 staff report, several of the Collaboration recommendations for which the City has sole or shared responsibility, have been completed, e.g. changing parking requirements for 4/5 bedroom dwelling units, or the implementation process is underway, e.g. expansion of parking management districts. This report will identify items for which the Council has not provided direction in terms of whether and how to move forward with the implementation process. These items will be reviewed in the following categories; 1) Non- LDC Collaboration recommendations 2) LDC-related Collaboration recommendations proposed for inclusion in the next package of LDC amendments and 3) LDC related Collaboration recommendations to be included in future LDC amendment packages. We would note that there are a few planning work program priorities that Staff recommends be included in the next LDC package along with the Collaboration items.

For reference purposes, the matrix provided for the August 5, 2013 Council meeting is included in Attachment 1. Items from this matrix that will be discussed in this report are highlighted in gray shade. Attachment 2 includes excerpts from various reports (dated 11/26/12, 3/13/13 and 5/31/13) to the Collaboration Steering Committee that summarizes the basis for these particular recommendations.

The applicable Attachment 2 page numbers are provided for each task for reference.

I. Non-LDC Collaboration Recommendations - Neighborhood Livability Work Group

Item 4-1 (Pg. 2): OSU with City assistance should further develop off-campus orientation programs.

Item 4-3 (Pg. 3): City and OSU should develop and implement a community/neighborhood welcome program.

Item 4-4 (Pg. 3): OSU and the City should make available a mediation/conflict resolution service for community members.

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
June 9, 2014, City Council Staff Report
EXHIBIT H (80 of 266)

The above items are all proposed as shared responsibilities with OSU and some would be expansions of current efforts. For example, City housing, fire prevention and law enforcement staff participate in student orientation programs annually (4-1). A formal welcome week program (4-3) is not in place although there have been ad hoc efforts to pursue this goal. Regarding neighbor to neighbor mediation (4-4), the City supported a community wide mediation program in the past but not in recent years.

Item 5-1 (Pg. 7): City and OSU should form an ongoing Community Relations Advisory Committee to continue the Collaboration project over time.

Staff recommends that the City Council approve Items 4-2, 4-3 and 4-4 for implementation consideration and forward them to a Council standing committee for further review, discussion with OSU and development of a recommendation to the City Council by spring 2014.

Staff recommends that the City Council approve Item 5-1 for implementation consideration including consultation with OSU with a target date for Council review and decision by summer 2014.

II. <u>LDC Related Collaboration Items – Neighborhood Planning Work Group; Package # 1</u>

Item 2-1 (Pg. 1): Exemption of affordable housing projects from 4/5 bedroom parking requirements

Item 2-2 (Pg. 1): Change the definition of family to include domestic partnership

Item 2-3 (Pg. 1): Add the definition of "residential home" to the LDC

Item 2-5 (Pg. 4): Revise lot line adjustment review criteria to not allow "unusable areas"

Item 2-6 (Pg, 4): Increase setback standards for zero lot line, single attached units

Item 2-7 (Pg. 5): Change density calculations for replats and minor land partitions to not count 50% of the abutting rights-of-way

Item 2-8 (Pg. 5): Increase public notice area for Major Lot Development Option applications

Item 2-9 (Pg. 6): Change minimum density requirements for infill development

In addition to the above Collaboration LDC related proposals, Staff recommends that the following concepts be developed for Planning Commission and City Council review:

A. Develop a LDC text amendment to facilitate code-compliant changes within approved Planned Developments
B. Develop LDC Chapter 2.9 amendments that would streamline certain types of historic reviews in the OSU Historic District

Items A and B above were included in the Planning Commission and City Council approved 2013-14 Planning Work Program for the "near term" LDC amendment package along with Collaboration Project recommendations.

Staff recommends that the Council approve Items 2-1 through 2-9 and Items A and B above for further development by Staff and presentation to the Planning Commission and Historic Resources Commission in LDC amendment package # 1, ultimately to be adopted by the City Council.

III. LDC Related Collaboration Items – Neighborhood Planning Work Group; Package # 2

Item 2-10 (Pg. 8): Explore development of a maximum Floor Area Ratio for residential infill development

Item 2-11 (Pg. 8): Explore development of an average front yard setback for residential infill development

Item 2-12 (Pg. 8): Review existing Pedestrian Oriented Design Standards (PODS) and revise to provide for more varied design

Item 2- 13 (Pg. 9): Review existing LDC to determine if additional dwelling types should be regulated by PODS

Item 2-14 (Pg. 9): Explore LDC changes that would require placement of off-street parking towards the rear of infill lots and to enable parking facilities to be placed at the rear of lots

Item 2-15 (Pg. 9): Consider LDC changes to require variations in roof plane orientation in multi-family projects

Item 2-16 (Pg. 9): Consider LDC changes that would require exterior building wall and roof articulation and roof plane orientation to all residential areas of the City

Item 2-17 (Pg. 9): Consider LDC changes that would increase window coverage requirements for dwelling units.

Item 2-18 (Pg. 10): Recommend that the Infill Design Task Force or another work group be asked to work on neighborhood design guidelines

Item 2-19 (Pg. 11): Recommend that the City consider the development of a package of clear and objective neighborhood - specific design standards that would be applied in certain areas rather than city-wide.

Staff believes that Items 2-10 through 2-17 constitute a solid framework for development of design standards that would apply to neighborhood infill projects city-wide. However, much work is necessary to evaluate the impact of such proposals and to consider additional or alternative approaches that would accomplish the goal of enhancing the compatibility of infill development with existing neighborhoods.

Therefore, as discussed at the August 5 City Council meeting, Staff believes that design expertise is necessary to assist in the development of the neighborhood infill design standard proposal. This consultant would work with staff and a work group in this effort. It is envisioned that the work group would consist of some members on the Planning Commission along with representation from the Neighborhood Planning Work Group, the Infill Task Force and the development community.

As presented in the July 31, 2013 memo to the City Council and discussed at the August 5 Council meeting, there is $25k included in the City budget for the design standards project. There is a potential to pursue State financial assistance for this project. However, if such assistance is received it would likely add several months to the length of this project. Council direction on this matter is requested below.

Item 2-18 recommends that the Infill Task Force or another group be asked to develop a proposal for design guidelines (Pg 12).

Staff has had an initial discussion with representative of the Infill Task Force about this effort. It is important to note that while valuable tools, design guidelines are optional for a development project applicant. Design guidelines would be designed to encourage compatible development through an illustrated guide of principles and concepts for compatible development in Corvallis. On the other hand, design standards are mandatory, and, therefore, to comply with Oregon law, they must be clear and objective standards that are not subject to a public hearing or discretionary review at a staff level.

Staff recommends that the City Council approve Item 2-18 related to design guidelines and request that the Infill Task Force develop concepts for consideration by City Staff and the Planning Commission.

Staff recommends that Items 2-10 through 2-17 be approved by the City Council for development of a neighborhood infill design standards proposal for presentation to the Planning Commission as LDC amendment Package #2 with ultimate adoption by the City Council.

Staff requests Council direction on whether to pursue state financial assistance for the purpose of engaging consultant services to assist in the neighborhood design standards project or to use the funds included in the FY 13-14 budget for this purpose.

IV. LDC Related Collaboration Items – Neighborhood Planning Work Group - Future LDC Package

Item 2-19: Recommend that after city-wide neighborhood infill design standards are developed, the City should consider the adoption of neighborhood-specific design standards that are linked to the style and character of particular neighborhoods.

Item 2-20: Development of "Historic Preservation Lite" concept that would provide an opportunity for property owners to voluntarily participate in a regulatory process related to demolition and/or redevelopment of their property. It is recommended that incentives for participating in this program be created.

The items above would be included with future LDC-related Collaboration recommendations. Currently, the Neighborhood Planning Work Group is reviewing the merits of downzoning certain areas (reducing density) within the Collaboration Project Area. The discussion is being conducted with the understanding that upzoning (increasing density) in other areas in the City will likely be necessary to compensate for the loss of density. It is important to note that an update of the City's Buildable Lands Inventory and Comprehensive Plan Update would be critical in accomplishing far reaching zoning density changes.

Staff recommends that Items 2-19 and 2-20 be approved for consideration in future LDC amendment packages.

V. Projected timing of LDC Packages # 1 and # 2

The estimated timeline for developing LDC Package # 1 would be development of draft proposals by mid-January 2014 for review by the Planning Commission with a final product being prepared for a public hearing process in February/March 2014.

It is anticipated that the process to develop the Collaboration recommended neighborhood design standard concepts into a specific proposal will take approximately 6-8 months. If the Council directs that the FY 13-14 budget is used to support this project, it is projected that the proposal could be ready for Planning Commission consideration by the summer 2014. As noted previously, this time frame would be extended if State financial assistance is pursued and granted. Of course, the projected time table could be impacted by the land use application caseload from a staffing capacity and Planning Commission scheduling standpoint.

Requested Action:

Staff requests that Council review this information, ask questions and take action on the recommendations that are highlighted in ***bold italics*** above.

Review and Concur:

Jim Patterson, City Manager

Attachments

Attachment 1 – 7-31-13 Status Update Matrix

Attachment 2- Excerpts from Project Manager Reports to the Collaboration Steering Committee

Collaboration Corvallis
Brief Review-Status of City Implementation Actions
Pre-March 18, 2013 Recommendations

Item No.	Item/Work Group	Primary Responsibility	Timeline	Action/Progress	Resources Used / Needed	Status/ Next Steps
	Neighborhood Livability					
1.1	Off Campus Living Guide	City/OSU	2013	Guide Completed. Funding being sought by OSU for printing	Staff Time	No additional City action required
1-2	CDP/State Police Coordination	City/OSU	Ongoing	Communication has been enhanced. More CPD officers needed to expand patrols	Additional Police Officers, levy proposed	November levy
1-3	SRN warnings	City	Ongoing	Expanded use of SRNs within current staffing levels. CPD staff have increased the use of SRN's for CMC violations and expanded the CMC to include initial response fee.	Additional Police Officers needed to meet goal and to improve consistency	Ongoing effort
1-6	ITGA participation	City/OSU	Spring 2013	City/OSU joined International Town/Gown Association, City staff attended 2013 ITGA conference.	Membership costs + Travel/Training Budget	Ongoing small budget obligation
1-7	Safer Universities Project	City/OSU	Spring 2013	Secured national expert to visit on April 9th	Grant supported project	Completed
2-1	Increase alcohol fines	City	Spring 2013	Ordinance amendments approved by Council	Staff time	Completed

ATTACHMENT 1
PAGE 1

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Item No.	Item/Work Group	Primary Responsibility	Timeline	Action/Progress	Resources Used / Needed	Status/ Next Steps
2-2	Social host ordinance	City	Spring 2013	Review related ordinances/policy. City modified existing CMC's consistent with Social Host Ord. concepts: 1. Alcohol 2. OLCC 3. Providing Liquor to minors 4. Minor in Possession of alcohol 5. Hosting Party for minors. 6. SRN Fee Structure	Staff time	Completed
2-3	Monitor SRN effectiveness	City	Late 2013/early 2014	Evaluate progress through survey	Staff time/small budget for survey ($5,000)	Funds included in 2013-14 budget
2-4	Gravel parking enforcement	City	Late 2013	Existing conditions survey to enhance enforcement	Staff time/small budget ($5,000)	Survey work scheduled for Fall of 2013
2-5	Refuse disposal enforcement	City	Early fall 2013	Municipal Code to be amended	Staff time	Proposed code changes will be presented to City Council Committee for action
	Neighborhood Planning					
2-1 through	LDC definitions	City	Late 2013	LDC changes	Staff time	Will present to City Council in Fall 2013

ATTACHMENT 1
PAGE 2

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Item No.	Item/Work Group	Primary Responsibility	Timeline	Action/Progress	Resources Used / Needed	Status/ Next Steps
2-3						for LDC package prioritization
2-4	Parking requirements	City	Completed Dec 2012	LDC changed to address parking for 4/5 bedroom units	Staff time	Completed
	Parking and Traffic					
4-1	Expanded CTS service with OSU support	City/OSU	September 2012	Implemented	Only needed if funded runs continue to future years --$30,000	Completed. OSU will fund a second year of expanded service in FY 13-14 for $22,000
4-5	CTS Vehicle Info Service	City	September 2013	Staff is working with the selected vendor to install server equipment. Vehicle on-board equipment will be installed by mid-August.	$500,000 from federal grant plus staff time to implement.	Full implementation of the Real-Time component is scheduled for completion by August 31, 2013.
4-6	CTS marketing plan	City	September 2014	City staff met with OSU on February 22, 2013. OSU to do some work and then set next meeting date	$20,000 from OSU and staff time to implement the plan that is developed	N/A
4-7	funding for Loop	City / OSU	With start of FY 13-14	Funding secured.	$125,000 increase in funding from CTS to Loop to come from FTA grant funds; results in loss of those funds being used on CTS services	Completed

ATTACHMENT 1
PAGE 3

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Item No.	Item/Work Group	Primary Responsibility	Timeline	Action/Progress	Resources Used / Needed	Status/ Next Steps
4-8	OSU commitment for CTS funding	OSU / City	No timeline	An agreement exists between the entities for OSU funding of the CTS program. Currently OSU's annual contribution to the City is $130,000 for regular transit service and 70% of the operational cost for the Beaver Bus. Discussions over the years have not resulted in an agreement for OSU to increase the contribution for regular service.	Staff time	Staff to develop a data-driven proposal for increased support to present to OSU.
4-9	on-campus transit hub	City	July 2014	City has secured agreement from MPO to do study as part of their FY 13-14 work plan	$50,000 for the study to come from state planning dollars for transit	Oct 2013 for initiation of CAMPO planning efforts.
4-10	market alternative modes of safe travel	OSU/City	July 2014	City staff to support OSU marketing efforts-City Bicycle/Pedestrian Coordinator to work with OSU for advocating bicycle/pedestrian routes for students.	Staff time	N/A

Collaboration Corvallis
Brief Review-Status of City Implementation Actions
March 18, 2013 Recommendations

Item No.	Item/Work Group	Primary Responsibility	Timeline	Action/Progress	Resources Used / Needed	Status/ Next Steps
	Neighborhood Livability					
1-8	Community Policing – Increase police officer staffing with a goal of 1.2 per 1000 residents	City	Incremental steps with first opportunity in FY 14-15 budget	City Council has authorized levy includes 2-3 additional police officers with a focus on livability	$206K proposed for levy with a potential additional $102K OSU match	City Council authorized levy that will go to voters in November
3-1	Implement Property Maintenance Code (PMC) program	City	By the end of 2013	City Council directed the development of the program on 5/20/13	Additional staffing and other program costs. Final costs to be developed	Program design committee formed to advise staff. Program proposal will be presented to City Council standing committee by November 2013
3-2	Progressive Code Enforcement Model	City	By the end of 2013	Will be included in property maintenance code program design	Additional staffing and other program costs. Final costs to be developed	Program design committee formed to advise staff. Program proposal will be presented to City Council standing committee by November 2013

Item No.	Item/Work Group	Primary Responsibility	Timeline	Action/Progress	Resources Used / Needed	Status/ Next Steps
3-3	Explore additional property maintenance education and outreach options	City	Within 2 years after PMC program is implemented	Future Activity	Staff time	On hold until PMC program in place and can be evaluated
4-1	Off campus living orientation program	City/OSU	Work group recommended Spring 2013 implementation	No action as of yet – will need prioritization and staff assignments from City and OSU	Staff time	Will bring recommendation to Council Standing Committee for direction in Fall 2013
4-2	Neighborhood Liaison Program	City	Livability Work Group recommended Fall 2013 implementation	Part of PMC program endorsed by City Council for program design	Staff assignments and associated costs	Program design committee formed to advise staff. Program proposal will be presented to City Council standing committee by November 2013
4-3	Welcome week program	City/OSU	Livability Work Group recommended Fall 2013 implementation	No action as of yet – will need prioritization and staff assignments from City and OSU	Staff time	Will bring recommendation to Council Standing Committee for direction in Fall of 2013
4-4	Neighbor to neighbor mediation program	City/OSU	Livability Work Group recommended Fall 2013 implementation	No action as of yet – will need prioritization and staff assignments from City and OSU	Staff time	Will bring recommendation to Council Standing Committee for direction in Fall of 2013

Item No.	Item/Work Group	Primary Responsibility	Timeline	Action/Progress	Resources Used / Needed	Status/ Next Steps
	Neighborhood Planning					
2-5	LDC standards for lot line adjustments	City	LDC Package timing TBD	Code Language to be developed in conjunction with other recommendations	Staff time	
2-6	LDC setbacks for single attached units	City	LDC Package timing TBD	Code Language to be developed in conjunction with other recommendations	Staff time	Prioritization for next LDC update package to be determined in consultation with City Council
2-7	LDC density calcs for replats and minor land partitions	City	LDC Package TBD	Code Language to be developed in conjunction with other recommendations	Staff time	Prioritization for next LDC update package to be determined in consultation with City Council
2-8	Increased notice area for major lot development option application	City	LDC Package TBD	Code Language to be developed in conjunction with other recommendations	Staff time	Prioritization for next LDC update package to be determined in consultation with City Council
2-9	Minimum density calcs for infill development	City	LDC Package TBD	Code Language to be developed in conjunction with other recommendations	Staff time	Prioritization for next LDC update package to be determined in consultation with City Council

Item No.	Item/Work Group	Primary Responsibility	Timeline	Action/Progress	Resources Used / Needed	Status/ Next Steps
	Parking and Traffic					
3-5	Neighborhood Parking and Management Program	City	Implementation target is dependent on final program design	Public Works staff reviewing Collaboration recommendation and preparing recommendation to City Council	Staff time	Staff report scheduled for Urban Services Committee review in August

Collaboration Corvallis
Brief Review-Status of City Implementation Actions
June 4, 2013 Recommendations

Item No.	Item/Work Group	Primary Responsibility	Timeline	Action/Progress	Resources Used / Needed	Suggested Next Steps
	Neighborhood Livability					
5-1	Form a community relations advisory committee	OSU/City	Livability Work Group recommended by January 2014	None since Steering Committee acceptance	City/OSU leadership time and commitment	Will present recommendation to City Council in Fall 2013
	Neighborhood Planning					
2-10	LDC Floor area ratio	City	TBD	None since Steering Committee acceptance	Staff and consultant time	Will present recommendation to City Council in Fall 2013 for LDC package prioritization
2-11	LDC average front yard setback	City	TBD	None since Steering Committee acceptance	Staff and consultant time	Will present recommendation to City Council in Fall 2013 for LDC package prioritization

Item No.	Item/Work Group	Primary Responsibility	Timeline	Action/Progress	Resources Used / Needed	Suggested Next Steps
2-12	LDC residential design standards	City	TBD	None since Steering Committee acceptance	Staff time	Will present recommendation to City Council in Fall 2013 for LDC package prioritization
2-13	LDC pedestrian features	City	TBD	None since Steering Committee acceptance	Staff time	Will present recommendation to City Council in Fall 2013 for LDC package prioritization
2-14	LDC garages toward rear of lot	City	TBD	None since Steering Committee acceptance	Staff time	Will present recommendation to City Council in Fall 2013 for LDC package prioritization
2-15	LDC varied roof plane orientation	City	TBD	None since Steering Committee acceptance	Staff time	Will present recommendation to City Council in Fall 2013 for LDC package prioritization
2-16	Consider citywide LDC amendments	City	TBD	None since Steering Committee acceptance	Staff time	Will present recommendation to City Council in Fall 2013 for LDC package prioritization

Item No.	Item/Work Group	Primary Responsibility	Timeline	Action/Progress	Resources Used / Needed	Suggested Next Steps
2-17	LDC residential window standards	City	TBD	None since Steering Committee acceptance	Staff time	Will present recommendation to City Council in Fall 2013 for LDC package prioritization
2-18	Assistance from Infill Task Force in developing neighborhood design guidelines	City	TBD	None since Steering Committee acceptance	Volunteer time, with staff consultation	Will present recommendation to City Council in Fall 2013 for direction
2-19	Consider creating Neighborhood design standards	City	TBD	None since Steering Committee acceptance	Staff and consultant time	$25K included in FY 13-14 budget; staff reviewing grant opportunity. Will present recommendation to City Council in Fall 2013 for direction
2-20	Craft proposal for "historic preservation lite" program	City	TBD	None since Steering Committee acceptance	Staff time	Will present recommendation to City Council in Fall 2013 for LDC package prioritization

2-1 (11.26.12 Memo)

1. ***In order to encourage affordable housing built specifically for low-income residents, who typically have lesser needs for parking, the Neighborhood Planning Workgroup recommends that the City Council direct City Planning staff to develop Land Development Code language that would exempt multifamily affordable housing development, defined as units made available for rent or purchase by households at or below 60 percent of the Area Median Income, from the parking requirements for four- and five-bedroom units.***

   Basis for Recommendation

   During its discussions on the previously recommended increase to off-street parking requirements for four- and five-bedroom dwelling units, the workgroup received testimony that the costs associated with constructing additional parking for these unit types might deter development of affordable housing for low-income individuals and families. The subject recommendation responds to this potential unintended consequence by providing an exemption for developments that satisfy the noted threshold for affordable housing.

2-2 (11.26.12 Memo)

2. ***The Neighborhood Planning Workgroup recommends that the definition of "Family" contained in Chapter 1.6 of the Corvallis Land Development Code be amended to include the term "domestic partnership", and be inserted after the word "marriage" as it appears in the current definition.***

   Basis for Recommendation

   The workgroup was presented with a proposal to decrease the number of unrelated individuals who can live together in one dwelling from five to three. While the workgroup decided to not support this proposal, it did approve two related amendments to the Corvallis Land Development Code, which are captured in this recommendation and the next one below.

2-3 (11.26.12 Memo)

3. ***The Neighborhood Planning Workgroup recommends that a definition for the term "Residential Home" be added to Land Development Code Chapter 1.6, and that the term be added to the existing list of residential use classifications contained in Chapter 3.0. The language for each should be consistent with the definition provided in Oregon Revised Statute Section 197.600(2).***

Basis for Recommendation

The workgroup was presented with a proposal to decrease the number of unrelated individuals who can live together in one dwelling from five to three. While the workgroup decided to not support this proposal, it did approve two related amendments to the Corvallis Land Development Code, which are captured in this recommendation and the one immediately above.

4-1 (3.13.13 Memo)

1. **The Work Group recommends to the Collaboration Corvallis Steering Committee that OSU, with assistance from the City of Corvallis, develop and provide orientation programs that prepare students for living off campus. Based on models from other universities that were research to develop this recommendation, the following elements should be included:**

    a. **Education on rental housing, including lease contracts and Oregon's landlord/tenant laws.**

    b. **Considerations for selecting roommates and managing household responsibilities.**

    c. **Process for initiating utilities and refuse collection services**

    d. **Education on city ordinances concerning on-street parking regulations, nuisance behaviors, noise, alcohol possession and consumption, and others.**

    e. **Awareness of neighborhood livability issues and effective ways to establish and maintain mutually respectful relationships with neighbors.**

Assuming commensurate staff are available, it is further recommended that OSU and the City of Corvallis strive to implement a pilot program before the end of the Spring 2013 term.

Basis for Recommendation

Currently there is no organized orientation provided for students preparing or desiring to live off campus. Beginning Fall of 2013, all traditional freshman students are required to live on the OSU campus, which will provide focus opportunities for educating students on these matters before transitioning to off-campus housing.

OSU and the City of Corvallis have knowledgeable and experienced personnel who could provide orientation and programming on how to live off campus in a manner that promotes and supports community livability.

4-3 (3.13.13 Memo)

3. **The Work Group recommends to the Collaboration Corvallis Steering Committee that the City of Corvallis and OSU develop and implement a "Community/Neighborhood Welcome" program with assistance from neighborhood associations and other community stakeholders. The expected outcomes of this strategy include:**

    a. **Setting a positive tone at the beginning of each school year to encourage mutually respectful relationships between neighbors.**

    b. **Supporting related efforts to engage students with neighborhood livability education and outreach programs.**

    c. **Working to diminish hostility toward students that has grown in the community.**

    d. **Providing additional opportunities for community leaders to visibly engage in efforts to support livable neighborhoods.**

    It is recommended that this strategy be implemented prior to Fall 2013.

    Basis for Recommendation

    Due to the concentration of rental housing units in neighborhoods surrounding the Oregon State University campus, many permanent residents and students who live in these areas are new neighbors to one another each year. This dynamic can become a disincentive for permanent residents and students to invest time to become acquainted and communicate openly about their respective neighborhood livability expectations. Several university communities researched for the purpose of devising effective education and outreach programs currently hold a "Welcome Week". Anecdotal information suggests that these programs are an important aspect of supporting neighborhood livability.

4-4 (3.13.13 Memo)

4. **The Work Group recommends to the Collaboration Corvallis Steering Committee that Oregon State University and the City of Corvallis identify, coordinate, and make available to community members a mediation/conflict resolution service.**

    It is recommended that this strategy be implemented prior to Fall 2013.

    Basis for Recommendation

    Many times there are significant conflicts between neighbors that are difficult to resolve. Typical interventions might not always be successful.

Professional mediation has proven to be a viable solution in many college town communities.

A mediation organization and qualified personnel are located in the local community and are available to assist with dispute resolution. The availability of these resources could be coordinated through new staff in the OSU Office of Student Conduct and Community Standards, who might also be certified mediators.

2-5 (3.13.13 Memo)

1. **The Work Group recommends that the City of Corvallis explore amending the Corvallis Land Development Code so that lots reconfigured through the Lot Line Adjustment process do not contain "unusable area", as yet to be defined.**

   Basis for Recommendation

   The Work Group received public testimony that highlighting the potential for the Lot Line Adjustment process to be used in a way that increases the square footage of an existing lot in order to meet minimum area requirements for certain dwelling types of dwelling units, but do so in a way that may result in additional lot area that is, in practical terms, not usable. For example, a common lot line between two properties could be adjusted to transfer enough area to permit construction of a duplex, but the area transferred could be so narrow or oddly connected to the original lot as to make its use impractical. In this scenario, the property owner would have gained the option of potentially constructing a larger dwelling in comparison to the surrounding development pattern, which may negatively impact the character of the neighborhood and not be compatible with the mass and scale of adjacent dwellings. The subject recommendation is intended to balance the transition of existing neighborhoods to potentially higher density with the desire to preserve historic development patterns and the resultant neighborhood character.

2-6 (3.13.13 Memo)

2. **The Work Group recommends that the City of Corvallis amend the Corvallis Land Development Code so that the minimum required side yard setback distance specified for zero lot line, single attached units is the same as that for a duplex, and that the setback distance be consistent for these two dwellings types in each zone in which they are permitted. However, the Work Group also recommends that a minimum side yard setback distance of 10 feet only be required in instances of infill development, as yet to be defined.**

   Basis for Recommendation

   Duplexes and zero lot line, single attached dwelling units are currently allowed in the RS-5, RS-6, RS-9, RS-9U, RS-12, RS-12U, and RS-20 zones. In each of these zones, the

minimum side yard setback distance for zero lot line, single attached units is eight (8) feet, while the minimum side yard setback for a duplex is 10 feet. The Work Group discussed the potential for two zero lot line, single attached units to have a building footprint, mass, and scale that is similar to that of a duplex, to the extent that, when viewed from the street or adjacent properties, one dwelling type might not be distinguishable from the other. Given these similarities and the effects building massing can have on neighborhood character, the work group determined it was appropriate for the current minimum side yard setback distance for zero lot line, single attached units to be increased from eight (8) feet to 10 feet.

2-7 (3.13.13 Memo)

3. **The Work Group recommends that the City of Corvallis amend Chapter 2.14 (Partitions, Minor Replats, and Property Line Adjustments) of the Corvallis Land Development Code, specifically Section 2.14.30.05.b.2(b), by removing the option to calculate density potential by including up to 50 percent of the area of public street right-of-way that fronts a site.**

   Basis for Recommendation

   In some instances involving existing lots in established residential neighborhoods, the option of adding up to 50 percent of the area of public street right of way abutting a site causes the resultant density calculation to allow an additional unit that would not otherwise be permitted. For example, in the RS-9 zone, the maximum allowed density is 12 units per acre, which results in a maximum density of 1.38 units, or one unit for a 5,000 square foot lot. When half of the corresponding public street right of way area (approximately 1,500 square feet) is added to the lot square footage, the maximum density increases to 1.79 units or two units.

   The Work Group received public testimony on the potential for this provision to allow an additional unit as a result of including the public street right-of-way area, and the resultant potential for infill development to be of greater density than what is observed in the surrounding neighborhood. It has been suggested that this difference between existing density and redeveloped density can negatively impact neighborhood character and unnecessarily encourage the demolition of historic homes to facilitate the development of investment properties. For example, it might be possible to redevelop an infill lot with a duplex that was previously developed with a detached single family home. The subject recommendation is intended to balance the transition of existing neighborhoods to potentially higher density with the desire to preserve historic development patterns and the resultant neighborhood character.

2-8 (3.13.13 Memo)

4. **The Work Group recommends that the City of Corvallis amend Chapter 2.12 (Lot Development Option) and Chapter 2.0 (Public Hearings) of the Corvallis Land Development Code, specifically Sections 2.0.50.04(b) and 2.12.30.04(b), to increase the public notice area for Major Lot Development Options to include all owners and occupants of properties within 500 feet of a site.**

   Basis for Recommendation

   The Major Lot Development Option process can be used to request and receive approval of variations to numerically based development standards that apply to residential lots. Such requests could pertain to increasing maximum building height, reducing minimum setbacks, increasing maximum lot coverage, reducing minimum parking requirements, reducing minimum window coverage, or standards related to public street improvement, among others. There is no limit to which the base standard can be modified (i.e., up to 100 percent).

   The Work Group received public testimony that expressed concerns about the potential for a Major Lot Development Option to facilitate infill development in existing residential neighborhoods and negatively alter the existing pattern of development. However, it is noted the review of such requests is conducted through a public hearing process, and relies on subjective assessment of "compatibility criteria" related to site design, landscape buffering, parking, traffic, noise, odor, lighting, water quality, transportation, and utilities. In order to inform the public, notice of the hearing for a Major Lot Development Option request is currently mailed to owners and occupants of all property within 300 feet of the subject site. After taking into consideration the potential increased costs associated with expanding the notice area to 500 feet, the Work Group determined that it is in the public's best interest for a larger area to be informed of Major Lot Development Option requests, especially due to their potential to significantly alter standards that were implemented to facilitate compatible development in residential zones.

2-9 (3.13.13 Memo)

5. **The Work Group recommends that the City of Corvallis amend the Corvallis Land Development Code to allow the redevelopment of residential infill properties at densities that are otherwise below minimum required density.**

   Basis for Recommendation

   The Work Group discussed the existing provisions in the Corvallis Land Development Code that permit "rounding up" to the next whole number when the density calculation for a property results in a fraction of 0.5 or greater. For example, if the calculated maximum density for a given parcel of land was 1.5 units, the owner could build up to two units. A request to eliminate this provision was presented to the Work Group through public testimony.

While a recommendation to that affect was not adopted, the Work Group also discussed the merits of facilitating redevelopment of infill properties at densities that may be closer to the original development patterns, particularly in older historic neighborhoods surrounding the Oregon State University campus. Rather than addressing scenarios related to maximum density, the subject recommendation would not require density intensification. For example, if the calculated minimum required density was 1.5, the owner could choose to "round down" to 1 unit. This option is intended to help foster the preservation of original development patterns, particularly in historic neighborhoods.

5-1 (5.31.13 Memo)

1. **The Neighborhood Livability Work Group recommends to the Collaboration Corvallis Steering Committee that the City of Corvallis and Oregon State University form a Community Relations Advisory Body by January 1, 2014, that is tasked with the following objectives:**
   - **Monitor the success of policies and programs implemented to promote and improve neighborhood livability.**
   - **Identify the need for adjustments to existing neighborhood livability programs in response to changing conditions.**
   - **Assist with the development of new policies and programs that promote neighborhood livability as the dynamic between the university and surrounding neighborhoods changes.**
   - **Facilitate communication throughout the community in support of neighborhood livability.**

   The work group recommends that the advisory body be composed of stakeholders representing the University's administration, local government, student organizations, community groups and neighborhood associations, rental housing owners and managers, healthcare advocates, and local businesses. The City of Corvallis and Oregon State University should identify and commit staff necessary for managing and administering the advisory body in order to achieve the stated objectives. Costs associated with forming and sustaining the advisory body should be shared equally by the City of Corvallis and Oregon State University. As appropriate, the City of Corvallis and Oregon State University should consider guidance from the International Town Gown Association concerning the formation and operation of such advisory bodies.

Basis for Recommendation

In response to Objective 5, the Neighborhood Livability Work Group reviewed the purpose and composition of similarly tasked advisory bodies from the following communities.

- Eugene, Oregon (http://gcr.uoregon.edu/community-relations);
- East Lansing, Michigan (http://wealllivehere.org/);
- Tucson, Arizona (http://externalrelations.arizona.edu/community.cfm); and
- Berkeley, California (http://office.chancellor.berkeley.edu/gcr/StdtNeighborRelations.shtml).

Discussions with staff who support these groups confirmed that their sustained existence has positively influenced relations between each respective university and local community. Many of the topics and issues addressed by these groups closely mirror those that caused the initiation of the Collaboration Corvallis project. Given the level of effort that has been expended to identify and implement strategies for resolving these issues, the work group believes it is prudent to create a standing advisory body charged with monitoring the success of those strategies over time, and exploring the need for new or alternate strategies as needed.

The recommended composition of the advisory body is generally consistent with the spectrum of stakeholders identified through the Collaboration Corvallis project. The work group concludes that their participation is essential in order for continued efforts to improve and sustain neighborhood livability to be effective.

2-10 through 2-17 (5.31.13 Memo)

A. ***Development Standard Recommendations***

(2-10)

1. **The Neighborhood Planning Work Group recommends that the City of Corvallis explore implementation of a maximum Floor Area Ratio standard as the preferred method of addressing the mass, bulk, and scale of infill development in residential zones.**

(2-11)

2. **The Neighborhood Planning Work Group recommends that the City of Corvallis explore implementation of an average front yard setback standard for residential infill development, which would be determined based on existing development, but not include new dwellings constructed within the last five years.**

(2-12)

3. **The Neighborhood Planning Work Group recommends that the City of Corvallis review the Pedestrian Oriented Design Standards contained in the Land Development Code and revise them to reduce repetition of design and monotonous building faces. Key issues that should be addressed are: (1) making roof height articulation a mandatory design standard; (2) increasing the minimum length and depth of horizontal building offsets, and require horizontal offsets as a mandatory design element; and (3) ensure that such standards apply to multifamily dwelling types, as currently defined. Amendments to the current standards should also be made to require provision of roof articulation and building offsets more frequently as the length of a structure increases.**

Lastly, for developments with more than one building, options for implementing a quantitative measurement of minimum differentiation (e.g., percent differentiation) of dimensional aspects of building design should be explored. In conducting this review and making corresponding revisions, the City of Corvallis should consider the approaches taken by the City of Sumner, Washington and Town of Wake Forest, North Carolina.

(2-13)

4. **The Neighborhood Planning Work Group recommends that the City of Corvallis review Corvallis Land Development Code Section 4.10.60.04 (menus for Pedestrian Features and Design Variety) to explore whether additional dwellings types should be regulated by the subject standards. Particular attention should be paid towards assessing whether the current standards adequately address concerns raised about infill residential development through the Collaboration Corvallis project.**

(2-14)

5. **The Neighborhood Planning Work Group recommends that the City of Corvallis explore amending the Corvallis Land Development Code to require placement of off-street parking facilities (e.g., garages and driveways) towards the rear of infill residential lots with frontage along an improved alley. Further, amendments to the Land Development Code should be explored that would enable placement of off-street parking facilities at the rear of lots without alley frontage in situations where such configuration is common within the given neighborhood area. Issues to be considered include adjustments to minimum required driveway widths, minimum driveway and garage setbacks, maximum lot coverage, storm water drainage requirements, requiring shared driveways, and alley standards that would reflect development patterns in established residential neighborhoods.**

(2-15)

6. **The Neighborhood Planning Work Group recommends that the City of Corvallis consider amending the Corvallis Land Development Code to require varied roof plane orientation at least once every two to three units for multifamily dwelling types.**

(2-16)

7. **The Neighborhood Planning Work Group recommends that the City of Corvallis consider applying amendments regarding exterior building wall and roof articulation, and roof plane orientation to all areas of the city, and not just within the Collaboration Corvallis Project Area.**

(2-17)

8. **The Neighborhood Planning Work Group recommends that the City of Corvallis consider amending the existing Corvallis Land Development Code provisions regarding calculation of minimum window coverage percentage on dwelling facades to include the wall area within gabled building ends. In addition to windows, other architectural design elements should be allowed or required within gabled ends in order to satisfy the coverage requirement.**

Basis for Recommendations

The set of recommendations presented above responds to issues identified by the work group concerning the architectural compatibility of recent residential infill development. In general, these issues fall into one or more of the following categories, which were determined by comparing examples of recent infill development with the dwelling types and styles that are original to most of the neighborhoods within the Collaboration Corvallis Project Area.

- Building mass, bulk, and scale
- Building setbacks
- Architectural elements and site design

Based on this comparison, it was determined that the existing Land Development Code standards, which are tailored more toward development of "greenfields", have often resulted in new dwellings that are of larger mass and scale than original dwellings; allow new, infill dwellings to be set back from the street at distances that do not complement the existing pattern of building placement along a block face; and do not always result in sufficient architectural design variation, especially for multifamily dwellings composed of several attached units. Each of these issues may cause infill development to be architecturally incompatible with original forms of residential development, and gradually erode the "character" of traditional neighborhoods within the Project Area as redevelopment takes place.

Concerns over compatibility were balanced against the recognition that the potential for an appropriate increase in density within these neighborhoods should not be precluded. Based on assessments of similar infill development regulations implemented in other jurisdictions researched for this topic, including Portland, Oregon; Sumner, Washington; Boulder, Colorado; Lake Oswego, Oregon; Geneva, Illinois; Alexandria, Virginia; Edmonton, Alberta; and Blacksburg, Virginia; the recommendations presented above should facilitate redevelopment to at least the minimum density permitted in each residential zone within the Project Area.

2-18 (5.31.13 Memo)

B. ***Regulatory Mechanism Recommendations***

1. **The Neighborhood Planning Work Group recommends that the Infill Task Force or another representative work group be asked to work on concepts and recommendations for possible design guidelines similar to those devised for Ashland, Oregon and Portland, Oregon with illustrative, graphic examples. In working on the task, it is suggested that outreach to neighborhood groups be included. When design guidelines are adopted by the City of Corvallis they should be posted on the City's website and incorporated into a document that will be given to all developers when they first inquire.**

Basis for Recommendation

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The work group has reviewed several examples of infill design guidelines from various jurisdictions across the country and within Oregon. In general, these documents provide illustrated descriptions of the preferred forms of infill residential development each community hopes to encourage. They are typically based on the goal of encouraging key characteristics of architectural styles and development patterns found in existing neighborhoods. Aspects of development commonly addressed by design guidelines include: the height and location of new construction in relation to existing dwellings; roof forms; window and door styles and their placement; exterior siding materials, roofing materials, building orientation; the location of off-street parking (i.e., driveways and garages); and the overall massing and scale of new construction in relation to existing development.

In some jurisdictions, these documents merely serve as informational pieces that are made available to help guide architects and contractors when designing new dwellings, while other jurisdictions utilize design guidelines as subjective decision criteria applied through a quasi-judicial design review process. In Oregon, because of "needed housing" law, the latter approach is only possible when an owner of residential property consents to such regulation (e.g., through some type of historic preservation program). In all other cases, only clear and objective standards that do not require the exercise of discretion can apply to residential development. This limitation, which is enforced through state law (ORS 197.307), significantly constrains the ability to regulate architectural design, especially aspects that are easier to describe in qualitative terms or may warrant flexibility. Crafting a set of design guidelines as described above would help bridge a "regulatory gap" and allow the community to articulate, in layman's terms, the preferred character defining elements of neighborhood-compatible development.

Such guidelines would only serve an advisory purpose, and compliance with them would not be required through the land use or development permitting process – unless they were also relied on as decision criteria through a discretionary design review. This concept is discussed below as part of the "Historic Preservation Lite" recommendation.

2-19 (5.31.13 Memo)

2. **The Neighborhood Planning Work Group recommends that following development of design guidelines and implementation of recommended amendments to existing Land Development Code standards, including those previously forwarded to the Steering Committee, the City of Corvallis should solicit neighborhood input on the adoption of neighborhood-specific design standards.**

Basis for Recommendation

Through its review of various strategies implemented in other jurisdictions to regulate the design of residential infill development, the Neighborhood Planning Work Group considered the merits of implementing design standards that would only apply to certain neighborhoods areas. This approach is used by the City of Portland, among others, to

require inclusion of particular design elements so that new development is compatible with the style and character of a given neighborhood. However, prior to taking this approach, the work group concluded that it would be prudent to formulate residential design guidelines based on the architectural styles and development patterns found in each neighborhood, particularly those within the Project Area. It is anticipated that a better understanding of whether and to what extent neighborhood-specific design standards are necessary.

If the community concludes that neighborhood-specific design standards are a necessary and desirable means of regulating infill development, a design standards overlay would be a useful means of implementing those clear and objective standards so they apply to only certain areas rather than throughout the city. For example, the City of Portland uses this mechanism to implement specific portions of its Community Design Standards. As applied in Corvallis, a design standard overlay might be structured to require a certain minimum roof pitch or allow a different maximum building height in a given neighborhood than could otherwise occur elsewhere in the city. This approach could be implemented in conjunction with a set of advisory design guidelines that would address aspects of design that are difficult to regulate through clear and objective standards (e.g., window placement patterns).

2-20 (5.31.13 Memo)

3. **The Neighborhood Planning Work Group recommends that City of Corvallis staff develop and present to the City Council a proposal for implementing a "Historic Preservation Lite" district. The proposal should consider and address the following elements:**
    a. **Incentives for property owner participation – such as flexibility from minimum off-street parking standards, building setbacks, and building heights that would apply upon redevelopment of a property, as well as potential reductions to land use and building permit fees associated with the redevelopment of a property.**
    b. **Considerations for the inclusion of a property in a "Historic Preservation Lite" district, including:**
        i. **Whether a property owner's decision to participate upon formation of a district should be permanent and binding on all future owners.**
        ii. **Whether opportunities should be provided for additional properties to be added to a district after its original formation.**
        iii. **Whether the age of a structure (i.e., the date or general period of its original construction) should be used as a criterion for participation in a district.**
        iv. **Whether and to what extent the physical condition of a structure should be used as a criterion for participation in a district.**
        v. **Reliance on information about the appearance, architectural style, and age of existing dwellings gathered through the Neighborhood Photo Survey.**

Basis for Recommendation

Based on testimony received by the Neighborhood Planning Work Group, residents of neighborhoods within and outside of the Collaboration Corvallis Project Area are concerned about the demolition of existing dwellings, particularly those which could qualify as historic resources. In addition, subsequent redevelopment may not always be compatible with original patterns of development, which, as discussed above, can cause adverse impacts to a neighborhood's character and sense of place.

The "Historic Preservation Lite" concept may be an effective means of regulating the demolition of existing residential structures and subsequent redevelopment. In comparison to the existing historic preservation program managed by the City of Corvallis through provisions in Chapter 2.9 of the Land Development Code, this approach would allow for the formation of locally adopted districts regardless of the number of participating properties. Consistency with preservation standards for a National Historic District would also not be necessary, meaning that the scope of regulated development activities would not have to be as comprehensive as the range of activities currently addressed by Chapter 2.9. In addition to demolition and redevelopment, these comparatively rigorous standards are intended to protect and preserve the historic integrity of listed resources through application of discretionary review criteria addressing a broad spectrum of architectural design elements. Some property owners have expressed concern over this degree of regulation if the primary concern is only related to demolition and redevelopment.

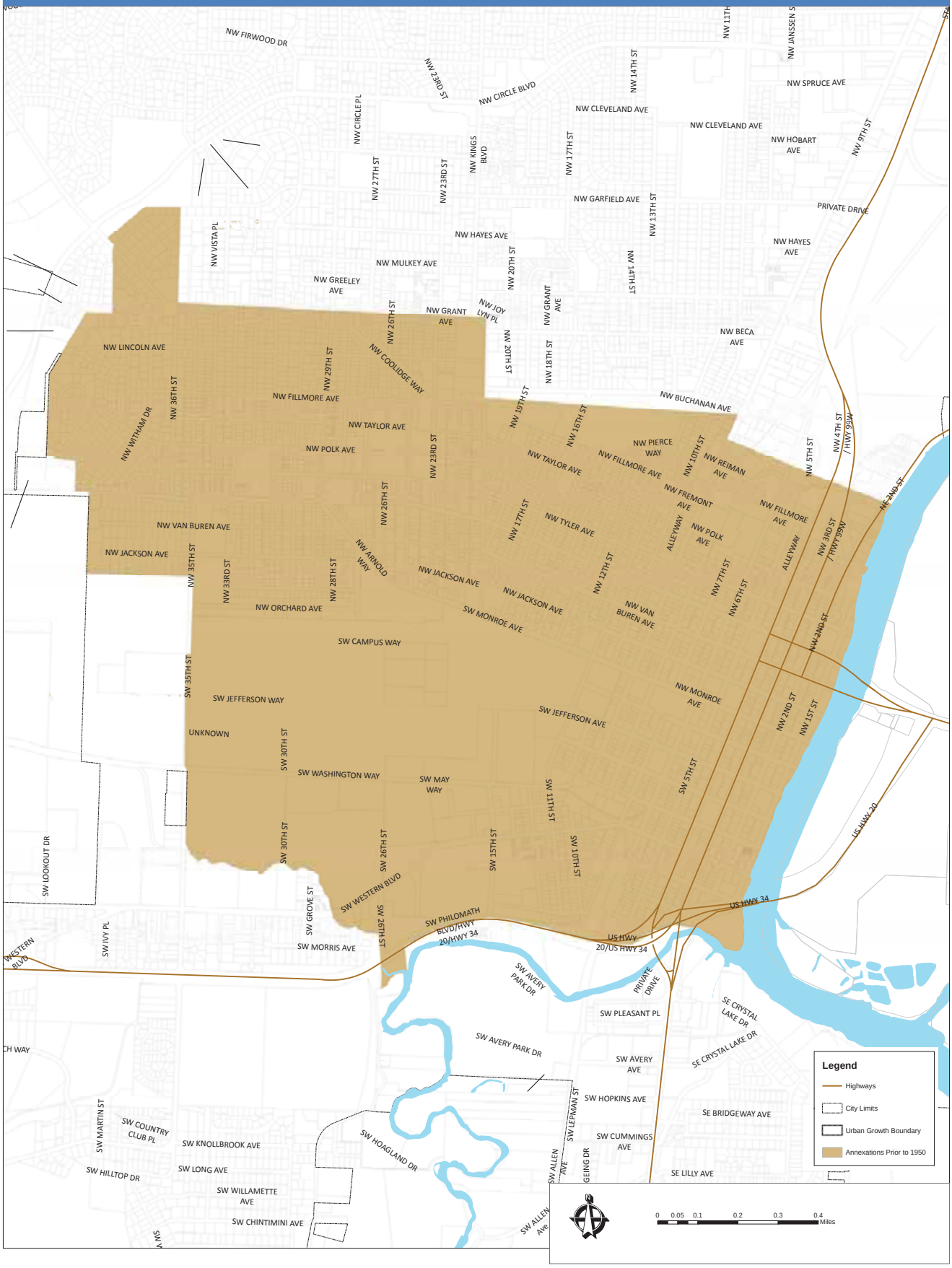
Despite constituting a lesser degree of protection for potentially historic resources, it would be possible to create this locally imposed and locally regulated district as a type of historic preservation measure and qualify for the exemption in state "needed housing" law that allows a local jurisdiction to apply subjective review criteria to housing development. Other Oregon jurisdictions, such as the City of Salem and Washington County, have successfully taken this approach by devising a set of review criteria to determine when it may be in the community's best interest to allow demolition of historic homes, as well as inform the design of subsequently redeveloped dwellings so they are compatible with the surrounding neighborhood.

Because participation in the district would be voluntary, the result could be a broad range of participation, such that some blocks might have no or only a few participating properties, while other blocks might have full participation. The implementing ordinance could be crafted so that once a property owner consents to participation, the property remains "in the district" in perpetuity. Alternatively, the ordinance could be written to allow for removal of a property under certain circumstances.

For those participating properties, the model discussed by the work group would regulate demolition of existing dwellings and subsequent redevelopment through a mandatory design review process using discretionary criteria as a basis for determining whether demolition was appropriate and redevelopment was compatible. Those criteria could be the same design guidelines discussed above, a set of review criteria supplemented design standards, or some combination thereof. As with the design standards overlay, it is not

anticipated that property owners would incur any costs as a result of participating, unless one of the regulated activities was proposed through the design review process.

Corvallis Annexations Prior to 1950



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Notice Counts and Costs Based on Buffer Distance

Buffer Distance	Example 1	Example 2	Example 3	Average Count	Materials Cost Factor	Total Envelope and Paper	Postage	TOTAL
100 ft.	31	32	29	31	0.1	$ 3.07	$ 15.95	**$ 19.01**
300 ft.	132	107	120	120	0.1	$ 11.97	$ 62.23	**$ 74.19**
500 ft.	301	236	218	252	0.1	$ 25.17	$ 130.87	**$ 156.03**

Notes:

1. Numbers represent a rough estimate of the total number of notices to be mailed
2. Numbers do not factor in possibility that duplicate notices and bad addresses will be eliminated during formal public notice process
3. Numbers do not factor in possibility of notice area involving parcels that lack sufficient data on apartment development unit counts
4. Counts reflect three example development projects of varying scale, where the three different buffer distances (100-ft., 300-ft., and 500-ft.) were applied.

Labor Costs

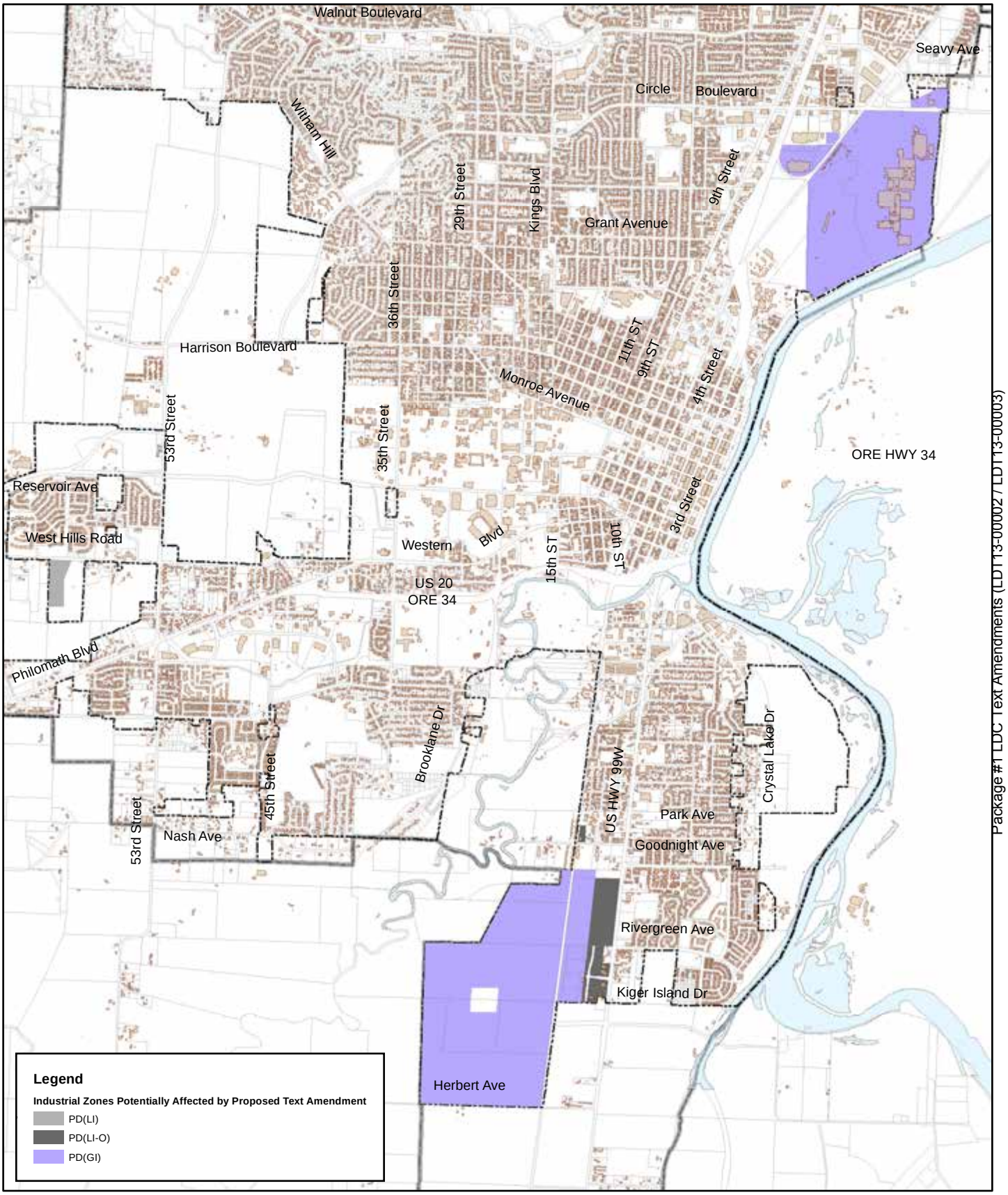
	Time (hours)	Rate	Total
Staff Labor Costs 1	1.5	$ 44.00	$ 66.00
Staff Labor Costs 2	1	$ 51.00	$ 51.00
Total for 300-ft. Notice	**2.5**	**$ 95.00**	**$ 117.00**
Anticipated Total for 500-ft. Notice	**4**	**$ 139.00**	**$ 183.00**

1. Increasing the notice area from 300-ft. to 500-ft. is anticipated to double costs for Staff Labor Costs 1 and Materials. There is no anticipated increase in labor costs for Staff Labor Costs

Total Materials & Labor

300-ft. Notice Average	**$ 191.19**
500-ft. Notice Average	**$ 339.03**

Properties Zoned PD(LI), PD(LI-O) and PD(GI)



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0 1,800 3,600 5,400 Feet

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333
541.766.6908
Planning@CorvallisOregon.gov

Capital Planning & Development

MEMORANDUM

TO: Corvallis Planning Commission
FROM: Sara Robertson & Rebecca Houghtaling
DATE: February 5, 2014
RE: Chapter 2.9 revisions – Director-level review

For your consideration this evening, OSU would like to propose as a visitor proposition two additional revisions to Chapter 2.9.

2.9.100.03 K. COLLOCATED/ATTACHED WIRELESS TELECOMMUNICATION FACILITIES LOCATED IN THE OSU ZONE

OSU is requesting Director-level review of Historic Preservation Permit applications for certain Collocated/Attached Wireless telecommunication facilities within the OSU National Register Historic District. The proposed changes to Chapter 2.9 would allow Director-level review of proposals for Collocated/Attached Wireless telecommunication facilities if they are Accessory Uses Permitted Outright within the OSU Zone, are installed on a building at least 30 ft. in height, and are attached to Designated Historic Resources in a Reversible manner that does not damage significant architectural features.

Collocated/Attached Wireless Facilities that meet these discrete requirements will not have a significant visual impact within the OSU National Register Historic District. The wireless telecommunication facilities that meet the definition of Accessory Uses Permitted Outright within the OSU Zone are relatively small facilities. Whip antennas, which consist of a single vertical antenna, must be less than 25 ft. in height, and all other antenna must be less than 10 ft. in height. When mounted on large-scale buildings of at least 30 ft. in height, these types of antenna would be minimally visible from adjacent streets, sidewalks, and open space areas. The specific mounting requirements included in the proposed language that will further ensure that there are no impacts to Designated Historic Resources.

Although the proposed alteration to Chapter 2.9 would allow for some Collocated/Attached Wireless Facilities to be installed in the OSU National Register Historic District after Director-level review, many proposed projects would continue to require Historic Resource Commission-level review due to screening requirements outlined in Chapter 3.36 – OSU Zone. Section 3.36.50.02 – Roof Mounted Equipment currently requires screening of all roof mounted equipment including antenna and telecommunications equipment that is not screened from view by architectural features. The proposed changes to Chapter 2.9 will not remove the requirement for screening outlined in 3.36.50.02.b, and any screening proposed within the OSU National Register Historic District would require a Historic Resources Commission level review. Only Collocated/Attached Wireless Facilities proposed in locations screened from view by architectural features would be permitted after Director-level review. In the future, however, OSU anticipates some changes to Chapter 3.36 – OSU Zone to result from the upcoming update of the OSU Campus Master Plan. Changes to the code made during the Campus Master Plan update may include changes to the screening requirements in Section 3.36.50.02.

OSU is pursuing the proposed changes to Chapter 2.9 in anticipation of future upgrades to its existing wireless facilities, which are insufficient for OSU's current uses. Continued expansion and improvement of the University's wireless network is likely to be ongoing as telecommunication technology continues to advance rapidly.

2.9.100.03 L. Required Ground-level Screening within the OSU Historic District

OSU also is requesting Director-level review of Historic Preservation Permit applications for certain Required Ground-level Screening within the OSU National Register Historic District that is not already exempt from Historic Preservation Permit requirements per Section 2.9.70.aa. OSU proposes that Required Ground-level Screening that does not exceed 8 ft. in height, does not enclose an area greater than 600 sq. ft., and is not located between the street and front façade of the building be eligible for Director-level review. Additionally, if the proposed screening is freestanding, its materials would have to be reflective of and complementary to surrounding Designated Historic Resources, or if the proposed screening is attached to a Designated Historic Resource, its materials would have to match the materials used on the Designated Historic Resource and its installation would have to be Reversible. Ground-level screening that exceeds either of the proposed threshold dimensions or that does not meet the material requirements would be reviewed by the Historic Resources Commission.

Because structures within the OSU National Register Historic District are of a much larger scale than structures within Corvallis's other historic districts, larger-scale ground-level screening is less obtrusive than it would be in a historic district of a different character. The extensive research activities conducted on OSU's campus require a significant amount of associated infrastructure. This infrastructure includes items like generators, chillers, and transformers which are required to be screened when placed at ground level. The required screening for these items often exceeds the maximum dimensions allowed for exemption from Historic Preservation Permit requirements. Screening that is slightly larger in scale than what is allowed as an exempt activity would have a minimal impact on the character of the OSU National Register Historic District if the screening met the proposed material requirements. For that reason, OSU would like the commission to consider Director-level review of ground level screening that does not exceed 8 ft. in height, does not enclose an area greater than 600 sq. ft., and is not located between the street and front façade of the building.

Draft revisions to 2.9.100.03 - Alteration or New Construction Parameters and Review Criteria for a Director-level Historic Preservation Permit

2.9.100.03 - Alteration or New Construction Parameters and Review Criteria for a Director-level Historic Preservation Permit

A Historic Preservation Permit request for any of the Alteration or New Construction activities listed in Sections "a" through "o," below, shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria imbedded therein, listed below. Such Alteration or New Construction activities are classified as a Director-level Historic Preservation Permit. Some activities that are similar to Director-level Historic Preservation Permits may be exempt from permit review per Section 2.9.70 or may require review by the Historic Resources Commission.

a. **Solar or Hydronic Equipment** - Installation of solar or hydronic equipment parallel to the roof surface with no part of the installation protruding more than 12 in. above the roof surface, provided the subject roof surface does not directly front a street. The equipment shall be attached to the Designated Historic Resource in a manner that does not damage any significant architectural features of the structure. Additionally, the installation shall be Reversible.

b. **Replacement Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features** - Replacement of the following site features with dissimilar materials and/or a different design or style, provided the size of such features does not increase:
    1. Driveways;
    2. Paths and sidewalks;
    3. Bicycle parking areas; and/or
    4. Vehicular parking areas that involve 800 sq. ft. or less.

c. **Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Addition of vehicular parking spaces, if required to achieve compliance with Americans with
    1. Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.I.

d. **Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** – An exterior Alteration or New Construction more than 200 sq. ft. to a property in a National Register of Historic Places Historic District that is classified in its entirety (including all structures on the site) as Nonhistoric/Noncontributing, provided the Alteration or New Construction is not visible from public rights-of- way and private street rights-of-way, except for alleys, from which it may be visible, and does not exceed 14 ft. in height.

e. **Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing Resources**- Windows and doors may be replaced with new windows and doors containing double-pane glazing and meeting current Building Code energy efficiency standards. The following provisions also apply:

    1. Except as otherwise provided in subsections 2-5, below, the replacements shall match the replaced items in:
        a. Materials;
        b. Design or style;
        c. Size;
        d. Sash and Muntin dimensions (a ½-in. tolerance in size is permitted for Sashes, and a 1/8-in. tolerance in size is permitted for Muntins);
        e. Number and type of divided lites (either true or simulated lites are permitted; snap-on grids are not); and
        f. Shape.

    2. Metal-clad wood may be substituted for the original, non-glass materials of the replaced items.

    3. On residential structures, non-wood doors and hollow-core doors may be replaced with doors of a dissimilar design, provided the replacement doors are solid wood or metal-clad solid wood and are the same size, and in the same location as the door to be removed. Glass is permitted in the replacement door.

    4. Alterations involving decorative art glass and leaded glass windows shall be reviewed by the HRC unless the alteration satisfies the Chapter 1.6 definition for In-kind Repair or Replacement.

5. Installation of new, or replacement of windows and doors on Nonhistoric and Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are exempt per Section 2.9.70.t.

f. Extension of Fencing Other than Wood - The extension of existing fencing other than wood fencing, which is exempt under Section 2.9.70.m, with Inkind Repair or Replacement materials, provided that the type of fencing material was used during the Period of Significance for the Designated Historic Resource and the fence is not extended beyond the facade of the Resource facing a front or exterior side yard.

g. Awnings - Installation of canvas awnings, limited to Designated Historic Resources and situations where awnings are required by this Code. Such canvas awnings shall either be installed where none previously existed or may reproduce historic canvas awnings from the applicable Period of Significance, as shown in documentation submitted by the applicant. In-kind Repair or Replacement of existing awnings is exempt per Section 2.9.70.b.

h. Skylights - Activities involving existing skylights that are not already exempt via Section 2.9.70.x and new skylights are allowed on:

1. Nonhistoric/Noncontributing structures;
2. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet;
3. Portions of structures that are not visible from private street rights-of way and public rights-of-way, except for alleys from which they may be visible.

All other modifications or installations of skylights shall be processed via Section 2.9.100.04.

i. Single (First) Story Exterior Steps and/or Stairways - Changes in step or stairway design or style that may be required to meet present-day Building Code requirements, including handrail or guardrail installation, provided such changes are conducted within the height of the first story of a Designated Historic Resource. When authorized by the Building Official, some flexibility from conformance with some Building Code requirements relative to this design, including the question of whether or not handrail or guardrail installation is required, may be granted as outlined in Section 2.9.90.06.a. The design or style shall be architecturally compatible with the Designated Historic Resource based on documentation provided by the applicant.

j. Driveway Width Expansion - Widening driveways to a maximum width of 12 ft. using the same materials and design in existence, or using dissimilar materials and/or a different design or style. The driveway length shall not increase. In all cases, driveways are subject to the Corvallis Offstreet Parking and Access Standards, and the provisions in Chapter 4.1 - Parking, Loading, and Access Requirements.

k. Collocated/attached Wireless Telecommunication Facilities located in the OSU Zone - Collocated/attached Wireless Telecommunication Facilities that are Permitted Outright within the OSU Zone per section 3.36.20.01.b – Accessory Uses Permitted Outright for University-owned Properties, are allowed if they meet the following criteria:

1. The facility is installed on a building at least 30ft in height.

2. If attached to a Designated Historic Resource, the facility shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible.

3. The facility is consistent with the Additional Provisions for Wireless Telecommunication Facilities outlined in Section 4.9.60 – Wireless Telecommunication Facilities.

I. **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.

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

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

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

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

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

Guests
Rebecca Houghtaling
Sara Robertson

SUMMARY OF DISCUSSION

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

K. Rebuttal by Applicant: None.

L. Sur-rebuttal: None.

M. Additional time for applicant to submit final argument:

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

N. Close the public hearing:

The Chair closed the public hearing.

O. Discussion and Action by the Commission:

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

Motion:

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

III. MINUTES REVIEW:

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

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

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

IV. OTHER BUSINESS/INFORMATION SHARING.

a). Chapter 2.9 Text Amendments.

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

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
June 9, 2014, City Council Staff Report
EXHIBIT H (119 of 266)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Second Iteration Revisions to Director-level Review Criteria

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

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

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

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

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

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

Proposed Third Iteration Revisions to Exemptions

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

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

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

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

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

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

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

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

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

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

Third Iteration Revisions to Exemptions
01-1/14/14

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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01-1/14/14

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

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

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

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

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

Guests
Rebecca Houghtaling
Sara Robertson
B.A. Beierle

SUMMARY OF DISCUSSION

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

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
June 9, 2014, City Council Staff Report
EXHIBIT H (158 of 266)

Attachments to the January 7, 2014 minutes:

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

CONTENT OF DISCUSSION

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

I. VISITOR PROPOSITIONS: None.

II. WORK SESSION.

A. LDC Chapter 2.9 – Historic Preservation Provision Revisions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. MINUTES REVIEW- December 3, 2013.

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

IV. OTHER BUSINESS/INFORMATION SHARING.

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

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

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

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

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

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

OSU Proposed Revisions to Chapter 2.9 Exemptions

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

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

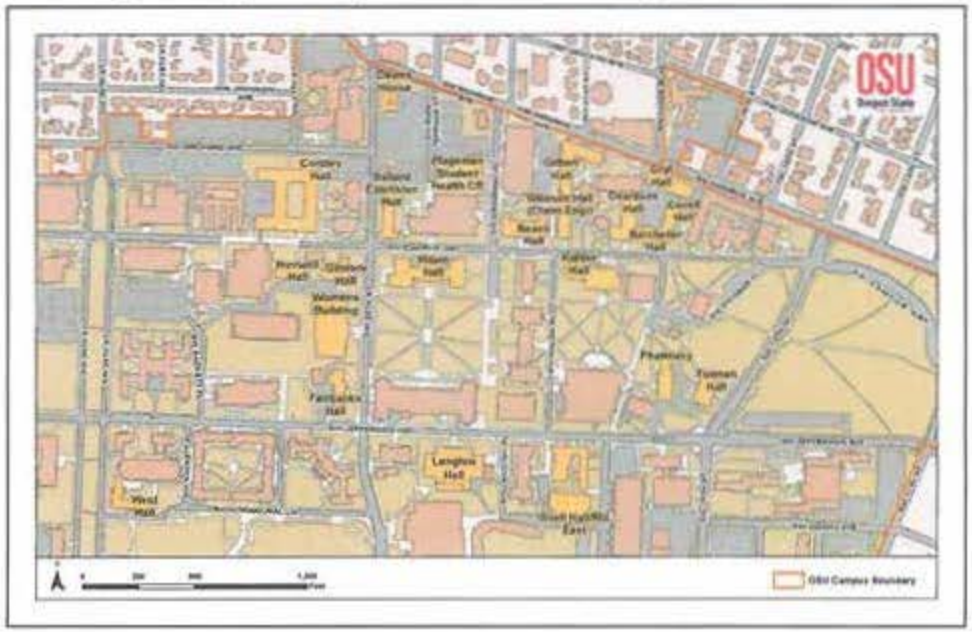
Possible Exterior Building Modifications Required to Comply with ADA

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

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

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

Buildings likely to require new ADA ramps and facilities



Attachment B - 1

ADA access upgrades that would be exempt under proposed exemption language:

Yes

Bexell Hall

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

No

Covell Hall

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

Gilbert Hall

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

2 of 3

ADA access upgrades that would be exempt under proposed exemption language:

Yes

Gleeson Hall

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

No

Kidder Hall

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

Langton Hall

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

3 of 3

Memorandum

Date: December 16, 2013

To: Mayor and City Council
Planning Commission

From: Ken Gibb, Community Development Director

Re: Long Range Planning Opportunities

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

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

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

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

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

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

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

Attachment C - 1

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

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

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

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

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

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

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

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

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

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

Review and Concur:

Jim Patterson, City Manager

Memorandum

To:	Historic Resources Commission
From:	Bob Richardson, Associate Planner RAR
Date:	December 30, 2013
Subject:	Revisions to LDC Chapter 2.9 – Historic Preservation Provisions (LDT13-00002)

On December 3, 2013, Planning Division staff presented the HRC with proposed revisions to LDC Chapter 2.9 – Historic Preservation Provisions. The intent of the proposed revisions was to meet a City Council Goal, which broadly stated, is to more efficiently use City resources by reducing the amount of resources dedicated to the review of Historic Preservation Permit applications, and particularly applications generated from the OSU Historic District.

To this end, Staff proposed revisions to LDC Chapter 2.9 that could reduce the number of Historic Preservation Permit (HPP) applications by expanding the parameters for activities specified as exempt from the need for an HPP, reduce the number of HRC-level HPP applications by expanding the parameters of some activities that can be approved with a Director-level HPP, and clarifying text to reduce the number of occasions when more subjective interpretation of the Code is required. It is hoped that this effort will reduce the number of historic reviews that are deemed unnecessary by the HRC.

Proposed changes to the Code are driven by a desire to reduce the amount of resources dedicated to review of development within the OSU Historic District, but also would result in amendments to LDC text that would affect other Designated Historic Resources. Benefits anticipated from proposed text amendments include a greater ability to apply more City resources to other priority planning projects, and more support for historic preservation goals by those that own and maintain Designated Historic Resources if related regulations are not viewed as unnecessarily onerous.

Revisions included with this cover memorandum are second iteration revisions to the exemption section in LDC Section 2.9.70, and first iteration revisions to Director-level review criteria in LDC Section 2.9.100.03. Both sets of proposed revisions are presented in a matrix. In most cases the second iteration matrix provides existing LDC text, first iteration text, second iteration text, and staff comments. Similarly, regarding the Director-level criteria, the matrix provides existing text, proposed text, and staff comments. It is hoped that these matrices will make it easier to understand how the text language has evolved, and will document reasons for the proposed changes.

During the December 3, 2013, work session, the HRC recommended several changes to the first iteration revisions and also suggested ideas for further staff consideration. In many instances, staff incorporated HRC recommendations. In a few instances, staff

have not incorporated the HRC recommendations or concepts presented during the first work session. Reasons for the staff recommendations are provided under Staff Comments column in the exemption matrix.

Nonhistoric and Nonhistoric / Noncontributing Structures

One concept that ran throughout the December 3, 2013, work session was regarding the use and definition of the term Nonhistoric. Several proposed text amendments affect structures defined as Nonhistoric or Nonhistoric / Noncontributing. Some Commissioners raised concerns that existing and proposed revised exemptions allow alterations that should be reviewed by the HRC because in time, these Nonhistoric and Nonhistoric / Noncontributing structures would be old enough to qualify for listing in either the Local or National Registers. Allowing alterations without sufficient review now could change the structure in a way that would make it difficult to satisfy eligibility requirements for future listing. To address this issue, one Commissioner suggested replacing the word Nonhistoric with the phrase "buildings that are not yet 50 years old".

Staff do not support instituting such a revision at this time for three reasons. First, such a change would be a partial step toward reclassifying structures within Historic Districts that should be done through State and Federal processes, and with greater community involvement and awareness of such a change. This de facto reclassification would be inconsistent with materials property owners would have considered when deciding if they would support formation of a Historic District. Second, to apply a historic designation to a property other than through the National Register process must be done through a local process of applying a Historic Preservation Overlay. Applying such an overlay requires owner consent. Changing definitions to regulate a structure currently defined as Nonhistoric as if it were "historic" without owner consent would be inconsistent with state and local regulations, and owner expectations at the time the overlay was established. Finally, having a moving date for Nonhistoric structures within Districts would seem to require significant staff time to update inventory or survey information every year as each year more buildings would turn 50-years old. This is contrary to the Council direction to reduce the amount of staff time required for review of HPPs.

It should also be noted that throughout LDC Chapter 2.9, Staff understand the term Nonhistoric, when used on its own to refer to structures or properties that are individually listed in the Local or National Registers. When used with another classification such as Nonhistoric / Noncontributing, the Code is referencing a structure or property in a Historic District.

Remaining Review Process

It is expected that the HRC will suggest additional revisions to both the exemption and Director-level review sections of Chapter 2.9. Staff will consider those suggestions and incorporate them unless they are believed to be inconsistent with the goals of the Text Amendment project, or create some other unintended conflict or issue. There will likely be other refinements to the revisions presented to the HRC as they are developed for

Planning Commission review. Time permitting, issues not resolved during the January 7, 2014 work session could be discussed during the January 10, 2014, regular meeting.

Considering the above, the following is the tentative schedule for the Text Amendment project.

January 7	Second HRC work session
January 10	Regular HRC meeting
February 5	Initial Planning Commission Review
March 19	Planning Commission Public Hearing (recommendation to City Council)
April / May	City Council Public Hearing (decision made)

Proposed Second Iteration Revisions to Exemptions

Existing Text in LDC Section 2.9.70	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
2.9.70: a. **Interior Alterations** - Changes to the interior of a Designated Historic Resource that do not alter the building exterior.	None.	None.	There was discussion during the 12-3-13 work session regarding creating regulations to govern building interiors. Creating such regulations is beyond the scope of the current Text Amendment project, and Staff do not recommend making such amendments.
b. **Routine Maintenance and/or In-kind Repair or Replacement** - Routine maintenance of any exterior feature of a Designated Historic Resource that does not involve a change in the design or style, dimensions, or material of the resource. A complete definition for In-kind Repair or Replacement is contained in Chapter 1.6 - Definitions. The In-kind Repair or Replacement of deteriorated materials is also allowed; however, it is recommended that repair be considered prior to replacement. Also included in routine maintenance are the following: 1. Routine site maintenance - Pertains to landscaping maintenance, brush clearing and removal of debris, pruning of shrubs, and removal of shrubs not listed as original plantings in the official historic inventory, or other sources of information listed in Section 2.9.60.c; 2. Pruning of trees - Pruning of trees that are located on Designated Historic Resource properties shall be in accordance with the most current edition of American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and/or resource functions; and 3. Removal of trees that are not considered to be Historically Significant Trees, based on the definition in Chapter 1.6 - Definitions.			

Existing Text in LDC Section 2.9.70 2.9.70:	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
c. **Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. Exemption does not apply to artwork attached to buildings, murals, or painting over existing architectural features, such as signs, or previously unpainted metalwork, brickwork, stonework, and masonry.	c. **Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. This eExemption does not apply to artwork ~~attached to buildings, murals, or~~signs that are 50-years old or older, or painting over ~~existing architectural features, such as signs, or~~ previously unpainted metalwork, brickwork, stonework, and masonry. New signs are not exempt from the need for a Historic Preservation Permit under this criterion.	c. **Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. This eExemption does not apply to ~~artwork attached to buildings, murals, or~~ murals that are 50-years old or older, or painting over existing architectural features, such as signs, or previously unpainted metalwork, brickwork, stonework, and masonry. New signs are not exempt from the need for a Historic Preservation Permit under this criterion.	The HRC suggested changing the staff proposed revision to clarify that the exemption does not apply to painting over existing murals that are 50 years old or older, and any unpainted metal work. Per HRC direction, the text also retains the term architectural features because this term is broader and prevents the need for listing every possible architectural feature that is not exempt. It also shows the intent to prevent painting over previously unpainted architectural features. Those architectural features that are already painted could be repainted.

Existing Text in LDC Section 2.9.70 2.9.70:	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
d. **Signs and Tablets** - Installation of the following: 1. Signs and tablets that are exempt from City Sign Code regulations per Section 4.7.70; 2. Freestanding signs in the OSU Zone that are 32 sq. ft. or less and otherwise exempt from the need for a Sign Permit per Section 4.7.90.05.a and b; 3. Attached signs on Noncontributing buildings in the OSU Historic District, that are 32 sq. ft. or less and otherwise exempt from City Sign Code regulations per Section 4.7.90.05.a and b; and 4. Attached signs on Nonhistoric or Nonhistoric/Noncontributing buildings outside of the OSU Historic District that are: a) 32. sq. ft. or less; or b) If greater than 32 sq. ft., attached signs that: 1. Replace existing signs; 2. Are not variable message; 3. Have the same approach to illumination as the sign to be replaced (none, internal, or external); 4. Fit completely within the footprint of the original sign; and 5. Are equal to or smaller than area of the sign to be replaced.		None.	Public testimony from BA Beierle suggested changing the OSU Zone reference in Section 2.9.70.d.2 to OSU Historic District to be consistent with other references to the Historic District rather than zone. Staff suggest leaving the text as it is. Section 4.7.90.05.a and b reference a section of the Corvallis Sign Code that exclusively addresses the OSU Zone. The term OSU Zone is consistent with this Section of Chapter 4.7 – Sign Regulations.

Existing Text in LDC Section 2.9.70 2.9.70:	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
e. **Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - Exterior Alteration or New Construction to a property in a National Register of Historic Places Historic District that is classified in its entirety as Nonhistoric/Noncontributing shall be exempt from review, provided the Alteration or New Construction is not visible from public rights-of-way or private street rights-of-way, except for alleys, from which it may be visible, and the Alteration or New Construction is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.	Refer to November 26, 2013, Staff Report.	e.Alterations to Nonhistoric and Nonhistoric / Noncontributing Structures - Exterior Alterations , including additions, to Nonhistoric / Noncontributing structures in a National Register Historic District, and to Nonhistoric structures on a Designated Historic Resource property outside of a National Register Historic District, if the applicable standards below are met. This exemption does not include not freestanding structures which are addressed in Section 2.9.70.k, nor equipment enclosures, which are addressed in Section 2.9.70.aa. A. Structures and Properties Not in the OSU National Register Historic District 1. The Alteration does not exceed the height of the structure being altered, except for chimneys, which may exceed the structure's height to the extent necessary to comply with the Building Code. 2. The Alteration shall not exceed a footprint of 200 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval. 3. Windows and Doors visible from public or private street rights of way may be replaced with new windows and doors in the same location and of the same size. Windows and doors on facades not visible from public or private street rights-of-way, excluding alleys from which they may be visible, may be replaced with windows and doors of different size than existing windows and doors. New window and door openings may be created on facades not visible from public or private street rights-of-way. 4. Unless exempt under the above criteria or per other provisions in Section 2.9.70, alterations shall not be visible from public or private street rights-of-ways, except for alleys. B. Structures within the OSU National Register Historic District 1. The Alteration does not exceed the height of the structure being altered, except for projections permitted under Section 4.9.50.D1 – General Exceptions to the Building Height Limitations. 2. An addition to the structure shall not exceed a footprint of 400 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval.	Proposed revisions were not discussed during the December 3, 2013 HRC meeting and the second iteration changes proposed are significantly different than the first iteration. The proposed revisions: • Combine Sections 2.9.70.e and l. • Only address alterations to structures, compared to alterations and new construction in existing text; • Specifically applies to structures, not properties. This means that a Nonhistoric or Nonhistoric / Noncontributing structure can be altered even if there is a Historic or Historic Contributing structure also on the subject site. This exemption would apply to a larger number of sites than the current exemption in Section 2.9.70.e. • Incorporate window and door alterations, previously addressed in Section 2.9.70.l. The proposed revisions regulate window/door size and location on facades visible from streets, but do not regulate materials. Non-street facing facades are not regulated for either replacement or new windows. Materials are not regulated. Existing Section 2.9.70.l regulates replacement window/door materials, dimensions, and shape, but allows new windows/doors of any kind on non-street facing facades. • In the OSU District, the 20% of building size limitation has been removed. • In the OSU District, alterations per this criteria are permitted even if visible from streets.

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

Existing Text in LDC Section 2.9.70	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
2.9.70: h. **Accessory Development** - Installation of the following accessory items are exempt from the need for a Historic Preservation Permit: 1. Benches; 2. City-standard bus shelters; 3. Blue light security kiosks; 4. Replacement of uncovered bicycle racks with new uncovered bicycle racks on the same or other hard mounting/parking surface. 5. Trash / Recycling receptacles with footprints less than 15 sq. ft. and meeting other Code standards; and 6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets the criteria in Chapter 4.3 - Accessory Development Regulations, is not visible from public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.	h. **Accessory Development Structures Within the OSU Historic District** – Installation of ~~of the following~~of aAccessory Structures within the OSU Historic District ~~items are~~ exempt from the need for a Historic Preservation Permit if all of the following standards are met: 1. The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and 2. The structure is free-standing, less than 200 sq. ft., and less than 14-ft tall, unless a bicycle parking facility or transit shelter which may be up to 400 sq. ft.; and 3. The structure is not located within a Contributing open space area, except as permitted by (a) and (b) below: a. The structure's footprint, not including footings or foundations, does not exceed 25 sq. ft.; b. Site furnishings and amenities such as, but not limited to, benches, bicycle parking racks, light poles, bike repair kiosks, security kiosks, trash / recycling receptacles. This exemption (h.3.a) does not include dumpsters, ground level mechanical equipment, transformers, similar structures, or associated screening unless exempt under Section 2.9.70.z and 2.9.70.aa.	h. **Accessory Development Structures Within the OSU Historic District** – Installation of ~~of the following~~of aAccessory Structures within the OSU Historic District ~~items~~ are exempt from the need for a Historic Preservation Permit if all of the following standards are met: 1. The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and 2. The structure is free-standing, less than 200 sq. ft., and less than 14-ft tall, unless a bicycle parking facility or transit shelter which may be up to 400 sq. ft.; and 3. The structure is not located within a Contributing open space area, except as permitted by (a) and (b) below: a. The structure's footprint, not including footings or foundations, does not exceed 25 sq. ft.; b. Site furnishings and amenities such as, but not limited to, benches, bicycle parking racks, light poles, bike repair kiosks, security kiosks, trash / recycling receptacles. This exemption (h.3.a) does not include dumpsters, ground level mechanical equipment, transformers, similar structures, or associated screening, which are exempt under Section 2.9.70.z and 2.9.70.aa.	During the first HRC work session there was discussion about creating a file, separate from the LDC, that would include HRC approved standard details for certain common items on the OSU campus such as benches, light posts, building identification signs, and security kiosks. Staff have considered this idea but for the following reasons, do not recommend it. o It would be more restrictive or at least require more process than the current exemption which allows any structure less than 200 sq. ft., less than 14-ft tall, and not visible from streets. o Many structures that could be installed under the existing or proposed exemptions are custom built and not of a standard detail. Allowing custom built buildings would make it easier to achieve historic compatibility. o It would be confusing to have a list of exempt items such as benches and light posts that also meet the broader exemption, which is based on size. For example a light pole that was not in the separate file would still be exempt because it would be less than 200 sq. ft. and less than 14-ft tall. The word "unless" in h.3.b has been replaced with the words "which are".

Existing Text in LDC Section 2.9.70	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
2.9.70: h. **Accessory Development** - Installation of the following accessory items are exempt from the need for a Historic Preservation Permit: 1. Benches; 2. City-standard bus shelters; 3. Blue light security kiosks; 4. Replacement of uncovered bicycle racks with new uncovered bicycle racks on the same or other hard mounting/parking surface. 5. Trash / Recycling receptacles with footprints less than 15 sq. ft. and meeting other Code standards; and 6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets the criteria in Chapter 4.3 - Accessory Development Regulations, is not visible from public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.	h.2 **Accessory Development** Not Within the OSU Historic District - Installation of the following ~~accessory items~~Accessory Structures are exempt from the need for a Historic Preservation Permit if all of the following standards are met: 1. The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and 2. The structure is free-standing, less than 200 sq. ft. (floor area) and less than 14-ft tall; and 3. Is not visible from public or private street rights-of-way (except for alleys, from which it may be visible). ~~Benches;~~ ~~2. City-standard bus shelters;~~ ~~3. Blue light security kiosks;~~ ~~4. Replacement of uncovered bicycle racks with new uncovered bicycle racks on the same or other hard mounting/parking surface.~~ ~~5. Trash / Recycling receptacles with footprints less than 15 sq. ft. and meeting other Code standards; and~~ ~~6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets the criteria in Chapter 4.3 – Accessory Development Regulations, is not visible from public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.~~	h.2 **Accessory Development** Not Within the OSU Historic District - Installation of the following ~~accessory items~~Accessory Structures are exempt from the need for a Historic Preservation Permit if all of the following standards are met: 1. The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and 2. The structure is free-standing, less than 200 sq. ft. (floor area) and less than 14-ft tall; and 3. Is not visible from public or private street rights-of-way (except for alleys, from which it may be visible). Lawn furniture and ornamental landscape accessories with footprints of 25 sq. ft. or less are also exempt	Chapter 2.9 does not currently contemplate landscape features such as benches and ornamentation. This change is expected to primarily affect residential properties, which, under current regulations are technically prohibited from having such features where visible from streets. The intent of this provision is to allow items such as benches, lawn furniture, and small statuary typically included in yard spaces.

Existing Text in LDC Section 2.9.70	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
2.9.70: i. **Moving or Demolishing Structures** - Moving or demolition of structures, provided: 1. The structure is in a National Register Historic District, and is classified as Nonhistoric/Noncontributing, or Nonhistoric per the definition in Chapter 1.6 - Definitions; or 2. The structure is on an Individually Designated Historic Resource outside of a National Register District; and a. Is Nonhistoric per the definition in Chapter 1.6 - Definitions; and b. Is a freestanding Accessory structure, less than 200 sq. ft. and less than 14 ft. in height; and 3. In all cases, moving or demolishing the structure, shall not damage, obscure, or negatively impact a Designated Historic Resource.	i. **Moving or Demolishing Structures** - Moving or demolition of Accessory sStructures, provided the structure is: 1. Freestanding, less than 200 sq. ft. (building footprint) and less than 14 ft. in height; and 1. ~~The structure is~~Within in a National Register Historic District, and is classified as Nonhistoric/Noncontributing, ~~or Nonhistoric per the definition in Chapter 1.6 - Definitions~~; or 2. ~~The structure is a~~ A Nonhistoric structure on an Individually Designated Historic Resource property outside of a National Register District, ~~; and~~ ~~a. Is Nonhistoric per the definition in Chapter 1.6 - Definitions; and~~ ~~b. Is a freestanding Accessory structure, less than 200 sq. ft. and less than 14 ft. in height; and~~ 3. In all cases, moving or demolishing the structure, shall not damage, obscure, or negatively impact a Designated Historic Resource.	No revisions proposed. Staff recommend leaving existing LDC text in Section 2.9.70.i as is.	As a result of the review and discussion during the first HRC meeting, and subsequent staff analysis, staff recommend leaving the language in Section 2.9.70.i as it is. One reason for this recommendation is that the primary purpose for the first iteration revision was to create equivalent regulations for Nonhistoric structures not in Districts, and Nonhistoric / Noncontributing structures in Districts. As intended, Nonhistoric structures not in Districts could be demolished regardless of the criteria in Section 2.9.70.i.2.b. These criteria do not apply to Nonhistoric / Noncontributing structures in Districts. However, the first iteration revised text was unintentionally more restrictive than the current language. It also appears that the first subsection 1 may have been included in error. A second reason for leaving the current language is that the Nonhistoric structures outside of Districts would be most affected by the intended revisions to this section. Since the primary goal of the Chapter 2.9 text amendment project is to reduce process, particularly for OSU, revising the current language, especially in a way that would make it more restrictive, and would not affect the OSU District is not consistent with the goals of this project. Please also refer to the December 30, 2013, memo to the HRC that addresses issues raised regarding the use and definition of the term Nonhistoric.

Existing Text in LDC Section 2.9.70	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
2.9.70: j. **Installation of Satellite Dishes** - Installation of a satellite dish on a facade not facing public or private street rights-of-way, except for alleys, from which it may be visible, provided the dish is less than 30 in. in diameter.			

Existing Text in LDC Section 2.9.70	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
2.9.70: k. **Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices** - Installation of access ramps, sidewalk wheelchair ramps, and fire/life safety devices that are compliant with the Americans with Disabilities Act (ADA), provided the installation is Reversible, none of the external historic features of the resource are damaged or permanently altered, and the following criteria, as applicable, are satisfied: 1. Access Ramps on Historic Contributing Resources - No more than 30 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%. 2. Access Ramps on Nonhistoric/ Noncontributing Resources - No more than 48 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%. 3. Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements. 4. Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone. Second Iteration Revisions to Exemptions 12/31/13	k. **Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices** - Installation of access ramps, sidewalk wheelchair ramps, and fire/life safety devices, such as wall or post mounted door opening sensors and knox boxes, that are compliant with the Americans with Disabilities Act (ADA), provided the installation is Reversible, none of the external historic features of the resource are damaged or permanently altered, and the following criteria, as applicable, are satisfied: 1. Access Ramps on Historic Contributing Resources - No more than 30 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%. 2. Access Ramps on Nonhistoric/ Noncontributing Resources - No more than 48 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%. 3. Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements. 4. Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone. 5. Roof Top Fall Protection Rails and Anchors – If required to comply with the Building Code. 10	k. **Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices** - Installation of access ramps, sidewalk wheelchair ramps, and fire/life safety devices, such as wall or post mounted door opening sensors and knox boxes, that are compliant with the Americans with Disabilities Act (ADA), provided the installation is Reversible, none of the external historic features of the resource are damaged or permanently altered, and the following criteria, as applicable, are satisfied: 1. Access Ramps on Historic Contributing Resources – Below grade to ~~No more than 30 in. above or below grade~~, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%. 2. Access Ramps on Nonhistoric/ Noncontributing Resources - Below grade to ~~No more than 48 in. above or below~~ grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%. 3. Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements. 4. Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone. 5. Roof Top Fall Protection Rails and Anchors – If required to comply with the Building Code.	Based on HRC comments, the proposed language allows below grade access ramps to any depth as an exempt activity. Including this exemption places additional emphasis on the criteria that none of the external features of the resource are damaged or permanently altered. For example installing a ramp below grade to a new door opening would not be exempt because the new opening would permanently alter the building. It is expected that the proposed changes would most often allow alterations to existing below grade ramps and entrances in order to comply with the ADA. HRC commissioners expressed a willingness to consider language that would allow ramps to be constructed higher than the current limits for exemptions. This willingness was balanced on one side by a desire to provide ADA compliant access, and on the other side by a desire to ensure historic compatibility. Staff believe the exemptions as currently proposed satisfactorily ballance the two sides of the issue, and that review of higher ramps by the HRC does not indicate any opposition to complying with the ADA, but rather difficulty in creating clear and objective language that will allow ramps to comply with the ADA and also be historically compatible.

Existing Text in LDC Section 2.9.70 2.9.70:	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
I. **Conversion of Existing Vehicular Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Conversion of existing vehicular parking spaces to vehicular parking spaces that are needed to achieve compliance with the Americans with Disabilities Act (ADA), provided no additional impervious surface is created.	I. ~~**Conversion of Existing Vehicular**~~ **Vehicle Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA)** - ~~Conversion of existing vehicular~~Creation of vehicle parking spaces ~~to vehicular parking spaces that are needed~~ required to achieve compliance with the Americans with Disabilities Act (ADA), ~~provided no additional impervious surface is created.~~	Americans with Disabilities Act (ADA) Vehicle Parking - Creation of required ADA vehicle parking spaces.	The second iteration text is simpler, and intended to be clear that only required ADA compliant parking spaces may be created under this exemption. The following Director-level provision can be deleted based on HRC acceptance of first iteration exemption language. c. **Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Addition of vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.I.

Existing Text in LDC Section 2.9.70 2.9.70:	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
m. **Fencing Installation, Extension, or Removal** - Installation or extension of new wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50. Additionally, the removal of an existing wood or chainlink fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.	m. **Fencing Installation, Extension, or Removal** –: 1. Installation or extension of ~~new~~ wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50. 2. ~~Additionally, the~~ rRemoval of ~~an existing wood or chainlink~~ a fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c. 3. If in the OSU Historic District, installing and removing, or moving fencing provided the fencing standards in Section 4.2.50, and Chapter 3.36 – OSU Zone are met, and the fence is not identified as Historically Significant based on any of the sources of information listed in Section 2.9.60.c.	m. **Fencing Installation, Extension, or Removal** –: 1. Installation or extension of ~~new~~ wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50. 2. ~~Additionally, the~~ rRemoval of ~~an existing wood or chainlink~~ a fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c. 3. If in the OSU Historic District, installing and removing, or moving fencing provided the fencing standards in Section 4.2.50, and Chapter 3.36 – OSU Zone are met, and the fence is not identified as Historically Significant based on any of the sources of information listed in Section 2.9.60.c. This exemption does not apply to Contributing open space areas within the OSU Historic District.	As suggested by the HRC, language has been included in subsection 3 to state that the exemption does not apply to proposed fencing in Contributing open space areas of the OSU District. This exemption corresponds with Director-level criterion, currently Section 2.9.100.03.f. No changes are proposed to the existing Director-level criterion.
n. **Freestanding Trellises** - Installation of freestanding trellises that are less than 14 ft. in height, Reversible, and do not damage any significant external architectural features of the Designated Historic Resource.			

Existing Text in LDC Section 2.9.70 2.9.70:	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
o. **New, Repair, or Replacement Landscaping and Tree Planting** - Installation of new, repair, or replacement landscaping, including tree planting, and related appurtenances, such as irrigation sprinklers. The installation shall not damage any significant external architectural features of Designated Historic Resource structures, or damage any Historically Significant Trees or other Historically Significant landscaping or landscapes on the Designated Historic Resource site, as identified in the official historic inventory or other sources of information listed in Section 2.9.60.c.	None.	None.	See changes to Non-OSU Historic District Accessory Development – Section 2.9.70.h. The second iteration language includes an exemption for lawn furniture and accessory ornamentation.
p. **Building Foundations** - Altering a building foundation or installing a new foundation, provided the foundation material is not specifically identified as Historically Significant, and: 1. The Alteration or New Construction is required to meet present-day Building Code requirements; 2. The building elevation is not raised by more than 12 in.; and 3. The existing foundation is 18 in. high or less.			

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

Existing Text in LDC Section 2.9.70	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
2.9.70: t. **Installation of New, or Replacement of Existing Windows or Doors on Nonhistoric and Nonhistoric/Noncontributing Resources**- Installation of new, or replacement of existing windows and doors as follows: 1. Replacement of existing windows and doors with new windows and doors that have double-pane glazing meeting current Building Code energy efficiency standards. The replacements shall otherwise match the replaced items in materials, dimensions, and shape, except that wood or metal-clad wood may be substituted for the original, non-glass materials of replaced items; and 2. New windows and doors on facades that are not visible from public or private street rights-of-way (except for alleys), as defined in Chapter 1.6 - Definitions, may be installed.	t. **Installation of New, or Replacement of Existing Windows or Doors on Nonhistoric and Nonhistoric/Noncontributing Resources**- Structures - Installation of new, or replacement of existing windows and doors as follows: 1. ~~Replacement of existing windows and doors with new windows and doors that have double-pane glazing meeting current Building Code energy efficiency standards. The replacements shall otherwise match the replaced items in materials, dimensions, and shape, except that wood or metal-clad wood may be substituted for the original, non-glass materials of replaced items; and~~ 2. New windows and doors on facades that are not visible from public or private street rights-of-way (except for alleys), as defined in Chapter 1.6 - Definitions, may be installed.	t. ~~**Installation of New, or Replacement of Existing Windows or Doors on Nonhistoric and Nonhistoric/Noncontributing Resources**- Installation of new, or replacement of existing windows and doors as follows:~~ 1. ~~Replacement of existing windows and doors with new windows and doors that have double-pane glazing meeting current Building Code energy efficiency standards. The replacements shall otherwise match the replaced items in materials, dimensions, and shape, except that wood or metal-clad wood may be substituted for the original, non-glass materials of replaced items; and~~ 2. ~~New windows and doors on facades that are not visible from public or private street rights-of-way (except for alleys), as defined in Chapter 1.6 - Definitions, may be installed.~~	Staff proposed combining Section 2.9.70.t with Section 2.9.70.e, and deleting the current Section 2.9.70.t exemption.

Existing Text in LDC Section 2.9.70	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
2.9.70: u. **Re-roofing** - Replacement of roofing material with a material similar to, or different from, the existing or original material, provided the existing roofing material is not specifically identified as Historically Significant; and 1. The roof is flat and obscured by a parapet; or 2. The roof is pitched and is being replaced with architectural composition shingles. Skylights shall be addressed in accordance with Section 2.9.70.x, 2.9.100.03.h, or 2.9.100.04, as applicable.	u. **Re-roofing** - Replacement of roofing material with a material similar to, or different from, the existing or original material, provided the existing roofing material is not specifically identified as Historically Significant; and 1. The roof is flat and ~~obscured by a parapet~~not visible from public or private street rights-of-way; or 2. The roof is pitched and is being replaced with architectural composition shingles. Skylights shall be addressed in accordance with Section 2.9.70.x, 2.9.100.03.h, or 2.9.100.04, as applicable.	None.	
v. **Installation of New or Expanded Pathways** - Installation of new or expanded pathways, provided the pathways are: 1. Constructed of softscape (e.g. bark mulch, etc.), stone steps, or flagstone, and are installed in a manner that is Reversible. Automobile parking is prohibited on pathways; 2. Constructed of concrete, brick or pavers that do not exceed 5 ft. in width, 250 sq. ft., and are installed on residentially zoned sites; or 3. Constructed of asphalt, concrete, brick, or pavers that do not exceed a 12 ft. width, are 1,000 sq. ft. or less, are not part of Historic Contributing open space areas, and are on nonresidentially-zoned sites.	v. **Installation of New or Expanded Pathways** - Installation of new or expanded pathways, provided the pathways are not within Contributing open space areas, e.g. OSU Memorial Union Quad: ~~1. Constructed of softscape (e.g. bark mulch, etc.), stone steps, or flagstone, and are installed in a manner that is Reversible. Automobile parking is prohibited on pathways;~~ ~~2. Constructed of concrete, brick or pavers that do not exceed 5 ft. in width, 250 sq. ft., and are installed on residentially zoned sites; or~~ ~~3. Constructed of asphalt, concrete, brick, or pavers that do not exceed a 12 ft. width, are 1,000 sq. ft. or less, are not part of Historic Contributing open space areas, and are on nonresidentially-zoned sites.~~	None.	

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

Existing Text in LDC Section 2.9.70 2.9.70:	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
x. **Skylights** - 1. Skylights from a structure's relevant Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows or doors with glass. 2. Skylights that are existing but are not from a structure's relevant Period of Significance may be removed or retained and repaired in accordance with "1," above. However, in order for these skylights to be retained and repaired, they shall have been constructed prior to the establishment of the relevant Individual or National Historic Designation, or via an approved Historic Preservation Permit. Otherwise, the skylight shall be removed when deteriorated beyond repair or when a structure is being re-roofed, whichever comes first, unless a Historic Preservation Permit is subsequently approved to retain the skylight in accordance with Sections 2.9.100.03.h or 2.9.100.04, as applicable. 3. New skylights may be installed in accordance with Sections 2.9.100.03.h and 2.9.100.04, as applicable.	x. **Skylights** – The following activities involving skylights are exempt: 1. Installation, removal, or alteration of skylights on Nonhistoric and Nonhistoric / Noncontributing buildings; 2. Installation of new skylights where they would not be visible from public or private street rights-of-way, except for alleys. 3. If in a Historic District, replacement or removal of a skylight that was installed after the District's Period of Significance.	x. **Skylights** – The following activities involving skylights are exempt: 1. Installation, removal, or alteration of skylights on Nonhistoric and Nonhistoric / Noncontributing buildings; 2. If in a Historic District, removal or replacement of a skylight that was installed after the District's Period of Significance. If a skylight is replaced it shall be of an equal or lesser size than the existing skylight.	Based on direction given by the HRC during the first work session, the previously proposed section 2 has been deleted. The previously proposed section 3, now section 2, has been revised to limit the size of replacement skylights to no more than the size of the existing skylight. Staff note that the current Code language in Section 2 requires skylights installed after the Period of Significance to be removed. This is very difficult to enforce as no Historic Preservation Permit is required for the exempt activities in Section 2.9.70. For this reason, staff suggest removing the language and simply allowing the skylights installed after the Period of Significance to be removed as an exemption. This section corresponds with Director-level criterion, currently Section 2.9.100.03.h.

Existing Text in LDC Section 2.9.70 2.9.70:	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
y. **Historically Significant Hazardous Trees** - Removal of Historically Significant Trees that qualify as Hazardous Trees, based on the definition of Hazardous Tree in Chapter 1.6 - Definitions. The Hazardous Tree determination must be based on a Hazard Tree Evaluation that has been performed by an ISA Certified Arborist or ASCA Consulting Arborist using the 12-point hazard evaluation method, and the associated report must be filed with the Director and the City's Urban Forester. Removal may only occur following the City's Urban Forester's review and approval of the Hazard Tree Evaluation which recommends for removal of the tree. Following removal of the tree, the City shall notify the Historic Resources Commission that the action has occurred. Additionally, if a tree is required in the subject location via other Code provisions, such as those in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting, a new tree shall be planted consistent with those applicable Code provisions.			

Existing Text in LDC Section 2.9.70	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
2.9.70: z. **Ground-Level and Rooftop Mechanical Equipment** - Installation of ground-level and rooftop mechanical equipment, limited to equipment not visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening.	z. **Ground-Level and Rooftop Mechanical Equipment**- Installation of ground-level and rooftop mechanical equipment, including solar and hydronic equipment provided all of the following standards are met: 1. Equipment shall ~~limited to equipment~~ not be visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys; 2. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible; 3. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening.	z. **Ground-Level and Rooftop Mechanical ~~Equipment~~ Equipment Servicing Buildings**- Installation of ground-level and rooftop mechanical equipment servicing buildings, including solar and hydronic equipment provided all of the following standards are met: 1. Equipment shall ~~limited to equipment~~ not be visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys; 2. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible; 3. Screening required by Code to conceal ground-level ~~mechanical~~ equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening.	This exemption has been revised to include solar and hydronic equipment, and corresponds with Director-level criterion 2.9.100.03.a, below. a. **Solar or Hydronic Equipment - Installation of solar or hydronic equipment parallel to the roof surface with no part of the installation protruding more than 12 in. above the roof surface, provided the subject roof surface does not directly front a street. The equipment shall be attached to the Designated Historic Resource in a manner that does not damage any significant architectural features of the structure. Additionally, the installation shall be Reversible.** The Director-level criterion is proposed to be retained because it provides an interim review step for solar equipment that may be visible from streets, but does not directly face them. The word Mechanical has been replaced with the phrase "Equipment Servicing Buildings". This is a broader term intended to include mechanical equipment, utility equipment such as transformers, and other stationary equipment that serves a building. It is not intended to include objects such as tools or vehicles.

Existing Text in LDC Section 2.9.70	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
2.9.70: aa. **Required Ground-level Screening** - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen: 1. Complies with development standards of the underlying zone; 2. Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure; 3. Is composed of either vegetation, masonry walls, solid wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and, 4. Does not exceed 6 ft. in height, does not exceed 10 ft. in length or width, and does not enclose an area greater than 100 sq. ft.	aa. **Required Ground-level Screening** - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen: 1. Complies with development standards of the underlying zone; 2. Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure; 3. Is composed of either vegetation, masonry walls, solid-wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and, 4. Does not exceed 6 ft. in height, does not exceed ~~10~~ 16 ft. in length or width, and does not enclose an area greater than ~~100~~ 225 sq. ft.	aa.1 Required Ground-level Screening within the OSU Historic District - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen: 1. Complies with development standards of Chapter 3.36 – OSU Zone; 2. Does not exceed 6-ft in height and 20 ft. in length or width, and does not enclose an area greater than 400 sq. ft. 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 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. 5. If vegetation is used for screening, it shall be consistent with the screening provisions in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting except as follows: a. It shall be at least six ft. in height and be at least 80 percent opaque, as seen from a perpendicular line of sight, within 48 months following installation.	• The second iteration text was developed by OSU staff. City staff have modified it to include a 6-ft height limitation, and reduce the enclosure area from 600 sq. ft., as proposed by OSU, to 400 sq. ft. • The existing exemption language is proposed to be retained to apply to non-OSU District properties. • On the OSU campus it is common for required enclosures to exceed 100 sq. ft., which is the current size limitation for enclosures. Increasing the maximum size would allow more required enclosures to be built without need for an HPP, but at 400 sq. ft., the enclosure is not expected to be incompatible. • The 400 sq. ft. maximum is consistent with the size limitation for transit and bicycle shelters that are exempt, and for additions to Nonhistoric / Noncontributing structures on the OSU campus. • This exemption also applies to non-OSU Designated Historic Resources, as it did before. It would be possible to keep the existing provisions for non-OSU resources, and include the proposed provisions for the OSU District.

Existing Text in LDC Section 2.9.70 2.9.70:	First Iteration Revisions	Second Iteration Revisions	Staff Comments Regarding Second Iteration Revisions
		aa.2 Required Ground-level Screening Not within the OSU Historic District - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen: 1. Complies with development standards of the underlying zone; 2. Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure; 3. Is composed of either vegetation, masonry walls, solid wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and, 4. Does not exceed 6 ft. in height, does not exceed 10 ft. in length or width, and does not enclose an area greater than 100 sq. ft.	This language is essentially the same exemption that currently applies to all Designated Historic Resource properties.

First Iteration Revisions to Director-level Review Criteria

Section 2.9.100.03	First Iteration Revisions	First Iteration Staff Comments
a. **Solar or Hydronic Equipment** - Installation of solar or hydronic equipment parallel to the roof surface with no part of the installation protruding more than 12 in. above the roof surface, provided the subject roof surface does not directly front a street. The equipment shall be attached to the Designated Historic Resource in a manner that does not damage any significant architectural features of the structure. Additionally, the installation shall be Reversible.	None Proposed.	This Director-level provision corresponds with the exemption in Section 2.9.70.z, which as proposed now includes solar and hydronic equipment. In 2.9.70.z this type of equipment is exempt if it is not visible from public rights-of-way, except from alleys. The current Director-level criterion allows solar equipment to be visible as long as it does not directly face a street. For example it could be placed on a pitched roof that is perpendicular to a street.
b. **Replacement Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features** - Replacement of the following site features with dissimilar materials and/or a different design or style, provided the size of such features does not increase: 1. Driveways; 2. Paths and sidewalks; 3. Bicycle parking areas; and/or 4. Vehicular parking areas that involve 800 sq. ft. or less.	b. **Replacement Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features** - Replacement of the following site features with dissimilar materials and/or a different design or style, provided the size of such features does not increase: 1. Driveways; ~~2. Paths and sidewalks;~~ 3. Bicycle parking areas; and/or 4. Vehicular parking areas that involve 800 sq. ft. or less.	Paths and sidewalks are proposed to be made exempt per 2.9.70.v. Bicycle parking areas on OSU up to a 400 sq. ft.(proposed) are exempt per 2.9.70.h. Keeping the reference to bicycle parking areas here (2.9.100.03.b) allows the surface of larger bicycle parking areas to be changed to a different material without HRC review. For example, an asphalt surface could be changed to concrete.
c. **Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Addition of vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.l.	c. ~~**Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Addition of vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.l.~~	This has been made an exempt activity under LDC Section 2.9.70.L, which, as proposed reads: **Americans with Disabilities Act (ADA) Vehicle Parking** - Creation of required ADA vehicle parking spaces.
d. **Certain Alteration or New Construction to Nonhistoric/ Noncontributing Resources in a National Register of Historic Places Historic District** - An exterior Alteration or New Construction more than 200 sq. ft. to a property in a National Register of Historic Places Historic District that is classified in its entirety (including all structures on the site) as Nonhistoric/Noncontributing, provided the Alteration or New Construction is not visible from public rights-of-way and private street rights-of-way, except for alleys, from which it may be visible, and does not exceed 14 ft. in height.		

Section 2.9.100.03	First Iteration Revisions	First Iteration Staff Comments
e. **Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing Resources**- Windows and doors may be replaced with new windows and doors containing double-pane glazing and meeting current Building Code energy efficiency standards. The following provisions also apply: 1. Except as otherwise provided in subsections 2-5, below, the replacements shall match the replaced items in: a. Materials; b. Design or style; c. Size; d. Sash and Muntin dimensions (a ½-in. tolerance in size is permitted for Sashes, and a 1/8-in. tolerance in size is permitted for Muntins); e. Number and type of divided lites (either true or simulated lites are permitted; snap-on grids are not); and f. Shape. 2. Metal-clad wood may be substituted for the original, non-glass materials of the replaced items. 3. On residential structures, non-wood doors and hollow-core doors may be replaced with doors of a dissimilar design, provided the replacement doors are solid wood or metal-clad solid wood and are the same size, and in the same location as the door to be removed. Glass is permitted in the replacement door. 4. Alterations involving decorative art glass and leaded glass windows shall be reviewed by the HRC unless the alteration satisfies the Chapter 1.6 definition for In-kind Repair or Replacement. 5. Installation of new, or replacement of windows and doors on Nonhistoric and Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are exempt per Section 2.9.70.t.	e. **Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing Resources~~Structures~~**- Windows and doors may be replaced with new windows and doors if the following standards and criteria are satisfied. ~~containing double-pane glazing and meeting current Building Code energy efficiency standards. The following provisions also apply:~~ 1. Except as otherwise provided in subsections 2-5, below, the replacements shall match the replaced items in: a. Materials; b. Design or style; c. Size; d. Sash and Muntin dimensions (a ½-in. tolerance in size is permitted for Sashes, and a 1/8-in. tolerance in size is permitted for Muntins); e. Number and type of divided lites (either true or simulated lites are permitted; snap-on grids are not); and f. Shape. 2. Metal-clad wood may be substituted for the original, non-glass materials of the replaced items. 3. On residential structures, non-wood doors and hollow-core doors may be replaced with doors of a dissimilar design, provided the replacement doors are solid wood or metal-clad solid wood and are the same size, and in the same location as the door to be removed. Glass is permitted in the replacement door. 4. Alterations involving decorative art glass and leaded glass windows shall be reviewed by the HRC unless the alteration satisfies the Chapter 1.6 definition for In-kind Repair or Replacement. ~~5. Installation of new, or replacement of windows and doors on Nonhistoric and Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are exempt per Section 2.9.70.t.~~	The language in the first sentence has been revised because it is a given that new windows meet Building Code standards. Subsection 5 has been deleted and a new Section, referred to here as 2.9.70.e.2, has been created to specifically address Nonhistoric and Nonhistoric / Noncontributing resources.

Section 2.9.100.03	First Iteration Revisions	First Iteration Staff Comments
See above.	e.2 **Replacement of Windows or Doors Visible from Streets on Nonhistoric, and Nonhistoric / Noncontributing Structures** – Windows and doors visible from public or private street rights-of-way may be replaced with new windows and doors if the following standards and criteria are satisfied. 1. The window or door is in the same opening as the window or door to be replaced; and 2. The new window or door is within 10% of the size of the window or door to be replaced.	This revision only applies to Nonhistoric, and Nonhistoric / Noncontributing structures. New exemptions for windows and doors on NH and NH / NC buildings are proposed under 2.9.70.e. The proposed exemptions allow changes in materials and permit new openings in facades not visible from streets. For facades visible from streets, openings must be the same size. This proposed Director-level criterion allows approval of replacement windows or doors if the window or door is within 10% of the size of the existing window. Staff would like to keep this a Director-level review to double check dimensions since window and door alterations can have a great impact on a structure and potentially the District.
f. **Extension of Fencing Other than Wood** - The extension of existing fencing other than wood fencing, which is exempt under Section 2.9.70.m, with In-kind Repair or Replacement materials, provided that the type of fencing material was used during the Period of Significance for the Designated Historic Resource and the fence is not extended beyond the facade of the Resource facing a front or exterior side yard.		
g. **Awnings** - Installation of canvas awnings, limited to Designated Historic Resources and situations where awnings are required by this Code. Such canvas awnings shall either be installed where none previously existed or may reproduce historic canvas awnings from the applicable Period of Significance, as shown in documentation submitted by the applicant. In-kind Repair or Replacement of existing awnings is exempt per Section 2.9.70.b.		

Section 2.9.100.03	First Iteration Revisions	First Iteration Staff Comments
h. **Skylights** - Activities involving existing skylights that are not already exempt via Section 2.9.70.x and new skylights are allowed on: 1. Nonhistoric/Noncontributing structures; 2. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet; 3. Portions of structures that are not visible from private street rights-of-way and public rights-of-way, except for alleys from which they may be visible. All other modifications or installations of skylights shall be processed via Section 2.9.100.04.	h. **Skylights** - Activities involving existing skylights that are not already exempt via Section 2.9.70.x, and new skylights are allowed on: 1. ~~Nonhistoric/Noncontributing structures;~~ 2. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet; 3. Portions of structures that are not visible from private street rights-of-way and public rights-of-way, except for alleys from which they may be visible. All other modifications or installations of skylights shall be processed via Section 2.9.100.04.	Proposed text amendment corresponds with Section 2.9.70.x and changes proposed under that exemption criterion.
i. **Single (First) Story Exterior Steps and/or Stairways** - Changes in step or stairway design or style that may be required to meet present-day Building Code requirements, including handrail or guardrail installation, provided such changes are conducted within the height of the first story of a Designated Historic Resource. When authorized by the Building Official, some flexibility from conformance with some Building Code requirements relative to this design, including the question of whether or not handrail or guardrail installation is required, may be granted as outlined in Section 2.9.90.06.a. The design or style shall be architecturally compatible with the Designated Historic Resource based on documentation provided by the applicant.		
j. **Driveway Width Expansion** - Widening driveways to a maximum width of 12 ft. using either the same materials and design in existence, or using dissimilar materials and/or a different design or style. The driveway length shall not increase. In all cases, driveways are subject to the Corvallis Off-street Parking and Access Standards, and the provisions in Chapter 4.1 - Parking, Loading, and Access Requirements.		

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

Approved as submitted, January 14, 2014

CITY OF CORVALLIS
HISTORIC RESOURCES COMMISSION MINUTES
WORK SESSION
DECEMBER 3, 2013

Present
Geoffrey Wathen, Chair
Lori Stephens, Vice Chair
Eric Hand
Rosalind Keeney
Tyler Jacobsen
Jim Ridlington, Planning Comm. Liaison

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

Staff
Bob Richardson, Associate Planner
Carl Metz, Associate Planner
Mark Lindgren, Recorder

Guests
Rebecca Houghtaling
Sara Robertson
B.A. Beierle

SUMMARY OF DISCUSSION

	Agenda Item	Held for Further Review	Recommendations
I.	Visitor Propositions		B.A. Beierle and OSU Senior Planner Rebecca Houghtaling gave general comments.
II.	Work Session. LDC Chapter 2.9 – Historical Preservation Provision Revisions		Discussion.
III.	Other Business/Info Sharing		The second HRC work session on the proposed text amendments will be held on January 7, 2014.
IV.	Adjournment		Meeting adjourned at 10:11 p.m.

Attachments to the December 3, 2013 minutes:

A. Information packet regarding OSU standards, submitted by Rebecca Houghtaling.
B. Overview of Review Levels and Classifications affecting Designated Historic Resources, submitted by Associate Planner Bob Richardson.

Package #1 LDC Text Amendments (LDT13-00002 / LDT13-00003)
June 9, 2014, City Council Staff Report
EXHIBIT H (209 of 266)

CONTENT OF DISCUSSION

Chair Wathen opened the meeting at 6:05 p.m. at the Downtown Fire Station Meeting room at 400 NW Harrison Blvd. He outlined the proposed process for discussing code provisions. Associate Planner Bob Richardson highlighted the distributed handout of terms and definitions. He asked visitors to offer testimony after commission discussion of an item.

I. VISITOR PROPOSITIONS:

B.A. Beierle related that when she helped re-write the code in 2006, there was some concern expressed at the time that the code was too residential-centric. Some of the suggestions on hand involved how OSU changes are not well served by a residential-centric code. She said she hoped the code could be broadened to include commercial, industrial, and institutional properties. A definition for an Architectural Feature is needed. She emphasized the difference between Nonhistoric and Noncontributing – a Nonhistoric resource may have significance and integrity but it might not be fifty years old. A Noncontributing structure may have been muddled but the changes could be reversed. Using the terms interchangeably does them a disservice. She suggested dropping the term Nonhistoric and leaving Noncontributing.

Commissioner Keeney asked whether recent City/OSU Collaboration work may be approaching historic preservation piecemeal, and whether a more thorough look at the whole Chapter 2.9 code may be warranted now or in the future. She noted the main focus in the work sessions was to make the code more user friendly, primarily in the OSU Zone. She suggested simply stating whether a resource was more than fifty years old, or less than fifty years old, rather than dropping the concept. Ms. Beierle cautioned against creating different classes of resources, and treating district-only resources and resources with an overlay differently. Some resources are not designated only because there has not been time or opportunity to do so.

OSU Senior Planner Rebecca Houghtaling said OSU had looked at how to make changes in a manner sensitive to historic resources. She highlighted a reference packet of assembled information to help put OSU standards in perspective; in particular, the scale on campus is quite large. **(Attachment A)** OSU is generally supportive of the proposed changes and will bring forward others during the work sessions.

II. WORK SESSION.

A. LDC Chapter 2.9 – Historic Preservation Provision Revisions

Planner Richardson explained that staff was directed by the City Council to examine provisions of Chapter 2.9 largely to respond to needs of OSU, but not necessarily exclusively. The idea was to reduce the resources needed to ensure that changes were done historically compatibly. The changes must go to the Planning Commission in February. To do this so quickly, the intent was to leave the Chapter as it was structurally and make changes to it. Staff are proposing making more activities exempt, and adding and expanding Director Level activities. He highlighted a handout that explained various Review Levels. **(Attachment B)** He explained that an exemption means that no Historic Permit is required. Any property owner would be able to do that work without any staff check-off.

There are three historic districts; Avery-Helm and College Hill West have different classifications and terminology than OSU. There are also *individually listed* resources on the local register and others in the national register; these are not classified as Historic Contributing of Historic Noncontributing. He noted that something classed as Nonhistoric in Chapter 1.6 is less than fifty years old.

He concurred with Ms. Beierle's point about not using the terms Nonhistoric and Noncontributing interchangeably; that is not being proposed. He explained there is a different terminology for resources that are not within a historic district and those that are. He noted that a building within a historic district that is classified as Nonhistoric/Noncontributing has a certain degree of flexibility about what you can do with them. However, the way the code is written, resources that are outside a historic district can have a shed built in 1970 that is still considered a historic structure.

To address that, staff is proposing language allowing a greater amount of change to Nonhistoric structures on individually listed properties and a greater amount of change to Nonhistoric/Noncontributing buildings within districts. He outlined his memo, and suggested tabling contentious issues, and not wordsmithing tonight.

Chair Wathen suggested the review proceed item by item. Commissioner Keeney said the different use of terminology in different districts was something the commission must deal with. Planner Richardson said in the OSU historic district buildings are not classified the same was as in other historic districts. For example contributing buildings in the OSU District may be classified as a building is considered Historic eligible/significant, or eligible/contributing. In contrast, in Avery-Helm and College Hill West historic districts, buildings are classified Historic/Contributing or Historic Non Contributing. We can't change the terms, but can draw parallels with words that mean essentially the same thing.

Commissioner Keeney expressed concern that buildings in the Avery-Helm historic district built from the 1940's to the 1970's would be lost in a "black hole". Planner Richardson replied they would be Nonhistoric/Noncontributing, since they were not fifty years or older when the district was formed. They are not contributing to the district's period of significance; they are potentially contributing to some other period of significance. An individual listing in a future survey of resources would address such buildings. Commissioner Keeney said it means getting the money to do that work. She said the federal cut-off dates were set in stone, but *local* jurisdictions may address properties within a district as being significant locally. Planner Richardson said that if the HRC feels that exemptions go too far for what could be changed in a Nonhistoric/Noncontributing building, then this is the time to say so. She suggested dropping the term Nonhistoric so that the commission had an opportunity to evaluate buildings with these "black holes", and to simply state whether a building is older or younger than fifty years. Planner Richardson noted that there was not a classification for such buildings; we can't create a classification in a historic district; Commissioner Keeney replied that we can do it at a local level.

Regarding 2.9.70.a, Interior Alterations, Commissioner Keeney asked if the OSU nomination called out any interiors (that is the National Register criteria); Ms. Houghtaling replied that she would review the nomination and get back to the commission. Commissioner Keeney said the HRC normally only cares about interiors except if they have been called out in the nomination. Commissioner Stephens suggested adding text regarding that designation. Planner Richardson said we don't have any criteria to use in evaluating interior alterations, so new code would need to be crafted for that. Commissioner Hand replied that if it's in the designation, the commission will have to address it anyway; Commissioner Keeney concurred. She suggested that if there are OSU interiors called out in the nomination, to insert a clause, and then the commission would have work to create criteria, which could be based on Secretary of Interior language. Commissioner Stephens proposed first finding out whether those interiors exist, and *then* add the language; Commissioner Keeney concurred.

Commissioner Wathen asked if any individually listed resources had interior call-outs. Ms. Beierle replied that the Whiteside Theater had an interior called out. Planner Richardson asked if that meant that the HRC must write rules to regulate everything called out in the nomination form. Keeney replied that actually it must. Commissioner Hand said call-out items tend to be fairly specific; Commissioner Keeney highlighted examples of ceilings and light fixtures. Planner Richardson said we should look at that. Commissioner Wathen summarized that we need language for specific call-outs for interiors in buildings with historic designation.

Regarding 2.70.b, Routine Maintenance and/or In-Kind Repair or Replacement, Commissioner Keeney asked for the definition of "in-kind". Planner Richardson read out that the definition is "repair or replacement of existing materials or features that match the old in design, color, texture, materials, dimension, shape, and other visual qualities; this includes replacement of roofing, doors, windows, siding and other structural elements, provided the replacements match the old in the manner described herein. For repair or replacement of windows or doors containing glass, substituting double-paned glass for single-paned glass is not considered to be in-kind repair or replacement. Additionally, while the repair/replacement of deteriorated materials in-kind is allowed, it is recommended that repair be considered by the property owner prior to replacement".

In discussion of replacing porch flooring, Planner Richardson noted that in the past, the commission has not mandated use of a particular type of wood, only wood for wood. Commissioner Keeney said the main problem she's seen in this regard in the past is in regard to windows; Planner Richardson said the City has defined it as a fairly tight match.

Regarding 2.9.70.c, Exterior Painting Exemption, Commissioner Hand said the broadness in Architectural Features is good, since it allows for gray areas. He asked how it was determined that it should only apply to masonry. Planner Richardson guessed that there may have been some thought that metalwork should not be painted, such as a copper roof at OSU; however, some downtown buildings have metal panels, and the commission would not want to prevent them from being painted. The reference to painting metalwork may depend on what it is.

Commissioner Hand said it seemed better to provide for the option of review. Planner Richardson replied that staff tend to not assume the worst case. He said if the HRC wants to leave metalwork in, then staff will do so. Commissioner Wathen said we're not so much mandating that something previously not painted should not be painted, as much as having either director level or HRC level of review. Eliminating it opens the door too wide. Commissioner Hand added that the HRC exists to provide a human element to the review. Commissioner Keeney proposed leaving in metalwork, but the HRC can't regulate paint very well. Commissioner Stephens noted that it is easier to remove paint from metalwork than it is from masonry and stone. Commissioner Hand said giving the commission latitude to have review where it is needed could be a valuable tool in occasional cases; it didn't just have to be metalwork; it could be other material, as well. Commissioner Keeney said such review tended to be on new features, not on existing features. Planner Richardson summarized that it sounded like the intended emphasis was on currently unpainted metal work. Chair Wathen said he was hearing that it should be left in.

Commissioner Wathen asked what the reasoning was in eliminating murals from the code; Planner Richardson replied that the thinking had been that it can get vague quickly in judging between murals, paintings, and art, so that's why staff didn't want to regulate murals. Commissioner Wathen asked about a mural that was seventy-five years old, say; in not including "mural", then it's just a painted wall, and can be painted over as an exempt activity, even though it is an historic mural. Planner Richardson said this seemed to point to leaving it in, since it would have a "fifty years or older" classification added to it. Commissioner Wathen noted that there were significant historic

murals around the state, though he wasn't aware of any in Corvallis. A "fifty years or older" criteria would allow a twenty-year old mural to be regarded as a painted wall; Planner Richardson concurred.

Regarding 2.9.70.d, Signs and Tablets, Commissioner Keeney asked about the reference to the OSU Zone, since Chapter 2.9 is only concerned with the OSU historic district. Planner Richardson replied that it was already in the code, as OSU already has an existing sign exemption in the OSU Zone. Planner Richardson said he would look into it; maybe it should refer to the OSU historic district for consistency.

Regarding 2.9.70.e, Alteration to Nonhistoric/Noncontributing Resources in a National Register of Historic Places and Historic Districts, Commissioner Keeney proposed skipping it for now, as it would require extended discussion.

Ms. Houghtaling stated that regarding 2.9.70.b, OSU was OK with staff recommendations. She asked for consideration of 2.9.100.03, director level review, since in-kind repair or replacement is so specific, that OSU sometimes experiences challenges to change a window or door opening for ADA compliance, where everything is the same except dimensions. She proposed a Director Level review for material or dimensional variations, when everything else is the same.

Ms. Beierle said that under Interiors, she noted that when Chapter 2.9 was drafted, the OSU historic district was not yet formed. She said the OSU Memorial Union and the Women's Building; the First Presbyterian Church, the First United Methodist Church, the Whiteside Theater, and the Post Office have exceptional interiors that could be considered in the future. Under Painting, she advocated putting murals back, highlighting a mural featured on the south side of the American Dream pizza building which reflects the previous function of the building.

Regarding painted metalwork, she noted that there may be public art features that are not painted, that should not be painted. She cited, as an example, the unpainted bird sculptures in the Riverfront Park. Historic bridges *are* painted.

Under Signs and Tablets, 2.9.70.d.4; the word Nonhistoric and Nonhistoric/Noncontributing don't do adequate service. She suggested dropping Nonhistoric and leaving Noncontributing buildings (outside the OSU historic district). She highlighted the fading Rexall sign, noting that there were buildings forty years or older may have signs that the HRC may want to conserve. Dropping Nonhistoric would allow the commission the ability keep those.

Commissioner Wathen asked for comment, saying his understanding was that Noncontributing means that a building is not part of the historic period of significance, so it is not contributing to that period, so anything that falls under the definition of Nonhistoric as per district definitions is Noncontributing. Ms. Beierle replied that a Noncontributing structure may be a historic structure that has been altered, and if the changes are undone, then there is the potential for the structure to be Contributing once again.

Commissioner Wathen responded that that would appear to be a Historic/Noncontributing building, which is currently is not covered, because of the inclusion of the Nonhistoric terminology. So, a Historic/Noncontributing building would not be covered by this exemption; he asked if Ms. Beierle was proposing covering Historic/Noncontributing buildings in this exemption. Ms. Beierle replied that in established historic districts, there are resources that were not fifty years old when the district was created, but they are now fifty years of age, and that is the only barrier to their not being considered Historic and Historic/Contributing. She advocated allowing for the ability to update and modify the district designation to include these now-historic buildings. Commissioner Wathen said

they are Noncontributing because they are considered Nonhistoric, because they were not over fifty years old when the district was created; Ms. Beierle replied that they may simply be "muddled".

Commissioner Wathen said there were two classifications of "Noncontributing": Historic/Noncontributing and Nonhistoric/Noncontributing. The first category is Nonhistoric/Noncontributing buildings that are now fifty years old, so they could be considered historic, and are considered Nonhistoric simply because they were not yet fifty when the district was formed. The designation as Noncontributing may relate to the state of the building *or* the Nonhistoric tag they have. Currently, this exemption only applies to those buildings. If the Nonhistoric part of the language is removed on the exemption, then we would include on this exemption buildings that were fifty years of age but were Noncontributing due to the building's condition, so more buildings would be included under the exemption, if we eliminated the Nonhistoric part of the language. Planner Richardson highlighted definitions; he said the language is speaking to installation of signs, not removal or alteration of signs. For example, the current language would allow installation of signs 32 square feet or less on the Nonhistoric/Noncontributing Hawley/Buxton Halls in the OSU historic district; they were not historic and out of period when the district was formed. The proposal would change it to not allow any sign, and that it should be reviewed by the HRC.

Commissioner Keeney noted that a main issue related to the sign size. Commissioner Wathen said he was hearing Ms. Beierle say that by simply eliminating the word Nonhistoric in the code, leaving Noncontributing, that would open up the exemption to apply to more buildings outside the OSU Historic District. He said he was hearing replacing Nonhistoric with "any building over fifty years old". Planner Richardson said the term Nonhistoric is used as a classification within historic districts, and also as a definition of buildings outside National Register Historic Districts. He highlighted the definition of Nonhistoric in the handout. Commissioner Keeney suggested replacing Nonhistoric with "not fifty years old". Commissioner Stephens said that the implication of that would mean the HRC reviewing every building throughout Corvallis, if it's not in the district.

Commissioner Hand said there needed to be a provision for a historic landmark designated after a district has been formed for a building that is now fifty years old, that was not fifty years old at the time a district was formed. That will inevitably happen and is currently ignored under the current code, which is heavily focused on districts and not on individual landmarks. We need to provide provisions for buildings that will someday be landmarks within a district, that were not fifty years old at the time the district was formed.

Planner Richardson said the code doesn't contemplate potentially eligible buildings within an already existing district. He said the only way to address it now would be to update nominations to expand the period of significance; or change the nomination of buildings that have been muddled and then fixed up; or individually list a building in a district. Commissioner Hand said we have to figure out how to get a house that is over fifty years old within a district landmarked; Planner Richardson concurred. Within a historic district, if a building, regardless of whether it is Nonhistoric/Noncontributing, the HRC want to review any sign over a certain size. Commissioner Hand said if it is not a designated landmark, then we shouldn't be reviewing it, even if it is over fifty years old. Commissioner Keeney asked if it could get pulled out as not exempt but at least going through Director Level review; otherwise the "black hole" could be huge.

Planner Richardson said that a less than 30' square foot sign wasn't very large; Commissioner Wathen countered that that was essentially the size of a 4' by 8' sheet of plywood. Planner Richardson said that in residential zones, only 16 square feet signs were allowed.

Commissioner Wathen said the language excludes it from the OSU historic district but it would still apply to the other two historic districts and individual listings. An issue is that the definition "historic" varies throughout the code. Planner Richardson said that change was not to be taken lightly. Commissioner Jacobsen noted that over a couple years, there have not been a lot of requests for signage, and suggested leaving it as it is; the intent was to streamline the process and save staff time. Commissioner Wathen noted that it doesn't apply at this point, to OSU, which *has* requested signage.

Commissioner Keeney suggested coming back to these issues later. Planner Richardson said he was hearing that the language could be kept as it is and revisited. Commissioner Keeney suggested reviewing language where staff have made changes. Planner Richardson concurred, saying that 2.9.70.e took a lot of staff energy and suggested coming back to it later and moving on with easier issues.

Regarding 2.9.70.f, Commissioner Hand asked how it was enforced. Planner Richardson replied that it is up to the applicant's good word; the system is currently complaint-based. Ms. Houghtaling added that from an OSU perspective, OSU sends an email to City staff with a proposal and get concurrence; it leaves a paper trail. Commissioner Wathen added that there have been cases before the HRC where someone starts a project that they thought was an exempt activity, a complaint is registered, a Stop Work order is issued by the City, and the applicants have had to come before the HRC in order to continue what they'd already started. Commissioner Hand noted that the language "unpainted metal is not exempt" contradicts the earlier discussion; Planner Richardson concurred.

Regarding 2.9.70.g, Installation of Removal Heating or Cooling Device, Chair Wathen found concurrence. Regarding 2.9.70.h, Accessory Development, Chair Wathen said it was a significant change, split into 2.9.70.h and 2.9.70.h.2, to acknowledge differences in accessory development between the OSU historic district and areas not within the OSU Historic District. Commissioner Keeney said emulating ODOT's pre-approval of specific designs, saying that OSU has already come up with standards that won't change a lot.

Commissioner Wathen noted that in the past, OSU has created a very specific list of exempt items, like lighting, bike parking structures, etc. Planner Richardson said that that was possible once standards specifications were submitted by OSU and approved by the HRC; however, it would be a challenge about where to store such information if it were not in the code, since it could change. Commissioner Wathen suggested referring to it as an exempt activity "in the pre-approved file" at the Planning Department and determine how things get there. Planner Richardson said we'd have to determine the kinds of items that meet standard details, such as bike shelters, lights, benches, etc. He said staff could work on that language and work with the City attorney.

Ms. Houghtaling said regarding 2.9.70.h, most of the items are already specified within OSU Construction Standards, including things such as light poles and bike shelters. She said OSU would like to add Bike Hoops to 3.b. She said that OSU has concerns about language in items (e), (h), and (d), regarding Accessory Development, Screening and Additions. Ms. Houghtaling stated that specific to (h), OSU has done consistent site furnishings, such as light poles. Sara Robertson added that under accessory development, where there isn't a standard for site furnishings such as trash enclosures and generator enclosures, it is more appropriate to have an architect try to make them consistent with the associated building it is supporting.

Ms. Houghtaling said sometimes buildings were combined facilities, so it was hard to handle accessory development to include a generator, say, which is a stand-alone structure that is accessory to the primary use. She gave the example of the Haley Ford Building, Table 11 in her packet. She said it was hard to distinguish between the items (e), (h), and (d). Regarding (h), Commissioner

Stephens asked if OSU was OK with referencing standards. Commissioner Keeney said she was hearing that OSU would prefer using a percentage to the scale of a building that an accessory structure was servicing. Ms. Houghtaling said some siting issues of concern will be addressed by setback.

Commissioner Hand had concern regarding a blanket percentage, since that could result in a proportional but very large accessory structure for a large building. Ms. Houghtaling replied that even outside the historic district, planning staff seek to design accessory structures that simply look nice; Commissioner Hand replied that that would then be an easy review. Planner Richardson said for these things to be exempt, it must meet all three criteria; it does not include the enclosures under discussion. Those are addressed under (a.a) and (z). He highlighted exemptions for any structures under 200 square feet or under 14' tall. He said the exemptions didn't have to apply to everything; some structures, such as light poles and bike shelters, could be designated as exempt. Staff feels that that threshold would have a fairly small impact if it is not in a historic open space. Commissioner Wathen concurred, but noted that 3.b exemptions don't include dumpsters, ground-level mechanical equipment, transformers, similar structures, or associated screening, unless those items are considered exempt under (z) and (a.a), so this section of code tends not to apply to these types of structures.

Commissioner Keeney said she didn't feel comfortable with the assumption that because something had been done well before, that it will continue to be done well, so the HRC should continue to be involved at some level in some pre-approved designs, though maybe not screening for accessory structures, since they will all be different. Commissioner Wathen said he was hearing direction on creating something like a standards folder.

Planner Richardson asked for direction on 2.9.70.h.2, saying that the rationale for the 400 square feet threshold is that it is difficult to anticipate every kind of building that OSU would like to install on campus. He said the existing language could be retained, but wanted direction on which activities to pull out. For example, existing language states that if a structure is less than 200 square feet and less than 14' tall, it is exempt, but he's hearing that if it is a light pole, bench bike shelter, then those things must have a certain standard.

Commissioner Hand noted that there were two categories: accessories and support structures; the structures are more complicated because they are different sizes. Commissioner Wathen said OSU's concern was for types of buildings that this section of code was not aiming at addressing; we can deal with that in later sections. Commissioner Hand said there should be a difference between accessories (i.e., bike racks, benches) versus a built structure such as gazebos or generator enclosures, since they are on very different scales, impacts and appearances. It is easier to establish a standard light post (which is almost a landscaping feature) compared to a generator enclosure.

Planner Richardson gave the example of gazebos, asking whether the commission felt comfortable exempting from review a gazebo under 200 square feet or less than 14' tall, unless it was in Contributing open space. Planner Richardson said he was hearing having the HRC approve standard details once and not have to re-approve them; for anything bigger than a conceptual threshold of identified items would come before the HRC for review.

Commissioner Stephens suggested replacing the first sentence of 3.b to read "Site furnishings and amenities per OSU standard". Planner Richardson said that it could read "site furnishings that have been pre-approved by the HRC", and OSU could have a standing list. Planner Metz noted that in some ways it is more restricted than existing language; Commissioner Hand replied that it would *not*

be, if they keep using the same design. Commissioner Stephens added that if OSU proposed a new bench design, say, the HRC would approve it and it would go into the book. Planner Richardson noted that a bench is currently exempt. It only applies to OSU.

Regarding h.2, Accessory Development Not Within the OSU District, Commissioner Wathen commented that there was a house near his in College Hill West that had a wrought iron bench in the front yard visible from the public right-of-way. However, the change would not allow one within his front yard, since it is only exempt if all the standards are met, including "is *not* visible from public or private streets right-of-way, except alleys, from which it may be visible". Commissioner Hand said that it only applies to site features that have permanent footings, not freestanding objects; Ms. Beierle highlighted the aspect of reversibility.

Planner Richardson said planners struggle with issues like this occasionally. The current language exempts benches, but other similar smaller landscape features that are visible from streets that would not be permitted per the code. Normally, people don't ask about them, and just go ahead. The HRC could construct a list of exemptions here (such as statues, pots, benches), but there's a lot of gray area, and it's challenging to write a comprehensive list of everything someone might want in their front yard. The HRC can have everything or nothing come to the HRC for review. It is currently very restrictive, but is not stopping most people from putting things in their front yard.

Commissioner Keeney agreed it is hard to tell people, even in a historic district, not to put a trellis or bench in their front yard. Commissioner Wathen noted that items must meet all three criteria that are listed; Planner Metz said the list reflects the current code. Planner Richardson said there may be room during review of 2.9.70, Landscaping, to craft language to broaden exemptions.

Commissioner Wathen said he was hearing that the proposed language under (h) (which was unchanged by staff) looks good.

Regarding 2.9.70.i, Moving or Demolishing Accessory Structures, Commissioner Keeney suggested changing Nonhistoric to meaning "less than fifty years of age". Commissioner Hand said that either OSU needs its own chapter, or it needs to be resolved some other way; otherwise, it will be a problem down the road. Commissioner Keeney stated that the definition of Nonhistoric means less than fifty years, so the code should simply say that, rather than getting tangled up in complicated National Register or different district terminology. Commissioner Hand commented that Nonhistoric in those contexts means Nonhistoric, whether a resource is fifty years old or not.

Commissioner Keeney contrasted OSU and district terminologies. Commissioner Wathen said Nonhistoric and out of period both refer to not being fifty years old at the time of the district formation. Commissioner Keeney replied that she had a problem with that. Commissioner Hand said that just because a building is fifty years old doesn't make it historic. Commissioner Keeney said the language was only in regards to accessory structures less than 200 square feet, saying that it would only affect Model T garages, perhaps. Planner Richardson said that a Model T garage would be historic.

Commissioner Keeney replied that it is only historic as it was written in a district; there are 2,500 structures currently being reviewed by the State Historic Preservation Office, so there are potentially many more properties, that could be listed if their owner wishes. The standard could at least be based on a state standard, in which state offices review them and declare them to be potentially eligible, even if its not historic now. Planner Richardson said those do not come under the HRC purview; Commissioner Keeney replied that they could; Planner Richardson said they must first be

designated, and a that point, they would be historic resources. Commissioner Keeney replied that they would not necessarily be, unless they were acknowledged at the HRC level.

Commissioner Hand stated that for OSU and the districts, Nonhistoric is a set definition ("less than fifty years old at the time of the district"). Regarding 2.9.70.i.2, #2 doesn't apply, since for the district, it will always be Nonhistoric, even when it is individually deemed a landmark. It is a terminology problem. Planner Richardson noted that in the eyes of the district, it will always be Nonhistoric or Noncontributing or out of period. However, if it were a regulated, designated historic resource, then it's likely it will be fifty years old, and will either be on the Local Register or in the National Register. It is unusual to be less than fifty years old and a regulated historic resource.

Commissioner Hand suggested a solution could be language, "..or, if it is also a locally or national registered individual structure", whether it is within a district or not. Commissioner Wathen said the "*or*" between the sections #1 and #2 allows a property to fall between one of the two, so that if it is in a historic district, it always falls under that one, so even if it gets designated, then it could be claimed that it is an exempt activity under #2. Commissioner Hand commented that historic districts would in effect prevent more history from happening. Commissioner Keeney said that that wasn't the intent, and that it is up to the local jurisdiction to step in, in terms of what it reviews.

Commissioner Keeney said the scale of being less than 200' square foot means that these accessory buildings would tend to be garages, though most would typically be larger. Commissioner Stephens said small Model T garages would already be protected if they were in a district. Commissioner Keeney replied that her experience in other cities was that garages were not called out as Contributing features to a site, only the house; Planner Richardson noted that that they *are* called out, often as "Contributing 2". Commissioner Keeney said if they are already called out, then they *are* protected. Commissioner Hand said that if the language only applied to buildings that are designated historic resources, then he wasn't sure about the need for the rest of the language.

Commissioner Wathen said #1 and #2 seek to establish whether a building is a designated historic resource, and #3, that the activity shall not damage a designated historic resource. Planner Richardson replied that the problem with that approach is that staffs' read over the years is that anything in the district is a designated historic district, including buildings that are Nonhistoric and Noncontributing, because they are part of the district, so they are designated historic resources. He cited the definition for a designated historic resource, "A historic resource has been determined through an official action to meet criteria for historic significance, resulting in the resource being locally designated or national designated". A garage built in the 1970's is listed in the nomination form, and staff have been considering it as part of the designated historic resource. Commissioner Hand countered that that definition of a designated historic resource was wrong; he said it should only be the Contributing buildings, and anything designated as a landmark later on. Commissioner Keeney asked who decides what a "negative impact" is; several members concurred that it seemed vague and arbitrary.

Commissioner Hand said #3 should read something like "All moving or demolishing of accessory structures at designated historic resources should be reviewed". If it is Noncontributing or Nonhistoric, then it is exempt. He said it is complicated by OSU's code in section #1. Planner Richardson said the intent is to protect small buildings that are not Historic and not Contributing, so if someone built a shed in 1980 within the district, the owner can demolish that shed without coming to the HRC. He said that would also apply to a number of Nonhistoric, non-listed small OSU structures. Commissioner Hand suggested making the Nonhistoric definition for OSU consistent with how it is used outside of OSU. Planner Richardson said when staff have looked at buildings on OSU campus before, they've followed existing definitions so that if a building was more than fifty years old when the district was formed, then staff considered it a historic building, and wouldn't be

allowed to be demolished as an exempt activity. Commissioner Hand said that #1 could be changed to focus on what *isn't* exempt, rather than what is, and also include locally and nationally designated landmarks that are outside the original historic period of significance; then you're covered.

Commissioner Wathen suggested reversing the order of #1 and #2, so that you start with the question of whether it is a Nonhistoric structure on an individually designated historic resource; and if it fails to meet that one, then you look at the question of whether it is in a district and a Nonhistoric/Noncontributing building, since that would trump the issue of whether it is an individually listed property in a historic district. That language would be very similar to existing language and would address that narrow criteria. He summed up that #1 would be a "..Nonhistoric structure on an individually designated historic resource property.."; and eliminate the line regarding "..outside of a National Register Historic District"; "..or if not, then apply #2". He said #1 would have to be not met in order to apply #2. He said that #3 can remain where it is. Commissioner Keeney asked for a definition of "negatively impact" if it remains; Commissioner Wathen said a definition was needed or it should be removed.

Ms. Beierle said it is a logical triage, but noted that since demolition was permanent, it should never be an exemption. The HRC could streamline it by removing 2.9.70.i altogether; the HRC's review of demolition is its most important job. She said currently it would be difficult for citizens to figure exemption language out, even consulting with staff.

Commissioner Hand said the section begged the question on why there should be a size cutoff on what should be considered or reviewed at all, and why something smaller is less important than something larger, and why it should be reviewed under some other criteria. Planner Richardson replied that the number probably originally came from the fact that 200 square feet was as big as you can go without a building permit, and 14' tall was the maximum height of an accessory structure.

Ms. Houghtaling said while demolition was permanent, she cited 2.9.70.h, noting that it focused on items under 200 square feet included bike parking racks, bike shelters, etc. Commissioner Keeney said her concern on this item was non-OSU areas. Ms. Houghtaling agreed, adding that she couldn't think of anything Contributing within the OSU historic district that was less than 200 square feet. Commissioner Hand said that while buildings were protected, their accessory buildings were not necessarily protected.

Commissioner Keeney suggested separating OSU from other areas in this section. Ms. Houghtaling noted that there was a survey of the district, and it would've been caught then. Ms. Beierle said that public art might come under this category; Commissioner Hand added that original benches might, as well. Commissioner Wathen noted that if the bench was the age of the building, then it, or another accessory structure, would *not* be Nonhistoric/Noncontributing under the exemption. It might be Historic/Noncontributing but wouldn't qualify under the exemption. Planner Richardson said part of the reason for the revisions in (i) was to get at those individually listed properties that were not within a historic district; it is not much different from current language. We seem to be thinking about regulating future hypotheticals, and if it doesn't really affect OSU, perhaps it should be left as it is. Chair Wathen suggested tabling the issue, since it seems to change the code more than perhaps was intended.

Regarding items 2.9.70.j, Installation of Satellite Dishes; 2.9.70.k, Safety Devices; and 2.9.70.l, Conversion of Existing Vehicular Parking to Achieve ADA Compliance, there were no comments about proposed revisions.

Regarding 2.9.70.m, Fencing Installation, Extension or Removal, Commissioner Hand asked why the OSU zone should be treated differently. Commissioner Keeney asked if there were any pre-approved fencing, rather than exempting it. Planner Richardson replied that OSU used a variety of fencing and it probably depended on each application. Ms. Houghtaling noted that the OSU Zone and the OSU Historic District were different. OSU would propose adding a clause "..the Contributing land resource". There are currently a number of very different kinds of fencing; she said the proposed revision gave more flexibility for removing or installing fencing. Planner Richardson replied that OSU made a good suggestion; there was concurrence.

Regarding 2.9.70.n, Freestanding Trellises, there were no changes to existing code, and there was no comment.

Ms. Houghtaling said regarding item 2.9.70.k, Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices, she said that following discussions with City staff, OSU was proposing that if a ramp was below grade, it doesn't matter, since it won't be seen. Currently, for a historic Contributing resource, for access ramps 30" below grade, the HRC shouldn't care, since it will not be seen. This assumes it will not alter any architectural feature of the building. For example, for a first floor door, where the base of a ramp is the same as the primary resource, perhaps that should be exempted too. She proposed changing #1 and #2, or establishing an OSU Zone specific height to eliminate the height restriction to below grade entrances for both Contributing and Noncontributing resources. Also, if it is above grade, to change the 30" or 48" limits in regards to primary floor entrances, as long as it doesn't change an architectural feature of the building, and uses primary building materials. Ms. Robertson said in the OSU Zone, few ADA ramps are ever exempt under the current OSU code standard. Chair Wathen asked for a proposed height for an above-grade exemption; Ms. Houghtaling suggested using the height of the first floor entrance as the standard. OSU is concerned about whether it changes an architectural feature.

Commissioner Stephens suggested a replacement should be a separate item. Ms. Robertson said changes in ADA standards often require making ramps longer, and the resulting dimensions don't allow using in-kind replacement. OSU proposed that if a ramp has affects an architectural feature, it would have to be reviewed by the HRC, but if it doesn't, then it would like flexibility to go to the first floor.

Commissioner Hand said he was comfortable with the restriction and having the HRC review it and giving it a quick OK; Ms. Robertson noted that all reviews require City and OSU staff time, and that the OSU proposal avoids that. Commissioner Wathen suggested compromising at perhaps 48" for a first floor exemption but that 60" could perhaps be a good threshold for triggering HRC review. Ms. Houghtaling said there are many different ways to achieve ADA compliance, and OSU must do so in a thoughtful, time-efficient manner.

Commissioner Wathen said commissioners were asking whether it made make sense to split out OSU in this section of the code from other historic resources. Commissioner Keeney asked whether the proposed changes were more specific; Planner Richardson replied that proposed exemption language were just the underlined items, but didn't involve height. He related that City staff expected OSU to come forward with suggestions, as they've done, since this is an issue for them.

Commissioner Kenney asked OSU to give a sense of how often the ramps that OSU was proposing at the 30" and under heights range; Ms. Houghtaling replied that OSU planners were trying to find a way so those designs not altering architectural features would be exempt; however, it is hard to come up with a number. There are different ways to approach compliance on different buildings.

Commissioner Jacobsen said ADA compliance was notoriously difficult, given the range of buildings on campus. We need to balance HRC's desire to balance aesthetics with OSU's obligation on ADA compliance; OSU says it will come to the HRC for a review if the exterior will be compromised in any way, saying that they will use the same materials and make it look aesthetically pleasing; he believed that they would do that.

Commissioner Hand said OSU could poorly design a 60" tall ADA ramp that visually affects the building. Commissioner Stephens asked, given an ugly proposed ramp, what were the review criteria to use; Commissioner Wathen replied that it would come down to incompatibility with the historic resource. If it could be argued that the design was incompatible with the historic resource (e.g., out of proportion or scale), then the HRC could find against it.

Ms. Beierle said an over-designed ramp could present a mass and an architectural presence of its own. She said she hadn't seen it at OSU, but has seen large ramps compete with Victorian structures; the issue is overdesign. Ms. Houghtaling urged reasonable accommodation in the matter; OSU is seeking solutions that are complementary to a building. Commissioner Hand replied that there is no guarantee for the future; if something becomes its own presence and has a scale of its own, then it should be reviewed. Commissioner Keeney said the commission wanted to work to help OSU meet its difficult obligation.

Commissioner Wathen said there were two pieces; the first was no height restriction for below-grade ramps; he felt there should be little concern regarding architectural impact for this. Commissioner Hand said he didn't see how to do that without architectural alterations to the building. Commissioner Wathen countered that if there was an alteration, then that would get flagged. He sought feedback on allowing no height restrictions on a below-grade ramp; commissioners concurred. Planner Richardson added that the language also required that there be no adverse impact to the building. Chair Wathen summarized that he was hearing commissioners were OK with a below-grade ramp not affecting the building not having to come before the commission.

The other piece of #1 sought for above-grade ramps to be allowed to come to the first floor; currently, the code restricts it to 30" maximum. He proposed simply allowing the ramp to go to the first floor entrance up to a certain designated height. The question is what the height restriction should be; OSU was proposing 60", twice the current maximum. Commissioner Hand asked what the point was for setting an arbitrary maximum; there were multiple ways to build a ramp. Commissioner Wathen said the historic compatibility was for the HRC to decide.

Commissioner Jacobsen felt the HRC didn't have the knowledge, sophistication and engineering ability to judge that; Commissioner Stephens concurred, saying that often, there may only be one good solution, and she couldn't think of a way to deny such an application. Commissioner Hand said many other boards *do* review that; most proposals do alter the building and must come before the HRC. He suggested researching how other jurisdictions handle this.

Planner Richardson said for any ramp coming before the HRC, the HRC could address issues such as location or materials. Commissioner Wathen said OSU must be allowed to build ADA ramps, but the HRC had purview over certain aspects of them. He asked if removing any height restriction for a specific district would affect equal protection to other districts. Planner Richardson replied that the concept of equal protection typical involves an identified group at a disadvantage or excludes them. Commissioner Wathen said the HRC decisions do not set precedent, but City Council decisions do; it may not be an issue. Commissioner Stephens said districts were not a protected class. Planner Richardson said City staff could come up with language on a middle road; the commission asked him to do so. Commissioner Keeney asked OSU to give a sense of how many buildings really required big ramps.

Regarding item 2.9.70.o, New, Repair, or Replacement Landscaping and Tree Planting, Planner Richardson said staff could add broad language; Commissioner Wathen suggested incorporating the phrase "Ornamental accessories". Regarding 2.9.70.p, Building Foundations, there were no comments.

Regarding item 2.9.70.q, Installation of New, and Repair or Replacement of Gutters and Downspouts, Commissioner Hand said he thought the HRC should review them, saying that they could be designed incorrectly. Commissioner Stephens said previous decisions have had HRC members ask why this needed HRC review; often they are not visible. Planner Richardson added that this item was on the list due to previous HRC sentiment that it didn't require HRC review and OSU comments that it should be exempt. Ms. Houghtaling noted that scupper sizes were mandated by building code. Commissioner Wathen suggested removing the word "New"; Ms. Houghtaling suggested focusing on repair and replacement for essentially in-kind work. Commissioner Hand summarized that modification and repair of existing scuppers to meet existing code should be an exempt activity; however, new scuppers should be reviewed as an alteration. Planner Richardson said staff will work on the language.

Regarding 2.9.70.r, Utility Poles, there were no comments.

Regarding 2.9.70.s, Uncovered Rear Deck or Patio Additions 350 Square Feet or Less, Chair Wathen said removing the size restrictions seemed to mostly only affect residential, and asked what the impetus of the item was. Planner Richardson said the intent was that these are uncovered and are in the rear of buildings and it seemed an unnecessary burden on an owner to limit it to 350', if it was not visible and was on the rear of a building; Commissioners Stephens and Hand concurred. Planner Richardson said it would have to comply with code standards, and over 30" in height requires a handrail; it set parameters. Commissioner Hand asked why it required HRC review. Commissioner Stephens said the real issue was whether it was visible. Planner Richardson said that over 30" high, it was more likely to impact the house, and advocated retaining it. Commissioner Wathen said if you're building a large deck onto a house, it's less reversible.

Commissioner Wathen said many decks have sunk-in hot tubs and the level of those decks are usually over 30"; Planner Richardson said the issue is the floor of the deck and whether it is a bench or a platform for a hot tub. Chair Wathen summed up that there was not commission opposition to the 350' restriction.

Regarding 2.9.70.t, Installation of New, or Replacement of Existing Windows or Doors on Nonhistoric and Nonhistoric/Noncontributing Resources, Commissioner Keeney had an issue with Nonhistoric and suggested removing it. Planner Richardson said was possible, but it meant that with an individually or nationally listed property, that would mean you can't change the windows of an accessory structure. The change would mean only addressing properties in districts. Commissioner Keeney said her intent was for the HRC was to not review new windows on what are technically Nonhistoric in a district but are actually historic (relating to her "black hole" concern).

Commissioner Wathen said removing "Nonhistoric" but leaving Nonhistoric/Noncontributing wouldn't address it. Commissioner Keeney said her original thought was to change it to "fifty years old"; Commissioner Wathen replied that it's not clear whether the HRC can legally do that. Planner Richardson said it's an issue of moving goalposts, in terms of whether everything over fifty years old should be considered. The challenge is that the buildings have a relationship to the historic district, and if they're outside the district, they wouldn't be historically important. Commissioner Keeney said they could be, but they may simply have never been evaluated or listed; it's about money and time for many resources. Commissioner Stephens said it's not clear whether the HRC can do that; when an owner thinks their structure is Nonhistoric. Commissioner Keeney said she'd

like the opportunity to let owners know the HRC would prefer that they kept their original windows; to check in with them. Commissioner Stephens said we can't do that in the code.

Commissioner Hand said we need a change in the language so that it is consistent throughout, so that the district terminology for Nonhistoric is set in time, and there is potential for future individual properties to be designated that should be reviewed, which will always be considered Nonhistoric in those districts. Commissioner Hand explained that a newer house could eventually be considered a landmark, but as far as the district is concerned, it will always be Nonhistoric. Commissioner Keeney said that was a flaw in the federal classification, saying that virtually all preservationists agreed with that, but we could change the district designation process at the local level. Planner Richardson said it is an issue whether we want, or need to do that, and what do owners in historic districts want. Commissioner Stephens said you'd have to have property owners sign off. Commissioner Hand suggested adding "or a locally designated landmark".

Commissioner Jacobsen asked about feedback on aspects other than Commissioner Keeney's concern; Commissioner Keeney suggested removing #1. Regarding #1, Commissioner Wathen said he'd seen some unattractive vinyl windows installed, and not having any regulations could result in unattractive changes that are less than historically compatible within a district.

Commissioner Stephens asked if #2 was acceptable in staff comments. Planner Richardson said the intent regarding OSU was to avoid the HRC reviewing windows on Nonhistoric buildings. Commissioner Keeney said her concern was not regarding OSU in this regard; her concern was aimed at individual property owners being sold a bill of goods on vinyl windows. Commissioner Hand said if a house is Nonhistoric, then they can do whatever they want. Planner Richardson said the current language is very restrictive, and the changes seek to loosen that up. Planner Metz said it doesn't change much.

Planner Richardson said existing language allows replacement of existing windows and doors as long as materials, dimensions and shape are the same. Commissioner Wathen noted that #1 defines the allowance; by striking #1, new windows and doors on facades not visible from public or private street rights of way is where they are allowed. There is no allowance for new doors and windows on front and facing facades. Planner Richardson agreed that was a good catch and should be changed. The intention was that on the back and sides of buildings (not visible from streets), you could cut holes in walls to install new windows and doors on Noncontributing and Nonhistoric buildings.

Commissioner Wathen said that's not a change. The intent on striking #1 was to remove the restriction that replacements shall otherwise match the replaced items in materials, dimensions and shape, except that metal clad wood may be substituted for original non-glass materials of replacements. Planner Metz suggested striking "and". Commissioner Wathen suggested striking the second half of #1, so that you can put in vinyl windows on a Nonhistoric structure, no matter what the old windows were made of; Planner Richardson concurred. Planner Metz added that that applied even to visible windows. Planner Richardson said the risk was getting new vinyl windows in a façade facing the street in a historic district.

Commissioner Hand said the buildings were originally designated Nonhistoric, Noncontributing because they were incompatible with the district, so we can't transform them over time into being more compatible. Commissioner Wathen said the concern is to avoid them becoming *less* compatible over time; he said just restricting vinyl windows on one face would just make it worse, and more onerous. Chair Wathen said he was hearing majority feeling on striking the second half, to bring it in line with the original intent; Commissioner Keeney disagreed, saying her main concern was protecting undesignated resources. Chair Wathen summarized that we're only striking the second half of #1.

Regarding 2.9.70.u, Re-roofing, there were no comments.

Regarding item 2.9.70.v, Installation of New or Expanded Pathways, Commissioner Wathen said the change would eliminate restrictions, with the only remaining restrictions in Contributing open space areas. Commissioner Stephens had no problem with it. Commissioner Hand asked whether the intent should be to make it consistent throughout the district; Commissioner Wathen replied that currently, if an owner sought to construct a paved path from the front yard to the back, and if it exceeded 250 square foot, it would have to come before the HRC; this change seeks to avoid that. Commissioner Hand said he was fine with the language; there was no further comment.

Regarding 2.9.70.w, Utility Meters, Pipes and Venting, Ms. Houghtaling said the exemption for fume stacks reflected a code requirement for venting chemicals. There were no comments.

Regarding 2.9.70.x, Skylights, Commissioner Wathen said it was a significant simplification of the code. Commissioner Hand asked why the HRC wouldn't want to review such a significant change to a historic building; there is no sense of scale or quantity, and you're cutting a big hole in a historic roof and historic material. Commissioner Keeney said if it is not visible, then it's typically considered acceptable, and that it was the norm. Commissioner Hand added that replacement or removal of skylights installed after the district's period of significance, with no language regarding visibility, he envisioned that the replacement could be larger or less desirable than the existing skylight.

Commissioner Wathen suggested adding "in-kind replacement or removal of the skylight" to #3; so there would be no change in size. Planner Richardson said that in-kind was already covered, so an owner may seek to go from one material to another, and it might just be a slightly different size. Staff could modify language for a skylight not to increase by a certain percentage, or some other way to regulate size. Commissioner Wathen said #3 would allow people to possibly greatly increase the size of a skylight as an exempt activity; Planner Richardson suggested not allowing change in size; Commissioner Stephens noted that that would not allow *reduction* in the size of a skylight. Regarding #2, installation where they are not visible, Commissioner Keeney suggested striking it.

Regarding item 2.9.70.y, Historically Significant Hazardous Trees, there was no comment.

Regarding 2.9.70.z, and 2.9.70.a.a, Planner Richardson suggested tabling the issues.

Ms. Houghtaling related that OSU staff have struggled with siting antennas. They are on top of Valley Library and Snell buildings. She said the screening requirement will actually make antennas *more* visible.

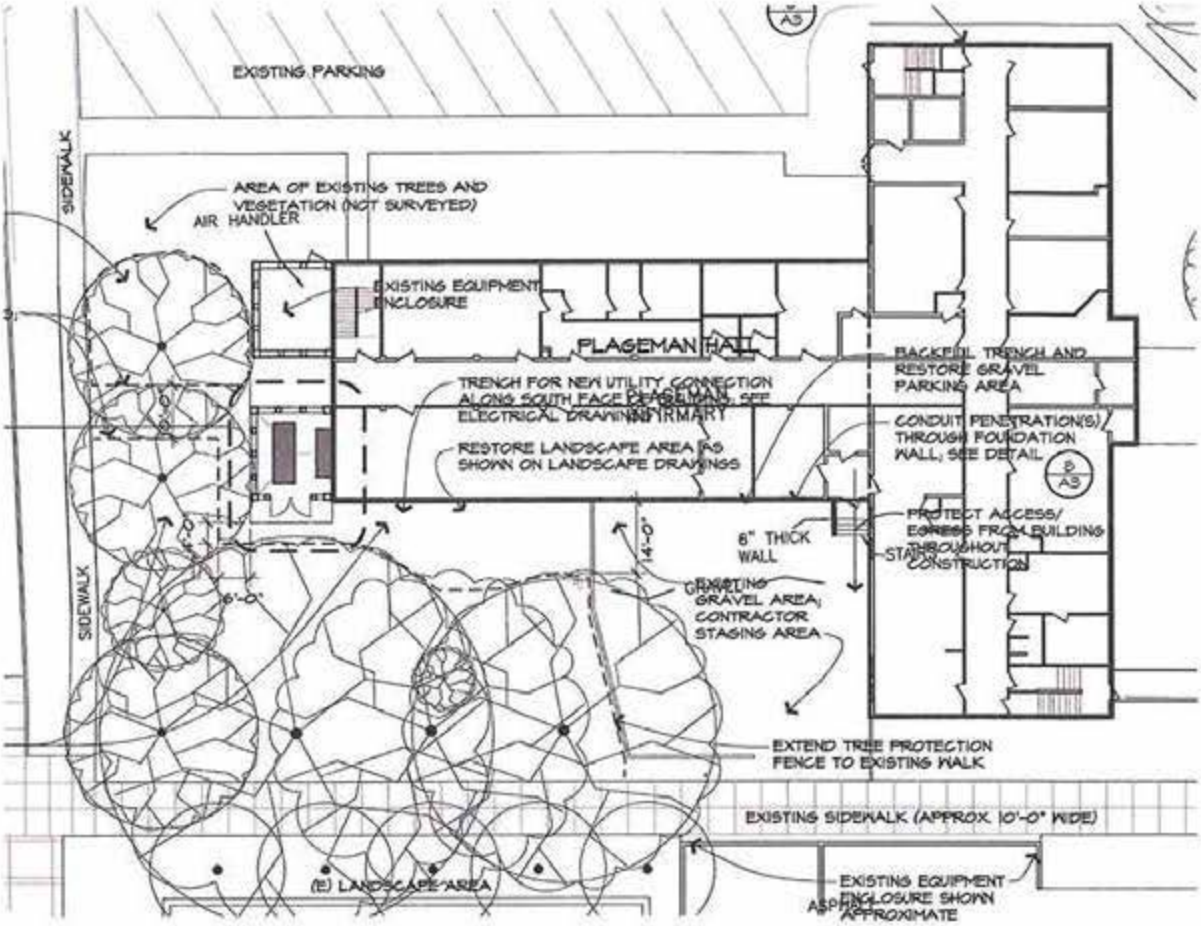
Planner Richardson said there will be further work session discussion on January 7 on Director Level activities, and also on December 10, if there is time.

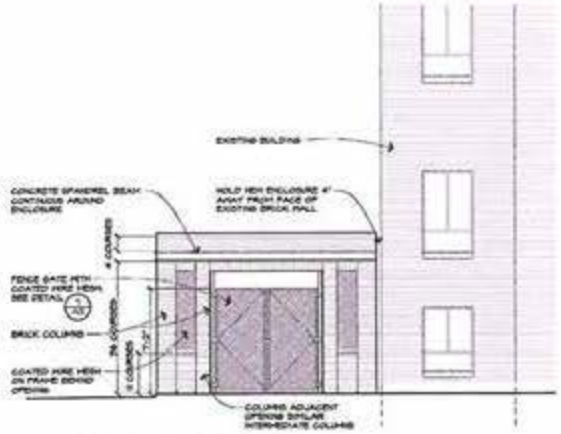
IV. OTHER BUSINESS/INFORMATION SHARING. None.

V. ADJOURNMENT: The meeting was adjourned at 10:11 p.m.

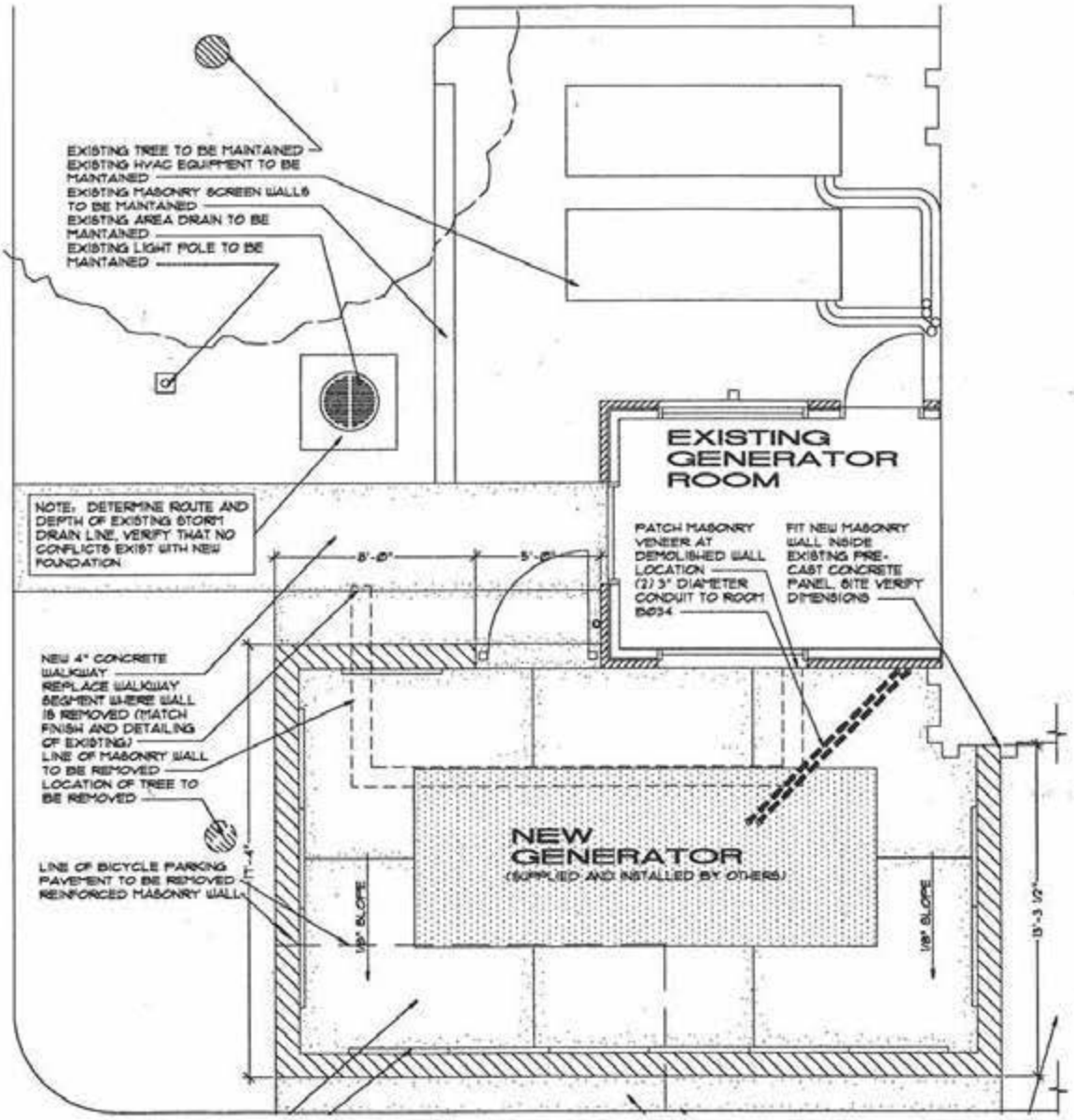
	PLAGEMAN STUDENT HEALTH
Building Gross Square Feet	27,377
Building Footprint (Sq Ft)	10,229
Building Height (Ft)	43.0
Enclosure Footprint (Sq Ft)	262
Enclosure Height (Ft)	11.0
Percent of Building GSF	1.0%
Percentage of Building Footprint	2.6%
Method of Screening	Masonry Wall
Material	Brick
Facility	Generator
Within Historic District	Yes
Timing	Addition

ENCLOSURES

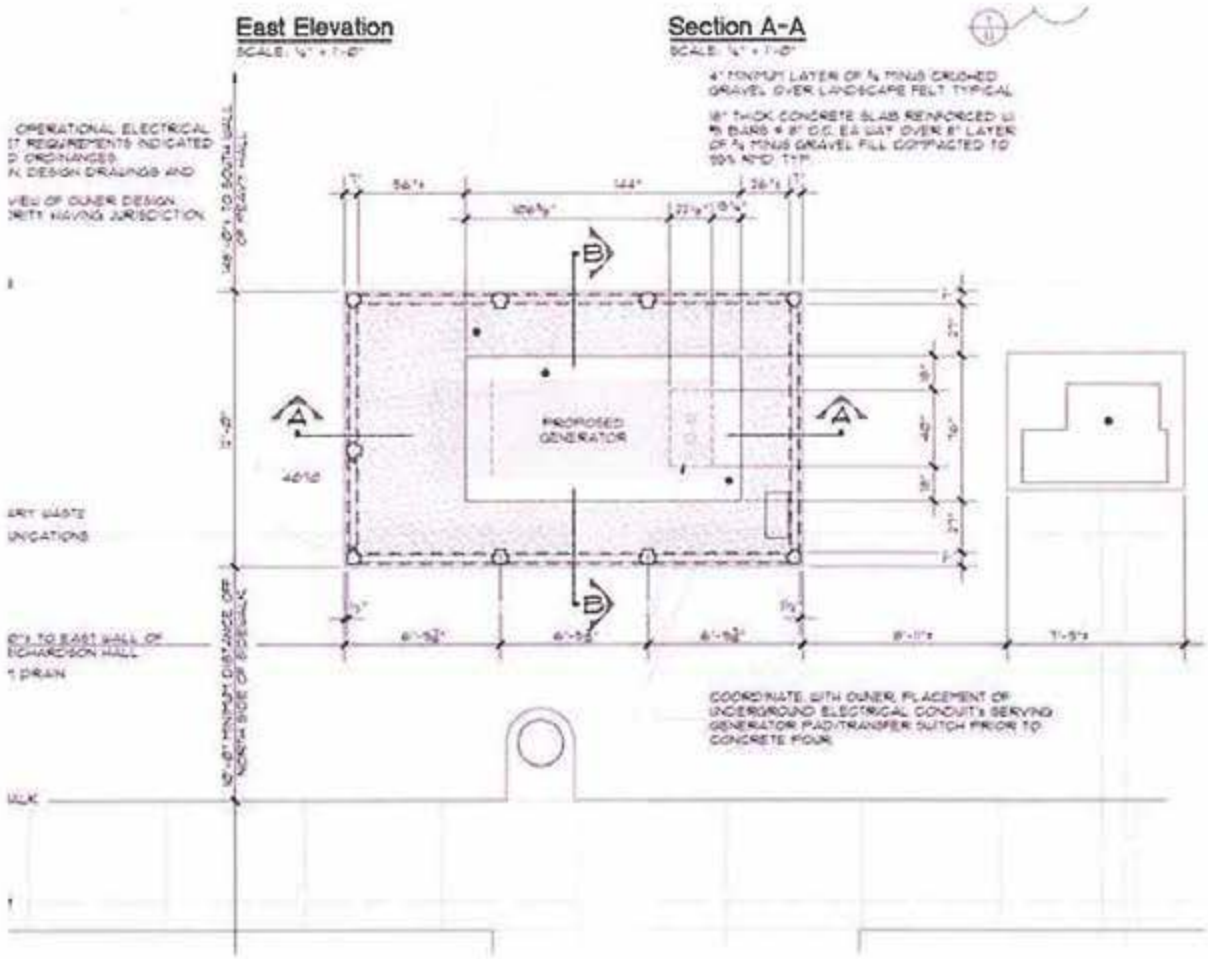

EXISTING PARKING
SIDEWALK
AREA OF EXISTING TREES AND VEGETATION (NOT SURVEYED)
AIR HANDLER
EXISTING EQUIPMENT ENCLOSURE
PLASEMAN HALL
TRENCH FOR NEW UTILITY CONNECTION ALONG SOUTH FACE PLASEMAN, SEE ELECTRICAL DRAWINGS
RESTORE LANDSCAPE AREA AS SHOWN ON LANDSCAPE DRAWINGS
BACKFILL TRENCH AND RESTORE GRAVEL PARKING AREA
CONDUIT PENETRATION(S) THROUGH FOUNDATION WALL, SEE DETAIL
PROTECT ACCESS/ EGRESS FROM BUILDING THROUGHOUT CONSTRUCTION
STAIR
8" THICK WALL
EXISTING GRAVEL AREA, CONTRACTOR STAGING AREA
EXTEND TREE PROTECTION FENCE TO EXISTING WALK
EXISTING SIDEWALK (APPROX. 10'-0" WIDE)
(E) LANDSCAPE AREA
EXISTING EQUIPMENT ENCLOSURE SHOWN APPROXIMATE
ASPHALT


EXISTING BUILDING
BRICK COLUMN
SOUTH ELEVATION

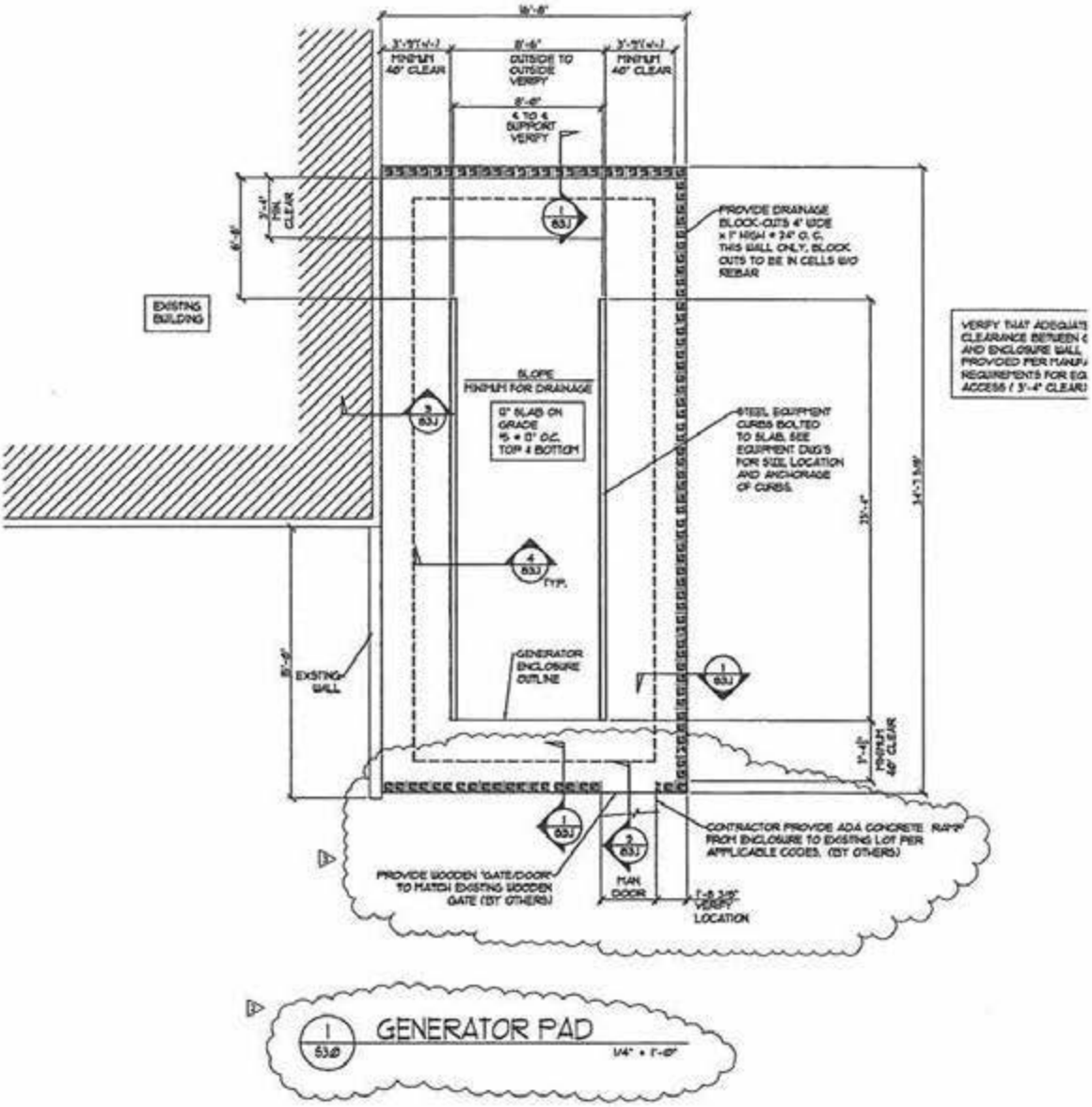
	KERR ADMINISTRATION BUILDING
Building Gross Square Feet	121,149
Building Footprint (Sq Ft)	31,447
Building Height (Ft)	96.0
Enclosure Footprint (Sq Ft)	612
Enclosure Height (Ft)	12.3
Percent of Building GSF	0.5%
Percentage of Building Footprint	1.9%
Method of Screening	Masonry Wall
Material	Brick
Facility	Generator
Within Historic District	No
Timing	Addition


EXISTING TREE TO BE MAINTAINED
EXISTING HVAC EQUIPMENT TO BE MAINTAINED
EXISTING MASONRY SCREEN WALLS TO BE MAINTAINED
EXISTING AREA DRAIN TO BE MAINTAINED
EXISTING LIGHT POLE TO BE MAINTAINED
EXISTING GENERATOR ROOM
NOTE: DETERMINE ROUTE AND DEPTH OF EXISTING STORM DRAIN LINE, VERIFY THAT NO CONFLICTS EXIST WITH NEW FOUNDATION
PATCH MASONRY VENEER AT DEMOLISHED WALL LOCATION
(2) 3" DIAMETER CONDUIT TO ROOM B034
FIT NEW MASONRY WALL INSIDE EXISTING PRE-CAST CONCRETE PANEL, SITE VERIFY DIMENSIONS
5'-0"
5'-0"
NEW 4" CONCRETE WALKWAY
REPLACE WALKWAY SEGMENT WHERE WALL IS REMOVED (MATCH FINISH AND DETAILING OF EXISTING)
LINE OF MASONRY WALL TO BE REMOVED
LOCATION OF TREE TO BE REMOVED
LINE OF BICYCLE PARKING PAVEMENT TO BE REMOVED
REINFORCED MASONRY WALL
11'-4"
NEW GENERATOR
(SUPPLIED AND INSTALLED BY OTHERS)
1/8" SLOPE
1/8" SLOPE
13'-3 1/2"

	DRYDEN HALL
Building Gross Square Feet	19,090
Building Footprint (Sq Ft)	7,633
Building Height (Ft)	50.6
Enclosure Footprint (Sq Ft)	76
Enclosure Height (Ft)	10.9
Percent of Building GSF	0.4%
Percentage of Building Footprint	1.0%
Method of Screening	Vegetation
Material	Vegetation
Facility	Generator
Within Historic District	Yes
Timing	Addition

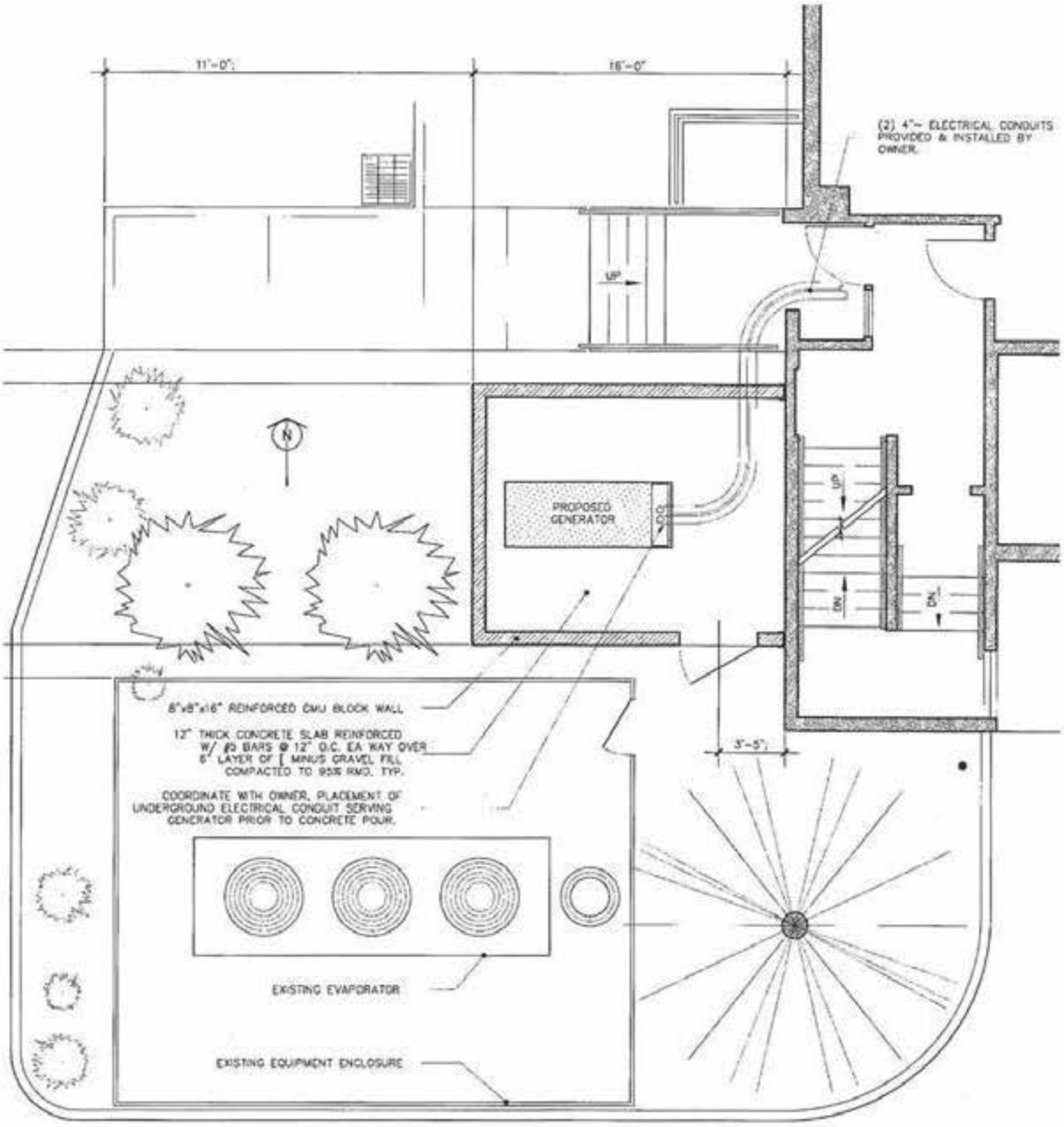

East Elevation
Section A-A
PROPOSED GENERATOR
COORDINATE WITH OWNER PLACEMENT OF UNDERGROUND ELECTRICAL CONDUITS SERVING GENERATOR PAD/TRANSFER SWITCH PRIOR TO CONCRETE POUR

	BURT HALL
Building Gross Square Feet	63,816
Building Footprint (Sq Ft)	28,862
Building Height (Ft)	60.2
Enclosure Footprint (Sq Ft)	469
Enclosure Height (Ft)	12.0
Percent of Building GSF	0.7%
Percentage of Building Footprint	1.6%
Method of Screening	Masonry Wall
Material	Concrete Block and Brick
Facility	Generator
Within Historic District	No
Timing	Addition


MINIMUM 40" CLEAR
OUTSIDE TO OUTSIDE VERIFY
MINIMUM 40" CLEAR
4 TO 6 SUPPORT VERIFY
PROVIDE DRAINAGE BLOCK-OUTS 4" WIDE x 1" HIGH @ 24" O. C. THIS WALL ONLY. BLOCK OUTS TO BE IN CELLS W/O REBAR
EXISTING BUILDING
SLOPE MINIMUM FOR DRAINAGE
6" SLAB ON GRADE #5 @ 6" O.C. TOP & BOTTOM
STEEL EQUIPMENT CURBS BOLTED TO SLAB. SEE EQUIPMENT DWG'S FOR SIZE, LOCATION AND ANCHORAGE OF CURBS.
TYP.
GENERATOR ENCLOSURE OUTLINE
EXISTING WALL
MINIMUM 40" CLEAR
CONTRACTOR PROVIDE ADA CONCRETE RAMP FROM ENCLOSURE TO EXISTING LOT PER APPLICABLE CODES. (BY OTHERS)
PROVIDE WOODEN GATE/DOOR TO MATCH EXISTING WOODEN GATE (BY OTHERS)
MAN DOOR
VERIFY LOCATION
GENERATOR PAD
1/4" = 1'-0"

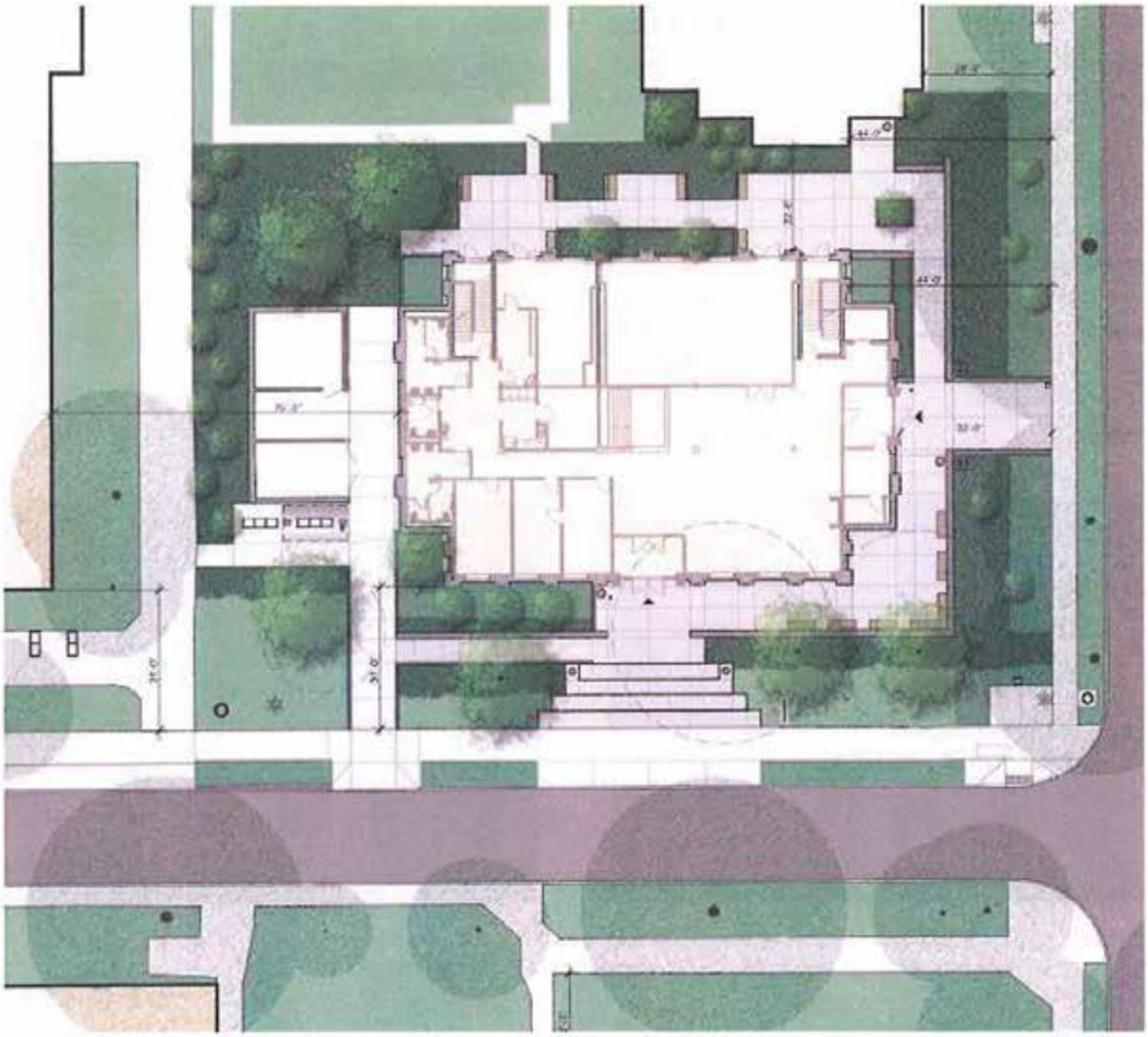
CROP SCIENCE BUILDING

Building Gross Square Feet	52,737
Building Footprint (Sq Ft)	15,249
Building Height (Ft)	63.8
Enclosure Footprint (Sq Ft)	178
Enclosure Height (Ft)	8.0
Percent of Building GSF	0.3%
Percentage of Building Footprint	1.2%
Method of Screening	Masonry Wall
Material	Conrete Block
Facility	Generator
Within Historic District	No
Timing	Addition

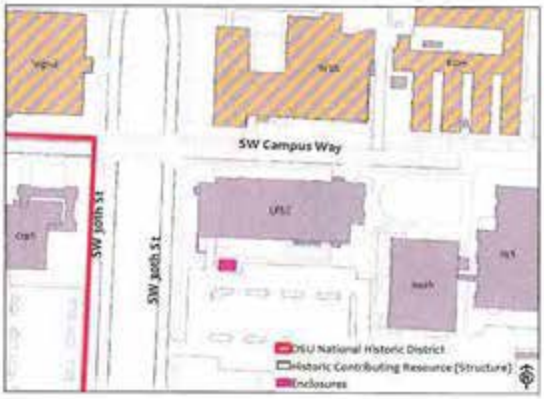

11'-0"
16'-0"
(2) 4"~ ELECTRICAL CONDUITS PROVIDED & INSTALLED BY OWNER.
UP
N
PROPOSED GENERATOR
DN
8"x8"x16" REINFORCED CMU BLOCK WALL
12" THICK CONCRETE SLAB REINFORCED W/ #5 BARS @ 12" O.C. EA WAY OVER 6" LAYER OF [MINUS GRAVEL FILL COMPACTED TO 95% RMD. TYP.
COORDINATE WITH OWNER, PLACEMENT OF UNDERGROUND ELECTRICAL CONDUIT SERVING GENERATOR PRIOR TO CONCRETE POUR.
3'-5"
EXISTING EVAPORATOR
EXISTING EQUIPMENT ENCLOSURE

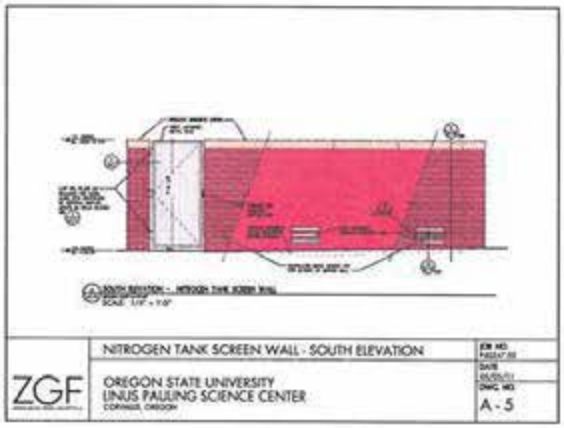
HALLIE E. FORD CENTER

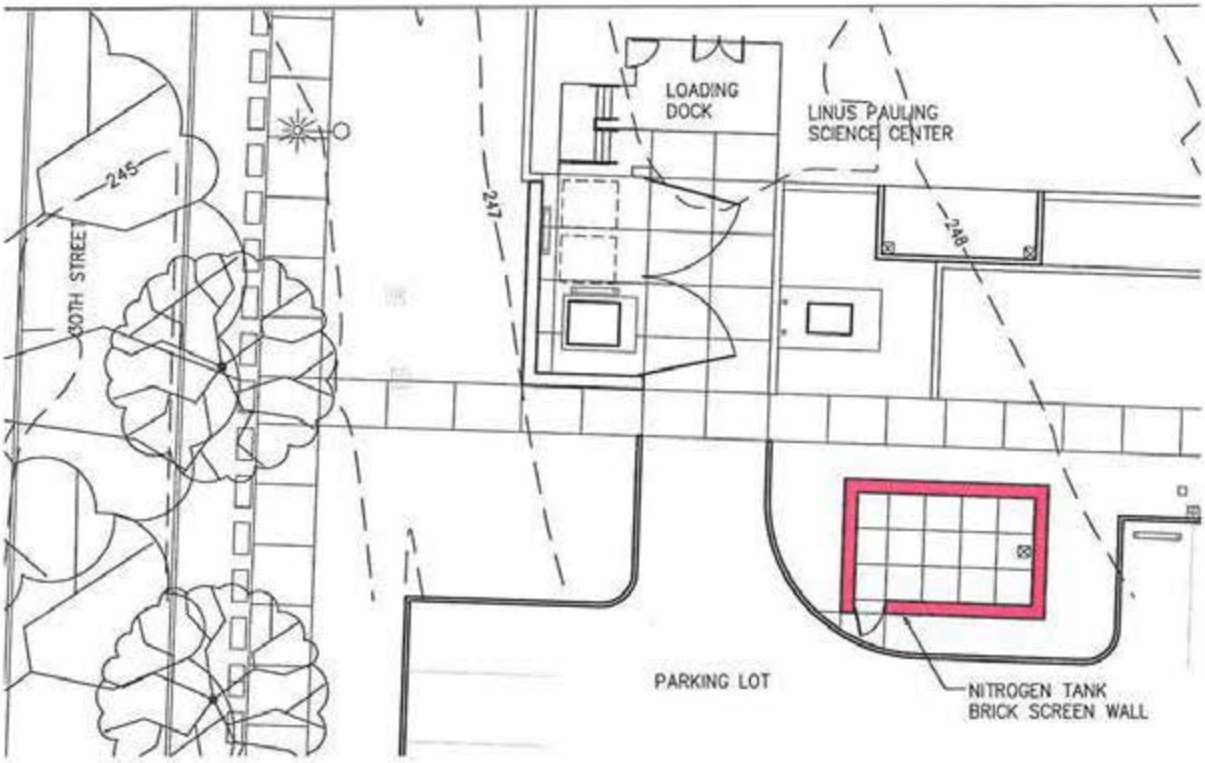
Building Gross Square Feet	20,829
Building Footprint (Sq Ft)	7,454
Building Height (Ft)	52.4
Enclosure Footprint (Sq Ft)	890
Enclosure Height (Ft)	8.0
Percent of Building GSF	4.3%
Percentage of Building Footprint	11.9%
Method of Screening	Masonry Wall
Material	Brick
Facility	Combined
Within Historic District	Yes
Timing	Included in original design

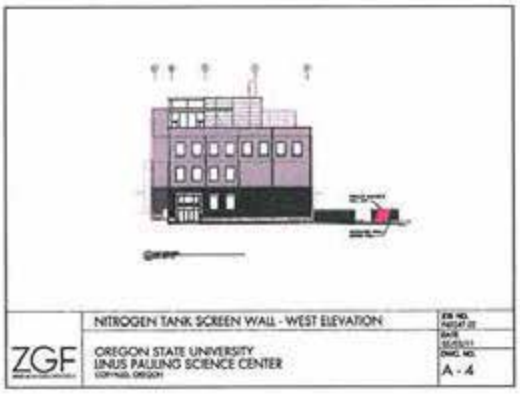


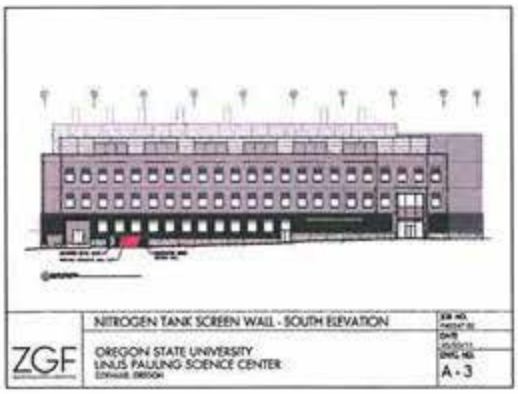
	LINUS PAULING SCIENCE CENTER
Building Gross Square Feet	92,289
Building Footprint (Sq Ft)	27,983
Building Height (Ft)	78.7
Enclosure Footprint (Sq Ft)	438
Enclosure Height (Ft)	7.8
Percent of Building GSF	0.5%
Percentage of Building Footprint	1.6%
Method of Screening	Masonry Wall
Material	Brick
Facility	Nitrogen Tank
Within Historic District	Yes
Timing	Addition



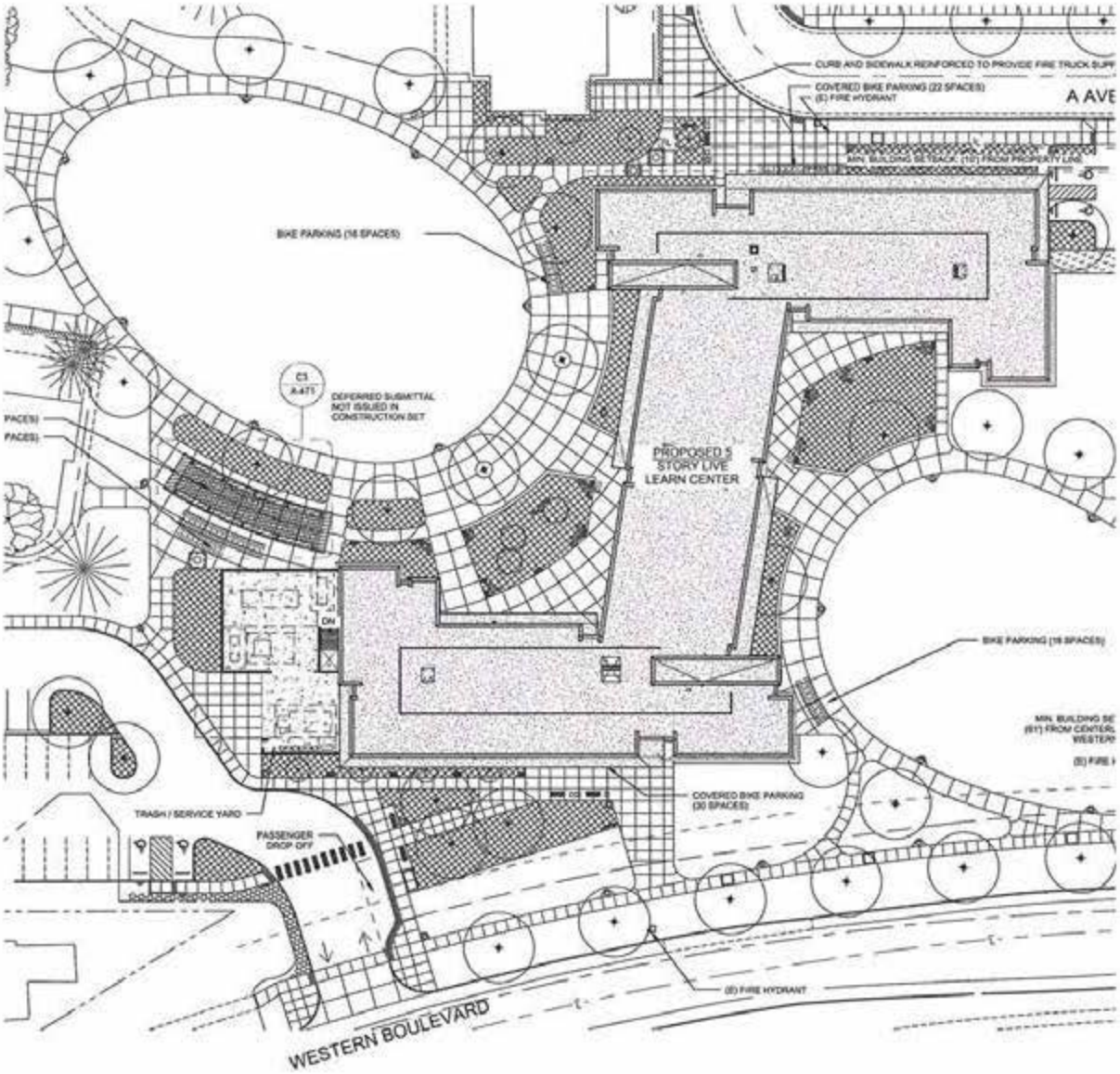



LOADING DOCK
LINUS PAULING SCIENCE CENTER
245
247
248
30TH STREET
PARKING LOT
NITROGEN TANK BRICK SCREEN WALL

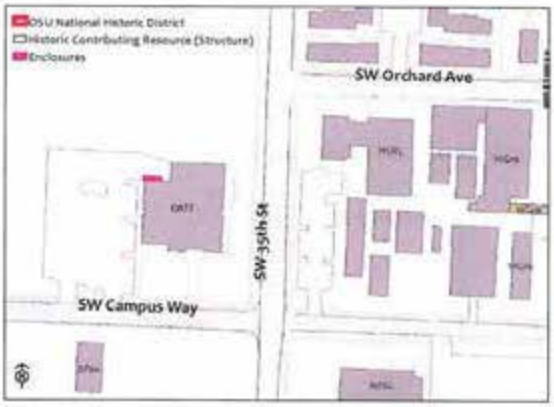

NITROGEN TANK SCREEN WALL - WEST ELEVATION
ZGF
OREGON STATE UNIVERSITY
LINUS PAULING SCIENCE CENTER
A-4


NITROGEN TANK SCREEN WALL - SOUTH ELEVATION
ZGF
OREGON STATE UNIVERSITY
LINUS PAULING SCIENCE CENTER
A-3

	INTERNATIONAL LIVING LEARNING CENTER
Building Gross Square Feet	132,428
Building Footprint (Sq Ft)	30,214
Building Height (Ft)	72.3
Enclosure Footprint (Sq Ft)	2,190
Enclosure Height (Ft)	12.3
Percent of Building GSF	1.7%
Percentage of Building Footprint	7.2%
Method of Screening	Masonry Wall
Material	Brick
Facility	Combined
Within Historic District	No
Timing	Included in original design


CURB AND SIDEWALK REINFORCED TO PROVIDE FIRE TRUCK SUPP
COVERED BIKE PARKING (22 SPACES)
(E) FIRE HYDRANT
A AVE
BIKE PARKING (16 SPACES)
C3
A-471
DEFERRED SUBMITTAL
NOT ISSUED IN
CONSTRUCTION SET
PROPOSED 5
STORY LIVE
LEARN CENTER
BIKE PARKING (16 SPACES)
COVERED BIKE PARKING
(30 SPACES)
TRASH / SERVICE YARD
PASSENGER
DROP OFF
(E) FIRE HYDRANT
WESTERN BOULEVARD

	JAMES OLDFIELD ANIMAL TEACHING FACILITY
Building Gross Square Feet	17,986
Building Footprint (Sq Ft)	17,528
Building Height (Ft)	39.0
Enclosure Footprint (Sq Ft)	174
Enclosure Height (Ft)	7.0
Percent of Building GSF	1.0%
Percentage of Building Footprint	1.0%
Method of Screening	Fence Enclosure
Material	Chainlink
Facility	Generator
Within Historic District	No
Timing	Included in original design



LONGHARD STREET
35th STREET
New
Multi Animal
Teaching Facility
MATF
CONSTRUCTION
STAGING AREA
&
FUTURE
AG ED
FARM SERVICE
SHOP
CAMPUS WAY
CAMPUS WAY
LIVESTOCK
JUDGING

Name	Building			Enclosure		Percent of Building GSF	Percentage of Building Footprint	Percentage of Building Height	Method of Screening	Material	Facility	Within Historic District	Timing
	Gross Square Feet	Footprint (Sq Ft)	Height (Ft)	Footprint (Sq Ft)	Height (Ft)								
BURT HALL	63,816	28,862	60.2	469	12.0	0.7%	1.6%	19.9%	Masonry Wall	Concrete Block and Brick	Generator	No	Addition
CROP SCIENCE BUILDING	52,737	15,249	63.8	178	8.0	0.3%	1.2%	12.5%	Masonry Wall	Conrete Block	Generator	No	Addition
DRYDEN HALL	19,090	7,633	50.6	76	10.9	0.4%	1.0%	21.6%	Vegetation	Vegetation	Generator	Yes	Addition
HALLIE E. FORD CENTER	20,829	7,454	52.4	890	8.0	4.3%	11.9%	15.3%	Masonry Wall	Brick	Combined	Yes	Included in original design
INTERNATIONAL LIVING LEARNING CENTER	132,428	30,214	72.3	2,190	12.3	1.7%	7.2%	16.9%	Masonry Wall	Brick	Combined	No	Included in original design
JAMES E. OLDFIELD ANIMAL TEACHING FACILITY	17,986	17,528	39.0	174	7.0	1.0%	1.0%	17.9%	Fence Enclosure	Chainlink	Generator	No	Included in original design
KERR ADMINISTRATION BUILDING	121,149	31,447	96.0	612	12.3	0.5%	1.9%	12.8%	Masonry Wall	Brick	Generator	No	Addition
LINUS PAULING SCIENCE CENTER	92,289	27,983	78.7	438	7.8	0.5%	1.6%	9.9%	Masonry Wall	Brick	Nitrogen Tank	Yes	Addition
PLAGEMAN STUDENT HEALTH	27,377	10,229	43.0	262	11.0	1.0%	2.6%	25.6%	Masonry Wall	Brick	Generator	Yes	Addition

Overview of Review Levels and Classifications affecting Designated Historic Resources

Review Levels

- **Exempt** – No Historic Preservation Permit (HPP) required, though advisable, and no staff review required.
- **Director – level HPP** – Administrative decision made based on clear and objective criteria. Can be appealed to the HRC.
- **HRC-level HPP** – Decisions made by HRC in public hearing. Can be appealed to the City Council.

Classifications

I. National Register Historic Districts (There are no local Districts, though they are possible)

A. Avery-Helm and College Hill-West Classifications
1. Historic / Contributing
2. Historic / Noncontributing
3. Nonhistoric / Noncontributing

B. OSU District Classifications
1. Eligible / Significant
2. Eligible / Contributing
3. Not Eligible / Non-Contributing
4. Not Eligible / Out of Period (not 50-years old at time of District formation)

II. Individually Listed Resources Not in a District (though some are)

A. Local Register
1. Within a Historic Preservation Overlay and listed by local action.
2. No classifications like in a District, however, it is possible to have buildings of multiple ages within the HPO, including Nonhistoric buildings.
3. Regulated under Chapter 2.9 the same as for Historic Contributing buildings in Districts.

B. National Register
1. Not within a Historic Preservation Overlay unless also in the Local Register, and no local action is necessary to list in the National Register.
2. No classifications like in a District, however, it is possible to have buildings of multiple ages on the National Register site, including Nonhistoric buildings.
3. Regulated under Chapter 2.9 the same as for Historic Contributing buildings in Districts.

Attachment B - 1

Selected Definitions of Historic Preservation terms found in LDC Chapter 1.6 – Definitions

Corvallis Register of Historic Landmarks and Districts (Local Register) - City's official list of Locally-designated Historic Resources.

Designated Historic Resource - Historic resource that has been determined through an official action to meet criteria for Historic Significance, resulting in the resource being Locally-designated and/or Nationally-designated, as more specifically defined below. Chapter 2.9 - Historic Preservation Provisions applies to all Designated Historic Resources, regardless of whether they are Locally- or Nationally-designated. Some Designated Historic Resources are listed in both the Local Register and the National Register of Historic Places.

a. **Locally-designated** - Locally-designated Historic Resource is listed in the Corvallis Register of Historic Landmarks and Districts (Local Register). To list a property in the Local Register, a property owner must obtain approval for a Zone Change to apply a Historic Preservation Overlay to the subject property. A Historic Preservation Overlay denotes the Locally-designated Historic Resource on the City's Zoning Map. Property owner approval for local designation is required.

b. **Nationally-designated** - Nationally-designated Historic Resource is listed in the National Register of Historic Places. To list a property in the National Register of Historic Places, approval must be obtained in accordance with state and federal processes and criteria listed in 36 CFR 60. Local level input regarding a proposed National Register of Historic Places nomination normally is solicited; however, official local action does not occur. Because Nationally-designated Historic Resources are subject to the Historic Preservation Provisions of Chapter 2.9, a notation indicating that a property is listed in the National Register of Historic Places is included on the City's Zoning Map.

Historic Resource - Building, district, object, site, or structure that has a relationship to events or conditions of the human past, as defined in OAR 660-023-0200(1)(c) and 40 CFR 60.3.

National Register of Historic Places (National Register) - Nation's official list of significant historic resources worthy of preservation, as authorized by the National Historic Preservation Act of 1966, as amended. The National Register of Historic Places is administered by the National Park Service, U.S. Department of the Interior. Historic resources may be added to the National Register of Historic Places on an individual basis and/or as part of a Historic District. Under state law, National Register of Historic Places historic resources are defined as historic resources of statewide significance. All National Register of Historic Places historic resources are defined as Designated Historic Resources in this Code.

National Register of Historic Places Historic District Classifications - Historic resources in an approved National Register of Historic Places Historic District are classified as Historic/Contributing, Historic/Noncontributing, or Nonhistoric/Noncontributing. The components of these classifications are defined as follows:

a. **Historic** - At least 50 years old at the time of designation and called out as Historic in the Historic District Nomination.

b. **Nonhistoric** - Not yet 50 years old at the time of designation or called out as Nonhistoric in the Historic District Nomination.

c. **Contributing** - A resource in a National Register of Historic Places Historic District which, at the time of designation, retained a sufficient amount of Historic Integrity relevant to the Period of Significance to convey its historic appearance and Historic Significance.

d. **Noncontributing** - A resource in a National Register of Historic Places Historic District which, at the time of designation, lacks Historic Integrity relevant to the Period of Significance, and/or which is not historic.

The City shall refer to the final approved National Register of Historic Places Historic District nomination forms to determine the appropriate classification that applies. In some cases, more than one classification may apply to a property; for example, a primary structure on a site, such as a Single-family detached home, may be classified as Historic/Contributing, while an accessory structure, such as a detached garage, may be classified as Nonhistoric/Noncontributing.

Vacant lots or parking lots shall be evaluated per the requirements for Nonhistoric/ Noncontributing resources contained in this Code. Any reclassifications for these or any other Designated Historic Resources listed in a National Register of Historic Places Historic District shall be accomplished per state and federal requirements.

Nonhistoric - For historic resources not already specifically classified as part of a National Register of Historic Places Historic District (classifications for said District include Historic/Contributing, Historic/Noncontributing, and Nonhistoric/Noncontributing), the term Nonhistoric means resources that are less than 50 years old.

Memorandum

To: Historic Resources Commission

From: Bob Richardson, Associate Planner

Date: November 26, 2013

Subject: LDC Chapter 2.9 Draft Proposed Revisions

In recent months the City Council requested that staff examine Land Development Code (LDC) Chapter 2.9 – Historic Preservation Provisions and propose revisions to it that would potentially reduce the number of required Historic Preservation Permits (HPPs), particularly from OSU, without unduly compromising the ability to protect Designated Historic Resources. Consequently, Planning Division staff are developing proposed amendments to Chapter 2.9. The proposed amendments are primarily to Section 2.9.70 – Exemptions from Historic Preservation Permit Requirements, and Section 2.9.100.03 – Alteration or New Construction Parameters and Review Criteria for a Director-level Historic Preservation Permit. The amendments are intended to simplify and clarify existing text, while also expanding the amount of change that can occur to Designated Historic Resources with limited staff review.

The process for amending Chapter 2.9 is generally as follows:

- HRC work session 1 – focused on exempt activities
- HRC work session 2 – focused on Director-level activities
- Planning Commission review and recommendation to the City Council
- City Council review and decision

Enclosed with this memo are draft amendments to Section 2.9.70 (exemptions). The purpose of HRC review is to test the concepts in the proposed amendments and explore ideas for revising the City's Historic Preservation Provisions. It is not necessary to decide on exact language during HRC review. For example, staff propose as an exempt activity allowing freestanding enclosures in the OSU Historic District that are less than 6-ft tall and 225 sq. ft. in area, even if visible from streets. The HRC may decide that the dimensions should increase to 10-ft tall and 500 sq. ft. Rather than spending time rewriting the Code language during the meeting, it would be sufficient to know that the HRC would be comfortable with the larger dimensioned enclosures. Staff will re-work the actual text after the work session.

To assist with review of proposed amendments, please prepare questions and comments before the meeting. It may also be helpful to refer to LDC Chapter 1.6 –

Definitions, which defines many terms such as Nonhistoric, Historic Classification, Alteration, New Construction, etc.

Ideas for Modifying Exemptions in Chapter 2.9

Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
a. Interior Alterations - Changes to the interior of a Designated Historic Resource that do not alter the building exterior.			
b. Routine Maintenance and/or In-kind Repair or Replacement - Routine maintenance of any exterior feature of a Designated Historic Resource that does not involve a change in the design or style, dimensions, or material of the resource. A complete definition for In-kind Repair or Replacement is contained in Chapter 1.6 - Definitions. The In-kind Repair or Replacement of deteriorated materials is also allowed; however, it is recommended that repair be considered prior to replacement. Also included in routine maintenance are the following: 1. Routine site maintenance - Pertains to landscaping maintenance, brush clearing and removal of debris, pruning of shrubs, and removal of shrubs not listed as original plantings in the official historic inventory, or other sources of information listed in Section 2.9.60.c; 2. Pruning of trees - Pruning of trees that are located on Designated Historic Resource properties shall be in accordance with the most current edition of American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and/or resource functions; and 3. Removal of trees that are not considered to be Historically Significant Trees, based on the definition in Chapter 1.6 - Definitions.			

Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
c. **Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. Exemption does not apply to artwork attached to buildings, murals, or painting over existing architectural features, such as signs, or previously unpainted metalwork, brickwork, stonework, and masonry.	**c.** **Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. This e~~E~~xemption does not apply to ~~artwork attached to buildings, murals, or~~signs that are 50-years old or older, or painting ~~over existing architectural features, such as signs, or~~ previously unpainted~~ metalwork~~, brickwork, stonework, and masonry. New signs are not exempt from the need for a Historic Preservation Permit under this criterion.	Proposed changes clarify that exemption applies only to unpainted brickwork, stonework, and masonry. Permits murals on previously painted surfaces. Removes reference to "architectural features" as this can be very broadly interpreted and is not defined. Removes restriction on painting unpainted metal work, because staff is unaware of any kind of metal work that should not be painted or that would be historically inappropriate to paint. The last sentence is intended to clarify that, while painting is generally exempt, if what is painted is a sign, other provisions apply.	

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

Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
e. Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District - Exterior Alteration or New Construction to a property in a National Register of Historic Places Historic District that is classified in its entirety as Nonhistoric/Noncontributing shall be exempt from review, provided the Alteration or New Construction is not visible from public rights-of-way or private street rights-of-way, except for alleys, from which it may be visible, and the Alteration or New Construction is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.	See page 15		
f. Installation of Removable Screen and Storm Doors and Windows - A screen door is a secondary door attached over a structure's primary door to allow additional air flow when the door is open, while simultaneously providing some basic door functions. A storm door or window is a secondary door or window attached over a structure's primary door or window to protect the primary door or window against weather impacts. Installation of screen and storm doors and windows are exempt, provided they do not function as replacements for primary doors and windows, are installed in a manner that is Reversible, and do not damage or permanently alter external historic features of the Designated Historic Resource. Unpainted metal is not exempt.			
g. Installation of a Removable Heating or Cooling Device - Installation of a removable heating or cooling device, such as an air conditioning unit, in an existing building opening, provided that none of the external historic features of the resource are altered.	**g. Installation of a Removable Heating or Cooling Device** - Installation or removal of a removable heating or cooling device, such as an air conditioning unit, in an existing building opening, provided that none of the external historic features of the resource are altered.	This change clarifies that existing devices can be removed.	

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Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
h. Accessory Development - Installation of the following accessory items are exempt from the need for a Historic Preservation Permit: 1. Benches; 2. City-standard bus shelters; 3. Blue light security kiosks; 4. Replacement of uncovered bicycle racks with new uncovered bicycle racks on the same or other hard mounting/parking surface. 5. Trash / Recycling receptacles with footprints less than 15 sq. ft. and meeting other Code standards; and 6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets the criteria in Chapter 4.3 - Accessory Development Regulations, is not visible from public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.	**h. Accessory ~~Development~~ Structures Within the OSU Historic District –** Installation of ~~of the following~~of ~~a~~Accessory Structures within the OSU Historic District ~~items~~ are exempt from the need for a Historic Preservation Permit if all of the following standards are met: 1. The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and 2. The structure is free-standing, less than 200 sq. ft., and less than 14-ft tall, unless a bicycle parking facility or transit shelter which may be up to 400 sq. ft.; and 3. The structure is not located within a Contributing open space area, except as permitted by (a) and (b) below: a. The structure's footprint, not including footings or foundations, does not exceed 25 sq. ft.; b. Site furnishings and amenities such as, but not limited to, benches, bicycle parking racks, light poles, bike repair kiosks, security kiosks, trash / recycling receptacles. This exemption (h.3.a) does not include dumpsters, ground level mechanical equipment, transformers, similar structures, or associated screening unless exempt under Section 2.9.70.z and 2.9.70.aa.	• Gives blanket exemption to accessory structures that are less than 200 sq. ft. and less than 14-ft tall rather than trying to list all potential structures that are exempt. The 200-ft and 14-ft numbers correspond to those in Section 4.3.30.e. • Additions to existing buildings are not exempt under this provision. • Allows structures to be exempt even if visible from streets. • Maintains separate exemption standards for ground-level equipment and enclosures under 2.9.70.aa.	•

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Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
h. Accessory Development - Installation of the following accessory items are exempt from the need for a Historic Preservation Permit: 1. Benches; 2. City-standard bus shelters; 3. Blue light security kiosks; 4. Replacement of uncovered bicycle racks with new uncovered bicycle racks on the same or other hard mounting/parking surface. 5. Trash / Recycling receptacles with footprints less than 15 sq. ft. and meeting other Code standards; and 6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets the criteria in Chapter 4.3 - Accessory Development Regulations, is not visible from public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.	**h.2 Accessory Development Not Within the OSU Historic District** - Installation of the following ~~accessory items~~Accessory Structures are exempt from the need for a Historic Preservation Permit if all of the following standards are met: 1. The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and 2. The structure is free-standing, less than 200 sq. ft. (floor area) and less than 14-ft tall; and 3. Is not visible from public or private street rights-of-way (except for alleys, from which it may be visible). ~~Benches;~~ ~~2. City-standard bus shelters;~~ ~~3. Blue light security kiosks;~~ ~~4. Replacement of uncovered bicycle racks with new uncovered bicycle racks on the same or other hard mounting/parking surface.~~ ~~5. Trash / Recycling receptacles with footprints less than 15 sq. ft. and meeting other Code standards; and~~ ~~6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets the criteria in Chapter 4.3 - Accessory Development Regulations, is not visible from public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.~~	**Non-OSU Changes** • These provisions apply to the Avery-Helm, College Hill – West and other individually listed resources outside of the OSU historic district. • Gives blanket exemption to accessory structures meeting specified size limits, rather than specifying which structures are exempt. • States that this only applies to free-standing structures, not additions to buildings. • One idea would be to allow such structures to be visible from streets, as long as they are set back at least 60-ft from property lines parallel to streets. • Proposed subsection 3 could be revised to include landscape features such as benches, gardens, statuary, etc. that are visible from streets. This would clarify that those items are exempt, but would also imply that other unlisted items are not exempt.	

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Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
i. Moving or Demolishing Structures - Moving or demolition of structures, provided: 1. The structure is in a National Register Historic District, and is classified as Nonhistoric/Noncontributing, or Nonhistoric per the definition in Chapter 1.6 - Definitions; or 2. The structure is on an Individually Designated Historic Resource outside of a National Register District; and a. Is Nonhistoric per the definition in Chapter 1.6 - Definitions; and b. Is a freestanding Accessory structure, less than 200 sq. ft. and less than 14 ft. in height; and 3. In all cases, moving or demolishing the structure, shall not damage, obscure, or negatively impact a Designated Historic Resource.	**i. Moving or Demolishing Structures** - Moving or demolition of Accessory ~~s~~Structures, provided the structure is: 1. Freestanding, less than 200 sq. ft. (building footprint) and less than 14 ft. in height; and 1. ~~The structure is~~Within ~~in~~ a National Register Historic District~~,~~ and ~~is~~ classified as Nonhistoric/Noncontributing, ~~or Nonhistoric per the definition in Chapter 1.6 - Definitions~~; or 2. ~~The structure is o~~ A Nonhistoric structure on an Individually Designated Historic Resource property outside of a National Register District. ~~; and~~ ~~a. Is Nonhistoric per the definition in Chapter 1.6 - Definitions; and~~ ~~b. Is a freestanding Accessory structure, less than 200 sq. ft. and less than 14 ft. in height; and~~ 3. In all cases, moving or demolishing the structure, shall not damage, obscure, or negatively impact a Designated Historic Resource.	• OSU uses slightly different classification nomenclature than the other two historic districts. These terms should be defined elsewhere in the Code. For example, in the OSU District Contributing equals Historic / Contributing. • This change permits the demolition of Nonhistoric / Noncontributing buildings, and Nonhistoric buildings	•
j. Installation of Satellite Dishes - Installation of a satellite dish on a facade not facing public or private street rights-of-way, except for alleys, from which it may be visible, provided the dish is less than 30 in. in diameter.			

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Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
k. **Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices** - Installation of access ramps, sidewalk wheelchair ramps, and fire/life safety devices that are compliant with the Americans with Disabilities Act (ADA), provided the installation is Reversible, none of the external historic features of the resource are damaged or permanently altered, and the following criteria, as applicable, are satisfied: 1. Access Ramps on Historic Contributing Resources - No more than 30 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%. 2. Access Ramps on Nonhistoric/ Noncontributing Resources - No more than 48 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%. 3 Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements. 4. Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone.	k. **Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices** - Installation of access ramps, sidewalk wheelchair ramps, and fire/life safety devices, such as wall or post mounted door opening sensors and knox boxes, that are compliant with the Americans with Disabilities Act (ADA), provided the installation is Reversible, none of the external historic features of the resource are damaged or permanently altered, and the following criteria, as applicable, are satisfied: 1. Access Ramps on Historic Contributing Resources - No more than 30 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%. 2. Access Ramps on Nonhistoric/ Noncontributing Resources - No more than 48 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%. 3. Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements. 4. Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone. 5. Roof Top Fall Protection Rails and Anchors – If required to comply with the Building Code.	• These changes specify that wall or post mounted sensors and knox boxes are included in the exemption. • These changes add a provision exempting fall protection anchors and rails. This is a fairly common OSU request and such features are typically required to meet Building Code. This would result in anchors on flat roofs that could be visible to pedestrians.	

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Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
l. Conversion of Existing Vehicular Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA) - Conversion of existing vehicular parking spaces to vehicular parking spaces that are needed to achieve compliance with the Americans with Disabilities Act (ADA), provided no additional impervious surface is created.	**l. ~~Conversion of Existing Vehicular~~ Vehicle Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA)** - ~~Conversion of existing vehicular~~Creation of vehicle parking spaces ~~to vehicular parking spaces that are needed~~ required to achieve compliance with the Americans with Disabilities Act (ADA). ~~, provided no additional impervious surface is created.~~	Since the Director has to approve new ADA parking per Section 2.9.110.c with no consideration of any criteria other than that the spaces are required to meet ADA, it seems like it could just be made exempt. If so, the following Director-level provision can be deleted. **c. Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Addition of vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.l.	
m. Fencing Installation, Extension, or Removal - Installation or extension of new wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50. Additionally, the removal of an existing wood or chainlink fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.	**m. Fencing Installation, Extension, or Removal** ~~-~~ 1. Installation or extension of ~~new~~ wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50. 2. ~~Additionally, the r~~Removal of ~~an existing wood or chainlink~~ a fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c. 3. If in the OSU Historic District, installing and removing, or moving fencing provided the fencing standards in Section 4.2.50, and Chapter 3.36 – OSU Zone are met, and the fence is not identified as Historically Significant based on any of the sources of information listed in Section 2.9.60.c.	These changes are intended to simplify the language, and also make almost all fencing related development exempt in the OSU Historic District.	

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Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
n. Freestanding Trellises - Installation of freestanding trellises that are less than 14 ft. in height, Reversible, and do not damage any significant external architectural features of the Designated Historic Resource.			
o. New, Repair, or Replacement Landscaping and Tree Planting - Installation of new, repair, or replacement landscaping, including tree planting, and related appurtenances, such as irrigation sprinklers. The installation shall not damage any significant external architectural features of Designated Historic Resource structures, or damage any Historically Significant Trees or other Historically Significant landscaping or landscapes on the Designated Historic Resource site, as identified in the official historic inventory or other sources of information listed in Section 2.9.60.c.		Chapter 2.9 does not currently contemplate landscape features such as	
p. Building Foundations - Altering a building foundation or installing a new foundation, provided the foundation material is not specifically identified as Historically Significant, and: 1. The Alteration or New Construction is required to meet present-day Building Code requirements; 2. The building elevation is not raised by more than 12 in.; and 3. The existing foundation is 18 in. high or less.			

Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
q. **Installation of New, and Repair or Replacement of Gutters and Downspouts** - Installation of new, and repair or replacement of existing gutters and downspouts using materials that match the appearance of the gutters and downspouts being replaced or match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The new, replaced, or repaired gutters and downspouts shall not damage or obscure any significant architectural features of the structure.	q. **Installation of New, and Repair or Replacement of Gutters and Downspouts** - Installation of new, and repair or replacement of existing gutters and downspouts, including scuppers, using materials that match the appearance of the gutters and downspouts being replaced or match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The new, replaced, or repaired gutters and downspouts, and scuppers shall not damage or obscure any significant architectural features of the structure.	• Scuppers would very likely be in parapets, and if not done properly could negatively impact a historic structure. If done properly, they have a minor visual and physical impact on a building. Would the HRC like to include these as an exemption?	•
r. **Utility Poles** - Installing, relocating, or removing utility poles.			
s. **Uncovered Rear Deck or Patio Additions 350 Sq. Ft. or Less** - Installation or removal of an uncovered deck or patio, provided the deck or patio is obscured from view from public rights-of-way and private street rights-of-way by a fence, hedge, or other structure. The patio or deck may be visible from alleys. The deck shall be 30 in. or less in height, and shall be constructed in a manner that is Reversible.	s. **Uncovered Rear Deck or Patio Additions** ~~**350 Sq. Ft. or Less**~~ - Installation or removal of an uncovered deck or patio, provided the deck or patio is obscured from view from public rights-of-way and private street rights-of-way by a fence, hedge, or other structure. The patio or deck may be visible from alleys. The deck shall be 30 in. or less in height, and shall be constructed in a manner that is Reversible.	Remove size restrictions on patios. This will mostly affect residential development.	

Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
t. Installation of New, or Replacement of Existing Windows or Doors on Nonhistoric and Nonhistoric/Noncontributing Resources- Installation of new, or replacement of existing windows and doors as follows: 1. Replacement of existing windows and doors with new windows and doors that have double-pane glazing meeting current Building Code energy efficiency standards. The replacements shall otherwise match the replaced items in materials, dimensions, and shape, except that wood or metal-clad wood may be substituted for the original, non-glass materials of replaced items; and 2. New windows and doors on facades that are not visible from public or private street rights-of-way (except for alleys), as defined in Chapter 1.6 - Definitions, may be installed.	**t. Installation of New, or Replacement of Existing Windows or Doors on Nonhistoric and Nonhistoric/Noncontributing ~~Resources~~ Structures -** Installation of new, or replacement of existing windows and doors as follows: 1. ~~Replacement of existing windows and doors with new windows and doors that have double-pane glazing meeting current Building Code energy efficiency standards. The replacements shall otherwise match the replaced items in materials, dimensions, and shape, except that wood or metal-clad wood may be substituted for the original, non-glass materials of replaced items; and~~ 2. New windows and doors on facades that are not visible from public or private street rights-of-way (except for alleys), as defined in Chapter 1.6 - Definitions, may be installed.	• The Building Code requires new windows to meet energy efficiency standards, so Chapter 2.9 does not need to call this out. • Since the structures at issue are Nonhistoric, it doesn't make much sense to require windows and doors to be matched. The historic significance or integrity of these buildings would not be affected, because these structures don't have any historic significance or integrity. • Not having any regulations could result in vinyl windows or "unattractive" changes that might be less than historically compatible within a District. If this is a concern, the exemption could apply to all facades except those visible from streets, per existing Code language in subsection 2. Alternatively, windows could be replaced with windows of the same or similar size (visible from streets) but materials and style could change. • Any changes here need to correspond with 2.9.70.e.	•

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Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
u. **Re-roofing** - Replacement of roofing material with a material similar to, or different from, the existing or original material, provided the existing roofing material is not specifically identified as Historically Significant; and 1. The roof is flat and obscured by a parapet; or 2. The roof is pitched and is being replaced with architectural composition shingles. Skylights shall be addressed in accordance with Section 2.9.70.x, 2.9.100.03.h, or 2.9.100.04, as applicable.	**u.** **Re-roofing** - Replacement of roofing material with a material similar to, or different from, the existing or original material, provided the existing roofing material is not specifically identified as Historically Significant; and 1. The roof is flat and ~~obscured by a parapet~~not visible from public or private street rights-of-way; or 2. The roof is pitched and is being replaced with architectural composition shingles. Skylights shall be addressed in accordance with Section 2.9.70.x, 2.9.100.03.h, or 2.9.100.04, as applicable.	• This change allows flat roofs to meet exemption if obscured from view from things other than a parapet, or simply not visible. • Skylight references may need to be updated based on revisions to those sections.	•
v. **Installation of New or Expanded Pathways** - Installation of new or expanded pathways, provided the pathways are: 1. Constructed of softscape (e.g. bark mulch, etc.), stone steps, or flagstone, and are installed in a manner that is Reversible. Automobile parking is prohibited on pathways; 2. Constructed of concrete, brick or pavers that do not exceed 5 ft. in width, 250 sq. ft., and are installed on residentially zoned sites; or 3. Constructed of asphalt, concrete, brick, or pavers that do not exceed a 12 ft. width, are 1,000 sq. ft. or less, are not part of Historic Contributing open space areas, and are on nonresidentially-zoned sites.	**v.** **Installation of New or Expanded Pathways** - Installation of new or expanded pathways, provided the pathways are not within Contributing open space areas, e.g. OSU Memorial Union Quad: ~~1. Constructed of softscape (e.g. bark mulch, etc.), stone steps, or flagstone, and are installed in a manner that is Reversible. Automobile parking is prohibited on pathways;~~ ~~2. Constructed of concrete, brick or pavers that do not exceed 5 ft. in width, 250 sq. ft., and are installed on residentially zoned sites; or~~ ~~3. Constructed of asphalt, concrete, brick, or pavers that do not exceed a 12 ft. width, are 1,000 sq. ft. or less, are not part of Historic Contributing open space areas, and are on nonresidentially-zoned sites.~~	This change makes installation of sidewalks and paths exempt unless through Contributing open space areas such as the MU or Library Quads.	

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Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
w. Utility Meters, Pipes, and Venting - Utility meters, pipes, and venting may be installed on, moved, or removed from structures, provided they do not alter windows, doors, or architectural details. Installation, alteration or removal of brick, stone, and masonry chimneys are not exempt activities.	**w. Utility Meters, Pipes, and Venting** - Utility meters, pipes, penetration for conduit, wireless routers, and venting may be installed on, moved, or removed from structures, provided they do not alter windows, doors, or architectural details. External pipes, venting, and conduit shall be painted. Installation, alteration or removal of brick, stone, and masonry chimneys are not exempt activities, except under Section 2.9.70.e. Within the OSU Historic District existing fume stacks may be replaced or extended to a maximum height of 16-ft.	• Changes add conduit and wireless routers to exempt items. • The fume stack provision was requested by OSU. • The reference to Section 2.9.70.e may need to change depending on the final revisions to that section.	•
x. Skylights - 1. Skylights from a structure's relevant Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows or doors with glass. 2. Skylights that are existing but are not from a structure's relevant Period of Significance may be removed or retained and repaired in accordance with "1," above. However, in order for these skylights to be retained and repaired, they shall have been constructed prior to the establishment of the relevant Individual or National Historic Designation, or via an approved Historic Preservation Permit. Otherwise, the skylight shall be removed when deteriorated beyond repair or when a structure is being re-roofed, whichever comes first, unless a Historic Preservation Permit is subsequently approved to retain the skylight in accordance with Sections 2.9.100.03.h or 2.9.100.04, as applicable. 3. New skylights may be installed in accordance with Sections 2.9.100.03.h and 2.9.100.04, as applicable.	**x. Skylights** – The following activities involving skylights are exempt: 1. Installation, removal, or alteration of skylights on Nonhistoric and Nonhistoric / Noncontributing buildings; 2. Installation of new skylights where they would not be visible from public or private street rights-of-way, except for alleys. 3. If in a Historic District, replacement or removal of a skylight that was installed after the District's Period of Significance.	• These changes are designed to simplify the existing Code language. • It is anticipated that x.1 would mostly affect accessory structures within an HPO. In a District adding or altering a skylight shouldn't create any impacts. • It is anticipated that x.2 would permit new skylights on any building as long as the skylight is not visible from streets. It would allow skylights on Contributing buildings that might be visible from public areas such as OSU quads.	•

Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
y. Historically Significant Hazardous Trees - Removal of Historically Significant Trees that qualify as Hazardous Trees, based on the definition of Hazardous Tree in Chapter 1.6 - Definitions. The Hazardous Tree determination must be based on a Hazard Tree Evaluation that has been performed by an ISA Certified Arborist or ASCA Consulting Arborist using the 12-point hazard evaluation method, and the associated report must be filed with the Director and the City's Urban Forester. Removal may only occur following the City's Urban Forester's review and approval of the Hazard Tree Evaluation which recommends for removal of the tree. Following removal of the tree, the City shall notify the Historic Resources Commission that the action has occurred. Additionally, if a tree is required in the subject location via other Code provisions, such as those in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting, a new tree shall be planted consistent with those applicable Code provisions.			

Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
z. Ground-Level and Rooftop Mechanical Equipment - Installation of ground-level and rooftop mechanical equipment, limited to equipment not visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening.	**z. Ground-Level and Rooftop ~~Mechanical~~ Equipment**- Installation of ground-level and rooftop ~~mechanical~~ equipment, including solar and hydronic equipment provided all of the following standards are met: 1. Equipment shall ~~limited to equipment~~ not be visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys;~~.~~ 2. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible;~~.~~ 3. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening.	• This exemption has been revised to include solar and hydronic equipment. If this is ok, then Director-level criterion (a) can be deleted. **a. Solar or Hydronic Equipment - Installation of solar or hydronic equipment parallel to the roof surface with no part of the installation protruding more than 12 in. above the roof surface, provided the subject roof surface does not directly front a street. The equipment shall be attached to the Designated Historic Resource in a manner that does not damage any significant architectural features of the structure. Additionally, the installation shall be Reversible.** • The criteria has been broken into subsections to make it easier to read.	•

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Section 2.9.70:	Draft Revisions	Staff Comments	HRC Comments
aa. Required Ground-level Screening - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen: 1. Complies with development standards of the underlying zone; 2. Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure; 3. Is composed of either vegetation, masonry walls, solid wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and, 4. Does not exceed 6 ft. in height, does not exceed 10 ft. in length or width, and does not enclose an area greater than 100 sq. ft.	**aa. Required Ground-level Screening** - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen: 1. Complies with development standards of the underlying zone; 2. Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure; 3. Is composed of either vegetation, masonry walls, ~~solid~~ wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and, 4. Does not exceed 6 ft. in height, does not exceed ~~10~~ 15 ft. in length or width, and does not enclose an area greater than ~~100~~ 225 sq. ft.	• On the OSU campus it is common for required enclosures to exceed 100 sq. ft. A 225 sq. ft., freestanding enclosure would allow greater flexibility without resulting in overly large structures. If freestanding there would not be a physical impact to Contributing structures. • More flexibility could be permitted by allowing enclosures of greater height and of a certain percentage of the building's footprint area. E.g. 10-ft tall and 10% of the size of the building's footprint.	•

Alterations to Nonhistoric and Nonhistoric / Noncontributing Resources

Existing Text

e. Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District - Exterior Alteration or New Construction to a property in a National Register of Historic Places Historic District that is classified in its entirety as Nonhistoric/Noncontributing shall be exempt from review, provided the Alteration or New Construction is not visible from public rights-of-way or private street rights-of-way, except for alleys, from which it may be visible, and the Alteration or New Construction is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.

Proposed Text

Alterations to Structures in the Local Register and Not in a Historic District	**Alterations to Nonhistoric / Noncontributing Structures in National Register Historic Districts other than the OSU District**	**Alterations to Nonhistoric / Noncontributing Structures in the OSU National Register Historic District**
Exterior Alterations, including additions, to structures in the Local Register that are Nonhistoric are exempt from the need for a Historic Preservation Permit if the following standards are met (certain freestanding accessory structures are exempt per Section 2.9.70.h): 1. The Alteration does not exceed the height of the structure being altered, except for chimneys, which may exceed the structure's height to the extent necessary to comply with the Building Code. 2. An addition to the Nonhistoric structure shall not exceed a foot print of 200 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval. 3. Unless exempt under other provisions in Section 2.9.70, Alterations shall not be visible from public or private street rights-of-ways, except for alleys.	Exterior Alterations, including additions, to structures in the College Hill-West and Avery-Helm National Register Historic Districts that are classified as Nonhistoric / Noncontributing are exempt from the need for a Historic Preservation Permit if the following standards are met (certain free standing structures are exempt per Section 2.9.70.h): 1. The Alteration does not exceed the height of the structure being altered, except for chimneys, which may exceed the structure's height to the extent necessary to comply with the Building Code. 2. An addition to the Nonhistoric / Noncontributing structure shall not exceed a footprint of 200 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval. 3. Unless exempt under other provisions in Section 2.9.70, alterations shall not be visible from public or private street rights-of-ways, except for alleys.	Exterior Alterations, including additions, to structures in the OSU National Register Historic Districts that are classified as Nonhistoric / Noncontributing are exempt from the need for a Historic Preservation Permit if the following standards are met (certain freestanding accessory structures are exempt per Section 2.9.70.h): 1. The Alteration does not exceed the height of the Nonhistoric / Noncontributing structure being altered, except for projections permitted under Section 4.9.50.01 – General Exceptions to the Building Height Limitations. 2. An addition to the Nonhistoric / Noncontributing structure shall not exceed a footprint of 400 sq. ft., or 20% of the footprint size of the structure being added on to, whichever is greater. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval.
This criterion is intended to only allow alterations to existing structures on individually listed properties that are not within a District. The idea is that if the structure is Nonhistoric, altering as permitted above would not negatively impact the actual historic building. If chimneys are included as exempt as proposed above, 2.9.70.w – Utility Meters, Pipes, and Venting will need to be updated. Also, the proposed changes remove the need for an exemption for window and door replacements on Nonhistoric buildings, so Section 2.9.70.t would need to be deleted or revised. *Nonhistoric for individually listed properties means not yet 50-years old. This should probably be changed to say not 50-years old at time of listing.*	**Should window replacements, installations, and removal be completely exempt from review on Nonhistoric/ Noncontributing Buildings – even if visible from streets – see Section 2.9.70 t?** *Nonhistoric in a District means not yet 50–years old at the time of designation.*	*The above language permits any alteration to a Nonhistoric / Noncontributing structure on campus, but provides some limits to new additions.* *For additions on structures less than 2,000 sq. ft. the biggest addition would be 400 sq. ft., for structures greater than 2,000 sq. ft., 20% is the larger number.* *Note - Per Section 2.9.70.i Nonhistoric / Noncontributing Structures can be demolished without HPP approval.*