



**JOINT CORVALLIS CITY COUNCIL,
PLANNING COMMISSION
AND
COUNCIL WORK SESSION**

**January 13, 2015
6:00 pm**

**Madison Avenue Meeting Room
500 SW Madison Avenue**

I. ROLL CALL

II. UNFINISHED BUSINESS

- A. Process and Schedule Considerations for Review of OSU-Related Comprehensive Plan Findings and Policies:
- The timeline and process for the comprehensive plan review;
 - The task force make-up for Mayoral appointment; and
 - Concepts for addressing the ambiguities identified by the City Attorney so that preliminary language for a motion for the City Council to consider on January 20 can be crafted

III. ADJOURNMENT

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

A Community That Honors Diversity

MEMORANDUM

January 9, 2015

TO: Mayor, City Council, and Planning Commission
FROM: Nancy Brewer, City Manager *Pro Tem* NB
SUBJECT: Questions and Answers related to the OSU Comprehensive Plan Legislative Process

Staff from the City Attorney's Office and Planning has been working on answers to the questions raised by members of this group. As of late this afternoon, work is still underway and is unlikely to be finished until late Saturday. The meeting packet is being posted without the Q&A which is expected to be sent late tomorrow via e-mail to Mayor, City Council, and Planning Commission. The on-line meeting packet will be updated on Monday. I apologize for this delay.

MEMORANDUM

To: Mayor, City Council and Planning Commission

From: Ken Gibb, Community Development Director
Jim Brewer, Deputy City Attorney

Date: January 10, 2015

Subject: Response to City Councilor Questions Regarding the Legislative Review of OSU-Related Comprehensive Plan Policies

Following are brief responses to questions from City Councilors regarding the Legislative review of OSU-Related Comprehensive Plan Policies. Responses have been provided by staff from the Community Development Department and from the City Attorney's Office.

Questions from Councilor Baker:

- 1. Will there be a conversation with OSU about their plans/needs/interests now that we've decided to initiative a legislative process? If so, who from the city will talk with them?***

OSU staff is aware of the recent discussions and legislative process, and have attended recent City Council meetings related to such. City staff anticipates continuing communication as timing and process are determined. OSU is able to participate in the public process, as would any interested party.

- 2. Would an extension of the current Master Plan be something to consider (both from the city's perspective and OSU's perspective?) What are Pros and Cons? What happens if the current plan were to expire without an official extension?***

An extension to the current Master Plan could be considered. Whether an extension is needed will depend, in part, on the City Council's determination/interpretation of the date of expiration of the Master Plan, and of the implications of the expiration of the Master Plan. Responses to the second and third questions are incorporated in other responses below.

3. *What happens if we don't come to an agreement with OSU about the timing of their application and they submit an application in the middle of the legislative process we've initiated?*

State law would require the City to process the application based on the rules in place at the time of application. Assuming that the application is a Campus Master Plan update, the application could include a number of components, including a proposed Comprehensive Plan and Land Development Code Text Amendment and a Major Adjustment, which would be evaluated using the compatibility criteria and following the process that would be applied to a Major Planned Development Modification. Because the Campus Master Plan is a supporting document to the Comprehensive Plan, the Council should also review the updated CMP for consistency with Comprehensive Plan policies in existence at the time of the application.

4. *The November 13 legal memo identifies a number of ambiguities for the Council to consider addressing and explains that the "timing of these interpretations may affect the process or decisions that the Council or Planning Commission make." What are the options/timing for addressing each of these?*

Subsequent memoranda have addressed the sequence of Council decision-making to initiate this process. The City Attorney's Office has recommended making these interpretations earlier in the process, but that is a Council decision.

5. *Is there an opportunity here to strengthen the foundation/scope of our "Comprehensive" review? What happens if the planning period expires?*

Yes. See the answer to the additional question, below.

5a. *I also have an interest in knowing what would be involved in making a finding that there are changed conditions in relation to triggering an update of the CMP before the end of the planning period - however the planning period is ultimately defined. And, if that finding were to be made, what it would/could mean for how/if land use decisions would proceed under the plan. Here's the language I'm referencing for this...*

Section 3.36.40.05- Campus Master Plan Update

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The CMP covers a 10- to 12-year planning period. However, if conditions change significantly or other unanticipated events occur, it may be necessary to update the CMP before the end of the planning period. An update of the CMP shall be reviewed as described in Section 3.36.40.02.b "1", through "3". The review shall comprehensively evaluate the need to update or otherwise modify the Campus Master Plan, its policies and related traffic and parking studies, and this Chapter.

The language you've highlighted from LDC 3.36.40.05 clearly allows the Council to conduct a review and update of the CMP (and therefore LDC 3.36 itself) at any time during the planning period, once the Council determines unexpected events have occurred. Adopting a finding that unanticipated events have occurred would require a motion. The Council has already decided to undertake a review and update, but the motion to initiate the legislative process did not expressly state that it was due to changed conditions. The Council could reasonably adopt a finding that these have occurred.

Similarly, although the Council initiated the legislative process to begin with a review of the Comprehensive Plan, the Council could expressly state its intention to follow a process that reviews the Comprehensive Plan findings and policies, the implementing regulations in LDC Chapter 3.36, and the text of the Campus Master Plan as the natural outcome of the initial legislative review. For the sake of clarity, a motion directing the work or providing the charge of the group conducting the review would be appropriate.

6. *Are there any possibilities that the legislative process we are setting out can be challenged before we are done with it? If so, could the process be delayed/derailed? And then what?*

Legislative land use decisions could not be appealed until a final written decision was made by the Council. Once a final written decision is made, it can be appealed. If appealed, the City would need to address the appeal consistent with LDC requirements and State law.

7. *Can the process be challenged after we finish it? If so, what is the worst possible outcome of a challenge?*

Yes, it could be appealed. The City's decision, presumably to amend certain Comp Plan findings and policies, and implementing regulations, could be reversed, meaning we would revert to using existing Comp Plan findings and policies. If there is no decision at the end of the legislative review process, it could not be appealed. The appeal itself could go through several levels of review, and take a number of years (the last

Comprehensive Plan periodic review was under appeal at DLCD, LUBA and the Court of Appeals for years).

8. *Is there any precedent for our action that could help inform the structure of the legislative process?*

Prior City Councils have conducted legislative reviews of the Comprehensive Plan. Generally, those reviews would have been complete updates to the Comprehensive Plan, but it's possible that more limited scale legislative reviews of the Comprehensive Plan have been conducted in the past. The OSU Master Plan and the associated implementing zone are unique within the context of Corvallis' land use regulations, so there are no other precedents we can look to that are clearly comparable in all respects.

9. *Are we setting some type of precedent for other reviews the Council may do/need to do in the future? If so, what should we consider as we structure the legislative process?*

We are not necessarily setting a precedent for other reviews with this process because the OSU planning process is unique.

10. *Has there been a partial update of the Comp Plan before – any lessons to inform?*

The City Council has handled numerous partial updates to the Comp Plan in the past, some of which were initiated by the City Council, others that were initiated by private parties through the land use application process. That process is well known. The complexity comes with determining how this Comp Plan review will influence the OSU District Plan Update application, as well as potential future changes to the Land Development Code.

11. *Who will lead the process? A select group of 3 Planning Commissioners and 3 City Councilors as suggested at the Work session? Any problems for these particular folks if/when they then need to review the Master Plan quasi-judicially? Other ideas?*

The make-up of the task force is to be determined by the City Council. The City Attorney will advise participants regarding how to avoid conflict of interest and bias concerns. The City Attorney does not anticipate that this process will create any unusual challenges.

12. *The staff memo suggests two work sessions in January-early Feb. with a public comment opportunity in between. Given all the questions above, is it possible for us to jump into things this quickly?*

Some revised scheduling options are presented in the January 9, 2015, Memorandum from the Community Development Director. Both schedules are viable, and other alternatives are possible, but will be subject to noticing requirements and other considerations.

- 13. *The staff memo suggests a minimum process that would be done by May. Is there a particular importance to being done in May? A recent timeline in the city council packet from OSU said they'd submit an application in April with final edits to app in June. Does it have something to do with that? See related questions about timing of OSU application above.***

As noted in the January 9, 2015, Memorandum from the Community Development Director, the relationship between this Comprehensive Plan review process and OSU's timeline for updating the Campus Master Plan (CMP) is a key consideration that will be informed, in part, by the City Council's determination of the effective period of the current CMP approval.

- 14. *Is updating the LDC also factored into the timeline? There is only a reference to Comp Plan findings and policies. If not, how much longer would it take to update the LDC?***

No, an update to the LDC is not factored into this timeline. Such a process would likely add many months (six or more) to the timeline, and would require a broad-based public involvement process.

- 15. *The staff memo notes: "We note that this process does not include community member/stakeholder participants...as has been past practice." What have past processes looked like? What would be the possible public input scenarios and their corresponding effects on the timeline?***

Public input opportunities will be needed for the Comprehensive Plan review process. The Option 1 and 2 schedules provided in the January 9, 2015, Memorandum from the Community Development Director both include public comment opportunities hosted by the Task Force, in addition to the public hearing processes before the Planning Commission and City Council that would be required in association with consideration of any Comprehensive Plan Amendment. Option 2 would provide a number of such public comment opportunities, and would allow time for the use of an on-line public involvement tool.

The engagement of stakeholders is a different question. Quite often, with efforts such as this, a working group would include the participation of community members and other stakeholders. In this case, a smaller task force, composed of Planning Commissioners and City Councilors, is contemplated. This is proposed in the interest of expediency,

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since formation of a larger group entails identification and selection of stakeholders and community members to participate in the process, which requires additional time and complexity. One example of a recent work group that was formed along more traditional lines was the Neighborhood Planning Work Group, which was formed as part of the Corvallis/OSU Collaboration effort. That group contained current and former Planning Commissioners and City Councilors, neighborhood leaders, OSU Housing staff, an affordable housing advocate, and a member of the local development community. The group met for over a year and developed a number of recommendations related to neighborhood planning.

- 16. *Usually a Vision Statement informs the Comp Plan. We'd be using an old vision statement and/or in the process of updating it (and possibly creating a strategic/action plan along with it). Similar situation with the Comp Plan. Is there any way to address this – maybe stair-step the processes/use one process to inform another?***

Yes, the Vision Statement informs the Comprehensive Plan. However, the Vision Statement is a broadly-worded, aspirational document which describes desired conditions in our community in the future. An updated Vision Statement could be useful to inform this Comprehensive Plan review process, but is not required. We do not anticipate that the City's current 2020 Vision Statement would constrain considerations in this CP review process. A thorough and broadly-inclusive visioning process would require six months or more, which would significantly extend the proposed CP review.

- 17. *How will the review of the Comp Plan (and LDC?) be conducted? "Broad policy discussions"? Topic by Topic? (e.g. housing, etc.)***

The process for this limited Comprehensive Plan review will be determined by the City Council and/or Task Force. Staff has provided some considerations in the January 9, 2015, Memorandum from the Community Development Director.

- 18. *What are the data needs for the Comprehensive Plan Review? Using existing data could be a problem since Vision and Comp Plan are outdated? Any new studies/surveys that may need to be conducted? If so, what would be process, timing, and/or funding needs?***

Yes, there will likely be a desire for updated data regarding OSU, including enrollment numbers, on-campus housing, and parking information. The Corvallis/OSU Collaboration produced information that may be of use in this effort, but there may be a need for additional information. City staff has already begun assembling some of the information that is anticipated to be needed for this effort. Ultimately, the Task Force is expected to provide direction regarding necessary information.

Questions from Councilor York:

19. ***If something appears in the CMP, but not in the LDC or Comp Plan, is it enforceable by the City?***
- ***Example: the CMP 5.1.b requires that a Campus Planning Committee (CPC) with a membership including the City and the Corvallis community will review building proposals, zoning regulations, and related issues. In the development of the Linus Pauling Center no committee was formed and no review was done. The University informed the City that it wasn't necessary because the CPC wasn't mentioned in LDC 3.36.***

The answer is complicated and depends on a variety of factors, including an interpretation of the relationship between the Land Development Code, the Comprehensive Plan and the Campus Master Plan. The Comprehensive Plan is a policy document. The Comprehensive Plan doesn't contain express language regarding how the City enforces provisions of the Comprehensive Plan, outside of implementation through the Land Development Code. The Campus Master Plan is a supporting document to the Comprehensive Plan, so one interpretation is anything in the CMP is in the Comp Plan. LDC Chapter 3.36 states expressly that it implements the Comprehensive Plan and that it implements the Campus Master Plan. Within Chapter 3.36 are standards and monitoring requirements. Throughout the Land Development Code a number of provisions, including LDC 3.36, refer back to the policies of the Comprehensive Plan as applicable review criteria for particular land use decisions.

If the question is whether the City can undertake "enforcement" in terms of identifying violations, providing notice and seeking penalties, the mechanism the City Council enacted is Chapter 1.3 of the Land Development Code. On its face, provisions of the Campus Master Plan that are not expressly incorporated within the Land Development Code do not seem to be enforced directly through Chapter 1.3.

If the question is whether the City can undertake "enforcement" of provisions of the Campus Master Plan in terms of requiring OSU to comply with the provisions of the Campus Master Plan as part of review of a land use proposal, then the City may be able to do so, depending on the nature of the particular application. For some development, only the standards in LDC 3.36 may be applicable (although it might be possible for the Council to adopt a plausible interpretation of some portions of LDC 3.36 incorporating the Comprehensive Plan or Campus Master Plan into those proposals). For other development, following the express language of Chapter 3.36, review requires

evaluation against the criteria found in LDC 2.5.60.03. This section then incorporates the criteria from LDC 2.5.50.04, which, in turn, requires review against criteria from LDC 2.5.40.04, which expressly includes review “to ensure consistency with the policies and density requirements of the Comprehensive Plan and any other applicable policies and standards adopted by the City Council.” The Campus Master Plan is a supporting document to the Comprehensive Plan, adopted by the City Council. Land Development Code Chapter 3.36 states that the purpose for Chapter 3.36 is to implement both the Comprehensive Plan and the Campus Master Plan. In circumstances like these, the City Council could plausibly require a demonstration that the application complied with terms from the Campus Master Plan that are not expressly incorporated in Chapter 3.36.

20. *What are the potential negative consequences for the City if we interpret the maximum possible expiration date (12 years)?*

[For this question and the following two, a short list of possible negative consequences, or disadvantages and advantages, are included. These are not intended to be exhaustive, and are clearly subjective (one person’s negative consequence could be a positive consequence to someone else).]

- a. Unintended and unknown consequences
- b. Possible building boom under current standards with additional parking and transportation system impacts on adjoining neighborhoods (status quo for 2 more years if Council doesn’t act prior to that timeframe)
- c. Possible that at end of 12 year period, no new plan adopted, so status quo continues until new CMP is finalized
- d. Political (dissatisfied citizens)
- e. Unresolved what happens if expires without new CMP
- f. Litigation, extended delay, and costs (see a, b, c, d) City loses jurisdiction over decisions while it is under appeal.

21. *What are the potential negative consequences for the City if we interpret the minimum possible expiration date (10 years)?*

- a. Unintended and unknown consequences
- b. Possible building boom under current standards with additional parking and transportation system impacts, etc. (Rush to get applications filed in short time period).
- c. Abbreviated public process for review/pressure to complete review and approve CMP update
- d. Unknowns regarding campus development process once plan expires
 - i. Goal post rules (does expiration mean no standards are in place? Or do current standards in LDC continue?)
 - ii. Public hearing on all OSU development (time/public cost)?

- e. Political (could OSU look for legislative support to limit its obligation to follow local land use regulations?)
- f. Litigation, extended delay and costs (see a, b, c, d,e) City loses jurisdiction over decisions while under appeal.

22. What are the options for the status of land use changes at the University if there is a gap between when the current CMP expires and a new one is adopted? And what are the advantages/disadvantages of each? (Given the apparent supremacy of the LDC, does this matter?) Possibilities:

A. Council chooses to continue existing CMP to date certain

- Probably requires a public hearing and an “update” or “adjustment” under LDC3.36, depending on when the Council sees the planning period and the plan expiring.
- Same potential disadvantages as outlined in response to Questions 20 and 21

B. Council imposes a moratorium on building

The legal requirements to put in place a moratorium are as follows:

- Provide notice to LCDC 45 days before final public hearing on moratorium;
- Adopt written findings justifying need for moratorium in the manner set out in ORS 197.520;
- Hold a public hearing on adoption of the moratorium and the findings;
- Demonstrate need to prevent a shortage of public facilities that would otherwise occur during the effective period of the moratorium (must be facilities for which a public facility plan is required under ORS 197.712);
 - Must include demonstration of extent of need beyond estimated capacity of existing facilities resulting from new land use development and identification of public facilities currently operating beyond capacity and portions of capacity already committed to development;
 - Demonstrate moratorium is reasonably limited to areas where shortage would occur;
 - Demonstrate that housing and economic development needs of area affected have been accommodated as much as possible in allocating any remaining public facility capacity;
- If not based on a shortage of public facilities, then demonstration of compelling need:

- Application of existing development ordinances or regulations is inadequate to prevent irrevocable harm from development in affected geographic area;
 - Moratorium is sufficiently limited to ensure needed housing supply and types and commercial and industrial facilities within or in proximity to city are not unreasonably restricted;
 - Statement of the reasons that alternative methods of achieving the objectives of the moratorium are not satisfactory;
 - Finding of City Council that it has determined that public harm caused by failure to impose a moratorium outweighs adverse affects on other affected local governments;
 - Finding that City has determined it has sufficient resources to complete the development of needed changes in plans, regulations or procedures within the period the moratorium is in effect;
- No moratorium may be effective for longer than 120 days, unless public hearing to extend with findings, etc. Only one extension may be granted, no greater than six months.
 - Goal post rule still applies to any applications filed during moratorium.
 - Challenges with making findings that conflict with findings in comprehensive plan.

C. OSU follows normal city LDC policies (not protected by LDC 3.36)

- LDC 3.36 is the zone. So there would be challenges in determining what other zone standards would apply, given there is not express expiration language in LDC 3.36.
- City Council might plausibly make interpretation that LDC 3.36 zone requires major adjustment once CMP expires, so normal city LDC policy could mean review under LDC 3.36 major adjustment criteria.

D. OSU and City reach agreement on modification of current CMP in place during gap

- Require a public hearing process

E. Other?

- Staff has not identified any other process options at this time.

23. Can the Council direct the CM to ensure all monitoring and mitigation specified in the LDC, CMP and Comp Plan are done by the City and OSU?

- **11.12.2 The University shall develop and implement a transportation plan that reduces the negative traffic and parking impacts on existing residential areas.**
- **11.4.3 All traffic generators shall provide adequate parking.**
- **3.36.90 Campus Master Plan Monitoring – this has not been followed (see above example re: Linus Pauling Center.**

Yes. The Charter gives the City Manager the duty to enforce all ordinances. The LDC provides the process for the City to enforce its local land use planning regulations. The Comprehensive Plan does not include similar enforcement processes. In order to provide clear authority for the City to enforce a local land use regulation, Council can give the clearest direction by incorporating the provisions it wants enforced in the LDC.

24. Some other areas of concern

- **3.36.40 Procedures and determination of compliance**
- **3.36.20 – “the development area definition supersedes the development site definition”**

(Staff assumes this item is a placeholder for further City Council discussion.)

Questions from Councilor Bull:

25. I understand from a conversation with Kevin following a recent meeting that the OSU Master Plan was initiated as a Planned Development process. Is this correct?

The OSU zone and related Campus Master Plan (CMP) are not planned developments. The City reviewed the OSU Physical Development Plan (the predecessor to the Campus Master Plan) and the amendments to it, i.e. the CMP, using the Planned Development compatibility review criteria. In addition, there was a Comprehensive Plan amendment and LDC text amendment and zone change that resulted in creation of the OSU zone. LDC Chapter 3.36 is the current OSU zone and it cross references with the PD compatibility criteria in LDC 2.50.

26. I understand that planned developments typically last 2 or 3 years. Is this correct?

Per the current LDC, a detailed Development Plan approval is effective for 4 years. If none of the activities enumerated in LDC 2.5.50.09 are initiated, e.g. construction permits issued, within that 4 year period, the PD approval expires. Planned Developments do not expire once development within the PD has begun.

- 27. What is the final form of a typical planned development? Is it simply an overlay with specified development plans? (I understand there are typically a couple of versions of the intended development, the general followed by something more specific.)**

The final form is a detailed development plan and actual development consistent with that plan. An overlay zone may be applied in advance of any conceptual or detailed development plans (for non-residential zoned areas only per state law) or as part of an application for residential development. Sometimes PDs are approved in 2 phases, i.e. a conceptual development plan first followed by a detailed development plan. Other times an applicant will apply for conceptual and detailed development plan concurrently. Regardless, detailed development plan approval must be in place in order to commence construction.

- 28. I understand there is a table in the code that relates to the amount of development expected to occur within the specified OSU boundary by area. How does this table relate to the planned development process?**

Table 3.36-2 in the LDC allocates approved building square footage within each sector identified within the OSU campus master plan area. When the CMP and LDC text amendments were approved, OSU was allowed to construct additional building square footage within these sectors, up to the LDC specified amounts, so long as the proposed development otherwise complied with other applicable LDC requirements. This table doesn't have a specific relationship to the planned development process other than that the initial square footages by sector were part of the CMP that was approved by using the PD review process and a proposal to change a sector's square footage allotment is a major adjustment (which also uses the PD review process). For example, the recently constructed residence hall project would have exceeded Sector D's square footage allotment. A major adjustment application was required along with a LDC text amendment application because the LDC text needed to be changed to reflect added Sector D square footage and compensating reduction in Sector C square footage (71,000 square feet respectively). Both applications were reviewed and approved by the Planning Commission and City Council.

- 29. Finally, please provide a complete list of the planning files that relate to development (past, current, and what is known about the future) within the OSU master plan area since the relevant decision was made.**

Here is information that is based on the assumption that the relevant decision means the 2004 approval of the CMP and the OSU zone that implements the CMP.

□ Attached (**Attachment A**) is a spreadsheet that lists 15 approved land use applications within the OSU zone since 2004. This includes all non-historic preservation permit (HPP) land use applications. Acronyms are as follows: LDT = Land Development Code text amendment, LDO = Lot Development Option, PCR= Planned Compatibility Review, PLD=Planned Development process, SUB= subdivision, MIS= miscellaneous application.

There have been several dozen HPP applications since the OSU Historic District was approved in early 2008. These range in scope from review by the Historic Resource Commission related to new building construction to staff level review of bike rack placement within the historic district.

□ Most projects on campus over the past 10 years have not required land use approval (other than those that are subject to historic review) because they meet the requirements of the OSU zone as determined through the review of building permits. There have been hundreds of permits issued since 2004 ranging in scope from plumbing permits for a redo of an existing lab to construction of new buildings.

Here are some resources for you to obtain an inventory of both land use and building permit activity on the OSU campus:

City's Accela Citizen Access webpage: <http://corvallisoregon.gov/eplans>

Tips:

1. choose the Development Services tab if looking for building permit applications (can search by address, case #, project name, and by date)
2. choose the Planning tab if looking for land use applications (can search by address, parcel, project name, case type, case #, and by date)
3. use wildcards in the project name field to narrow results (example: %OSU% will return all projects where 'OSU' is identified somewhere in the project name)

If you are interested in learning more about accessing this and other planning and development related information through the City's various tools, I would be happy to set up a time for you to meet with Senior Planner Jason Yaich who is the Planning Division's best resource on these matters. Just let me know.

□ We don't maintain files per se regarding potential future projects. Similar to other customers, Development Services and/or Planning staff will respond to inquiries from OSU staff or

project representatives and/or participate in pre-application meetings to discuss the City's development requirements.

Councilor Bull's December 29th follow-up questions:

30. ***Where is the reference to an expiration date or timeframe, if any?***
31. ***I would like a complete list of development activities that contribute in any way to the square footage allowed in the plan and/or table you mention. I assume there is some running accounting of that. I would like just the list of permit files for that new construction or reconstruction or whatever else might relate to that table.***
32. ***The additional item I would like to have which may not already exist is a table showing how much square footage is approved under each of these permits, the use of the structure, the ownership, the applicant, and typical associated parking requirement for that use and size, and any associated parking spaces either created or removed.***

Staff's December 30th response:

Hi Barbara: Several staff are out of the office this week including those who can help me assess the ready availability of this information (and time associated with putting it together in the form requested) and we are currently concentrating on information for the January 5 Council meeting packet and January 13 CC/PC work session. So I will need to get back to you on this next week. There will be a memorandum in tomorrow's CC meeting agenda packet related to question #1, i.e. the expiration date and options for the Council to make a determination regarding that timeframe.

Outstanding Questions from Councilor Bull

I would like a complete list of development activities that contribute in any way to the square footage allowed in the plan and/or table you mention. I assume there is some running accounting of that. I would like just the list of permit files for that new construction or reconstruction or whatever else might relate to that table.

(See response below.)

The additional item I would like to have which may not already exist is a table showing how much square footage is approved under each of these permits, the use of the structure, the ownership, the applicant, and typical associated parking

requirement for that use and size, and any associated parking spaces either created or removed.

As part of the review of development permits, OSU submits a checklist to address each project's compliance with the OSU zone. This 24 item list is reviewed by City staff prior to permit issuance. Information includes building square footage and open space tabulations in order to determine a project's compliance with caps established by LDC Table 3.36-2 and LDC Table 3.36-3. Running tabulations by sector are also regularly provided by OSU. **Attachment B** provides the current status of building square footage allocation and minimum open space requirements by sector. This information is based on staff audits of the ongoing information provided by OSU since the current OSU zone was established at the end of 2004 (in conjunction with the approval of the CMP).

In summary, LDC Table 3.36-2 established a total additional building square footage across all sectors in the amount of 3,155,000 square feet. From 2004 through 2014, a total of 873,143 square feet have been constructed, approximately 28% of the maximum amount of new building development allowed by LDC 3.36. None of the sectors have exceeded their maximum allocation. As noted in an earlier response, the Planning Commission and City Council approved a major adjustment for Sector D in order to accommodate the construction of a student residence hall. As part of that process, Sector D square footage was increased in conjunction with a compensating reduction in Sector C square footage (71,000 square feet respectively).

Attachment B also summarizes the status of open space within each sector. As indicated, each sector is within LDC requirements set forth in LDC Table 3.36-3.

Regarding parking, the LDC's OSU Zone established a system whereby on-campus parking utilization would be tracked and if usage exceeded 90%, a major adjustment process and CMP update would be required before a building project could be approved. The fall 2013 parking utilization report submitted by OSU can be accessed via the following link:

<http://archive.corvallisoregon.gov/0/doc/410284/Electronic.aspx>

The study indicated that the campus-wide utilization rate was 75% between the peak demand hours of 10 a.m. and 2 p.m. OSU anticipates submitting the fall 2014 parking utilization study by the end of this month.

In the December 28th response to Councilor Bull, staff noted that there are hundreds (more likely thousands) of permits issued for activities at OSU which range from simple permits for plumbing and electrical work to construction of large buildings. It was also noted that all of these permits and associated information are available online through the City's Accela Citizen Access webpage:

<http://corvallisoregon.gov/eplans>.

Information available through this source includes the applicant, proposed new building square footage (summarized in **Attachment B**) along with a host of other information related to building and LDC compliance, building and site plans etc.

Ownership of the buildings to be constructed is not necessarily included in permit records as it is not a LDC or building code related requirement. Similarly, vehicular parking created or removed is not identified on a project by project basis because of the LDC parking improvement standards established in LDC 3.36.60.08 d., that are based on actual use of available parking spaces as determined by parking usage inventories. However, OSU does track this information and their summary of parking space status is provided in **Attachment C**.

Regarding the request that typical associated parking requirements for the use and size of new OSU buildings be provided, we note the following:

1. The LDC provides parking requirements for various use types, many of which are found on campus, e.g. offices, commercial spaces, spectator sports, data centers, warehouse space, classrooms.
2. Like the OSU Zone, the LDC establishes parking requirements for the Central Business District and Riverfront Zones (CBD and RF) that are different than most areas in Corvallis. CBD/RF parking space requirements are generally less in part because of the City's recognition that downtown has a more pedestrian oriented environment with multiple destinations in close proximity and that this results in less parking demand than a stand-alone office or retail building on 9th Street. The pedestrian environment and multiple destinations with one vehicle trip characteristics of downtown are somewhat similar to a campus environment.

To respond to this request, we would first need to establish what represents a typical parking requirement in Corvallis, e.g. 1 or 2 above. Staff would then need to review the approved building plans for all OSU construction from 2004-2014 that resulted in additional square footage. It would be a time intensive effort in order to break down this square footage by use. For example, a single building might have a mix of classrooms, offices, data center and storage space with each use potentially having a different parking calculation. It is difficult to estimate the amount of time involved but it would likely be well in excess of 80 hours.

If the City Council/Planning Commission is interested in reviewing individual OSU building permit records (for new projects that add square footage) in addition to the summary information included in this report, City staff can "batch" this information from our permit tracking system. This is relatively easy for construction of new buildings. It is

Responses to City Council Questions Regarding Legislative Review of OSU-Related Comprehensive Plan Policies

more difficult to pull out information for additions to existing buildings and staff can look into ways to do this most efficiently.

Council direction is requested as to whether staff should conduct the parking calculations and individual building permit consolidation work described above and if so, the desired timeline. Staff notes that the upcoming process to review findings associated with OSU related Comprehensive Plan policies will involve research of past trends and other pertinent information. It may be most efficient to identify and prioritize research such as this through the Task Force formed to work on this project.

OSU Land Use Applications (Since 2004 - Excludes Historic Preservation Permit applications)

Case #	Project Name	Description
LDO06-00015	OSU PROPERTY SERVICES BLDG	Lot development option to eliminate boundary area setback requirements for addition to building. WR # 309254
LDT12-00002/PLD13-00001	OSU SECTOR D MAJOR ADJUSTMENT (RESIDENCE HALL)	
LDT13-00001	OSU STREET STDS	
MIS11-00047	OSU ALLEY VACATION - SECTOR C	Vacation of public right-of-way within Sector "C" of the Oregon State University campus that was formerly developed as an alley.
MIS11-00048	OSU ALLEY VACATION - SECTOR D	Vacation of public right-of-way within Sector "D" of the Oregon State University campus that is currently developed as an alley.
PCR05-00007	GILL ANNEX PCR	PCR to approve exception to height limitation in the OSU district for Apperson Hall Remode
PCR07-00001	GILL ANNEX PCR	PCR to reduce front setback from min. 20' to 18' for a portion of Gill Annex. Project 1227-06
PCR07-00006	APPERSON HALL	Request a Director-level approval of a minor adjustment to the Campus Master Plan (roof exceeds building height limitation)
PCR11-00001	OSU STUDENT SUCCESS CENTER	Minor Adjustment to deviate from window requirements (PCR) Minor Adjustment to vary setbacks from the proposed building to lot lines/pedestrian paths. The request includes a 10% deviation from the required 20' setback along the west facade of the building to the face of the curb along 26th Street. Additionally, a 10% reduction is also proposed from the north and south pedestrian paths to the proposed building wall.
PCR11-00004	OSU BOOKSTORE	Request to reduce the required amount of glazing on the north side of the Goss Stadium addition by less than 10%
PCR14-00003		
PCR14-00006		The applicant requests approval to construct a 66-foot high building within the Sector C - Secondary Transition Area of the OSU Campus Master Plan, whereas 60 feet is the maximum building height. In accordance with Section 3.36.40.03, a proposal to deviate from dimensional standards of the OSU zone by 10 percent or less shall be considered a Minor Adjustment, and processed as a Plan Compatibility Review.
PLD05-00010	RESER STADIUM EXPANSION	Modification to the landscaping described in the PDP PLD03-00016 Request that the City vacate 2.27 acres of public right-of-way along 16th Street, 17th Street, A Avenue, and Stadium Avenue and approve a Major Replat to consolidate 37 lots between Washington Way, Western Boulevard, 26th Street, and 15th Street into a single lot.
SUB09-00001		
SUB11-00002/SUB11-00003	OSU REPLAT - SECTORS C AND D	Replat of multiple parcels located within Sectors "C" and "D" of the Oregon State University campus.

City of Corvallis - OSU Campus MP Sector Summary 2004-2014

OSU BUILDING SQUARE FOOTAGES				
OSU Sector	Maximum Future BLD Allocation (sq. ft.)	Exist. BLD sq. footage (added after 1/1/2004)	Building Sq. Ft. Remaining	Comments
A	250,000	0*	268,253	*Removal of barns/labs added 18,253 sq ft to the allowed bld sq. ft.
B	500,000	24,275	475,725	
C	679,000	465,586	213,414	
D	106,000	76,379	29,621	
E	120,000	28,857	91,143	
F	750,000	125,474	624,526	
G	350,000	152,572	197,428	
H	50,000	0	50,000	
J	350,000	0	350,000	
TOTALS	3,155,000	873,143	2,281,857	
Open Space Summary				
OSU Sector	Required Min. % of Open Space	Current % of Open Space		
A	78%	82%		
B	33%	55%		
C	36%	56%		
D	61%	64%		
E	77%	80%		
F	20%	35%		
G	40%	53%		
H	64%	74%		
J	79%	98%		
OSU Overall	50%	65%		

Project Status	Year	Project Name	Lot Number	Location	Sector	Spaces Removed	Spaces Replaced	OSU Parking Capacity	Net Change from 2004	Notes	
2004 Last count prior to adoption of Campus Master Plan								7,511	2004 Parking Utilization Report Capacity (Table 5)		
Parking Capacity Adjustments	2012	Parking Utilization Study - Adjustment	3214	Madison Ave	D	(33)		7,478		City Street - Capacity Reduction through Methodology Refinement (Table 11)	
	2012	Parking Utilization Study - Adjustment	3215	N 11th Street	D	(20)		7,458		City Street - Capacity Reduction through Methodology Refinement (Table 11)	
	2012	Parking Utilization Study - Adjustment	3213	Madison Ave Co-op Lot	D	(45)		7,413		Non-Public Lot - Capacity Reduction through Methodology Refinement (Table 11)	
	2012	Parking Utilization Study - Adjustment	3223	N 16th ST West Lot	C	(157)		7,256		Non-Public Lot - Capacity Reduction through Methodology Refinement (Table 11)	
	2012	Parking Utilization Study - Adjustment	3224	N 16th ST East Lot	C	(34)		7,222		Non-Public Lot - Capacity Reduction through Methodology Refinement (Table 11)	
	2012	Parking Utilization Study - Adjustment	3322	Orchard Court Lot	C	(97)		7,125		Non-Public Lot - Capacity Reduction through Methodology Refinement (Table 11)	
	2012	Parking Utilization Study - Adjustment	3351	Housing and Dining Maintenance Center Lot	E	(68)		7,057		Non-Public Lot - Capacity Reduction through Methodology Refinement (Table 11)	
	2012	Parking Area not Included in 2004	3901	Campus Way and 35th Street Lot	B			37	7,094		Parking area not included in 2004 capacity count
	2012	Parking Area not Included in 2004	3231	Campus Way - Central Campus	C			8	7,102		Parking area not included in 2004 capacity count
	2012	Parking Area not Included in 2004	3244	Valley Library West Lot	C			2	7,104		Parking area not included in 2004 capacity count
	2012	Parking Area not Included in 2004	3253	Jefferson Way - Central Campus	C			9	7,113		Parking area not included in 2004 capacity count
	2012	Parking Area not Included in 2004	3254	LANGTON PL LOT	C			6	7,119		Parking area not included in 2004 capacity count
	2012	Parking Area not Included in 2004	3305	Reed Lodge South Lot	C			3	7,122		Parking area not included in 2004 capacity count
	2012	Parking Area not Included in 2004	3308	Cordley Hall North Lot	C			3	7,125		Parking area not included in 2004 capacity count
	2012	Parking Area not Included in 2004	3319	Withycombe Hall Lot	C			5	7,130		Parking area not included in 2004 capacity count
	2012	Loading Zones not Included in 2004		Campus wide				20	7,150		Parking area not included in 2004 capacity count
	2012	Conversion of spaces to ADA spaces		Campus wide		(43)			7,107		Parking area not included in 2004 capacity count
2004 Adjusted OSU Parking Capacity^						(497)	93	7,107	n/a		
Completed Projects	2004	Softball Stadium	3286	Sports Complex West Lot	H			6	7,113		
	2005	Parking Structure	J	26th/Washington Way	G	(290)			6,823	Spaces included the area south of the Parking Structure which had to be reconfigured for the new drive lane.	
	2005	Parking Structure	0205	26th/Washington Way	G			992	7,815		
	2005	Parking Structure	3273	Bloss Hall West Lot	G			48	7,863	Lot is north of CH2M Hill Alumni Center	
	2005	Magruder Hall Expansion	3360	Magruder Northeast Lot	E			15	7,878		
	2007	15 th Street Reconstruction	3212	15 th Street	C	(26)			7,852		
	2008	Magruder Hall Expansion	3363	Magruder South Lot	E			13	7,865		
	2009	Linus Pauling Science Center	3303	Scakett Hall North Lot, Campus Way/30th St	C	(166)			7,699	283 original spaces - 117 remaining spaces = 166 displaced spaces	
	2009	Linus Pauling Science Center	3201	Washington Ave Southwest Lot (expansion)	D			63	7,762		
	2009	Linus Pauling Science Center	3227	Washington Ave and 11th ST Southeast Lot	D			90	7,852		
	2009	Hallie Ford Center	3314	Campus Way/26th	C	(42)			7,810		
	2009	McAlexander Field House	3268	Benton Place	C	(6)			7,804		
	2010	Energy Center	3340	Energy Center East Lot	B			21	7,825		
	2010	Student Legacy Park	3293	Student Legacy Park South Lot	C	(58)			7,767		
	2011	Weatherford Place Lot Decommission	3291	Weatherford Place Lot	C	(5)			7,762	Displaced due to fire lane	
	2011	Cauthorn and Poling Halls ADA Parking	3294	Intramural Lane Lot	C			4	7,766	Expanded with decommission of Weatherford Place Lot	
	2011	Whyte Track and Field Center	3286	Sports Complex West Lot	H	(266)			7,500		
2011	International Living Learning Center	3270	Bloss South Lot (expansion)	G			72	7,572			
2011	International Living Learning Center	3289	S 17th ST and A Ave Lot	G			23	7,595	Capacity does not include the twenty-six (26) free spaces OSU was required to provide due to closure of portion of 17th Street; total lot capacity is forty-nine (49) spaces.		
2011	International Living Learning Center	3288	International Living Learning Center East Lot	G			4	7,599			
2011	Forest Science Laboratory	3902	Forest Science Lab Lot	B			2	7,601			

Project Status	Year	Project Name	Lot Number	Location	Sector	Spaces Removed	Spaces Replaced	OSU Parking Capacity	Net Change from 2004	Notes
	2011	Student Success Center	3273	Bloss Hall West Lot	G	(48)		7,553		Lot is north of CH2M Hill Alumni Center
	2012	Oldfield Animal Teaching Facility	3324	Oldfield Animal Teaching Facility West Lot	A		30	7,583		
	2012	Native American Cultural Center	3264	Moreland Hall Lot	C	(14)		7,569		
	2012	Jefferson Street Building	3103	Jefferson Street Building West Lot	A		93	7,662		
	2012	Basketball Practice Facility	3282	Gill Coliseum West Lot	F	(11)		7,651		Eleven (11) spaces removed from the northwest side of the lot
	2013	Withycombe ADA ramp/parking	3316	Orchard Ave. South Lot	C	(4)		7,647		Two service, three reserved and five student visitor spaces will be converted to six ADA
	2013	Plageman ADA ramp/parking	3233	Park Terrace St East Lot	C	(2)		7,645		Six (6) general use spaces will be converted to four (4) ADA spaces
	2013	Student Experience Center	3254	LANGTON PL LOT	C	(2)	7	7,650		Two (2) service spaces removed during construction of seven (7) ADA spaces
	2013	Austin Hall	3302	W Jefferson Way	C	(54)		7,596		
	2013	Austin Hall	3301	Fairbanks West Lot	C	(4)		7,592		Thirteen (13) general use spaces will be converted into nine (9) ADA spaces
	2013	New Residence Hall	3203	Washington Ave Northeast Lot	D	(202)		7,390		
	2013	New Residence Hall	3204	Adams Ave North Lot	D		3	7,393		Three (3) spaces added adjacent to lot
	2013	New Residence Hall	3217	Adams Ave	D	(4)		7,389		
	2013	New Residence Hall - alternate plaza	3217	Adams Ave	D	(16)		7,373		
	2013	New Residence Hall	3202	Washington Ave Northeast Lot	D	(3)		7,370		Nine (9) general use spaces will be converted to six (6) ADA spaces
	2014	Samaritan Sports Medicine Facility	3281	Reser Stadium Lot	F	(82)		7,288		
							(1305)	1,486	7,288	181
Projects Under Construction	2013	Student Experience Center	3251	Central Campus Meter Lot	C	(83)		7,205		
	2014	Student Experience Center	TBD	Student Experience Center East Lot	C		3	7,208		
	2014	Black Cultural Center	3233	Park Terrace St East Lot	C	(33)		7,175		One (1) new ADA van space will be created in the Park Terrace East lot #3233 (Includes loss of space for access lane for ADA space)
	2013	Classroom Building	3310	Women's Building West Lot	C	(118)	22	7,079		12 ADA Space, 5 ADA Van, 4 Service spaces, 1 paratransit
						(234)	25	7,079	(28)	

^aDuring the preparation of the 2011-2012 Parking Utilization Study, OSU staff conducted a review of the parking facilities on campus (reference OSU Parking Utilization Study Fall Term 2004 – Attachment A and Utilization and OSU Parking Utilization Study Spring Term 2011-2012 – Attachment A). This assessment revealed the 2004 parking capacity number had included on-street parking along two city-owned streets within the OSU Boundary, as well as non-public parking lots. The non-public lots are not open to the general public and serve as short-term loading areas, over-night parking for vehicles restricted to campus or university residential areas. Furthermore, the 2004 parking capacity count did not include several small parking facilities and loading zones across campus. Thus, OSU adjusted the 2004 capacity from 7,511 to 7,107 to properly reflect the available parking spaces. Please refer to pages 5-7 and 11 of the OSU Parking Utilization Study Spring Term 2011-2012 for a detailed explanation of these changes.

In addition to these changes, the conversion of standard parking stalls to ADA compliant spaces between 2004 and 2012 resulted in a reduction of parking capacity by 43 parking spaces. An ADA compliant space requires an access isle and is typically wider than a standard parking stall.

MEMORANDUM

To: Mayor, City Council, and Planning Commission

From: Ken Gibb, Community Development Director
Kevin Young, Planning Division Manager

Date: January 9, 2015

Subject: Process and Schedule Considerations for Review of OSU-Related Comprehensive Plan Findings and Policies

I. ISSUE/BACKGROUND

At the December 1, 2014, City Council meeting, the City Council voted to initiate a legislative review of the Comprehensive Plan as it relates to activities and development at Oregon State University. Prior to that decision, on December 1st, a joint work session was held with the Planning Commission and City Council to discuss this potential legislative review. A number of issues were discussed, but no decisions were made during the work session. This memorandum outlines staff-identified process options and other considerations for moving forward with this Comprehensive Plan review.

Additionally, background information regarding the function and components of a Comprehensive Plan is provided in **Attachments B, C, and D** to this memorandum. **Attachment B** contains a staff overview of this information, along with an excerpt from the International City/County Management Association's (ICMA's) Principles and Practice of Urban Planning regarding comprehensive plans. **Attachments C and D** contain excerpts from more recent ICMA planning texts regarding comprehensive plans as well.

II. DISCUSSION

This memorandum discusses a number of elements for the OSU-Related Comprehensive Plan review, including the constitution of a task force, scheduling and process options, and background information on the function and components of the Comprehensive Plan. Additionally, OSU-Related Findings and Policies from the current

Comprehensive Plan, which were previously provided to the City Council, are provided for your convenience in **Attachment E**.

Task Force Formation

Although decisions were not reached at the December 1, 2014, joint City Council – Planning Commission work session, there seemed to be support for the suggestion that a small task force be charged with working on this Comprehensive Plan review, up to the point at which the Planning Commission and City Council would formally consider any associated amendments to the Comprehensive Plan. The task force might consist of members of the Planning Commission and City Council. The Planning Commission will discuss potential participation on the task force at their January 7, 2015, meeting, and will identify those members of the Planning Commission who are willing and able to serve at that meeting. Staff recommend using a smaller task force, perhaps composed of three members of the Planning Commission and three City Councilors. Generally, a working group of seven or fewer members has been found to be a good size to efficiently make progress on a task such as this. Task force members would be appointed by the Mayor.

Schedule Options

In general, the consensus from the December 1st work session seemed to be that an aggressive schedule is needed in order to accomplish the desired review prior to the potential expiration of the OSU Master Plan at the end of 2015 (to be determined by the City Council at the January 20, 2015, Council meeting). OSU has been developing a proposed District Plan, with a tentative date for formal application submittal in April of 2015. One of the issues to be considered is how the Comprehensive Plan review process schedule would relate to OSU's current District Plan schedule (**Attachment A**). The following schedule presents two potential timetables for the Comprehensive Plan review. The first is a very abbreviated schedule, the second allows more time for public participation, meetings, and task force/staff work. Of course, these are not the only two possible scheduling and process scenarios available. Other schedules may be developed, as determined by the Planning Commission and City Council.

Option 1:

February - March

Two – three task force meetings, with a dedicated public comment session in between the meetings:

First meeting – review current Comprehensive Plan Findings and Policies, as well as Statewide Planning Goals. Identify areas where more information is needed, existing policies

that might be considered for revision or elimination, and potential new policies that might be needed.

Public Comment Opportunity

Second/third meeting – develop recommendations for revised findings and policies, as well as new findings and policies.

- | | |
|-----------------------|---|
| May 6th | Planning Commission public hearing to consider Comprehensive Plan Amendment (CPA) (Post-Acknowledgement Plan Amendment (PAPA) notice must be sent by April 1st) |
| May 20th | Planning Commission deliberations |
| June 15 th | City Council public hearing to consider CPA |
| July 6th | City Council deliberations |
| July 20 th | City Council adopts Formal Findings for CPA |

Option 2:

- | | |
|-----------------|---|
| February - June | <p>Three - five or more task force meetings, with one or more dedicated public comment session(s) in between the meetings:</p> <p>First/second meetings – Discuss and come to agreement on specific scope of task force review process. Review current Comprehensive Plan Findings and Policies, as well as Statewide Planning Goals. Identify areas where more information is needed, existing policies that might be considered for revision or elimination, and potential new policies that might be needed.</p> <p>Public Comment Opportunity, as well as employment of on-line public involvement tool to solicit broad-based public input.</p> <p>Subsequent meetings – begin development of recommendations for revised findings and policies, as well as new findings and policies.</p> |
|-----------------|---|

Additional meetings, as needed. The recommendation would need to be finalized prior to July 1st so that the full range of proposed changes could be reflected in the PAPA notice that would be sent to the Oregon Department of Land Conservation and Development (DLCD).

August 5th	Planning Commission public hearing to consider Comprehensive Plan Amendment (CPA) (PAPA notice must be sent by July 1st)
August 19th	Planning Commission deliberations
September 21st	City Council public hearing to consider CPA
October 5th	City Council deliberations
October 19th	City Council adopts Formal Findings for CPA

Process for Review

A proposed general scope and process for the Comprehensive Plan review is as follows:

1. Review existing findings and identify areas where existing findings need to be updated or where additional findings would be warranted.
2. Review existing policies and identify where policy revisions or updates are needed.
3. Identify new policies that should be considered and existing policies that might be deleted.
4. Provide means for public input regarding existing and potential Comprehensive Plan Findings and Policies, to include public meetings and potential use of on-line techniques (e.g. Survey Monkey, on-line public engagement tools, etc. – the Option 2 schedule would allow for use of on-line tools, Option 1 would likely not)
5. Identify next steps, including potential:
 - Revised Comprehensive Plan language
 - Revised Land Development Code provisions
 - Other?

Other Considerations

- Given the short timeline for completion of this project, Staff assumes that the current format for the Comprehensive Plan, with findings and policies organized by topic area, will be maintained. A full update of the Comprehensive Plan is

anticipated in the near future and would be the appropriate time to consider more substantial revisions to the structure and organization of the document.

- The role of Oregon State University as a stakeholder in this process.
- The Comprehensive Plan is a tool that is intended to guide development in a community, but is not a policy document intended to provide direction to all aspects of city governance and community values. Consequently, there may be concerns identified through this review process that would be effectively addressed through other means, such as law enforcement or neighborhood code compliance. Those issues will need to be sorted out through the process.
- Staff recommends that, in addition to public meetings, there be efforts made to gauge community feedback through on-line public engagement tools.
- This comprehensive plan review process was not anticipated by OSU when they developed the master plan schedule included in Attachment A. As a result, OSU is likely going to need more time to complete their master plan update that could comply with any changes to comprehensive plan policy revisions that may come from this process. The City Attorney's memo dated December 31, 2014, that sets forth a number of ambiguities in current language about the expiration date for the OSU master plan, will need to be addressed by motion at the January 20 meeting. That motion should take into consideration the timeline for the comprehensive plan review.

Requested Action

No decisions may be made during a work session. The purpose of this work session is to allow the Planning Commission and City Council to discuss these issues and develop recommendations to the City Council for action at their meeting on January 20, 2015. Specific decisions the City Council will need to make, and that this joint work session can inform, include:

- The timeline and process for the comprehensive plan review;
- The task force make-up for Mayoral appointment; and
- Concepts for addressing the ambiguities identified by the City Attorney so that preliminary language for a motion for the City Council to consider on January 20 can be crafted

Review and Concur:



Nancy Brewer, City Manager *Pro-Tem*

III. ATTACHMENTS:

- A. OSU District Plan Schedule
- B. Staff Overview and Excerpt from ICMA's Principles and Practice of Urban Planning (1968)
- C. Excerpt from ICMA's The Practice of Local Government Planning (1979)
- D. Excerpt from ICMA's Local Planning: Contemporary Principles and Practice (2009)
- E. OSU-Related Comprehensive Plan Findings and Policies

2015 OSU District Plan Schedule

Updated October 31, 2014

DATE	TASK OR ACTION ITEM
Apr 2014	City Council work session with Planning Commission and OSU
May 2014	Transportation workshop
May 2014	Campus outreach and engagement meetings
Aug 2014	Check in with Planning Commission and City Council
Oct 2014	Campus & community workshop/open house
Nov 2014	Check in with Planning Commission and City Council
Dec 2014	Campus & community public meetings
Feb 2015	Public outreach meeting #1 with campus & community to solicit feedback on first half of District Plan
Feb 2015	Hold joint work session #1 with Planning Commission and City Council
Mar 2015	Public outreach meeting #2 with campus & community to solicit feedback on second half of District Plan
Mar 2015	Hold Joint work session #2 with Planning Commission and City Council
Apr 2015	Submit land use application(s) to City
June 2015	Submit final edits to application
Aug 2015	Planning Commission hearing #1
Sept 2015	Planning Commission hearing #2
Oct 2015	City Council hearing #1
Nov 2015	City Council hearing #2
Dec 2015	District Plan adopted by City Council

Outreach & Engagement

Application Submittal & Public Hearings

MEMORANDUM

To: Mayor, City Council, and Planning Commission

From: Kevin Young, Planning Division Manager

Date: January 9, 2015

Subject: A Brief Overview of the Function and Components of a Comprehensive Plan, including Discussion of the Requirements of Oregon's Statewide Planning Program

Community Development staff have identified background information for decision-makers regarding the function and typical components of a comprehensive plan. The best source of information found thus far comes from a series of land use planning textbooks developed by the International City/County Management Association (ICMA), including Principles and Practice of Urban Planning (1968), The Practice of Local Government Planning (1979), and Local Planning: Contemporary Principles and Practices (2009). Excerpts from these three sources regarding the comprehensive plan have been included as **Attachments B, C, and D** to this memorandum. It should be noted that these textbooks describe the comprehensive plan and comprehensive planning process in broad terms that would be applicable for local jurisdictions throughout the United States. Within the context of land use planning in Oregon, the statewide planning program, and associated enabling legislation, attach certain requirements and expectations for local comprehensive plans that are more specific than those elucidated in these materials. Nonetheless, the discussion and analysis of comprehensive planning found in these excerpts provide a good introduction and overview of the form and function of a comprehensive plan. Although these excerpts may seem somewhat redundant, considered together, they help to demonstrate how the concept of the comprehensive plan has evolved and adapted over time as a tool to guide development in a community.

Perhaps the most concise description of a comprehensive plan is attributed to T.J. Kent, Jr., in the 1968 Principles and Practice of Urban Planning (**Attachment B**):

"The general plan (*aka comprehensive plan*) is the official statement of a municipal legislative body which sets forth its major policies concerning desirable future physical development."

Some of the essential characteristics of a comprehensive plan are described as follows:

“It is often said that the essential characteristics of the (*comprehensive*) plan are that it is comprehensive, general, and long range. “Comprehensive” means that the plan encompasses all geographical parts of the community and all functional elements which bear on physical development. “General” means that the plan summarizes policies and proposals and does not indicate specific locations or detailed regulations. “Long Range” means that the plan looks beyond the foreground of pressing current issues to the perspective of problems and possibilities 20 to 30 years in the future.”

You will note, as you review these source materials, that the terms “general plan”, “city plan”, and even “master plan” are sometimes used synonymously with the term “comprehensive plan.”

The Practice of Local Government Planning (1979) (Attachment C), elaborates on the description provided in the 1968 text, and emphasizes the different functions that can be performed by a comprehensive plan:

“The functions performed by a city plan are many and complex, but they can be grouped under three principal categories:

1. First, the plan is an expression of what a community wants. It is a statement of goals, a listing of objectives, and a vision of what might be.
2. Second, the plan, once prepared, serves as a guide to decision making. It provides the means for guiding and influencing the many public and private decisions that create the future city.
3. Third, the plan in some cases may represent the fulfillment of a legal requirement. It may be a necessary obligation. Such a mandated plan can, of course, still fulfill the first two functions, but the fact that it is required adds a distinctive dimension to the planning process.

How, one might ask, can a single document fulfill such broad and complex functions. The answer, of course, is that the plan document by itself does not do the job. The value is derived from the *process* of preparing the plan and the *use* of the plan after its preparation.”

Lastly, the discussion of comprehensive planning in Local Planning: Contemporary Principles and Practice (2009) (Attachment D) is set in the context of the broad variety of planning documents that may be utilized by local governments. In this excerpt, the comprehensive plan is distinguished from other land use plans such as the vision document, system plans, area plans, and capital improvement plans, among others.

Table 5-1 within **Attachment D** provides an excellent overview of this variety of plans and their distinguishing characteristics.

One of the key points from this analysis is that the Comprehensive Plan is a general, policy-level plan, but does not contain specific regulations. Comprehensive Plan Policies are necessarily general in nature, and sometimes may even conflict with one another. This is why the development of regulations to implement the comprehensive plan can be challenging, with the need to balance sometimes conflicting policies and considerations. For example, the current Comprehensive Plan contains policy direction that supports compact development and the efficient use of land, but to what extent should implementing regulations facilitate compact development in light of other considerations, such as the desire to preserve historic buildings, maintain and enhance livability, and protect significant natural resources within the City?

The following example of the difference between a Comprehensive Plan Policy and an implementing regulation helps to illustrate the difference between the two. In relation to the issue of wetlands protection, Comprehensive Plan Policy 4.11.1 states,

Consistent with State and Federal policy, the City adopts the goal of no net loss of significant wetlands in terms of both acreage and function. The City shall comply with at least the minimum protection requirements of applicable State and Federal wetland laws as interpreted by the State and Federal agencies charged with enforcing these laws.

“No net loss” is a concept that is embedded in State and Federal law regarding wetlands, and the City’s adoption of that goal is necessary to remain in compliance with these regulations. However, what is not encoded in state and federal law is the extent to which a jurisdiction should prohibit development within a significant wetland, and the extent to which development may be allowed in a wetland area, so long as mitigation for that loss of wetland area is provided elsewhere. The City’s Natural Features Project tackled this very complicated issue and developed Land Development Code provisions (Chapter 4.13), based on natural resources inventory information assembled by a team of experts, which designates locally protected and non-locally protected wetlands within the City. Locally protected wetlands are wetlands where development is not allowed (unless certain extenuating circumstances exist), and non-locally protected wetlands are wetlands where development is allowed, so long as state and federal wetland mitigation requirements are met. In this case, the community determined that it was appropriate to preserve significant wetland areas in the community to a greater extent than state or federal law requires. Thus, the statement in Comprehensive Plan Policy 4.11.1 that “The City shall comply with at least the minimum protection requirements of applicable State and Federal Wetland laws...” was implemented through regulations that provided much greater specificity regarding wetland protections.

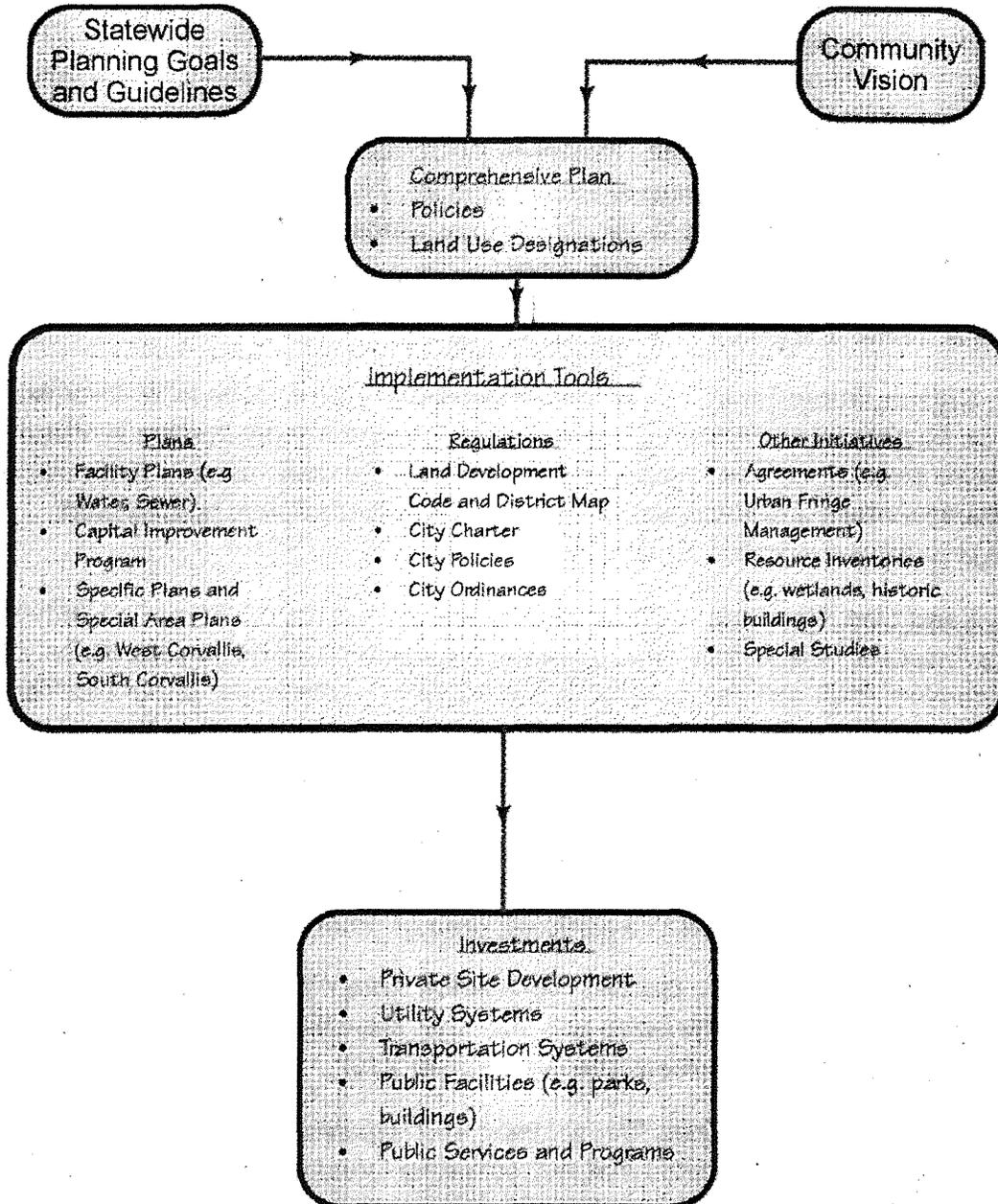
As noted previously, the Corvallis Comprehensive Plan is also a product of the requirements of the Statewide Planning Program. Per Oregon Revised Statute 197.175, cities and counties in Oregon are required to, "Prepare, adopt, amend, and revise comprehensive plans in compliance with goals approved by the (Land Conservation and Development) commission." These goals are commonly referred to as the "Statewide Planning Goals." The current Corvallis Comprehensive Plan is generally divided into categories, or "Articles," that coincide with the Statewide Planning Goals, although the numbering is not the same. Additionally, because Goals 16 – 19 only apply to coastal communities in Oregon, they are not reflected in the Corvallis Comprehensive Plan.

Figure 1.1 on the following page, from the City's current Comprehensive Plan, illustrates the role of the comprehensive plan as a document developed from the community's vision for the future and informed by statewide planning goals and guidelines. The graphic also shows how the Comprehensive Plan is used to guide the development of numerous implementation tools (including the Land Development Code and Zoning Map), as well as public investments.

Figure 1.1 Planning Process

State Planning Context

Local Planning Context



To ensure consistency with the Statewide Planning Goals, the Oregon Department of Land Conservation and Development (DLCD) reviews any changes to comprehensive plans and related plans. When a comprehensive plan is completely updated, often in response to a "Periodic Review" requirement from DLCD, DLCD will review the revised plan and, if found consistent, will "acknowledge" the plan. Only after a plan is acknowledged by DLCD may a jurisdiction implement the plan. For incremental (non-comprehensive) changes to the Comprehensive Plan, the Post Acknowledgement Plan Amendment (PAPA) process is used. In this process, local jurisdictions are required to provide notice to DLCD at least 35 days prior to the first evidentiary hearing to consider a comprehensive plan amendment. This gives DLCD staff time to review and comment on any proposed changes. In unusual circumstances, if changes to a plan are found to conflict with Statewide Planning Goals, DLCD may appeal a local decision to amend a comprehensive plan, or may take other action.

Following is a brief summary of the Statewide Planning Goals:

Goal 1 - Citizen Involvement - Calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each City and County to have a citizen involvement program with six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Goal 2 - Land Use Planning - Outlines the basic procedures of Oregon's Statewide Planning Program. It says that land use decisions are to be made in accordance with a Comprehensive Plan, and that suitable "implementation ordinances" to put the Plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to Statewide Planning Goals and Guidelines. An exception may be taken when a Statewide Planning Goal cannot or should not be applied to a particular area or situation.

Goal 3 - Agricultural Lands - Defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through exclusive farm use (EFU) zoning (per Oregon Revised Statutes Chapter 215).

Goal 4 - Forest Lands - Defines "forest lands" and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

Goal 5 - Open Spaces, Scenic, and Historic Areas, and Natural Resources - Encompasses 12 different types of resources, including wildlife habitats, mineral resources, wetlands, and waterways. It establishes a process through which resources must be inventoried and evaluated. If a resource or site is found to be important, the

local government has three policy choices: to preserve the resource, to allow the proposed uses that conflict with it, or to establish some sort of a balance between the resource and those uses that would conflict with it.

Goal 6 - Air, Water, and Land Resources Quality - Requires local Comprehensive Plans and implementing measures to be consistent with State and Federal regulations on matters such as ground water pollution.

Goal 7 - Areas Subject to Natural Disasters and Hazards - Addresses development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (flood plain zoning, for example) when planning for development there.

Goal 8 - Recreation Needs - Calls for each community to evaluate its areas and facilities for recreation and develop plans to address the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

Goal 9 - Economy of the State - Calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Goal 10 - Housing - 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.

Goal 11 - Public Facilities and Services - Calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The Goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Goal 12 - Transportation - Aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

Goal 13 - Energy - Declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Goal 14 - Urbanization - Requires all cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each City to establish an "Urban Growth Boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a

UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Goal 15 - Willamette Greenway - Sets forth procedures for administering the 300 miles of greenway that protect the Willamette River.

Goal 16 - Estuarine Resources, Goal 17 - Coastal Shorelands, Goal 18 - Beaches and Dunes, and Goal 19 - Ocean Resources - Address resources not found in the Corvallis Urban Growth Boundary; therefore, this Comprehensive Plan does not address these Goals.

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Planning (1968)

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The Comprehensive Plan

THIS CHAPTER DESCRIBES what a comprehensive plan is and how it is to be used, but it does not tell how to make a plan (i.e., what analyses and techniques to use in formulating the policies and design proposals contained in the plan). For guidance in the required planning methods, the reader should consult the other chapters of this book dealing with population, land use, transportation, etc. The preceding chapter discusses the determination of development objectives basic to the comprehensive plan; succeeding chapters explain the means for implementing the plan.

This chapter principally concerns the comprehensive plan for a municipality, rather than for a county or metropolitan government. A municipality usually has regulatory powers over the use of all private land within its territory and responsibility for most of the public activities. A county or metropolitan government often has a more limited jurisdiction because there are autonomous municipalities within its boundaries. Consequently, plans for these broader units of government tend to rely more on predictions of what will happen than decisions as to what should happen. To date there has been more experience with municipal plans, and in discussing their functions, contents, and procedures, one can cite a large body of professional materials and case examples.

What Is a Comprehensive Plan?

A comprehensive plan is an official public document adopted by a local government as a policy guide to decisions about the physical

development of the community. It indicates in a general way how the leaders of the government want the community to develop in the next 20 to 30 years. Because it is general and agencies devote more of their time to charting approximate, it is not a piece of legislation. T. J. Kent, Jr., one of the leading proponents of the comprehensive plan concept, has given this definition: "The general plan is the official statement of a municipal legislative body which sets forth its major policies concerning desirable future physical development."¹

Notice that Kent speaks of the "general plan"; this term is used interchangeably with "comprehensive plan." Another synonym, "master plan," is probably the most familiar to the ear. This phrase has fallen into disrepute among planners because of its misuse in the past to describe plans which were not general and comprehensive (such as "master street plan" or "master park plan"). The term "city plan" is also used.

It is often said that the essential characteristics of the plan are that it is comprehensive, general, and long range. "Comprehensive" means that the plan encompasses all geographical parts of the community and all functional elements which bear on physical development. "General" means that the plan summarizes policies and proposals and does not indicate specific locations or detailed regulations. "Long range" means that the plan looks beyond the foreground of pressing current issues to the perspective of problems and possibilities 20 to 30 years in the future.

¹ T. J. Kent, Jr., *THE URBAN GENERAL PLAN* (San Francisco: Chandler Publishing Co., 1964), p. 18.

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Although there is some variation in the content of comprehensive plans, three technical elements are commonly included: the private uses of land, community facilities, and circulation. The first of the three is sometimes called the "land use plan," but this is a misnomer because community facilities and streets are also uses of land. Kent labels this part the "working and living areas section." Comprehensive plans may cover other subjects, such as utilities, civic design, and special uses of land unique to the locality. Usually there is background information on the population, economy, existing land use, assumptions, and community goals. Every plan includes a drawing of the community on which the major design proposals are brought together to show their interrelationships.

Among most city planners, the preparation, adoption, and use of a comprehensive plan are considered to be primary objectives of the planning program. Most of the other plans and procedures applied in the course of local planning are theoretically based upon the comprehensive plan. Many planners have chafed under the pressure of day-to-day activities which denied them the time to take a more thoughtful look at the long-range development of the community. In the past dozen years, though, the federal government has increasingly conditioned financial assistance upon conformance to a local comprehensive plan, a spur which has caused hundreds of local governments to prepare plans.

RELATIONSHIP OF THE PLAN TO OTHER DOCUMENTS

Several other documents used in local planning are often confused with the comprehensive plan—in particular, the zoning ordinance, official map, and subdivision regulations. These are specific and detailed pieces of legislation which are intended to carry out the general proposals of the comprehensive plan. The confusion is understandable because these documents are often adopted prior to a comprehensive plan, and many communities which do not have a plan do have one or more of these. Such a sequence is contrary to good planning practice, and in some states the existence of

these tools in the absence of a plan may cast doubt upon the legality of this legislation.

Particularly troublesome has been confusion between the zoning ordinance and the section of the comprehensive plan dealing with the private uses of land. Both deal with the ways in which privately-owned land will be used, but the plan indicates only broad categories for general areas of the city, whereas the zoning ordinance delineates the exact boundaries of districts and specifies the detailed regulations which shall apply within them. Furthermore, the plan has a long-range perspective, while the zoning ordinance is generally meant to provide for a time span of only five to ten years.

Other tools of the trade which are meant to effectuate the comprehensive plan include the capital improvements program and its accompanying budget and special-purpose regulations, such as a sign ordinance. A different level of plan, sometimes called a "middle-range development plan,"² is supposed, to implement the comprehensive plan by concentrating on a particular area of the city or a particular functional element. Such plans are more specific and have a lesser time perspective, say five to ten years.

The growth³ of urban renewal programs since 1949 has created some confusion with the comprehensive plan, particularly when these activities are conducted by an agency distinct from the regular planning staff. More than one hundred cities have had community renewal programs prepared. To some professionals this work has seemed to overlap the preparation of a comprehensive plan. The relationships among these planning efforts have not really been clarified, but they probably will evolve gradually. Urban renewal tends to emphasize residential land and the older parts of the city; geographically and functionally, it is not truly comprehensive. Community renewal programs, while considering long-range policies, tend to recommend specific improvements to be made in the near future. It seems logical to number urban renewal and community renewal pro-

² See Martin Meyerson, "Building the Middle-Range Bridge for Comprehensive Planning," *JOURNAL OF THE AMERICAN INSTITUTE OF PLANNERS*, XXII (Spring, 1956), pp. 58-64.

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grams among the activities designed to implement the comprehensive plan.

WHY IS A PLAN NEEDED?

Local government has a great deal of influence on the way in which a community develops. The buildings, facilities, and improvements provided by local government affect the daily lives of most citizens, give form to the community, and stimulate or retard the development of privately owned land. Typically about half of the land in a municipality is in public ownership. It is true that the workings of the real estate market help determine the uses of private land, but these uses are regulated by the local government. The local government is the only body with an opportunity to coordinate the overall pattern of physical development of the community. This is as it should be, since the decisions of the local government are made by a legislative body which represents the citizenry at large.

The local government is inescapably involved in questions of physical development. At every meeting of the legislative body, development decisions must be made concerning zoning, street improvements, sites for public buildings, and so on. This has been especially true since World War II because of extensive population movements, suburban growth, and increased public expenditures on capital improvements.

The local government—and particularly the legislative body made up of lay citizens—needs some technical guidance in making these physical development decisions. This guidance can be provided by professional city planners, but the form in which they give it is important. If they give their advice on the basis of expediency of *ad hoc* "quickie" studies, then there is no guarantee that next month's decision will not negate the one made today. The local government needs an instrument which establishes long-range, general policies for the physical development of the community in a coordinated, unified manner, and which can be continually referred to in deciding upon the development issues which come up every week. The comprehensive plan is such an instrument.

It is true that it is possible to govern a munic-

ipality without a comprehensive plan; many cities have done so, and a few planners even recommend it. It has also been true, especially before World War II, that the plans of many communities have been ignored and forgotten. Probably the incentives offered by the federal government, rather than a spontaneous interest in city planning, have caused many communities to prepare comprehensive plans. Nevertheless, the fact that more and more communities are preparing plans, and are making use of them, clearly points to the success of the comprehensive plan. No one has suggested removing the federal requirements, and the federal planning assistance program (which requires matching funds from the locality) is very well subscribed. Expenditures for planning are increasing at a rapid rate, and much of this money is going toward the preparation of comprehensive plans. Public interest in planning matters has increased greatly, as a scanning of newspapers and popular magazines will show. In many cities there has been clamor for a plan and criticism over delays in preparing a plan. It appears that many painful years of experience have produced a comprehensive plan that has become a workable, useful, and accepted tool for cities.

Development of the Plan Concept

There is nothing novel or recent about city plans. The earliest known city planner was Hippodamus of Miletus who prepared plans for several Greek cities in the fifth century B.C. Throughout history, plans have been drawn for cities in Europe, Asia, and America, and many of them have been carried out. Famous early American plans include L'Enfant's for Washington, William Penn's for Philadelphia, and General Oglethorpe's for Savannah.³ All of these plans were in the nature of architectural blueprints. They usually started with a bare site and were commissioned by a central authority which had power to execute them unilaterally.

³ For an excellent history of these early plans, see John W. Reys, *THE MAKING OF URBAN AMERICA: A HISTORY OF CITY PLANNING IN THE UNITED STATES* (Princeton: Princeton University Press, 1965).

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Developers call city plan outmoded—stops new investment.

City loses federal dollars for lack of development plan.

State coastal zone planning to be turned back to cities and counties.

Utility announces site for nuclear power plant—village board calls for impact assessment.

These are some of the headlines that might appear in the local press indicating a city's need for a city plan. We can see from the list that cities are likely to undertake plans in response to a combination of local circumstances or to the requirements of state and federal laws or regulations.

As indicated in these fictitious headlines, conditions within a municipality itself are an important generating force for a comprehensive planning effort. Burgeoning growth or rapid decline may ignite the concern of both private citizens and public servants.

A major new facility such as an oil refinery may require a comprehensive plan for the future of a city or town. The boom towns of the West have initiated city plans as they struggle to define the short- and long-term impacts of coal mining on their communities.

A local resource such as an attractive coastal location, a lake, or a historic site may generate development pressures that require a plan. It may become apparent that new growth is destroying the resource that attracted development in the first place. Pressures may arise to restrict new growth in order to preserve the resource. A general plan becomes a useful tool for sorting out what the community wants, whether limits should be imposed, and what interests are being served by such action.

The courts increasingly have looked for a rationale behind a city's zoning ordinance that can be used to weigh the relative merits of zoning changes or to justify the costs that compliance with a zoning ordinance may require. The general plan articulates long-range development goals for the community, against which shorter-term zoning administration can be measured.

Federal requirements for comprehensive plans have varied over the years, but there has been a consistent interest at the federal level in encouraging or requiring municipalities to coordinate public and private investment. A comprehensive development plan for a municipality, whether as part of a workable program, a community renewal program, a "701" comprehensive planning grant, or an urban strategy, was and is considered a basic coordinating tool. The availability of federal money to pay for a comprehensive plan has been perhaps the most important motivating force for undertaking the activity.

The functions performed by a city plan are many and complex, but they can be grouped under three principal categories:

1. First, the plan is an expression of what a community wants. It is a statement of goals, a listing of objectives, and a vision of what might be.
2. Second, the plan, once prepared, serves as a guide to decision making. It provides the means for guiding and influencing the many public and private decisions that create the future city.
3. Third, the plan in some cases may represent the fulfillment of a legal requirement. It may be a necessary obligation. Such a mandated plan can, of course, still fulfill the first two functions, but the fact that it is required adds a distinctive dimension to the planning process.

How, one might ask, can a single document fulfill such broad and complex functions. The answer, of course, is that the plan document by itself does not do the job. The value is derived from the *process* of preparing the plan and the *use* of the plan after its preparation.

Planners like to point out that planning is a process. By that they mean it is

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naive to assume that you can publish a single document that answers all the questions or solves all the problems. Conditions change, resources are shifted, and goals are altered, making it necessary to revise, adapt, and update the plan. The point of a plan is to focus attention on the process—to create a basis for debate, discussion, and conflict resolution. Planning must be a continuous and continuing activity designed to produce the best possible decisions about the future of the city. The *plan* represents a periodic bringing together of the activities of planning. The essence of a plan is that it is a statement of policy, an expression of community intentions and aspirations. When recognized as a statement of policy the plan can have tremendous influence, but that influence is only realized within the context of a total planning program.

The plan as a statement of policy

Central to all notions of the city plan is that the plan is a statement of what the community wants. It is a statement of goals, a listing of desires, an expression of ambitions. A good plan should be all these things. However, while there is widespread agreement as to the importance of goal setting, actual practice often falls short of ideal expectations. This is not surprising when one considers the immense difficulty of setting goals for something as large and diverse as a city. How can conflicts between the goals of competing interest groups be resolved? Is it possible to define goals that are specific enough to be useful? Can long-term planning goals be made compatible with short-term political goals?

The problems of goal setting are many and complex, but since 1960 there has been continuing and substantial improvement in the ability of local governments to prepare plans that embody meaningful statements of policy. Part of this improvement is the result of the changing context of city planning. Traditional planning methods are being replaced in response to new demands.

To a considerable degree the traditional methods of planning were borrowed from work done in architects' offices, single function government agencies, or private corporations. These methods were well suited to the single site and the unitary setting, but they have not been as well suited to the complex and mercantile city. Traditional planning method was predicated on such factors as basic agreement on goals, ability to predict the future with precision, and centralized control over the resources needed to achieve the goals. Early city planning, of course, was privately supported and was under the control of respected community leaders who shared a common vision of the future of their city. In this consensus, environmental goals were implied rather than stated, since the leadership agreed and everyone else either did not care or did not have the power to be heard.

Today we plan in a different political and social environment. Decision-making processes are more open and more democratic. A more sophisticated citizenry wants to know what the city administration "plans" to do, and wants to be part of the plan-making process.

Traditional planning was essentially a technical exercise. Modern planning practice is both normative and technical, concerned with both ends and means. Normative planning develops the broad, general basis for action, whereas technical planning is concerned with specific, established purposes and the procedures employed in achieving those purposes. One is concerned with values, the other with methods.

An effective plan should deal equally with the normative and the technical, since a planning department has a dual role in the affairs of government. A planner should function in a middle zone between the politician (a normative planner) and the bureaucrat (a technical planner). The planner has special competence and training in both areas and his or her plans should reflect both.

The policies or goals that are contained in a plan may already exist in various

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forms or places within a community and may simply be brought together and organized. Or they may be the result of a long and sophisticated goal-setting process. In either case they must be sufficiently unified to express clear direction and purpose so that the citizen has little doubt as to what the community believes in and stands for.

Some will resist using a plan as a statement of policy. Elected officials may be reluctant to commit themselves too far into the future, preferring instead to keep their options open. Special interest groups may also see some danger in using the plan as an expression of policy. If the adopted policies are antithetical to their perceived interests they would prefer to have no plan at all. It should be kept in mind, however, that a good plan does not foreclose future decision making by prescribing the future in detail. The policies of the plan say, in effect, "When we encounter this situation we will probably act this way for these reasons." This approach has the advantage of stating a position in advance of heated controversy. To deviate from a policy in the plan will require an argument and a rationale as convincing as the one in the plan. Departing from the precepts of a plan should always be possible although not necessarily easy.

The advantages of reviewing the plan as an instrument of policy include the following:

1. The essential and uncluttered statements of policy facilitate public participation in and understanding of the planning process
2. A plan that is a statement of policy encourages or even demands involvement on the part of public officials
3. The plan as policy provides stability and a consistency in that it is less likely to be made obsolete by changing conditions
4. Finally, the plan is a guide to the legislative bodies responsible for adopting land use controls, the commissions or boards that administer them, and the courts which must judge their fairness and reasonableness.

The plan as a guide to decision making

If the first function of a plan is to express community goals and objectives, then the second is to serve as a guide to decision making. A plan needs to make a difference. Those who make decisions about the city need to take account of what the plan says.

The ways in which a plan can make a difference are many and complex. Sometimes the relationship between a plan and the community decision is clear, direct, and formal. At other times the relationship is ambiguous and indirect. And, unfortunately, there are too many cases in which the decisions are made without any reference to the plan. The most common way in which the plan is used as a guide to decision making is in the zoning process. Certainly, the enactment and amendment of a zoning ordinance should be guided by the contents of the plan. In addition, the week-to-week administration of the zoning process is best done through reference to the policies and principles set forth in a comprehensive plan. As will be indicated later in this chapter, this relationship between the plan and the zoning ordinance is being defined by law rather than by convention. Some state legislatures are requiring that the zoning ordinance be consistent with the city or county plan, and some courts are hesitant to uphold a land use control measure that is not supported by a plan.

Subdivision regulations, like the zoning ordinance, should also be designed and administered in accordance with the recommendations of a plan. In the same way, the official map is another tool of community development that is designed to reflect the goals set forth in the plan.

The capital improvements program and budget have traditionally been thought of as implementation devices that were guided by the contents of a plan.

The worth of the comprehensive plan

Ever since I was awarded a degree in city planning from a school that stressed, I thought, the worthiness of comprehensive, long-range physical planning for urban areas, I have heard that whole notion criticized. Repeatedly, I have heard the quality, content, usefulness, and effectiveness of the comprehensive plan challenged, as often as not by those who teach city planning. The critics say that the comprehensive plan is too vague, too subjective, too biased, too specific. It is elitist and divorced from the people, . . . full of end-state visions that are unrelated to the real issues of a dynamic world. . . .

There are certainly elements of truth in these assertions. But, in general, they coincide neither with my sense of reality nor with the centrality of the idea. Comprehensive plans have always been

policy documents, even if they have not been read that way. They have become less and less end-state, static pictures of the future. They regularly deal with pressing current issues: housing, transportation, jobs, public services, open space, urban design. . . . Any planning efforts are remarkable in a society that could never be accused of having a bias toward city planning in the first place, a society that has tended to look at land and urban environments as little more than high-priced consumable commodities. And isn't it grand that plans are visionary! Why shouldn't a community have a view, a vision of what it wants to be, and then try to achieve it?

Source: Excerpted from Allan B. Jacobs, *Making City Planning Work* (Chicago: American Society of Planning Officials, 1978), p. 307.

Planning departments are frequently responsible for putting together the capital improvements program and setting priorities among the competing demands for a share of the capital budget.

A rather dramatic illustration of the plan as a guide to decision making as reflected in budgeting exists in Atlanta, Georgia. In 1974 a new city charter integrated the planning and budgeting process in a new department of budget and planning. The city's plan, known as the Comprehensive Development Plan, is the cornerstone of an elaborate and continuing process that relates the city's goals to its budgets. According to the 1974 charter amendment, the operating and capital budgets *must* be based on the Comprehensive Development Plan (CDP). Public hearings are required for both the Comprehensive Development Plan and the budgets, and the city council must formally adopt each of these each year. The introduction to the 1978 Comprehensive Development Plan states that the plan "is . . . mandated by the city charter and published annually for frequent use by citizens, city officials and organizations interested in the development and improvement of Atlanta."²⁰

The Comprehensive Development Plan includes "plans" for one, five, and fifteen years in a program format. Summary information on current or proposed projects and programs to achieve those plans, and cost figures, are also included in the document. The major sections of the 1979 Atlanta CDP are as follows:

1. *Issues and General Goals* is a statement of the most important current issues, problems, and opportunities confronting the city of Atlanta. Citywide goals, which would establish what kind of city its people are attempting to build, are set forth in this section.
2. *Major Directions* indicates the focus of the Comprehensive Development Plan. The 1979 CDP identifies six major directions toward which city resources will be directed during 1979 and over the next five years.
3. *Development Policies* translates the CDP's Major Direction statements into recommended city policies for seven of the eight functional areas.
4. *Program Areas* lists recommended programs and projects, by functional

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area and by goal, objective, and action. The one, five, and fifteen year funding priority and Neighborhood Planning Unit (NPU) location of each action are also indicated.

5. *Official Maps* are included. There are two kinds of maps: those that are citywide, which include narrative notations drawing from the material in the main body of the document; and those that cover a single Neighborhood Planning Unit and show proposed land use patterns, together with one and five year actions for the NPU.

Few, if any, cities are as advanced in this process as is Atlanta, but Atlanta's experience is indicative of a trend, a trend toward making the plan a significant document that will be used to guide the many decisions controlling city development. It is clear that by integrating planning and budgeting, and by requiring that no budget be adopted without reference to an adopted city plan, a city plan takes on major significance in Atlanta. In short, it does indeed function as a guide to decision making.

A city plan can and should be used to guide or influence a variety of decisions. Allan Jacobs illustrates the importance of the plan as he reviews his experiences as the former planning director of the city of San Francisco:

As time passed and with a growing and more solidly based set of plans to rely upon, individual short-range proposals . . . could be viewed in the light of long-range

How to use development plans The good planning agency does not keep its plans on dusty shelves but uses plans in day-to-day decision making. This example shows how planning agencies use plans.

Let us say that a private developer wants to build a 150 acre development that is predominantly residential (135 acres) and partly commercial (15 acres). Let us assume that a mixture of housing types—single family homes, rental apartments, and condominium apartments—is proposed. How does the planning agency use plans in reviewing such a development?

The agency would first check the land use plan to determine whether the general area is designated residential, then examine the proposed densities to see how well they fit with the plan's proposals and projections. The planning staff would also check to determine any physiographic characteristics—soil conditions, stream profiles, and important stands of trees—to see the environmental constraints that will influence site planning. The staff will also determine the land use plan policies concerning the amount and location of commercial space in the center of the community.

On the basis of the land uses and anticipated population to be served, the staff will, in turn, check other plans for sanitary sewers, storm runoff, major and minor streets, and public facilities to determine how well the proposed development "fits into" the community's plans. For example, the parks and recreation plan may call for a neighborhood park site within this general area. Or the school plan may have identified the area as being served by an existing school; therefore, no additional school facilities are anticipated. The staff will also examine the capital improvements program to determine how public facilities that are or are not programmed in the future will serve the new development.

There will be times when the development raises major policy issues not covered by general plans. Perhaps the plan is out-of-date, or perhaps it was not detailed enough to make a judgment. In these cases planning staffs will carry out supplemental studies that amplify or update a plan element.

Finally, the planning staff will prepare a staff report that will be presented to various decision makers in government, such as the planning commission, the mayor, the city manager, and the city council.

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considerations. . . . We could review the location of a subsidized housing development in the context of the housing plan element. We could measure a neighborhood re-zoning proposal against the housing and urban design elements. When a piece of public land was to be sold or leased, we could check it against a policy of the plan, as we could the vacation or widening of a street. We could relate a small renewal project in Chinatown to both the city-wide and neighborhood plans that we had prepared and we could advocate such a project. City planning was especially pleasing when the projects and programs were clearly the outcome of our plans. We were exhilarated when all our research, meetings, presentations, reconsiderations, confrontations and responses to demands led to concrete actions, or even when all we knew was that the ideas had a fighting chance of becoming reality.²¹

Jacobs goes on to say that the functions of coordination, zoning administration, subdivision regulation, design review, and the design of renewal and redevelopment projects are extremely important activities; but all require some framework within which to function and make recommendations.

That framework is the general or master plan. Without it, city planners have a much harder time explaining why their ideas and their proposals are preferable to anyone else's. There were times when I might have argued otherwise, most notably in the early San Francisco months when I was impatient to get on with the action, to respond to the burning issues. . . . Taking the time to decide what we want our communities to be and then acting to achieve those goals seemed more and more worthwhile in San Francisco as time passed. It was a route that proved more practical as well.²²

Most often a plan is used to guide the decisions of the planning department itself, the planning commission, the city council, and the mayor or manager. However, there are others who use the plan as a guide. Other departments of city government, for example, might have need for the guidance offered by a plan. A fire department might use it in designing its service areas. And state government and metropolitan planning commissions may have occasion to use the plan. What is perhaps most important is that a well-designed plan should influence the decisions of the private sector. Builders, land developers, and businesses can learn of the city's intentions as indicated by the plan and be guided accordingly.

Obviously, a plan that is used to guide decision making must be well prepared. It must be specific, must outline clear programs and priorities, and must avoid the trap of vague generalities.

The plan as a legal document

Increasingly, cities are preparing plans because they have to, not necessarily because they want to. This is a fairly recent phenomenon that has resulted from states mandating their local governments to plan, or courts insisting that some form of planning document be presented as the basis for land use controls.

This trend toward the required plan gained considerable momentum during the decade of the 1970s and promises to have a profound and lasting effect on our views of planning and plans. The trend reflects, more than anything else, a coming of age of planning and a recognition that a plan can and should really mean something. It reflects a change in attitudes toward the plan. The plan is no longer a formality, to be prepared and forgotten. It is rapidly becoming a requirement—and one that must contain certain elements; it is becoming a requirement that has for all practical purposes the force of law, or a requirement that must be fulfilled if the city is to receive federal or state funds or other benefits.

This trend appears to result primarily from a shifting attitude on the part of the courts as they review land use regulations. The Standard State Zoning Enabling

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Act of the 1920s stated that zoning "shall be in accordance with a comprehensive plan." For decades this language has been the subject of intensive debate, but for decades the courts rendered their opinions on zoning matters without requiring that a city have a plan, or requiring the zoning to be consistent with a plan if there should be one.

This judicial attitude was not surprising considering the rather static nature of the early zoning practice. It was in those days assumed that a city would prepare a zoning map which outlined areas of residential, commercial, or industrial use and that any amendments to or variances from the zoning map would be few and far between. Property owners needed only to look at the map and the zoning text to determine what they could or could not do with their property. In short, the zoning map and text became the plan and the courts needed to look no further to determine what the city wanted.

Two major changes have occurred in land use control practices which have eroded the willingness of the courts to accept a zoning ordinance without reference to a city plan. The first change was the increasing use of flexible land use controls. Cities are no longer willing to specify in advance where everything will be or what it will look like. They have adopted a "wait and see" attitude toward development by using such devices as floating zones, planned unit developments, large lot zoning, special use permits, and wholesale amendments or variances. Property owners can no longer know in advance exactly what they can do with their property. They expect to go before the city authorities and negotiate an agreement.

This trend toward negotiated agreements is in part a result of an appreciation of our inability to predict the future. It seemed that no matter how carefully a city would prepare its zoning ordinance something unanticipated would happen to make it inappropriate or out-of-date. The other reason for negotiated agreements was that cities wanted to be able to attract the right kind of use and prohibit the wrong kind. The flexible controls allowed them to say yes to electronics factories, and stately homes on two acre lots, and no to smelting plants and low income apartment buildings. While this may have suited a city's need to control its own destiny, the courts began to doubt the fundamental fairness of the system. The zoning ordinance was no longer prescriptive on its face but was merely a set of procedures one had to go through to find out what might be done with one's property. It was a system that could be subject to abuse.

The second change in land use control practice has been the increasing adoption of growth management programs. Traditionally, planning and land use control systems have been concerned with the location and character of growth. In the 1970s planners added a third dimension: timing. It was no longer assumed that all growth was good. Growth had its negative consequences and some cities went so far as to adopt a no growth policy. Most, however, were satisfied to control the rate of growth (for example, x number of housing units per year).

Again, the courts have begun to say that if a city wants to control the rate of growth it will have to show some evidence of a coordinated approach in order to avoid charges of arbitrary and capricious enforcement. In short, they would like to see a plan.

When vast acres of land were zoned for all manner of uses far in advance of need, it did not matter that much whether there was a plan. Now that land use control has become a finely tuned flexible tool for controlling the most minute detail of development, including timing, a plan has become increasingly more important.

One of the best-known cases in which the judiciary has recognized a plan as a valid defense of a local growth program is *Golden v. Planning Board of the Township of Ramapo*.²³ Ramapo Township amended its zoning ordinance to implement a permit system for all new residential development. A permit would be granted only if the development were adequately served by public facilities; ad-

equacy was determined by a point system based on the proximity of the development to available services such as sewage treatment or water supply. In upholding the timing control system, the court relied heavily on the fact that the challenged ordinance was implementing a well-designed general plan for the community. In the absence of the plan, it is unlikely the court would have ruled in favor of the township.

Two Oregon cases further illustrate the judicial interest in the plan. In *Fasano v. Board of County Commissioners* the Oregon Supreme Court rejected the notion that amendments to the zoning ordinance are legislative and instead determined that they were quasi-judicial, thus completely shifting the presumption of validity usually applied to all legislative acts. The court's opinion placed heavy weight on the comprehensive plan as a justification for zoning amendments, and noted that "the more drastic the change, the greater will be the burden of showing that it is in conformance with the comprehensive plan as implemented by the ordinance."²⁴

In *Baker v. City of Milwaukie* the Oregon Supreme Court unequivocally gave the city plan a central role in local zoning:

We conclude that a comprehensive plan is the controlling land use planning instrument for a city. Upon passage of a comprehensive plan, a city assumes a responsibility to effectuate that plan and conform prior conflicting zoning ordinances to it. We further hold that the zoning decisions of a city must be in accord with that plan.²⁵

The issues that are being raised in the courts concerning the status of the city plan are also being debated in state capitols. A number of states have begun to *require* local governments to prepare plans, or *require* zoning and other land use control measures to be consistent with local plans, or both. State legislatures are being pushed and pulled into this posture. They are being pushed by the courts and pulled by their own desire to gain greater control over the development process.

California was one of the first states to enact legislation requiring local governments to adopt a plan. California also requires local zoning to be consistent with the adopted plan. The Florida Local Government Comprehensive Planning Act of 1975 mandates planning by counties, municipalities, and special districts. It further requires that all land development regulations enacted or amended be consistent with these comprehensive plans. Kentucky, Nebraska, Colorado, and Oregon also have some form of mandatory planning or "consistency" requirements.

Not everyone agrees with this movement to require cities to plan. Some argue that the only meaningful plan is one that is generated from local needs and desires, not one imposed by some higher level of government. The debate on this issue will doubtless continue, but it is probable that the decade of the 1980s will see the plan emerge as an "impermanent constitution," a term coined a quarter of a century ago by Charles M. Haar. Haar argued as follows in 1955:

If the plan is regarded not as the vestpocket tool of the planning commission, but as a broad statement to be adopted by the most representative municipal body—the local legislature—then the plan becomes a law through such adoption. A unique type of law, it should be noted, in that it purports to bind future legislatures when they enact implementary materials.²⁶

The implications of the mandated plan and the rulings that the control of land use be consistent with the plan are far-reaching. The plan ceases to be an exercise in platitudes. It must do more than be for motherhood and against sin. It must be carefully and accurately crafted, for it will have the force of law. This is not to suggest that the traditional functions of a plan, those of education, information, persuasion, and coordination, are lost. On the contrary, these functions

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will always be a central purpose of the plan. However, as the status of the plan changes increasingly toward that of the impermanent constitution, it will become more important, it will be taken more seriously, and it will have a greater effect on people's lives.

Preparing a city plan

Who initiates?

The development of a local city plan is most often initiated by the local public authority—the city council, mayor, city plan commission, city manager, or city planner (not necessarily in that order). The reason for undertaking the plan *in theory*, and perhaps in best practice, is local concern over the future orderly growth and development of the city. Concern may stem from lagging growth, burgeoning growth, or stagnation.

In fact, federal and state requirements for and funding of comprehensive plans may be the most important motivating force for undertaking a plan. Federal requirements for comprehensive plans have varied over the years, but some coordinative plan has been a requirement for federal city development monies, and federal monies have been available in greater and lesser amounts to pay for plans.

We have already discussed the trend in state enabling legislation to require plans for cities. While there is increasing national concern about rational use of land and protection of farmland and natural resources (such as coastal zones), there is a continuing political pressure to maintain the "local" nature of land use decisions. The result is state planning efforts that delegate comprehensive planning responsibility to local municipalities. One of many examples is the coastal zone planning program in Oregon, where coastal cities were required to prepare master plans that included provisions for use of the coastal area. Massachusetts has recently proposed growth policy requirements for localities that tie local and regional growth plans to statewide capital investment programming.

It is important to note that there is also a long American tradition of initiation of comprehensive planning efforts by concerned citizens as well as public servants. The Burnham plan is the best-known historical example. There are many recent instances. For example, in Rockport, Massachusetts, a comprehensive plan was undertaken by a group called Citizens for Rockport who "met . . . to map out plans for documenting the consequence of rapid and unplanned growth, to design more effective recommendations for shaping new development and to involve as many people as possible in the formulation of an overall growth strategy for the town of Rockport, Massachusetts."²⁷

There may be a combination of public and private effort, such as the startlingly determined new growth plan for La Jolla, California. This is a joint effort of a nonprofit corporation of La Jolla citizens (La Jollans, Inc.) and the city of San Diego.²⁸

The initiation of a comprehensive planning effort in response to public concern over the future of the municipality is, in many ways, the ideal circumstance for the undertaking. One of the aims of the planning effort is to generate widespread discussion of the future development of the municipality. As many planners have discovered, it is often difficult to gain the attention of any but a few of the public. This is particularly true of plans generated by a planning department or commission simply in response to federal or state requirements.

Who directs the work?

And who else should be involved?

While a comprehensive planning effort may be financed and directed wholly outside the public sector, this is the exception and not the rule. The majority of

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Plans that fit the purpose

Barry Miller

Urban plans address a vast array of topics, have extraordinarily diverse intentions, and cover geographic areas that range from a single parcel to an entire metropolis. Their common trait is that they guide change through a coordinated set of deliberate actions. They lead us from the way things are today to the way we'd like things to be in the future, while taking into consideration all the uncertainties that the future holds.

For the purposes of this article, the word *plan* refers to the printed or digital prescriptions or representations that urban and regional planners use to shape the built and natural environments. Over the past century, and especially since the 1960s, the range of such plans has expanded as the challenges of managing cities, towns, and natural resources have become more complex.

Most plans share a few common elements. For instance, they typically

- Require some assessment of existing conditions ("where we are"), trends ("where we're headed"), and goals ("where we'd like to be")
- Reconcile individual needs with broader community needs
- Require trade-offs to achieve goals
- Result in a commitment of resources, such as capital dollars or staff time
- Are vetted through a public process, from a single public hearing to an elaborate series of community workshops
- Result in a tangible work product—usually a document or map—that sets a course for decision-makers to follow
- Are adopted or endorsed by an elected body (such as a city council), an appointed body (such as a planning commission), or a stakeholder organization (such as a board of directors).

Beyond these shared qualities, plans differ in scope, format, structure, scale, intent, time horizon, level of detail, and legal status (see Table 5-1). There are also significant regional differences: in many cases, state laws preempt the question of which plan best "fits the purpose."

Finding the right fit

The following factors influence the type of plan used in a given setting:

- *Desired outcome.* The desired outcome is what the plan is supposed to accomplish.
- *Size and complexity of the geographic area covered.* Larger geographic areas tend to require less prescriptive and more flexible plans than smaller geographic areas.
- *Time horizon.* Plans with shorter horizons tend to be more detailed and task-oriented than those with more distant horizons.
- *Regulatory parameters.* Many states have legal statutes that prescribe the contents of a plan or require particular planning tools to be used in specific situations.
- *Local planning context.* As noted in Chapter 2, the local planning context is determined by a range of factors, including cultural norms, local politics, the state of the economy (including the real estate market), and the natural environment.
- *Resources.* Plans must reflect the financial and staffing resources of the jurisdiction or entity doing the planning.
- *Audience.* Plans should be designed and written for the people who will ultimately use them. Characteristics such as writing style, layout, length, and the balance between text and graphics should all vary with the audience.

Making Plans

Table 5-1 Plan types and characteristics

Plan type	Geography	Characteristics					Essential content
		Time horizon	Preparation time	Level of detail	Legal status		
Vision	Varies	20 to 50 years	6 months to 1 year	Low	Advisory	Motivational ideas, design renderings	
Framework plans	State or region	20+ years	1 to 2 years	Low	Advisory	Broad goals and policies	
Comprehensive plans	Municipality or county	10 to 25 years	2 to 3 years	Moderate	Regulatory, though general in intent	Topical elements include goals, actions, and maps	
System plans	Municipality or county	5 to 20 years	1 to 2 years	High	Advisory or regulatory	Needs assessment data, design and guidelines, operating policies, list of capital projects	
Area plans (including neighborhood plans)	Sub-area	5 to 10 years	6 months to 1 year	High	Advisory	Place-based recommendations and guidelines	
Downtown plans, waterfront plans, corridor plans	Sub-area	10 to 20 years	1 to 2 years	High	Advisory	Place-based recommendations and development strategies	
Reuse plans for large sites	Site	20 to 50 years	2 to 3 years	Very high	Advisory	Site plan, reuse and impact mitigation strategies	
Specific plans and redevelopment plans	Sub-area	10 to 20 years	1 to 2 years	Very high	Regulatory	Development standards, financing plan	
Strategic plans	Municipality or county	4 to 6 years	3 months to 1 year	Moderate	Advisory	Program recommendations	
Capital improvement plans	Municipality or county	4 to 6 years	3 to 6 months	Very high	Regulatory	Project lists, evaluation criteria, budget, financial data	
Private sector or institutional plans	Site	5 to 15 years	1 to 2 years	High	Advisory or regulatory	Site plan, systems plans, impact mitigation strategies	
Land development plans	Site	5 years	3+ months	High	Advisory (until codified)	Site plan, infrastructure details	

Note: This table reflects common practice; the characteristics of plans from particular communities may differ from those shown here.

A similar set of factors must be addressed when designing the planning process—particularly when it comes to determining the level and type of public involvement. Public input can substantially improve the quality of decision making, build trust between planners and the communities they represent, and ensure that plans are responsive to local concerns. Plans that proceed without public trust may be perceived as arrogant, out of

Creating the technical foundation for planning

Every plan, regardless of scope, should be grounded in data: good plans take stock of existing conditions, analyze trends, develop projections for the future, and test the impacts of decisions and choices on the community. These tasks require a variety of quantitative methods and mapping techniques, ranging from simple windshield surveys to elaborate geographic information system analyses and scenario testing. The collection and analysis of spatial and socioeconomic data are important functions of most large planning offices and are typically accomplished through long-range or strategic planning divisions. To provide the rationale for local policies and programs, these divisions undertake land suitability analyses, demographic studies, and environmental impact reviews; they also inventory vacant land and track development activity. In the absence of quantifiable data, the public may view plans as little more than wish lists.

touch, or undemocratic. On the other hand, plans that strive for complete agreement run the risk of getting watered down or being rendered meaningless. The challenge for every planner is to find the right balance between "top-down" principles and "bottom-up" input.

The family of plans

Prior to 1900, most city plans were two-dimensional drawings showing the locations of streets, parks, and public buildings (see "From Town to Metropolis" in Chapter 1). Over the course of the twentieth century, these plans evolved in several important ways. Hybrid plans emerged that recognized social, economic, and environmental factors as integral parts of land use and physical design. Policy plans were created, supplementing maps and illustrations with narrative policies to guide daily decisions. Regulatory plans were developed to provide a legal foundation for controlling land use and development. And strategic plans, which are action-oriented and short term in focus, were widely adopted. Today's comprehensive plans incorporate all four of these approaches to varying degrees. The accompanying sidebar uses the metaphor of a tree to explain the origins and evolution of the modern comprehensive plan.

The planning "family tree"

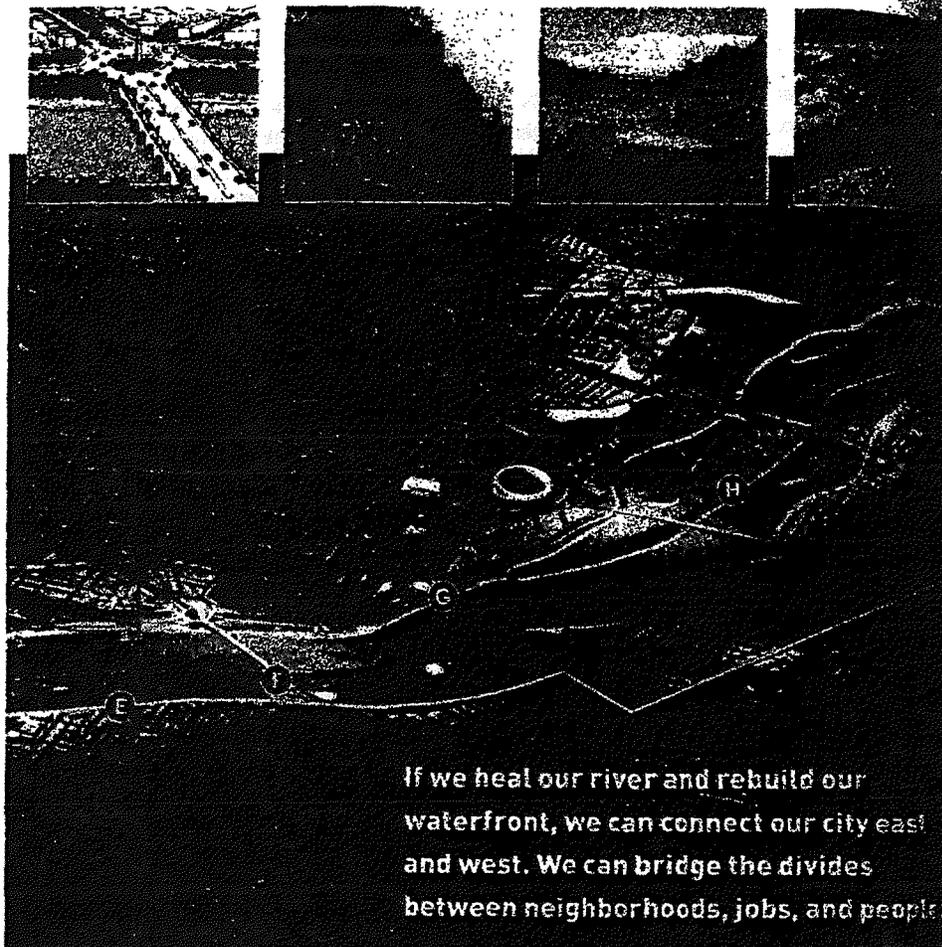
In a 1995 article in the *Journal of the American Planning Association*, Edward Kaiser and David Godschalk use the analogy of a tree with multiple trunks to chronicle the evolution of the comprehensive plan.¹ The trunks correspond to

- Land use design plans, which are prescriptive and map-focused
- Land classification plans, which are more conceptual and oriented toward urban form
- Verbal policy plans, which are narrative and less spatially oriented
- Development management plans, which are regulatory and focused on growth management and short-range actions.

Kaiser and Godschalk describe the modern comprehensive plan as the canopy of this tree; in essence, it is a hybrid that incorporates attributes of each plan type. They also note that in most jurisdictions, the comprehensive plan is just one aspect of a dynamic, long-range planning program that includes the capital improvement program, land use controls, small-area plans, and functional (or system) plans.

¹ Edward J. Kaiser and David R. Godschalk, "Twentieth Century Land Use Planning: A Stalwart Family Tree," *Journal of the American Planning Association* 61 (Summer 1995): 365-385.

Figure 5-1 Washington, D.C.'s *Vision for Growing an Inclusive City* (2004) combines renderings, photos, site plans, and aspirational text challenging residents to visualize a new future for the city.



Source: D.C. Office of Planning

A model based on family relationships is useful for understanding the connections between plans. State and regional plans, visions, and other broad policy documents are the grandparents, providing the conceptual framework and wisdom (and sometimes the requirements) that underpin the comprehensive plan. The comprehensive plan is the parent, providing jurisdiction-wide land use maps and a policy and action framework for an ever-expanding array of topics. A host of siblings—system plans—address topics such as parks, transportation, housing, and resource management. Area plans, neighborhood plans, and other plans covering subcomponents of the jurisdiction are the children. Figure 5-1, an excerpt from Washington, D.C.'s comprehensive plan update, *A Vision for Growing an Inclusive City*, uses the “family” metaphor to show the relationship among urban plans.¹

Laying the foundation through visioning

Visioning is planning at its boldest. As Lewis Hopkins has explained, “A vision is an image of what could be. Visions compel action. Visions work by changing beliefs about how the world works.”² Visioning provides a tool for identifying and articulating what matters most to a community. It is a good way to establish a sense of direction, define shared values, and pinpoint desired outcomes before proceeding too far down a particular path. It also provides an opportunity to identify issues that will require greater focus later on. Vision plans allow creative, “outside the box” think-

ing that may be missing from the more measured, analytic, and rigorously structured comprehensive planning process.

In some respects, today's vision plans are a throwback to the City Beautiful plans of a century ago. They are highly visual and may be accompanied by elaborate renderings and maps. They often have a strong physical emphasis, and may depict desired development patterns in illustrative form. Vision plans are seldom implemented directly; instead, they provide the foundation for more detailed planning.

Vision plans typically have long time horizons and are less focused on constraints than other types of plans. A vision might feature watercolor renderings of a magnificent new waterfront park, or it might describe a day in the life of a resident in a new community built on the site of an abandoned factory. However, such plans probably would not address in any detail the logistics of obtaining easements from waterfront property owners, the plan for financing the new park, or the program for cleaning up hazardous materials on the factory site. The intent of the vision is simply to show a possible future and gain general agreement about a concept before proceeding to the details.

**Visioning provides a tool for identifying and articulating
what matters most to a community.**

Not all visions focus on reshaping the physical environment. A vision may be a statement of a community's values or an expression of an ideal future. Washington, D.C.'s *Vision for Growing an Inclusive City*, for example, identifies the social and economic challenges facing the District of Columbia and describes a future in which these challenges have been resolved through thoughtful, effective planning. Such products are not really *plans* per se, but they do articulate the values of a community and define the priority issues to be addressed in the future. *Getting there* is a subject for another day.

A vision can be an effective way to generate widespread interest in the planning process. Visions are short; they often take the form of stories; and they are designed to capture the attention and imagination of citizens and other stakeholders. Their tone is engaging and emotional. They can spark the dialogue needed to create effective and responsive policies in the detailed planning efforts that follow.

Framework plans

A framework plan presents guiding policies for a large geographic area such as a state or a region. Such plans may cover thousands of square miles and typically emphasize broad issues and principles—such as environmental quality, farmland preservation, and transportation—rather than specific actions. The vast geographic scope of these plans necessitates this approach. The best examples of framework plans are the many state and regional policy plans that have been prepared to promote smart growth across the country.

The advantage of framework plans is their ability to address issues that span jurisdictional lines. An individual town or city may find it difficult to assess problems like water pollution and traffic congestion, but a regional council of governments can analyze an entire watershed or transportation network. Similarly, a state can provide overarching policy direction on issues such as historic preservation, coastal management, and habitat management more effectively than can a village or small city. As they prepare comprehensive plans, local governments may look to state and regional plans for guidance to ensure that place-specific policies also reflect a state or regional perspective.

Comprehensive plans

Municipalities and counties use comprehensive plans (which are also called general plans or master plans) to manage physical development, typically over a ten- to twenty-five-year time horizon. The word *comprehensive* applies to both geography and subject matter: a comprehensive plan covers an entire municipality or county, not just a part of it, and it addresses all issues that touch the physical environment. Although its main focus is land use, the plan also addresses transportation, housing, natural resources, community facilities, and other topics. With the recognition of the strong relationship between the physical environment and social and economic conditions, the scope of comprehensive plans has expanded to include issues such as public health, culture and the arts, and sustainability.

Preparing a comprehensive plan usually takes at least two to three years and often requires two years or more. The process begins with an assessment of issues and the development of broad goals for the community's future. This is followed by an inventory of existing conditions, which involves data collection, the preparation of maps, and consultation with major stakeholders. On the basis of the data and identified trends, various scenarios for the community's future may be developed. A public vetting process is used to select the alternative that best fits the community's goals. Plan policies and maps are then drafted, and the document is put forward for public review and adoption.

Content of comprehensive plans

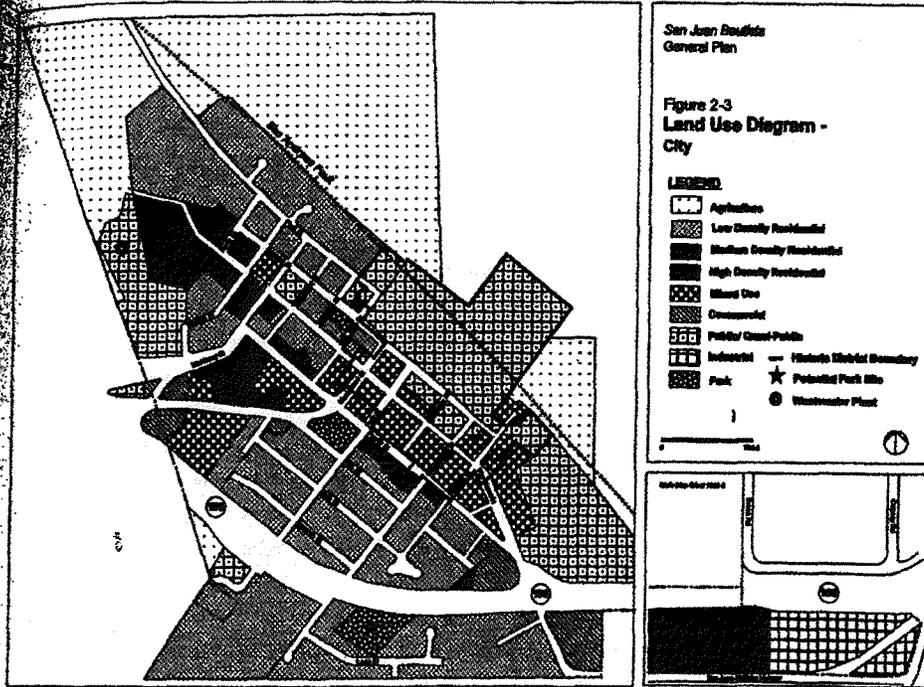
Most comprehensive plans are organized by topic into a series of chapters called *elements*. The core elements address land use, transportation, housing, and environmental resources. Plan elements may also cover natural hazards, parks and recreation, open space, infrastructure, community facilities, historic preservation, urban design, and other topics relating to the community's physical setting. In some cases, issues such as governance and intergovernmental coordination are addressed. There is also a growing trend toward including "implementation" chapters in comprehensive plans to highlight the administrative, regulatory, programmatic, and financial measures necessary to carry out the plan.

Each plan element usually includes narrative text that describes existing conditions, trends, issues, and recommendations. The text is accompanied by some combi-

Essential qualities of a comprehensive plan

In addition to broad geographic coverage, comprehensive plans share the following characteristics:

- **Generality.** Comprehensive plans are broad policy documents designed to provide general direction. They should not include small details about individual properties or address operational issues such as street sweeping or sidewalk repair.
- **Internal consistency.** The policies, actions, and diagrams in a comprehensive plan should be internally consistent. For example, if a plan includes policies to produce affordable housing, its land use policies and maps should identify locations where such housing can be built.
- **Long-term perspective.** Most states require local comprehensive plans to take a long-term perspective, which usually translates into about twenty years. The plan horizon does not mark the "end" of the plan as much as it provides a set of objectives to guide day-to-day decisions.
- **Legality.** Comprehensive plans are often adopted as law by local governments. Once a plan is adopted, all local government land use decisions should be consistent with it.



Source: Barry Miller

Figure 5-2 Graphic patterns in the comprehensive plan future land use map for San Juan Bautista, a city of about 2,000 people in Central California, are used to show allowable land uses in different parts of the city.

nation of goals, objectives, policies, actions, and standards that are intended to guide day-to-day decisions by elected officials and local government staff. Maps may be used to convey information visually, and data tables may be included for reference.

Most comprehensive plans include a future land use map in which different colors or patterns represent the types of land uses envisioned for the community by the horizon year. The map may also show the general location of public improvements such as roads, parks, and schools. Such maps—often presented in a large-scale, poster-sized format—provide a graphic interpretation of the plan’s recommendations and offer a compelling visual image of how the community intends to grow. More than any other part of a plan, the future land use map provides a tool to help residents grasp the significance of the plan to their community, neighborhood, and home. The map is especially critical to plan implementation: it provides the benchmark for evaluating proposed development and serves as the foundation for the local zoning map.

Adapting the plan to the community

Even where state requirements dictate what a plan must address, both the approach to planning and the plan itself should reflect the size of the community, its anticipated growth rate, its physical setting and character, its ability to annex land, the values of its residents, and other factors that create the context for land use decisions. Table 5-2 on page 220 identifies the typical array of issues that are likely to be addressed in comprehensive plans, depending on the community setting.

The contents of comprehensive plans also reflect regional differences—in political beliefs, social customs, growth rates, real estate dynamics, planning laws, and especially natural hazards. In California, for example, local general plans must include a safety element addressing earthquakes, wildfires, and landslides; Florida requires its coastal communities to develop coastal management elements that include policies on hurricane evacuation, beach erosion, and shoreline access.

Historically, states with a strong tradition of self-reliance and self-determination have had less stringent planning requirements than those with a reputation for social advocacy and progressive politics. But it would be oversimplifying to assume that

Table 5-2 Typical issues addressed in a comprehensive plan

Setting	Land use pattern	Issues
Central city	Stable to evolving	Downtown revitalization, neighborhood improvement, economic development, housing affordability, social equity, urban "greening," reuse of catalytic sites, historic preservation
Inner-ring suburb	Stable	Renewal of older commercial corridors, conservation of aging postwar housing stock, strengthening of community identity, changing demographics, sustainability
Outer-ring suburb	Evolving	Growth management, location of schools and parks, improvement of infrastructure to keep pace with development, preservation of open space, community character
Small towns/rural communities	Stable to evolving	Agriculture, management of resource-based industries, economic development (including small-business growth), tourism, community character, growth management, housing
Urban and suburban counties	Evolving	Intergovernmental coordination, transportation management, smart growth, preservation of open space, service delivery
Rural counties	Stable to evolving	Economic development, resource production, hazard mitigation, tourism, agriculture, conservation

comprehensive planning requirements are determined primarily by a state's general political leanings. Since the 1990s, such states as Tennessee and Georgia have begun requiring local comprehensive plans, while others, such as Arizona and Utah, have moved to increase the power of local comprehensive plans as a tool for shaping growth.³

New approaches

The essential form of the comprehensive plan, particularly its organization into topic-based elements, has persisted since the 1950s. While this structure is logical and predictable, it does have drawbacks. For one thing, as new elements have been added, plans have become unwieldy: in some communities, plans may include entire elements devoted to topics such as agriculture, educational facilities, geothermal energy, local tourism, and even the siting of electric transmission lines. The inclusion of sub-area plans within the comprehensive plan has had a similar effect, turning many plans into multivolume documents. As comprehensive plans have become longer (some are more than 1,000 pages), their basic purpose—which is to provide a general framework for future growth—has become obscured.

The element-based format has also been criticized for having a "silo" effect—that is, for yielding plans that treat topics in parallel, without recognizing the crosscutting, integrated nature of urban and regional issues. Lack of integration is a particular risk for land use and transportation, which are typically treated in separate elements of a comprehensive plan. Emerging issues such as climate change, sustainability, and environmental justice may also be difficult to address in the context of an element-based plan. Some communities have tackled this challenge by creating "super-elements" that span multiple topics. Others have reinvented their plans entirely, grouping plan elements around larger themes: Baltimore's comprehensive plan, for example, is organized into chapters titled "Live," "Work," "Play," and "Learn."

New approaches to the content of comprehensive plans also are being explored. In response to criticism that comprehensive plans are too vague, some jurisdictions have introduced objective benchmarks and performance standards. For example, the state of Florida requires local comprehensive plans to include concurrency requirements to ensure that infrastructure and services are in place as new development

comes on line. A growing number of plans include standards such as fire-response time, park acreage per capita, and number of affordable-housing units to be produced over a given time period. Such standards make it possible to evaluate plan implementation, allow for corrective measures in the event that targets are not being achieved, and provide a clear basis for regulatory controls.

System plans

Communities are made up of natural systems, such as watersheds and air basins, and man-made systems, such as utilities, highways, transit systems, and park networks. Comprehensive plans provide general direction for these systems, but cannot—and should not—address each topic in detail: that is the function of system plans. System plans may be specifically called for by the comprehensive plan, may be required to obtain a grant or public funding, or may be ad hoc—designed to respond to a particular issue and prepared at the request of elected officials. They typically contain background data, analyses of needs and opportunities, and action programs. Although they may include policies, system plans are more likely to focus on design and siting issues, operations, management, and capital projects.

The concept of systems planning has expanded to include dozens of issues addressed by the comprehensive plan. Today, cities have public arts plans, pedestrian safety plans, child care facility plans, historic preservation plans, street tree plans, and more. In many large planning departments, the preparation of system plans is the principal activity of the long-range planning division during the years between comprehensive plan updates.

Area plans

For all the benefits that comprehensive plans and system plans provide, they usually cannot provide place-specific prescriptions for each neighborhood, business district, or corridor in a community. In large cities with diverse neighborhoods, a citywide plan may be too general to strike a chord with residents and businesses. The same could be said of countywide plans that cover dozens of small, unincorporated communities. Plan users will search the document for references to their neighborhoods or townships, but will instead find only general statements about the city or county. Area plans—also known as district plans, small-area plans, or sector plans—refine the comprehensive plan and establish policies that are grounded by geography and the issues that are unique to smaller sub-areas.

The process of preparing an area plan is similar to that of preparing a comprehensive plan: issues are identified, data are collected and analyzed, alternatives are evaluated, policies and maps are developed, and a plan is created. This process can be a highly effective way to address localized land use and design conflicts and to engage people who might not participate in a citywide or countywide planning process. However, the immediacy and small scale of area planning can also lead to a loss of objectivity and to a myopic perspective on what is best for the wider community. It is therefore important when developing area plans to help stakeholders keep the broader context in mind.

Neighborhood plans

Neighborhood plans are among the most common type of area plan. The neighborhood provides a geographic scale that almost everyone can relate to, and it evokes a sense of ownership that is conducive to public involvement. In fact, many larger planning departments have neighborhood planning divisions charged with preparing and implementing plans for areas ranging in size from a few blocks to several square miles. The neighborhood plan can become a tool for resolving neighborhood land use conflicts, reinforcing neighborhood identity, and empowering the community.

OSU-Related Comprehensive Plan Findings and Policies (1998 Comprehensive Plan)

Article 3. Land Use Guidelines

3.2 General Land Use

Findings

- 3.2.c *Continued cooperation among Corvallis, Benton County, Linn County, and Oregon State University is important in the review of development. This should help to ensure compatibility between uses on private and public lands.*
- 3.2.i *Land within the Urban Fringe contains large contiguous Oregon State University agricultural and forestry land areas. The ability of these areas in support of instruction / research and extension activities requires that these large areas must be maintained free from division into small land parcels.*

Article 5. Urban Amenities

5.2 Community Character

Findings

- 5.2.c *Natural features, such as rivers, streams, and hills, or manmade features, such as highways, major streets, and activity centers (downtown and Oregon State University), act as either boundaries or as internal features for several distinct neighborhoods within the Corvallis Urban Growth Boundary.*

5.4 Historic and Cultural Resources

Findings

- 5.4.a *There are a number of inventories of buildings with historic significance located within the Corvallis Urban Growth Boundary, including those developed by the State Historic Preservation Office and the State Board of Higher Education. As of 1998, 375 inventories of historic sites and structures had been conducted in Corvallis. They identify the 26 Corvallis structures on the National Historic Register, 12 structures on the*

Oregon State University campus, and many other buildings as having historic significance. In 1989, the City created the Corvallis Register of Historic Landmarks and Districts which contains 85 properties. The City will be adding properties to this listing on an ongoing basis.

5.4.b Structures of historical significance in Corvallis include: commercial buildings generally found within the central business district core; residences located throughout older neighborhoods; industrial and religious buildings; and public buildings generally located on the Oregon State University campus and downtown.

5.4.g The region's cultural needs are served by Oregon State University, Linn - Benton Community College, the Corvallis Arts Center, Corvallis School District 509J, the Majestic Theater, the City of Corvallis, and other cultural groups. There is currently no designated "agency or organization" to coordinate cultural events and activities in Corvallis.

Policies

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.

5.6 Parks and Recreation

Policies

5.6.6 The City shall continue to use cooperative agreements with the Corvallis School District 509J, Benton and Linn Counties, Linn - Benton Community College, Oregon State University, and other leisure service providers to ensure that adequate recreation and open space lands and facilities will be provided.

Article 8. Economy

8.2 Employment and Economic Development

Findings

8.2.d The stability of Corvallis and Benton County's economy is dependent on a few major employers in a few economic sectors, i.e., Oregon State University and Hewlett - Packard; other local, State, and Federal government employers; firms engaged in electronics, forest and agricultural products; consulting and medical services; and retail

businesses. In 1996, the twelve largest employers in Benton County were located in Corvallis, representing nearly half of the total employment in the County.

8.4 Education

Findings

- 8.4.a State and local education represents the most significant sector of Benton County's economy, with approximately one-fourth of all County jobs in this sector. This sector provides a stable economic and employment base for Corvallis and is three times the State average.*
- 8.4.b Oregon State University is consistently rated among the top Universities in the nation in the areas of forestry, agriculture, computer science, engineering and pharmacy. A significant portion of the nation's research in the fields of forestry, agriculture, engineering, education, and the sciences takes place at Oregon State University. Changes in Oregon State University employment will be affected mainly by research activities.*
- 8.4.c Oregon State University will continue to develop new technology in both "high-tech," and "bio-tech" renewable resource based industries.*
- 8.4.d Oregon State University undergraduate students are attracted to the university for its programs and its location. Support for students' convenient retail shopping and entertainment needs will be one key to improving on OSU's attractiveness to new undergraduate students. Undergraduate students, per person, contribute as much as \$11,000 each year to the local economy through the employment of University faculty and staff who live in the local area and the purchase of goods, food, and services from local businesses.*

Policies

- 8.4.1** The City shall encourage and support Oregon State University as a major education and research center.
- 8.4.2** The City shall support Oregon State University to facilitate the transfer from research to business of new technologies developed at the University.
- 8.4.4** The City shall encourage collaboration between the Corvallis School District 509J, Oregon State University, Linn - Benton Community College, and local employers to address emerging education and workforce needs of the community.

8.6 Visitor and Conference Activities

Findings

- 8.6.a *In 1996, there were an estimated 200,000 overnight visitors to Corvallis, representing the following market segments: business travel and Oregon State University (approximately 54%); visiting friends and relatives (35%); conference and sports (8%); fairs and festivals (2%); and leisure vacationers (1%). The fastest growing visitor market segment is conferences and sports.*
- 8.6.d *Most of the conference activity attracted to Corvallis is generated by local groups, most notably Oregon State University, and to a lesser degree by local governments and businesses. The University's activities are capitalized on to support the Corvallis motel, restaurant, and retail businesses.*
- 8.6.e *People attending Oregon State University athletic events make a significant contribution to the Corvallis economy.*
- 8.6.f *The Oregon State University conference facilities and additional private conference facilities, satisfy some of the demand for conference space in Corvallis.*
- 8.6.h *The Oregon State University LaSells Stewart Center has a theater-type auditorium seating 1,200, a 200-seat lecture room, and seven conference areas ranging in size from 375 to 1,800 square feet. The priorities of the center are to provide facilities for: 1) Oregon State University conferences; 2) the Oregon State University Office of Continuing Education; and 3) the general Corvallis community.*
- 8.6.i *The Oregon State University Alumni Center was completed in 1997 and has a ballroom which can accommodate 700 people, and eight conference rooms ranging in size from 254 to 1,600 square feet. The priorities of the center are to provide facilities for: 1) Oregon State University alumni to come home to and host events; 2) Oregon State University meetings and conferences; and 3) the local and regional community. Oregon State University is currently interested in having a 150+ room hotel constructed near these conference facilities.*

8.9 Industrial Land Development and Land Use

Findings

- 8.9.j *Corvallis has a large existing research base and a comparative advantage in the research-technology field due to Oregon State University (OSU), the Forest Ecosystem Research Laboratory, Environmental Protection Agency, Hewlett-Packard, CH₂M HILL, regional medical facilities, and other major employers.*
- 8.9.k *The Linn - Benton Regional Economic Development Strategy states that technology transfer, primarily from Oregon State University, will be a major factor in starting or expanding businesses that bring new products and processes into the marketplace. (See Section 8.4 - Education.)*

- 8.9.1 *The economic base of Corvallis would be strengthened by additional employment opportunities in the research-technology area which in turn would benefit from proximity to Oregon State University, a major research institution.*

Article 9. Housing

9.4 Housing Needs

Findings

- 9.4.a *The need for new housing is influenced by job generation and in-migration, the availability and cost of transportation, and seasonal factors in such areas as employment and student enrollment at Oregon State University.*

Policies

- 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.

9.7 Oregon State University Housing

Findings

- 9.7.a *Oregon State University enrolled 14,127 students for the 1997 fall term. The number of students living within a 1/2 mile of the main campus area was approximately 7,000, while roughly 25% of the students live on campus.*
- 9.7.b *According to information collected by OSU University Housing and Dining Services, during the 1997 fall term, student occupancy in residence halls, cooperative houses, student family housing, the College Inn, fraternities and sororities totaled 4,430. Total housing capacity in these units was just over 6,100, and thus exceeded occupancy by over 1,600 units.*
- 9.7.c *If the percentage of OSU students who live within 1/2-mile of the main campus could be increased from the current estimated 50% to 60%, there is a potential savings of at least 5,000 vehicle trips per day in a very congested part of the City.*
- 9.7.d *The student population is not expected to increase significantly during the planning period. The percentage of the total population who are students will decrease as the non-student population increases.*

- 9.7.e *There are approximately 140 acres of land zoned medium density residential and 85 acres of land zoned medium-high residential within a 1/2 mile of the main OSU campus, all of which has some potential for rezoning to a higher density.*
- 9.7.f *A 1993 OSU survey found that 17% of OSU students commute to campus in single occupancy vehicles. Fifty-six percent of faculty and staff commute to campus in single occupancy vehicles.*
- 9.7.g *Some of the Oregon State University residence halls are not protected with built-in fire sprinkler systems, which creates risk for the residents and a higher reliance on the fire department for rescue services using aerial apparatus.*

Policies

- 9.7.1 The City shall encourage the rehabilitation of old fraternity, sorority, and other group buildings near OSU for continued residential uses.
- 9.7.2 The City shall encourage OSU to establish policies and procedures to encourage resident students to live on campus.
- 9.7.3 The City and OSU shall work toward the goal of housing 50% of the students who attend regular classes on campus in units on campus or within a 1/2 mile of campus.
- 9.7.4 The City shall evaluate cooperative programs and investments with OSU to provide alternative transportation services specifically targeted towards students, faculty, and staff.
- 9.7.5 The City shall encourage Oregon State University and its fraternities, sororities, and cooperative housing owners to pursue opportunities for retrofitting residential units with fire sprinkler systems, and to provide fire sprinkler systems for all new residential units.

Article 11. Transportation

11.6 Pedestrian

Findings

- 11.6.d *The 1990 Census identifies the pedestrian mode as the second highest mode used in Corvallis to get to work, while Oregon State University has identified it as the most common mode for students accessing the campus.*

11.12 Oregon State University Transportation Issues

Findings

- 11.12.a The existing traffic pattern serving Oregon State University has an impact on the community. These impacts include additional through traffic in neighborhoods and higher-speed traffic in residential areas.*
- 11.12.b Existing non-university traffic patterns include traffic flow through the campus which has an impact on the campus community.*
- 11.12.c Off campus on-street parking of university-related vehicles has a significant impact on the availability of on-street parking near campus. The University and the City are working together by encouraging increased use of the free transit pass program, increased bicycle and pedestrian travel, and by developing and implementing a parking plan.*

Policies

- 11.12.1** The University and the City shall work together to improve traffic patterns through and around Oregon State University which will reduce negative impacts on existing residential areas and the campus.
- 11.12.2** The University shall develop and implement a transportation and parking plan that reduces the negative traffic and parking impacts on existing residential areas.
- 11.12.3** All-day parking of University-related vehicles on streets in proximity to the University shall be discouraged.
- 11.12.4** The City shall work with the University to minimize Oregon State University-related off-campus parking problems.
- 11.12.5** The City shall work with OSU to develop a plan to decrease traffic and parking impacts in and around the University during major events.

Article 13. Special Areas of Concern

13.2 Oregon State University

Findings

- 13.2.a Oregon State University is the major employer, landowner, and traffic generator in the Urban Growth Boundary.*
- 13.2.b The location and function of University land uses have a major impact on the community.*

- 13.2.c *Oregon State University contributes to the economic vitality of the community by attracting students who provide the employment base for teaching faculty and support staff at OSU and secondarily by drawing conferences and conventions among its faculty peer groups and alumni / donor base. Oregon State University invests considerably each year to attract new and returning students, alumni, donors, and other groups to come to its Corvallis campus. The University also contributes to the economic vitality of the community by attracting Federal, State, and corporate research funds which support its locally-based research faculty and facilities development.*
- 13.2.d *The location and function of private land uses surrounding the University can have a major impact on the campus and University agricultural lands.*
- 13.2.e *Changes of land use on the campus and on surrounding private and public lands are expected to occur. These changes include the location of new structures, changes to existing structures and their uses, and changes to traffic patterns.*
- 13.2.f *In 1986, the City adopted the Oregon State University Plan which updated the Physical Development Plan for the main campus. This made the Oregon State University Plan consistent with the Comprehensive Plan in accordance with State law.*
- 13.2.g *The City and the University periodically revise and update their land use plans.*
- 13.2.h *The OSU Campus Way agricultural service road / pedestrian trail impacts the adjacent agricultural uses and the use of the road by farm service equipment.*

Policies

- 13.2.1 **The University and City should work cooperatively to develop and recognize means and methods to allow the University to provide the mission activities.**
- 13.2.2 **The City and the University shall continue to work together to assure compatibility between land uses on private and public lands surrounding and within the main campus.**
- 13.2.3 **The City shall continue to work with Oregon State University on future updates of and amendments to the 1986 Oregon State University Plan. Coordination shall continue between the City and Oregon State University on land use policies and decisions.**
- 13.2.4 **The City and Oregon State University shall jointly participate in activities to "market" Oregon State University as a resource for members of the community and to draw people to the community.**
- 13.2.5 **Development on the Oregon State University main campus shall be consistent with the 1986 Oregon State University Plan, its City-approved successor, or approved modifications to the Plan. This plan includes the Physical Development Plan Map that specifies land use at Oregon State University.**

13.4 Oregon State University Open Space and Resource Lands

Findings

- 13.4.a *Oregon State University open space lands are a valuable asset to the community as they: 1) provide a good transitional zone between intensive agricultural uses at the University and community land uses; 2) contribute to community open space; and 3) provide gateways to the community.*
- 13.4.b *Oregon State University has four types of open space: 1) unbuilt areas on the main campus; 2) Comprehensive Plan designated Open Space - Agriculture; 3) Comprehensive Plan designated Open Space - Conservation; and 4) Oregon State University forest resource land.*
- 13.4.c *Some Oregon State University lands are currently made available to the public on a limited basis.*
- 13.4.d *Oregon State University agricultural and forest open space provide important viewsheds.*
- 13.4.e *The University agricultural lands are necessary to the University and beneficial to the State and local community.*
- 13.4.f *Adequate buffers help prevent conflict between University agricultural / forest uses and urban uses.*
- 13.4.g *There is no jointly-adopted plan between the City and Oregon State University for University agricultural and forest uses. The lack of alternate plans requires land use decisions to assume that agricultural land uses will continue in place into the future without change. This intent has been substantiated with confirming letters from OSU.*
- 13.4.h *Oregon State University agricultural runoff and agricultural activities could degrade the water quality of Oak Creek and Squaw Creek and negatively impact stream system integrity.*
- 13.4.i *Citizen use of agricultural, conservation and forest open space can impact the operation of those areas and the ability of the University in providing its State mission.*
- 13.4.j *Due to proximity to urban development, some OSU resource lands could be easily served by City services and are capable of accommodating urban development. At the same time, some lands within the Urban Growth Boundary could provide for the agricultural land needs of OSU.*

Policies

- 13.4.1 If Oregon State University agricultural and conservation open space lands change to more intensive uses, provisions shall be made to ensure that a transitional zone separates university and community uses, as appropriate.
- 13.4.2 Designated open space in the OSU Physical Development Plan and Oregon State University agricultural, conservation, and forest resource lands make a significant contribution to community open space and their loss should be minimized.
- 13.4.3 The University should develop and maintain a plan for its open space, agricultural, conservation, and forest lands within the Urban Growth Boundary.
- 13.4.4 The City and the University shall work together to ensure plans for the University lands are consistent with the City's Comprehensive Plan.
- 13.4.5 The City shall adopt land use policies, such as maintaining adequate buffers, to protect University agricultural and forest land from the negative impacts of urban development and protect urban development from the negative impacts of agricultural practices and forest uses.
- 13.4.6 OSU shall continue to prevent harmful agricultural runoff from entering local streams and avoid agricultural activities that ecologically impair the Oak Creek and Squaw Creek systems.
- 13.4.7 The City shall recognize the ability of resource land exchanges between OSU and public and private land owners to provide enhanced agricultural opportunities and urban development or demonstrated public benefit to the community by the exchange.

13.6 Madison Avenue

Findings

- 13.6.a Madison Avenue is a centrally located street which runs east and west through the downtown area. It also provides an important pedestrian connection between the University and the Willamette River through the heart of the downtown area.*
- 13.6.b This street has a unique mixture of land uses abutting it and provides a street linkage, typified by low vehicular and high pedestrian traffic volumes, between Oregon State University and the Willamette River.*

Policies

- 13.6.1 Madison Avenue shall continue to be developed as a pedestrian link between Oregon State University and the Willamette River. Development in this area shall be compatible with and enhance the abutting land uses and allow for this area's continued use for cultural and civic purposes.

Article 14. Urbanization / Annexation

14.3 Urban Fringe Development

Findings

- 14.3.k *Oregon State University agricultural and forestry land uses are critical to maintaining OSU's stated mission.*

CITY ATTORNEY'S OFFICE
MEMORANDUM

To: Mayor and City Council
Planning Commission

From: Jim Brewer, Deputy City Attorney 

Date: December 31, 2014

Subject: Requests for Interpretations
OSU Campus Master Plan Comprehensive Legislative Review

Issue:

City Council interpretations of local land use regulations are given substantial deference by LUBA and the Courts. The standard for review of these interpretations is that the interpretations must be plausible. In a November 13, 2014 memorandum addressed to the City Council and Planning Commission (Legislative and Quasi-judicial land use Processes/ OSU Campus Master Plan Comprehensive Review), the City Attorney's Office made the following recommendation to the City Council:

We recommend that the City Council make an express decision about what the expiration of the master plan "planning period" means in terms of proposals for development within the OSU Zone, and expressly determine, if review (and approval) of the OSU Campus Master Plan Update is not complete prior to that expiration, how development within the Zone will be reviewed until an update is approved.

In order for the City Council, the Planning Commission, the public, the staff and OSU to have a common understanding of the timeline and the public process for the comprehensive review and update of the OSU Campus Master Plan as anticipated by LDC 3.36.40.05, the City Council should discuss and come to a conclusion on these issues.

Background:

Neither LDC Chapter 3.36 (the OSU Zone) nor the OSU Campus Master Plan 2004-2005

expressly state a termination or expiration date for the OSU Campus Master Plan 2004-2015. Similarly, the Comprehensive Plan does not expressly state a termination or expiration date for the OSU Campus Master Plan 2004-2015. While the City Attorney's Office and Community Development staff have not completed a thorough review of all of the application materials, staff reports, applicant presentations, written testimony, minutes, findings or the many and various attachments that constitute the complete legislative history of the December 2004 adoption of the Oregon State University Campus Master Plan 2004-2015, and the related Comprehensive Plan Amendment and Land Development Code text amendments, a cursory review of these materials leads us to the conclusion that there is considerable ambiguity as to the intent of the City Council in 2004 related to the duration of the Oregon State University Campus Master Plan 2004-2015 and the consequences for development on the OSU main campus, if or when that Master Plan expires. On the other hand, we have also received a letter from Christe White, on behalf of OSU, concluding that there is no ambiguity, and that the current OSU Campus Master Plan 2004-2015 extends to a twelve year period and no update is required until December 2016. If the Council adopts our opinion, then this ambiguity regarding the duration of the OSU Campus Master Plan should be resolved by the present City Council. Because there is a substantial amount of inconsistency in the OSU Campus Master Plan 2004-2015 and within LDC 3.36, involving the duration of the planning period and/or the Campus Master Plan itself, the City Council will have considerable discretion in determining what these provisions mean.

Attachments:

LDC 3.36

OSU Campus Master Plan 2004 – 2015.

10/15 2014 Memorandum from City Attorney's Office to City Council Interpretive principles.

12/23 2014 Letter from Christe White to Jim Brewer

Questions for the Council:

- 1) When does the "CMP planning period" expire for the OSU Campus Master Plan 2004 - 2015?
 - a. LDC 3.36.10 states that "[t]he OSU Zone implements the provisions in OSU's 2004-2015 Campus Master Plan, which is the blueprint for campus development over the next decade." Under LDC 1.6.10, because the word "decade" is not specifically defined in the code, "decade" should assume its dictionary definition. According to the Webster's Third New International Dictionary (unabridged) in the context of time "decade" means "a period of ten years". Based on this language from LDC 3.36.10, the Council could plausibly determine that the duration of the Campus Master Plan is precisely ten years from the date of its adoption. Weighing against this interpretation is the first sentence in LDC 3.36.40.05: "The CMP covers a 10 – to 12- year planning period." If the duration of the Campus Master Plan is precisely ten years, the range in LDC 3.3.6.40.05 has no meaning.
 - b. Equally plausibly, the Council could determine that "decade" in LDC 3.36.10

was not intended to mean a precise measurement of time, given that LDC 3.36.10 is a purpose statement for the OSU Zone, and that LDC 3.36.40.05 deals specifically with required updates to the plan. In addition to LDC 3.36.40.05, the Council could support this interpretation with a number of places in the OSU Campus Master Plan 2004-2015 itself which describe a 10- to 12-year planning period (for example, pages 1-1, 1-2, 7-3 and 8-8). Viewed in this context, the Council could plausibly determine that the duration of the planning period for the OSU Campus Master Plan was intended to be within a range of ten to twelve years, rather than a single expiration date. In this view, the OSU Campus Master Plan 2004-2015 planning period could extend at least until December 2016.

- c. Weighing against that interpretation, within the OSU Campus Master Plan 2004-2015 there are a number of projections that extend through 2015, but that do not extend beyond that year. In addition to 2004-2015 being part of the title of the OSU Campus Master Plan 2004-2015 and on cover sheets for each chapter of the CMP, and the references to a 2004 – 2015 planning period throughout the document, within the plan 2015 is consistently used as the last year of projections for OSU populations (enrollment and faculty and staff) and then, based on those population projections, other projections for facility, housing, parking, and transportation requirements also extend no further than 2015 (for examples, see pages 3-1, 3-2, 3-8, 6-3, 7-14, and 7-16). The Council could, plausibly, determine that the OSU Campus Master Plan 2004-2015 “planning period” extends only as long as the projections do, through 2015, and then expires.

2) Is there a distinction between “the CMP planning period” and the Campus Master Plan?

- a. Regardless of when the Council determines the “planning period” expires, the Council could plausibly interpret LDC 3.36.40.05.d (which requires an update of the OSU Campus Master, when “[t]he CMP planning period has expired[.]”) in a manner that draws a distinction between “the CMP planning period” and the OSU Campus Master Plan 2004-2015, itself. Supporting this view is the lack of language in LDC 3.36 or the OSU Campus Master Plan 2004-2015 that discusses what happens to development within the OSU Zone, should “the planning period” expire. Similarly, LDC 3.36 and the Comprehensive Plan do not place an expiration date on the development standards or review criteria that are set out in LDC 3.36 and the OSU Campus Master Plan. Under this interpretation, the OSU Campus Master Plan 2004-2015 and LDC 3.36 simply continue as the development standards for the OSU Zone until an update is adopted by the City Council.
- b. On the other hand, the Council could plausibly read LDC 3.36.40.05 as meaning that when the “planning period” expires, the OSU Campus Master Plan 2004-2015 also expires. The Council could base this interpretation in part on the name of the Campus Master Plan, which includes the 2004-2015

dates, and at least in part on the content of the Campus Master Plan, which includes a large number of references to the timeframe from 2004-2015. While titles and headings of statutes typically are not given import except for the convenience of the users, the repeated references to 2004-2015 could be considered convincing evidence of the intention of the City Council in 2004 to limit the duration of the plan itself.

- 3) If the Campus Master Plan has expired, what is the effect on development proposals within the OSU Zone?
 - a. As mentioned above, nothing in the LDC or the Comprehensive Plan, or the OSU Campus Master Plan expressly states what happens to development proposals if the Campus Master Plan expires. One plausible interpretation is that development simply continues under the current plan and standards until an updated plan is adopted. Weighing in favor of this interpretation would be ORS 227.178 (the so-called “goal post rule”) which requires that applications for land use permits be reviewed under the standards in place at the time the application is filed. Weighing against this interpretation is that if the Campus Master Plan has expired, the Council could plausibly find that the standard is that the Campus Master Plan has expired.
 - b. Because the OSU Campus Master Plan adopts review processes (and presumably compatibility criteria) from the Planned Development chapter, one interpretation is that like a Planned Development that has expired, no development could occur within the Master Plan area until a new master plan is adopted. Weighing against this interpretation is language in the LDC that keeps the adopted standards in a Planned Development in place once development has occurred under an approved detailed development plan. On the other hand, the OSU Campus Master Plan is not a Planned Development, so drawing a conclusion from the Planned Development processes, while perhaps plausible, certainly isn’t the only interpretation. Finally, the Council should consider whether this interpretation amounts to a moratorium, which would involve different statutory public processes, adoption of findings on the inadequacy of City facilities, and timelines limiting the duration of the moratorium and requiring the City to address the inadequacy.
 - c. The Council could plausibly determine that if the Campus Master Plan has expired, any new development proposals for the OSU Zone can only be approved through individual reviews for compatibility under the processes set out in LDC 3.36 for development that requires an adjustment to the Campus Master Plan. Under this interpretation, because the Campus Master Plan has expired, all new development is an adjustment to the plan.

Staff and the City Attorney’s Office are prepared to answer Council or Planning Commission questions regarding these interpretations, and the possible practical, or legal consequences.

Recommendation:

After discussion and deliberation, the City Council should interpret the relevant local land use regulation and determine the answers to the following questions:

- 1) When does the “CMP planning period” expire for the OSU Campus Master Plan 2004 - 2015?
- 2) Is there a distinction between “the CMP planning period” and the OSU Campus Master Plan 2004 - 2015?
- 3) If the OSU Campus Master Plan 2004-2015 has expired, what is the effect on development proposals within the OSU Zone?

CHAPTER 3.36

OREGON STATE UNIVERSITY (OSU) ZONE

This Zone implements Comprehensive Plan policies that encourage coordination between the University and City in planning and review of campus development. Coordination with campus development is essential due to the physical size of the University and its related effects on City facilities and services. This Zone also coincides with the Public Institutional Comprehensive Plan designation for property generally within the OSU campus area. However, not all property within this Zone is owned by OSU; some parcels are privately owned.

In conjunction with this Zone, a Physical Development Plan for campus development was originally adopted in 1986 and has been revised periodically by the University. The most recent revision, which this Zone implements, is the Oregon State University Campus Master Plan (CMP), approved in 2004.

Section 3.36.10 – PURPOSE

The OSU Zone implements the provisions in OSU's 2004-2015 Campus Master Plan, which is the blueprint for campus development over the next decade.

The purpose of the OSU Zone is to:

- a. Encourage coordination between the University and the City of Corvallis, especially in the areas of land use planning and reviewing campus development;
- b. Facilitate University development;
- c. Ensure compatibility of University development with surrounding areas;
- d. Ensure adequacy of public utilities, parking, and transportation facilities;
- e. Expedite the development review process; and
- f. Create a mechanism to regulate development on campus consistent with the CMP.

Section 3.36.20 – DEFINITIONS SPECIFIC TO THIS CHAPTER

The following definitions contained in Section 3.36.20 pertain only to instances where the term is used within the contents of Chapter 3.36 – OSU Zone.

Development Area –The portion of land involved in a building/construction permit application or land use application. The Development Area shall include all of the following that are associated with the development: buildings, yards, open spaces, setbacks, Development Frontage, abutting parking areas, and access. The Development Area shall be indicated on a project site plan. Within Chapter 3.36, the Development Area definition supersedes the Development Site definition found in Chapter 1.6 and used elsewhere within this Code.

Development Frontage – The portion of the Development Area that abuts and/or includes a public street or an OSU Street.

OSU Facility – A land improvement intended for a specific use(s) including, but not limited to, buildings, parking areas, recreational fields, parks, and Historic Resources.

OSU Street – An improved public travel route for vehicular, bicycle, and pedestrian use that is identified as a private, OSU-owned street in Figure 3.36-3: OSU Street Standards by Category. If existing improvements for an OSU Street identified in Figure 3.36-3 are inconsistent with the standards outlined in Section 3.36.60.18, the OSU Street is delineated by the minimum dimensional width required to improve the OSU Street to the functional classification and emergency access standards outlined in Section 3.36.60.18. An OSU Street shall include shared or mode-specific facilities for vehicles, bicycles, and pedestrians and typically will include the required designated tree planting area. For the purposes of LDC Chapter 1.6 - Definitions and Chapter 2.9 – Historic Preservation Provisions, an OSU Street shall be construed as a private street right-of-way.

OSU Tree Well – A tree well that conforms to the standards for tree wells specified in the OSU Tree Management Plan.

Sidewalk – A pedestrian facility constructed of a permanent hard surface parallel to a public street or OSU Street, and considered a component of that street.

Walkway – A pedestrian facility constructed of a permanent hard surface that provides for pedestrian access within and through a Development Area. For purposes of the OSU Zone, a Walkway is not a Sidewalk.

Section 3.36.30 – PERMITTED USES

3.36.30.01 – General Development for University-owned Properties

- a. Primary Uses Permitted Outright
 1. Residential Use Types -
 - a) Family
 - b) Group Residential
 - c) Group Residential/Group Care
 - d) Residential Care Facilities
 2. Residential Building Types -
 - a) Single Detached
 - b) Single Detached - Zero Lot Line
 - c) Duplex
 - d) Single Attached - Zero Lot Line, two units
 - e) Attached - Townhouse

5. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions
6. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
7. Collocated/attached Wireless Telecommunication Facilities on multifamily residential structures, three or more stories, and that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions
8. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
9. Garden
10. Market Garden - subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
11. Community Garden – subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

c. Privately Owned Parcels within the OSU Zone -

1. Two privately owned parcels developed as single- and multi-family residential uses are within the OSU Zone. These parcels are listed in Table 3.36-1 – Privately Owned Parcels, below.

Table 3.36-1: Privately Owned Parcels

<i>Parcel</i>	<i>Street Address</i>	<i>Sector</i>	<i>Current Use</i>
12503AC00100	1820 Stadium Ave	G	Single-Family Residential
115340000200	200-510 SW 35th Street	A	N/A

2. The parcels in Table 3.36-1 - Privately Owned Parcels, may be developed as:
 - a) Uses consistent with the University Services and Facilities Use Type in accordance with Section 3.0.30.02.n; or
 - b) Residential Uses in accordance Section 3.36.80, below.

3.36.30.02 – Conditional Development

The following Uses are subject to review in accordance with Chapter 2.3 - Conditional Development, the provisions of this Chapter, and all other applicable provisions of this Code.

- a. Uses that require a state or federal air quality discharge permit (except for parking);
- b. Freestanding Wireless Telecommunications Facilities greater than 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions;

- c. Freestanding Wireless Telecommunications Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c, subject to the standards in Chapter 4.9 - Additional Provisions;
- d. Collocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories, and that increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by more than 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions; or
- e. Co-located/attached Wireless Telecommunications Facilities on nonresidential structures that increase the height of existing structures by more than 25 ft., including mounting, or by more than 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

Section 3.36.40 – PROCEDURES AND DETERMINATION OF COMPLIANCE

Section 3.36.40.01 – Overview

Development within the OSU Zone area shall be reviewed for compliance with the standards in this Code and the Campus Master Plan Transportation Improvement Plan (TIP), except as expressly modified by provisions of this Chapter. Where conflicts exist between this Chapter and Chapter 4.0 - Improvements Required with Development, Chapter 4.1 - Parking, Loading, and Access Requirements, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, the provisions in Chapter 3.36 shall prevail. Development proposals found to be compliant with these provisions, and which do not require a public hearing through the Conditional Development process, may be approved through the standard Building Permit process. Proposals found not to be compliant may be reviewed in accordance with the appropriate adjustment procedures described in Section 3.36.40.02. Development proposals identified in Section 3.36.30.02 may also be approved through the Conditional Development process identified in Chapter 2.3 - Conditional Development.

Section 3.36.40.02 – Adjustments

Development not consistent with the standards contained in this Chapter shall be reviewed as one of the following:

- a. A Minor Adjustment, as described in Section 3.36.40.03 - Minor Adjustments, shall be reviewed under the processes and criteria in Chapter 2.13 Plan Compatibility Review; or
- b. A Major Adjustment, as described in Section 3.36.40.04 - Major adjustments, shall be reviewed as follows:
 1. All proposals that meet or exceed the thresholds identified in Section 3.36.40.04 "a", through "n", shall be reviewed under Section 2.5.60.03 - Major Modifications in Chapter 2.5 - Planned Development.
 2. In addition to the process required in "1," above, proposals that meet or exceed the thresholds identified in Section 3.36.40.04 "d" through "k" shall be reviewed for consistency with Chapter 1.2 - Legal Framework.
 3. In addition to the processes required in "1", and "2", above, proposals that meet or exceed the threshold identified in Section 3.36.40.04 "h" shall be reviewed as a Zone

Change, consistent with process and criteria in Chapter 2.2 - Zone Changes, and if needed, as a Comprehensive Plan Amendment, consistent with the process and criteria in Chapter 2.1 - Comprehensive Plan Amendment Procedures.

Section 3.36.40.03 – Minor Adjustment

A Minor Adjustment shall be triggered if a proposal deviates from one of the dimensional standards, but not more than three of the dimensional standards in Section 3.36.60, by 10 percent or less.

Section 3.36.40.04 – Major Adjustments

A Major Adjustment shall be triggered if a proposal meets one or more of the following criteria:

- a. Modifies more than three of the dimensional standards in Section 3.36.60;
- b. Modifies any of the dimensional standards in Section 3.36.60 by more than 10 percent;
- c. Proposes a stand-alone parking lot or structure in a location not identified in Figure 7.3 - Future Parking Facilities, of the CMP;
- d. Exceeds 90 percent parking usage campus wide and does not provide additional parking facilities as part of the project;
- e. Proposes development with a gross square footage that is within the campus total development allocation but exceeds the maximum Sector allocation;
- f. Proposes development such that the amount of retained open space is consistent with the campus minimum open space requirement but falls short of the minimum requirement for the Sector. Requires a commensurate increase in open space allocation in another Sector;
- g. Is not consistent with the Transportation Improvement Plan in Chapter 6 of the CMP;
- h. Adds new land area to or subtracts land area from the CMP;
- i. Creates new CMP policies;
- j. Results in a change in Sector boundary or redistribution of development allocation between Sectors;
- k. Results in the cessation of intra-campus transit services - shuttle, bus, etc.;
- l. Proposes a change in use for any of the parcels associated with the College Inn and its parking;
- m. Proposes development in Sector J for building floor area in excess of 254,100 sq. ft.; or
- n. Proposes a new building within the 100-ft. transition area on the northern boundary of Sector A, B, and/or C from the western boundary of Sector A to 26th Street. In order to create a graceful edge between the campus and northwest neighborhoods, any proposed building subject to this Section shall be subject to the following criteria:
 1. Maximum building height shall be 35 ft. provided the following is satisfied: shadows from the new buildings shall not shade more than the lower four ft. of a south wall of an existing structure on adjacent property between 10 a.m. and 2 p.m. on March 21;
 2. Structures shall not have a continuous horizontal distance exceeding 60 ft. along the boundary;

3. Along the vertical face of a structure, off-sets shall occur at a minimum of every 20 ft. by providing any two of the following:
 - a) Recesses of a minimum depth of eight ft.;
 - b) Extensions a minimum depth of eight ft., a maximum length of an overhang shall be 25 ft.;
 - c) Off-sets or breaks in roof elevations of three or more ft. in height.
4. Building materials shall be consistent with the OSU standards for such materials, and shall also be compatible with adjacent residential houses and structures;
5. New development shall be designed to minimize negative visual impacts affecting the character of the adjacent neighborhood by considering the scale, bulk and character of the nearby structures in relation to the proposed building or structure;
6. Roofs shall be gabled or hip type roofs, minimum pitch 3:1, with at least a 30-in. overhang and using shingles or similar roof materials;
7. A vegetative buffer shall be installed in a manner consistent with Section 3.36.60.06.c;
8. Outdoor building components such as transformers and other types of mechanical equipment that produce noise shall not be permitted within the required setback;
9. Buildings proposed for the Transition Area described within this Section that are in an area adjacent to the College Hill West Historic District shall have an advisory review completed by the Historic Resources Commission (HRC), or its successor. The HRC shall provide comment and recommendations to the Planning Commission for consideration; and
10. Trash dumpsters, gas meters, and other utilities and or mechanical equipment serving a building or structure shall be screened in accordance with Section 3.36.60.14.

Section 3.36.40.05 – Campus Master Plan Update

The CMP covers a 10- to 12-year planning period. However, if conditions change significantly or other unanticipated events occur, it may be necessary to update the CMP before the end of the planning period. An update of the CMP shall be reviewed as described in Section 3.36.40.02.b “1”, through “3”. The review shall comprehensively evaluate the need to update or otherwise modify the Campus Master Plan, its policies and related traffic and parking studies, and this Chapter.

A CMP update will be required under the following conditions:

- a. A development proposal, when considered in combination with constructed improvements or improvements with approved Building Permits, will exceed the total development allocation for the campus for all Sectors;
- b. New CMP policies are created that alter existing policy direction or require existing policies to be modified;
- c. The parking plan has been implemented, and campus-wide parking occupancy is greater than 90 percent; and/or
- d. The CMP planning period has expired.

Section 3.36.50 – DEVELOPMENT SECTORS

The CMP divides the campus into nine development areas identified as Sectors “A” through “J”. See Figure 3.36-1 - CMP Sector Map. There is no Sector “I”. Each Sector has a Development Allocation, which is the gross square footage allowed for new construction. Each Sector also has a minimum open space requirement that identifies the amount of area that must remain in green space or as a pedestrian amenity. These standards will guide the form of future development.

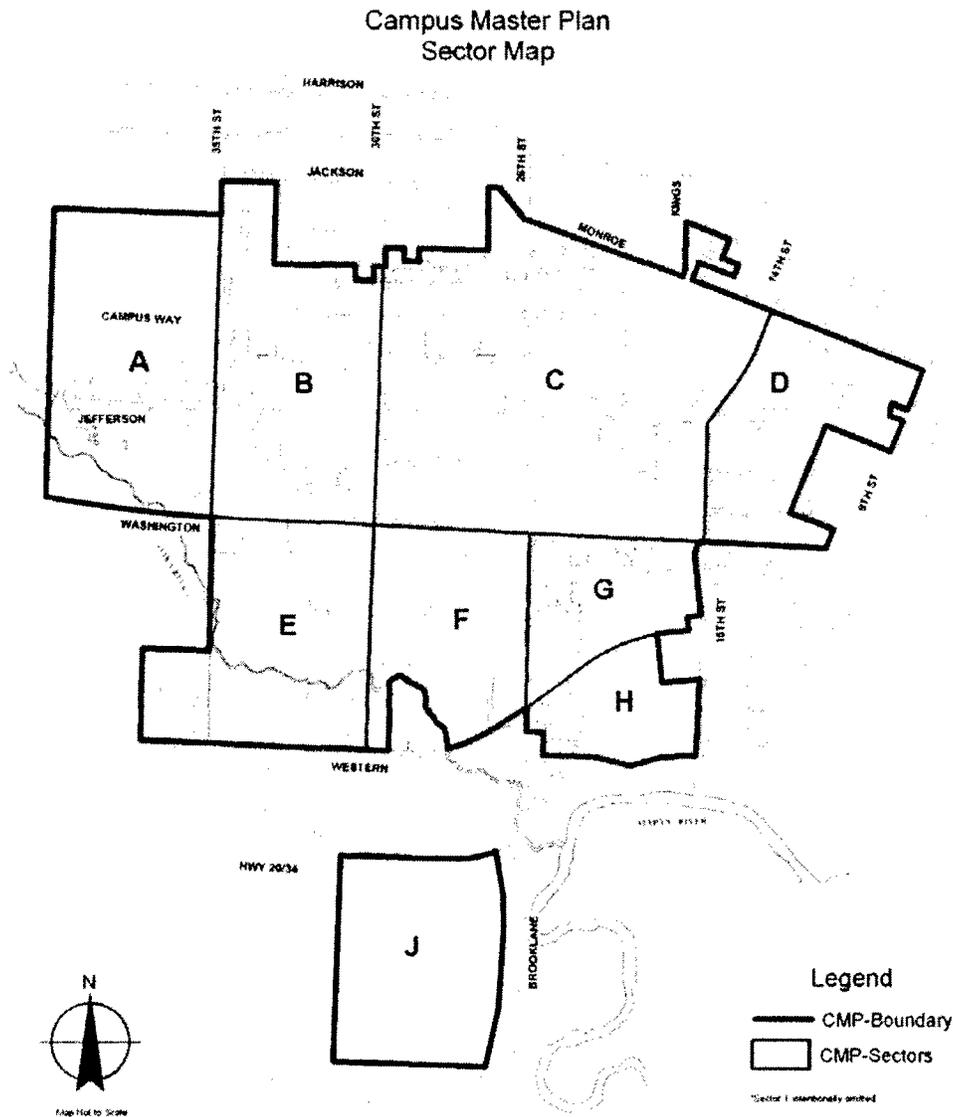


Figure 3.36-1: CMP Sector Map

Section 3.36.50.01 – Sector Development Allocation

- a. Sector Development Allocation represents the gross square footage of new development allowed in each Sector, regardless of the Use Type. See Table 3.36-2 - Building Square Footage by Sector.
- b. Each new development project in a Sector shall reduce that Sector's available allocation.
- c. Existing and approved development as of December 31, 2003, has been included in the existing/approved development calculations and shall not reduce the Sector Development Allocation.
- d. Demolition of existing square footage and/or restoration of non-open-space areas to open space shall count as an equivalent square footage credit to the Sector development or open space allocation.
- e. Square footage associated with a parking structure shall be included in the Development Allocation for the Sector in which the structure is located. Square footage associated with at-grade parking lots shall be calculated as impervious surface but not count as part of Development Allocation.
- f. Table 3.36-2: Building Square Footage by Sector includes 71,000 square feet of Future Allocation that was removed, effective May 20, 2013, from Sector C's allocation and added to the allocation for Section D. This reallocation is contingent upon the 71,000 square feet being used for a student residence hall. The residence hall shall be constructed south of SW Adams Avenue, north of SW Washington Way, and between SW 13th and 14th Streets. If a residence hall is not constructed in this location before the expiration of the Campus Master Plan Major Adjustment approval that allowed such construction (PLD13-00001), the 71,000 square feet allocated for the residence hall shall not be used in Sector D, but shall revert to Sector C.

Table 3.36-2: Building Square Footage by Sector

<i>Sector</i>	<i>Existing/Approved</i>	<i>Maximum Future Allocation</i>	<i>Total</i>
A	281,551	250,000	531,551
B	831,426	500,000	1,331,426
C	4,685,510	679,000	5,364,510
D	325,506	106,000	431,506
E	253,046	120,000	373,046
F	847,166	750,000	1,597,166
G	742,092	350,000	1,092,092
H	133,535	50,000	183,535
J	41,851	350,000	391,851
Total	8,141,683	3,155,000	11,296,683

Section 3.36.50.02 – Sector Minimum Open Space

- a. Open space is defined as landscape areas, pedestrian amenities such as plazas, quads, sidewalks, walkways, courtyards, parks, recreation fields, agricultural fields, and other non-developed areas.
- b. Impervious surface areas that are not classified as open space per “a”, shall count against the Sector’s open space allocation.
- c. The existing Memorial Union quad, library quad, a relocated Peoples’ Park, and the lower campus area shall be retained for open space. The lower campus area is located between 11th Street and 14th Street, south of Monroe and north of Jefferson Street. Incidental development, such as clock towers, park benches, information kiosks, artistic works, sculptures, etc., is permitted.

Table 3.36-3: Minimum Future Open Space by Sector

<i>Sector</i>	<i>Minimum Future Open Space</i>
A	78%
B	33%
C	36%
D	61%
E	77%
F	20%
G	40%
H	64%
J	79%
Campus-Wide Minimum	50%

Section 3.36.50.03 – Sector Development Allocation and Open Space Tabulation

With each development application, the University shall provide the City with the following, consistent with Minimum Future Open Space percentages by Sector as listed in Table 3.36-3:

- a. Updated tabulations of remaining available Development Allocations and open space areas and percentages for each sector.
- b. When a project’s land use allocation in a sector is inconsistent with that previously forecast in the Base Traffic Model (BTM), a project report that includes the following components:
 - 1. Comparison of a project's development generated trips to the trips forecast in the previously revised BTM;
 - 2. Traffic impacts resulting from a shift to a more intensive land use; and
 - 3. Proposal of recommended mitigation strategies if a project results in a failing intersection level of service grade of "E" or "F".

Section 3.36.60 – DEVELOPMENT STANDARDS

Section 3.36.60.01 – Maximum Building Height

- a. The maximum building height for new buildings shall vary by Sector and by proximity to a zone boundary in accordance with the provisions in Table 3.36-4 - Building Height by Sector.
- b. A Primary Neighborhood Transition Area is the area within either 50 ft. or 100 ft. of the OSU Zone boundary. In Sectors B and C, a Secondary Neighborhood Transition Area shall extend for another 300 ft. in some locations. Transition Area locations are identified on Figure 3.36-2 - Neighborhood Transition Areas by Sector. Development within a Primary or Secondary Neighborhood Transition Area shall be consistent with the maximum building height for the Transition Area, as noted in Table 3.36-4 - Building Height by Sector.
- c. In situations where a building footprint straddles the Neighborhood Transition Area boundary, each portion of the building shall not exceed the maximum building height for the corresponding area.
- d. Building projections such as chimneys, spires, domes, towers, and flagpoles, not used for human occupancy shall not exceed one and one-half (1.5) times the maximum building height of the Sector.

Table 3.36-4: Building Height by Sector

Sector	Maximum Building Heights			
	Sector Interior	50-ft. Wide Primary Transition	100-ft. Wide Primary Transition	Secondary Transition Area
A	50 ft.	NA	35 ft.	NA
B	75 ft.	NA	35 ft.	60 ft.
C	112 ft.	NA	35 ft., 50 ft. ¹ , 55 ft. ²	60 ft.
D	75 ft.	NA	35 ft.	NA
E	50 ft.	NA	35 ft.	NA
F	150 ft.	NA	35 ft. 75 ft. ³	NA
G	75 ft.	75 ft.	NA	NA
H	75 ft.	50 ft.	NA	NA
J	75 ft.	NA	35 ft.	NA

1 The 50-ft. height allowance only applies to the section of the Transition Area for Sector C that is from the east of 26th Street to 15th Street.

2 The height of structures on the entire College Inn site, including associated parking areas, is limited to 55 feet.

3 The 75-ft. height allowance applies only to the section of transition area for Sector "F" that is east of Grove Street and abuts Western Boulevard.

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.

Section 3.36.60.03 – Minimum Building Setbacks

- a. Structures within 100 ft. of the OSU Zone boundary shall have a minimum setback of 20 ft. from the boundary line, except when abutting a street. See “b”, and “c”, below.
- b. For structures abutting a public street, the minimum setback shall be 10 ft. from the edge of the right-of-way, assuming the public street is constructed to City standards, including landscape strip and sidewalk. If standard street improvements do not exist, standard street improvements shall be constructed in accordance with Section 3.36.60.09.
- c. For structures abutting an OSU Street, the minimum setback shall be 20 ft. from the edge of the curb or 10 ft. from the sidewalk.

Section 3.36.60.04 – Building Entrances

- a. Buildings designed for human occupancy with facades facing a public street or an OSU Street shall have a main building entrance facing the street and not just an emergency exit.
- b. Buildings designed for human occupancy shall include a pedestrian amenity, such as a porch, plaza, quad, courtyard, covered entryway, or seating area 100 sq. ft., minimum, as a component of a main building entrance.
- c. Buildings such as sheds, barns, or garages, used exclusively for agricultural purposes, research, or for storage shall be exempt from these standards for building entrances as described in “a” and “b,” above.

Section 3.36.60.05 – Ground Floor Windows

- a. Buildings designed for human occupancy with facade(s) that face a public street or an OSU Street, multi-use path, and/or pedestrian plaza shall have windows, pedestrian entrances, or display windows that cover at least 25 percent of the length and 15 percent of the surface area of the ground floor facade.
- b. Ground Floor is defined as the finished floor elevation of the first floor that qualifies as a story in a building, as defined in the State of Oregon Structural Specialty Code.
- c. Mirrored glass may not be used in ground floor windows.
- d. Parking structures either above or below ground, shall be exempt from these standards for ground floor windows.
- e. Buildings or portions of buildings used exclusively for research or storage purposes shall be exempt from the standards for ground floor windows described in “a”, through “c”, above. Buildings that do not meet the standards for ground floor windows shall not be located within a Primary Neighborhood Transition Area or within 50 ft. of Monroe Avenue.

Section 3.36.60.06 – Landscaping, Natural Resources, and Natural Hazards**a. General Landscaping Provisions**

1. Landscaping shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, and shall be provided for parking areas adjacent to public streets and OSU Streets in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements, except as modified by the provisions of this chapter.
2. In lieu of a landscape installation and/or landscape maintenance bond or other financial assurance for landscape and irrigation installation required by Section 4.2.20.a, a letter of commitment from OSU shall be provided. The letter of commitment shall include the following:
 - a) A copy of the approved landscaping and irrigation plan;
 - b) A commitment that the landscaping and irrigation will be installed prior to issuance of a final occupancy permit; and
 - c) A commitment that the landscaping and irrigation will achieve 90 percent coverage within three years and be maintained by OSU

b. Required Tree Plantings, Maintenance, and Preservation

1. Tree Plantings - Tree plantings are required for all landscape areas, including but not limited to OSU Street frontages, public street frontages, multi-use paths, and parking lots for four or more cars.
 - a) Street Trees
 - I. Along streets, trees shall be planted in designated tree planting areas or OSU standard tree wells. Where there is no designated tree planting area or a tree well as specified in LDC Section 3.36.60.18, street trees shall be planted in yard areas adjacent to the street, except as allowed elsewhere by "III," below;
 - II. Along all OSU Streets with tree planting areas in excess of six (6) feet wide and where utility lines are located underground, a minimum of 80 percent of the street trees shall be large or medium-canopy trees.
 - III. If tree planting areas cannot be provided on University Collector, Pedestrian Core, or Sports Complex streets as identified in Figure 3.36-3 or street trees are prohibited by Section 3.36.60.06.b.2, an equivalent number of the required trees shall be provided within the setback of the development areas adjacent to the street, or in other locations within open space within the OSU Zone. Such plantings in-lieu-of street trees shall be in addition to the mitigation trees required in Section 4.12.60;
 - b) The distance between required trees shall be determined by the type of tree used as indicated in Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees.
 - c) When the distance between the back of sidewalk and building is less than (20) feet, trees shall be planted in OSU standard tree wells.

hazardous tree definition as defined in Chapter 1.6, removal of trees is permitted through 4.2.20.i – Hazardous Tree Removal.

c. Buffer Plantings

1. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Except where modified by provisions in this chapter, boundary plantings that conform to the standards in Section 4.2.40 – Buffer Plantings shall be used to buffer these uses from adjacent properties, public rights-of-way, and OSU Streets.
2. A vegetative buffer with a minimum width of 20 ft. that consists of a mix of evergreen and deciduous trees and shrubs shall be established between the OSU property line and any proposed building, access, drive and/ or parking lot within the Transition Area along the northern boundary of Sector A, B and C from the western boundary of Sector A to 26th Street and for the College Inn site. This vegetative buffer will be required upon any redevelopment of existing parking lots and/or the razing and redevelopment of existing buildings.

d. Screening (Hedges, Fences, Walls, and Berms)

1. Screening is required where unsightly views or visual conflicts must be obscured or blocked and/or where privacy and security are desired. Where screening is required by provisions of this code, it shall conform to the standards in Section 4.2.50 – Screening (Hedges, Fences, Walls, and Berms) except where modified by provisions in this chapter.
2. Where visible from public rights-of-way or OSU Streets, chain link fences are prohibited unless coated with black vinyl.

- e. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources – Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. An exception to these requirements is that a Drainageway Management Agreement is allowed in lieu of a drainageway easement, as outlined in Section 3.36.60.07, below.

Section 3.36.60.07 – Drainageway Management Agreement

- a. In lieu of drainageway dedications and/or easements for new development, expansion or redevelopment on parcels adjoining an open natural drainageway as per Chapter 4.13 - Riparian Corridor and Wetland Provisions, OSU shall provide a Drainageway Management Agreement (DMA) that meets the purposes cited in Section 4.13.10 and the policies of the City of Corvallis Stormwater Master Plan.
- b. Drainageway widths and areas subject to the DMA shall be defined per Chapter 4.13 - Riparian Corridor and Wetland Provisions.

areas needing improvement due to site-specific impairments that have affected the PFC of Oak Creek.

- b) A list of recommended actions and improvements, which consider the findings and recommendations from the OSU Oak Creek Task Force report, to re-establish the PFC of Oak Creek.
- c) An implementation plan for the recommended actions determined in the PFC report.

Section 3.36.60.08 – Parking Improvements

- a. Parking areas shall be designed to promote safe and convenient pedestrian access.
- b. Parking improvements may be constructed as stand-alone projects and/or concurrent with new development.
- c. Parking improvements constructed as stand-alone projects shall be located in accordance with the sites identified in Figure 7.3 - Future Parking Facilities, of the CMP.
- d. When usage of campus-wide parking facilities exceeds 90 percent based on the most recent parking usage inventory, any development that increases building square footage shall be subject to the provisions of Section 3.36.40.02.
- e. New development in Sectors A through H may construct additional parking facilities in any of the Sectors A through H, provided the OSU campus shuttle is operational.
- f. If the OSU campus shuttle ceases to operate, new development shall be subject to the provisions of Section 3.36.40.02.
- g. Development in Sector J (South Farm) shall include construction of parking improvements in Sector J.
- h. Existing parking improvements for the College Inn site shall be reserved for the use of the occupants of and visitors to that structure. As uses change and/or additional development occurs on the site, bicycle parking necessary to achieve the 10 percent reduction allowed in Section 4.1.20.q of this Code shall be provided.
- i. Vehicle parking shall be located to the rear of buildings, and where it does not disrupt the pedestrian streetscape, may be located to the side of buildings.
- j. On-street parking facilities are permitted subject to the provisions of Section 3.36.60.18.

Section 3.36.60.09 – Transportation Improvements

- a. Safe and convenient transportation improvements shall be provided in conjunction with new development. For the purposes of this section, “safe and convenient” means providing improvements consistent with functions identified with the street’s functional classification. This includes street and pedestrian improvements, designated tree planting areas, and in some cases, bicycle improvements and on-street parking. All transportation improvements shall be constructed in accordance with the CMP Transportation Improvement Plan (TIP) and the City’s Standard Construction Specifications. If there is any conflict between the CMP and City Standard Construction Specifications, the latter shall prevail.

- g. Copies of complete As Builts shall be certified by the design engineer and shall be submitted to the City for approval for all newly constructed public improvements.

Section 3.36.60.10 – Pedestrian and Bicycle System Connections

- a. Clearly defined and direct pedestrian connections (i.e., sidewalks and walkways) shall be provided between street and building entrances and between parking areas and building entrances.
- b. All sidewalks and walkways shall provide a minimum of five ft. in width of unobstructed passage and must be constructed of a permanent hard surface including, but not limited to, pavers, brick, or concrete. Variations in the width and location of a continuous length of sidewalk may be granted by the Director to preserve Significant Tree(s), to preserve Historically Significant Tree(s), and to accommodate Historic Resources, so long as there is a minimum of five ft. of unobstructed passage.
- c. Sidewalks and walkways shall be required as an improvement when development and/or redevelopment occurs, except as otherwise provided in “e” below or in Section 3.36.60.18. Pedestrian facilities installed concurrently with development shall be extended through the development area to the edge of abutting pedestrian facilities.
- d. An application that includes the installation of pedestrian improvements abutting public streets shall be reviewed and processed in accordance with Section 4.0.30 - Pedestrian Requirements. Pedestrian improvements abutting an OSU street shall be reviewed and processed in accordance with Section 3.36.60.18 – OSU Street Standards. Additionally, construction of any of a Sector’s available Development Allocation for new development shall trigger the implementation of bicycle and pedestrian improvements identified in the CMP TIP.
- e. Where pedestrian improvements are needed in excess of a development’s frontage, as identified in the CMP’s TIP and cannot feasibly be implemented, a Memorandum of Agreement (MOA) with the City in accordance with Section 3.36.60.09, when justified, may be executed to specify the manner in which improvements shall be provided.
- f. Bicycle and pedestrian improvements shall be constructed to ensure ADA compliance.
- g. Multi-Use Paths - Multi-use paths, such as paths for bicycles and pedestrians, shall be constructed of a permanent hard surface including, but not limited to, asphalt or concrete, and all materials shall meet City Engineering standards. The standard width for a two-way multi-use path shall be twelve (12) feet wide. The standard width can be reduced to a minimum of eight (8) feet wide to preserve Significant Tree(s), to preserve Historically Significant Tree(s), to accommodate Historic Resources, or in locations abutting railroad right-of-way.

h. Internal Pedestrian Circulation

1. Walkways shall be provided to connect the development area's pedestrian circulation system with existing pedestrian facilities that abut the development area but are not adjacent to the streets abutting the site.
2. With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, bollards, or landscaping. They shall be constructed in accordance with City Standard Construction Specifications. This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on-site unless an unusual parking lot hazard exists.
3. Prior to development, applicants shall perform a site inspection in conformance with LDC Section 4.0.30.f.
4. Natural Hazards and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, and LDC Section 3.36.60.06 – Landscaping, Natural Resources, and Natural Hazards.

Section 3.36.60.11 – Site Furnishings

Site furnishings shall not block or impede pedestrian circulation or reduce the required sidewalk or walkway width.

Section 3.36.60.12 – Transit/Shuttle Stops

- a. A transit stop and/or transit shelter shall be provided as required by the Corvallis Transit System.
- b. A shuttle stop shall be provided as required by OSU Parking Services.
- c. An application that includes the installation of transit improvements shall be reviewed and processed in accordance with Section 4.0.50 - Transit Requirements in Chapter 4.0 - Improvements Required with Development.
- d. Corvallis Transit System (CTS) transit stops and OSU shuttle stops are considered part of an effective transit/shuttle system and shall be incorporated into the transportation system. Transit/shuttle stops and shelters shall be constructed to ensure ADA compliance.

Section 3.36.60.13 – Bicycle Parking

- a. Bicycle parking shall be constructed with each development based on the assignable square footage (i.e., office, classroom, research facility, etc.) of a proposed development according to the parking standards in Section 4.1.30 of Chapter 4.1 - Parking, Loading, and Access Requirements.
- b. Bicycle parking shall be near, but shall not block or impede building entrances.
- c. At least 50 percent of the required bicycle parking shall be covered.

- d. All bicycle parking shall comply with the standards in Section 4.1.70 of Chapter 4.1 - Improvements Required with Development.

Section 3.36.60.14 – Mechanical Equipment and Trash Enclosures, and Outdoor Storage Areas

- a. All mechanical equipment enclosures for non-agricultural buildings shall be screened as part of the building construction or with landscaping, masonry walls, solid wood fencing, or a combination of these materials for those areas that are visible from a street, building, or pedestrian access way, or are adjacent to a neighborhood.
- b. Trash collection enclosures for all buildings shall be screened as part of the building construction or with landscaping, masonry walls, solid wood fencing, or a combination of these materials for those areas that are visible from a street, building, pedestrian access way, or are adjacent to a neighborhood.
- c. All outdoor storage areas shall be screened with construction similar to the adjacent building or with landscaping, masonry walls, solid wood fencing, or a combination of these materials for those areas that are visible from a street, adjacent building, pedestrian access way, or are adjacent to a neighborhood.

Section 3.36.60.15 – Public, Private, and Franchise Utilities

- a. All new utility distribution lines shall be underground.
- b. Development requiring the installation of public utility improvements shall be reviewed and processed in accordance with Section 4.0.70 - Public Utility Requirements (or Installations), and Section 4.0.80 - Public Improvement Procedures.
- c. Development within the City's combination sewer systems shall comply with the separation of storm drain from sanitary sewer system policy criteria in accordance with the City's Community Development Policy 1003.
- d. Development occurring on a parcel fronting or adjacent to a drainageway identified in the City of Corvallis Stormwater Master Plan, shall be constructed in accordance with Section 3.36.60.07, Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, and shall comply with the watershed management guidelines and policies identified in Chapter 5 of the City's Stormwater Master Plan.
- e. Transformers and vaults not underground shall be screened consistent with LDC Section 3.36.60.06 – Landscaping, Natural Resources, and Natural Hazards and LDC Section 3.36.60.14 – Mechanical Equipment and Trash Enclosures, and Outdoor Storage Areas.
- f. An application that includes the installation of franchise utilities shall be reviewed and processed in accordance with Section 4.0.90 - Franchise Utility Installations of Chapter 4.0 - Improvements Required with Development.
- g. Copies of complete As Builts shall be certified by the design engineer and shall be submitted to the City for approval for all new constructed public improvements.

Section 3.36.60.16 – Exterior Lighting

- a. Site and Street Lighting shall comply with LDC Section 4.2.80 – Site and Street Lighting, except where modified by this section.
- b. OSU historic style light fixtures with shielded luminaires that minimize uplighting and glare shall be used along sidewalks and walkways.
- c. The historic style light fixtures shall have poles and bases, and associated pole-mounted equipment such as banner hangers, etc., finished with a neutral gray or black or other dark color.
- d. Contemporary light fixtures with shielded luminaires that minimize uplighting and glare shall be used in parking areas or other areas outside of the historic campus core and shall meet the requirements of a full cut-off light fixture.
- e. Outdoor field lighting may be installed on intramural and recreational playing fields, provided that the light is directed on the fields and not directed toward adjacent privately owned properties. Adjacent to residential areas, a lighting curfew of 10 p.m. shall be imposed on these playing fields so that all events are completed prior to that time.
- f. With the exception of lighting for intercollegiate athletic facilities and intramural and recreational playing fields, light trespass onto surrounding residential properties shall not exceed 0.1 footcandles, except in areas where additional lighting for safety and security, as determined by the University, is necessary. In such cases, light trespass onto surrounding residential properties shall not exceed 0.25 footcandles. Testing of the lighting by the University to ensure compliance shall be done after the lights have experienced 10 hours of illuminance, or burn time.
- g. Stadium lighting for future expansions to Reser Stadium shall be provided in a manner that does not increase light spillage outside of the stadium proper.
- h. Installation of field lighting for intercollegiate athletic facilities other than Reser Stadium shall ensure that light trespass onto surrounding residential properties does not exceed 0.5 footcandles. Testing of the lighting by the University to ensure compliance shall be done after the lights have experienced 10 hours of illuminance, or burn time.

Section 3.36.60.17 – Accessibility

- a. All buildings and other structures used for human occupancy shall meet or exceed accessibility standards as established by the Americans with Disabilities Act.
- b. Parking facilities for the disabled shall be provided near building entrances.

Section 3.36.60.18 – OSU Street Standards

All improvements required by the standards in this section shall comply with LDC Section 4.0.20 – Timing of Improvements unless otherwise indicated within this section. Improvements required with development shall meet construction specification standards established by the City Engineer and amended over time. Improvements required for publicly owned streets shall comply with Chapter 4.0 – Improvements Required with Development and be consistent with Table 4.0-1 Street Functional Classification System. Improvements required for OSU Streets shall comply with LDC Section 3.36.60.18 and be consistent with Table 3.36-5 – OSU Street Standards Functional Classification.

d. **General Provisions** – Development shall comply with the standards in Section 4.0.60 – Public and Private Street Requirements, except as modified in this chapter and below.

1. For OSU-owned property within the OSU zone, the provisions in Section 4.0.60 that refer to Development Sites shall apply to Development Areas, as defined in this chapter, and shall not apply to Development Sites.
2. Any Improvements required by the provisions of section 4.0.60 to OSU Streets within the OSU zone shall be improved to the standards in Section 3.36.50.18 rather than City standards where those standards differ.
3. Provisions in Section 4.0.60 that apply to Collector and Neighborhood Collector Streets shall apply to University Collector Streets except as modified in Section 3.36.60.18.
4. Provisions in Section 4.0.60 that apply to Local Streets shall apply to Pedestrian Core and Sports Complex Streets except as modified in Section 3.36.60.18.
5. Improvement widths shall be as specified in the Transportation Plan and Table 4.0-1 - Street Functional Classification System for public streets and Table 3.36-5 – OSU Street Standards Functional Classification for OSU Streets.
6. Where streets must cross protected Natural Resources or Natural Hazards, street widths shall be minimized by providing no on-street parking and no tree planting areas between the curb and the sidewalk on either side of the street as allowed by the provisions of Chapter 2.11 - Floodplain Development Permit, LDC Section 3.36.60.06 - OSU Landscaping, Natural Resources, and Natural Hazards, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.
7. The City of Corvallis will determine the functional classification of any new streets that are constructed outside of the alignments shown in Figure 3.36-3.

Section 3.36.70 – Rough Proportionality

If an applicant intends to assert that it cannot legally be required, as a condition of Building Permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by this Code, the Building Permit or site plan review application shall include a rough proportionality report in accordance with the provisions of Section 1.2.120 of Chapter 1.2 - Legal Framework.

Section 3.36.80 – Development Standards for Non-University-Owned Properties

Development or redevelopment of properties in this Zone that are not owned by Oregon State University and are identified in Section 3.36.30.01.c, shall be reviewed based on the standards in Table 3.36-6 - Residential Use Zoning Standards, below.

Table 3.36-6: Residential Use Zoning Standards

<i>Current Use</i>	<i>Development Zoning Standards</i>
Single-family Residential	RS-5
Multi-family Residential	RS-12(U)

Section 3.36.90 - Campus Master Plan Monitoring

- a. As a means of monitoring the implementation of the Campus Master Plan, the University shall provide the following information to the City on a yearly basis.
 - 1. Updated tabulations of development and open space for the planning area, including -
 - a) Gross square footage of development by type that occurred in each Sector over the previous 12 month period;
 - b) Remaining available Development Allocation for each Sector; and
 - c) Remaining open space areas and percentages for each Sector.
 - 2. Updated parking utilization reports, including -
 - a) Identification of new parking space creation and the total number of spaces provided within the CMP boundary and a breakdown by Sector and parking lot type - student, staff, visitor, free, etc.;
 - b) Percentage of parking space utilization campus-wide; and
 - c) Identification of available parking spaces using City standard parking configurations, and usage within each residential parking district bordering OSU and of the number of residential permits funded by the University. In addition, provide details of other efforts undertaken by the University to address neighborhood parking issues;
 - 3. TDM Report - The TDM Report that identifies efforts and the effectiveness of those efforts undertaken by the University over the previous 12 months to reduce reliance on the single-occupant vehicle. Such efforts shall include, but not be limited to:
 - a) Shuttle routes and usage;
 - b) Other efforts in support of transit, car-pool, or van-pool usage;
 - c) Tabulation of the number of single-occupancy vehicles reduced;
 - d) Location and number of bicycle parking spaces, including the number of covered spaces and any additions to the inventory; and
 - e) Identification of campus pedestrian routes and system improvements.

4. Base Transportation Model (BTM) update that includes the following components over the previous 12 month period -

- a) Traffic counts to be updated on a five-year cycle;
- b) New development, and if known, future development square footage and Use Type, based on the existing model's categories, to be included in the model assumptions on a per Sector basis;
- c) New parking areas or roadways that may have an effect on traffic volumes or patterns; and
- d) Within one year of adoption of the CMP, and on a recurrent two-year schedule, OSU shall complete in coordination with City Staff a baseline traffic count for Jackson Avenue between Arnold Way and 35th Street. City staff shall provide OSU and the neighborhood association with the most recent baseline traffic volume measurements made within the last five years.

b. Additional monitoring efforts include:

1. Within one year of adoption of the CMP, OSU should work with the City to perform a baseline traffic count of local streets identified by neighborhood associations as problems in the areas bordering Sectors A, B, and C, and south of Harrison Boulevard; and
2. OSU shall participate as a full partner in a task force initiated by the City with City, University, neighborhood association and neighborhood business representation, to review and evaluate existing baseline traffic measurements, parking studies, and other relevant information and develop strategies to mitigate problem areas.

[Chapter 3.36 amended by Ordinance 2014-01, effective February 28, 2014]

Young, Kevin

From: Dodson, David [David.Dodson@oregonstate.edu]
Sent: Friday, January 09, 2015 2:12 PM
To: Young, Kevin
Cc: Christe White; Gibb, Ken; City Attorney Brewer
Subject: OSU's Responses to Councilor York's Questions

Kevin:

Commissioner York had a number of inquiries at the January 5th work session. She also sent a copy of her questions directly to OSU which we very much appreciate. We thought it would be helpful to the process by providing our responses to her inquiries. Commissioner York's inquiries are followed by our comments. Thanks and let us know if you have any questions.

1. *If something appears in the CMP, but not in the LDC or Comp Plan, is it enforceable by the City?*
 - o *Example: the CMP 5.1.b requires that a Campus Planning Committee (CPC) with a membership including the City and the Corvallis community will review building proposals, zoning regulations, and related issues. In the development of the Linus Pauling Center no committee was formed and no review was done. The University informed the City that it wasn't necessary because the CPC wasn't mentioned in LDC 3.36.*

This is a very good question. The code itself has no standards that specifically address a "Campus Master Plan." Instead in the past the City has reviewed the CMP through the lens of adopting a new zone for the campus, the OSU zone. Thus, the regulatory standards that apply to the campus are born out of the zoning code amendment approval standards and none of those refer to a CMP. Having said that, there are definitely elements of the CMP that were directly adopted into the zoning code through the OSU zone approval in 2004. For example, the CMP lays out the Sector Development Allocation that now appears as a relevant approval standard under 3.36.50.01. There are many more provisions of the proposed 2004 CMP that are also now contained in the OSU zone and therefore have regulatory authority over OSU development activities. The Campus Planning Committee provisions of the CMP cited above in Commissioner York's inquiry did not make it from the CMP into the zoning code for whatever reason, so that section of the CMP does not have regulatory application under the current zone. OSU has had a Campus Planning Committee (CPC) with a city staff liaison in place since adoption of the CMP in 2004. The CPC reviewed the Linus Pauling Science Center building proposal in July of 2007.

The Comprehensive Plan has several policies related to OSU but none directly call for the implementation of the Campus Planning Committee. Comprehensive Plan policies are generally more aspirational and do not typically operate as approval criteria themselves. Instead the zoning code provisions are intended to implement the more broadly worded principles or objectives of the Comprehensive Plan.

2. *What are the potential negative consequences for the City if we interpret the maximum possible expiration date (12 years)?*

OSU does not see any negative consequences of acknowledging the 10 to 12 year planning period reflected in the CMP and OSU zone. First, the planning period expiration means that a CMP update is due. So under this reading a CMP update would be due by 2016. The work for that update can start now and

may not take until 2016. In fact we intend to complete this work in the next 12 to 18 months and in conjunction with any Comprehensive Plan policy amendment process. What is that work? The last update was in 2004. OSU has experienced unexpected enrollment growth during that time but has stayed within all of the development parameters from the 2004 plan. As an example, all sectors are within their 2004 development allocations (with the exception of Sector D, which was amended by the Council in 2013) with room to spare and we are within all of the allowed open space calculations. Parking utilization is within the allowed percentages. Does this mean we have nothing to amend? No. For example, we would like the opportunity to look at new options for managing parking and transportation including the development of a Transportation Demand Management Plan. This Plan would be aimed at studying options for reducing the SOV rate to campus while increasing multi-modal trips and thereby reducing parking impacts. The 2016 timeframe will give all stakeholders the opportunity to review our past compliance reports under the current zone, will allow OSU to do some of this internal analysis that reflects the most accurate development and enrollment projections and incorporate those projections into revised or new methodologies.

3. *What are the potential negative consequences for the City if we interpret the minimum possible expiration date (10 years)?*

The negative consequences to the 10-year approach are at least the following: (1) Under this interpretation the CMP would have already expired and that was no one's common understanding; (2) The ten year time frame is not consistent with the repeated definition of the planning period which is 10-12 years; (3) the 10-year approach would rush what needs to be a thoughtful, productive and citizen-involved planning exercise and replace it with a process fueled by rushed data and unstudied results; and (4) the code itself does not expire. Even this 10-12 year planning period refers to the CMP, not the OSU zone. By law, a zoning code does not expire until it is amended by a revised code. Thus, even if the CMP expired it would not trigger expiration of the Land Development Code.

4. *What are the options for the status of land use changes at the University if there is a gap between when the current CMP expires and a new one is adopted? And what are the advantages/disadvantages of each? (Given the apparent supremacy of the LDC, does this matter?) Possibilities:*

- *Council chooses to continue the existing CMP to a date certain.*
- *Council imposes a moratorium on building and/or reduction of parking.*
- *OSU follows normal city LDC policies (i.e. not protected by 3.36).*
- *Council and OSU reach an agreement on a modification of the current CMP to be in place during the gap.*
- *Others?*

Perhaps this is the same answer as above. There is no provision of the zoning code or state law that would operate to expire the OSU zone with the CMP expiration so the OSU zone would continue to apply. We are not sure this is even an issue if we hold 2016 as the expiration of the planning period and simply amend the OSU zone by that time. We are confident that can occur.

5. *Can the Council direct the CM to ensure all monitoring and mitigation specified in the LDC, CMP and Comp Plan are done by the City and OSU?*

- *11.12.2 The University shall develop **and implement** a transportation plan that **reduces the negative traffic and parking impacts on existing residential areas.***

- 11.4.3 All traffic generators shall provide adequate parking.
- 3.36.90 Campus Master Plan Monitoring – this has not been followed (see above example re: Linus Pauling Center).

OSU has no problem with monitoring compliance as directed here and under the OSU zone. OSU has largely complied with the monitoring requirements and intends to publish its 2014 CMP Monitoring Report at the end of January. Since 2007 OSU began providing the City with monitoring data for every new project. These reports included tabulations on building allocation, open space, and parking utilization. So far we are still within the CMP projections for each sector and within the planned parking utilization. This does not mean we have been perfect because that is not the case. We do see implementation and monitoring as one of the issues to address in the revised OSU District Plan.

6. *Some other areas of concern*

- 3.36.40 Procedures and determination of compliance
- 336.20 – “the development area definition supersedes the development site definition”

We are not sure what the question is here but both of these topics can be addressed in our upcoming planning process.

Commissioner Bull also asked a question about enrollment during the January 5th Council meeting and whether changes in enrollment trigger an update. The OSU zone addresses the update triggers under 3.36.40.05. There the code states in general language that “if conditions change significantly or other unanticipated events occur, it may be necessary to update the CMP before the end of the planning period.” Right after this introductory language, the code specifically identify the triggers for a CMP update. It states “A CMP update will be required for the following conditions.” It then lists the conditions: (1) exceeding total development allocation; (2) new CMP policies are created that alter existing policy or require policy modification; (3) campus wide parking occupancy is greater than 90%; and (4) the CMP planning period has expired. Enrollment increases above the 2004 yearly projections is not listed as an update trigger under the code and there is no enrollment cap anywhere else in the CMP or OSU zone. Enrollment projections were estimates for planning purposes based on the best information available in 2004.

But perhaps all of this is a moot point. We are prepared to move forward thoughtfully and productively in a CMP, OSU zone and Comprehensive Plan update process and it can begin immediately. OSU has collected and distributed to the City over the years much data that will be helpful in the process and is also in the middle of a transportation and parking analysis that promises to bring new tools to the table to manage parking and transportation. We think that putting our collective energy towards that process is the best approach.

Thank you for the opportunity to respond to these questions. It is just this kind of dialogue that we are anxious to engage in with the City and others to take our next steps on planning for the future of OSU.

David Dodson, AICP

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To: Corvallis City Council
From: Dan Brown

January 7, 2015

Topic: LDC Chapter 3.36. -- Choosing the Path Forward

In the *Gazette-Times* yesterday, I learned that the "*OSU District Plan looks like key issue for new mayor, council*" I'm pleased to read that because I think that dealing this issue is way overdue. The last ten years have witnessed an unprecedented increase in the number of new, large buildings on the OSU campus. The inventory of parking spaces has actually decreased while growth in the student population and employee count has been much greater than expected a decade ago. During this time period, the University has not provided annual data on changes as required by **Section 3.36.90** of the Corvallis *Land Development Code*. The *LDC* is the law of our City, and it should be obeyed by all land owners.

OSU growth has impacted Corvallis significantly, and the impact has spread over increasingly larger areas of the City. In 2013, the City went to the voters for a levy to pay for police officers and a code enforcement officer to patrol the part of the city where dense college-student-oriented development has sprung up. In 2014, voters soundly rejected the City's residential parking district plan because it minimized the role of the University in mitigating the problems caused by OSU growth. Numerous public meetings under the Collaboration label over the past three years have clearly demonstrated that livability in the City of Corvallis has deteriorated because of OSU growth and development. In my opinion, the City Council should act now on behalf of citizens.

Chapter 3.36 - Oregon State University Zone in the *Corvallis Land Development Code* implements the *OSU Campus Master Plan (CMP)*. It is the only zone in the *LDC* created for a specific organization, and it creates a special mechanism on campus to facilitate development for OSU. Like other parts of the Code, **Chapter 3.36** was created through legislation and can be changed through the legislative process.

If the Council has the will to do something about **Chapter 3.36**, the task can be relatively simple:

- The council has the complete text of **Chapter 3.36**, which implements the *CMP*, in their hands today.
- This chapter is only 32 pages long, when written in very large type.
- The pages of interest to the general community are few, mainly those covering parking and transportation. A quick perusal will reveal that most of the text does not need to be changed, e.g. *roof-mounted equipment, landscaping, drainage, building entrances, franchise utilities, etc.*

I doubt, based on the results of the City's three year study of concerns in the areas surrounding the OSU Campus, that any Councilor would deny that problems exist. I have identified seven specific problem areas and two general options for resolving them. The first, improved compliance with **Chapter 3.36**, can be accomplished quickly; it only requires enforcement by the City.

Legislation will require more time than enforcement, perhaps months. Council action is necessary, but legislation is what the Council does. For example, the Council just added a whole new chapter, **Chapter 3.34 - University Neighborhoods Overlay**, in December 2014. In my opinion, legislation can begin immediately. Refinements of the Code, based on experience, can be commenced at any time. Why wait?

With regard to new legislation, *LDC* provides a trigger for an update of **Chapter 3.36** (which implements the *OSU CMP*):

Section 3.36.40.05 - Campus Master Plan Update

The CMP covers a 10- to 12-year planning period. However, if conditions change significantly or other unanticipated events occur, it may be necessary to update the CMP before the end of the planning period. An update of the CMP shall be reviewed as described in Section 3.36.40.02.b "1", through "3" [See Appendix.] The review shall comprehensively evaluate the need to update or otherwise modify the Campus Master Plan, its policies and related traffic and parking studies, and this Chapter.

Within the standard of "plausible interpretation" of the Code language, the Corvallis City Council is the agency which interprets the words quoted above. To justify change now, the Council could decide, plausibly, that (1) ***conditions have changed significantly*** and/or that ***other unanticipated events have occurred***, and (2) these changes have rendered the "steady state" assumptions of 2004 obsolete. These assumptions were the foundation for City and University planning back then, but times have changed radically.

- Student at OSU enrollment growth has exceeded projections.
- Employment on campus has increased more than expected.
- Transient parking in neighborhoods surrounding OSU has increased dramatically.
- New building on campus has been unprecedented - especially in former parking lots located in the campus core - which attracts the most vehicles.
- Development in the OSU Zone now includes private development on land leased from OSU. One example is the Samaritan Athletic Medical Facility which serves the general public from its campus location and 400-500 people per day.
- Sections of 3.36.90 requiring monitoring have not been implemented by OSU.
- OSU has eliminated some on-campus housing for students.
- The City has had to hire three new police officers, at public expense, to patrol affected neighborhood.
- Over the past 20 years, University efforts have not mitigated parking and traffic problems.
- OSU has purchased properties off campus to support University enterprises.
- Since 2010, OSU generates its own electricity from natural gas at the OSU Energy Center.

- The Land-Grant, Oregon Agricultural College has morphed into a corporation with typical corporate revenue generation goals.

Option #1: Compliance

The first option for the City Council is to actually insist that OSU comply with the monitoring and mitigation language as required in the existing **Chapter 3.36**. Although more examples exist, I will provide three:

1) The first example relates to a Council request for information at the January 5, 2015 meeting about the square footage of recent building on campus. This information should already be available to Councilors in reports from OSU because it is required by the *Corvallis Land Development Code*.

Section 3.36.a - *As a means of monitoring the implementation of the Campus Master Plan, the University shall provide the following information to the City on a yearly basis.*

1. *Updated tabulations of development and open space for the planning area, including -*
 - a) *Gross square footage of development by type that occurred in each Sector over the previous 12 month period;*
 - b) *Remaining available Development Allocation for each Sector; . . .*

Please note that, if the University had reported this information to the City, staff time required to retrieve and update the latest annual report would be inconsequential now.

2) A second example of lack of implementation also involves required annual reports:

Section 3.36.90.a.2.c - *As a means of monitoring the implementation of the Campus Master Plan, the University shall provide the following information to the City on a yearly basis. Updated parking utilization reports, including -*

Identification of available parking spaces . . . and usage within each residential parking district bordering OSU

and of the number of residential permits funded by the University.

In addition, provide details of other efforts undertaken by the University to address neighborhood parking issues;

Here are some (perhaps rhetorical) questions for the council and City Staff: (1) Question: Where is the utilization data for Parking District "C"? Answer: There isn't any. (2) Question: How many residential permits have been funded by the University? Answer: None. (3) Question: What are the details of the efforts undertaken annually by the University to address neighborhood parking issues. Answer: Not done.

3) The third example of lack of implementation involves mitigation strategies:

Section 3.36.90.b2. *OSU shall participate as a full partner in a task force initiated by the City with City, University, neighborhood association and neighborhood business representation, to review and evaluate existing baseline traffic measurements, parking studies, and other relevant information and develop strategies to mitigate problem areas.*

At the end of 2014 and a decade of experience with **Chapter 3.36**, questions remain. What is the list of mitigation strategies that have been implemented as required under the *LDC*? How effective have they been at mitigating problems?

To summarize about compliance: (1) Monitoring of campus development was the mechanism put into **Chapter 3.36** for informing the Council, Planning Commission, and general public about changes; and (2) Proper monitoring could have provided information allowing the Council to respond to problems earlier and to make better mitigation decisions.

Option #2: Legislation

The second option for the City Council is to eliminate obvious weaknesses in **Chapter 3.36** which have allowed campus growth and development to degrade livability in the City. I will provide four examples:

1) Parking Utilization Reports. Because the geographic scope was too limited, monitoring efforts required by **Section 3.36.90** failed to reveal the true extent of neighborhood parking problems.

Section 3.36.90.a.2.c - *As a means of monitoring the implementation of the Campus Master Plan, the University shall provide the following information to the City on a yearly basis.*

*Updated parking utilization reports, including - Identification of available parking spaces . . . and usage within **each residential parking district** bordering OSU*

Early on, neighborhood parking utilization studies in two districts, District "A" and District "B," found that transient parking was excessive -- especially in identified "hot spots" where utilization exceeds 100% of capacity. The University and the City did nothing to mitigate that. Later, the City added a third Parking District, called "C", but the University has never measured parking utilization in that district.

A fatal flaw with **3.36.90.2.c** was that only existing residential parking districts were to be monitored. Over the past 10 years, transient, daytime parking associated with the University has expanded into a much, much larger area, and **Section 3.36.90** provides no mechanism for measuring that change

2) Campus Parking Utilization Standard. Many citizens have spoken to the Council about the 90 percent utilization rule:

Section 3.36.60.08.d - *When usage of campus-wide parking facilities exceeds 90 percent based on the most recent parking usage inventory, any development that increases building square footage shall be subject to the provisions of Section 3.36.40.02.*

The fatal flaw with this standard is that it is not a measure of neighborhood livability. Instead, low levels of employee and student parking on campus may reflect and be the cause of the neighborhood parking problems we see now.

Further, as currently measured, utilization of on-campus parking lots can be manipulated downward by the University through their own actions. Prices that are too high for students and employees, parking lot locations which are not convenient, and inadequate shuttle service will all discourage utilization. Instead of mitigating parking problems, Such actions stimulate demand for the substitute, i.e. free, on-street parking in neighborhoods surrounding the University.

3. Development Area. **Chapter 3.36** grants the OSU Zone a unique privilege which is not shared by any other developer in the City of Corvallis. OSU shares that special treatment with other organizations who can lease land and then also build on campus without the usual regulations.

Section 3.36.20 - *The following definitions contained in Section 3.36.20 pertain only to instances where the term is used within the contents of Chapter 3.36 – OSU Zone.*

Development Area – *The portion of land involved in a building/construction permit application or land use application. The Development Area shall include all of the following that are associated with the development: buildings, yards, open spaces, setbacks, Development Frontage, abutting parking areas, and access. The Development Area shall be indicated on a project site plan. Within Chapter 3.36, the Development Area definition supersedes the **Development Site** definition found in Chapter 1.6 and used elsewhere within this Code.*

In contrast, the Corvallis *Comprehensive Plan*, is very clear on its intentions:

Policy 11.4.3 *All traffic generators shall provide adequate parking.*

One could easily argue that this policy is not implemented under **Chapter 3.36**. Whereas the campuses around the Corvallis medical facilities and HP buildings requires parking for each building site, the OSU campus, comprising hundreds of acres, is deemed to be a single traffic generator. Under **Section 3.36.20** parking for students, employees, and visitors can be located many blocks and many minutes of walking time away from the actual destination. Does the Council consider this to be "*adequate parking*"?

4. Campus Shuttle Service. Continued use of the "*Development Area*" concept in campus land use decisions depends on the campus shuttle.

3.36.60.08.e - *New development in Sectors A through H may construct additional parking facilities in any of the Sectors A through H, **provided the OSU campus shuttle is operational.***

However, the "*operational*" standard above is too low to be useful; for example, a once-a-day run around four blocks of the campus would meet this criterion. There is no requirement that the level of service must be sufficient to satisfy the needs of people parking in remote parking lots so that employees and students will use them. Further there is no direct tie between shuttle operations and measured livability in neighborhoods surrounding campus.

To summarize about refinements to **Chapter 3.36** based on ten years of experience, there is plenty of opportunity for big improvements with just a few changes.

APPENDIX

Section 3.36.40.05 cites the following language which references provisions which are also applied in areas of Corvallis outside the OSU Zone. These requirements are standard operating procedure for the City. They do require transparency through public hearings, which is a good idea in Corvallis.

Section 3.36.40.02.b - *Development not consistent with the standards contained in this Chapter shall be reviewed as*

b. A Major Adjustment, as described in Section 3.36.40.04 - Major adjustments, shall be reviewed as follows:

- 1. All proposals that meet or exceed the thresholds identified in Section 3.36.4 0.04 "a", through "n", shall be reviewed under Section 2.5.60.03 - Major Modifications in **Chapter 2.5 - Planned Development**.*
- 2. In addition to the process required in "1," above, proposals that meet or exceed the thresholds identified in Section 3.36.4 0.04 "d" through "k" shall be reviewed for consistency with **Chapter 1.2 - Legal Framework**.*
- 3. In addition to the processes required in "1", and "2", above, proposals that meet or exceed the threshold identified in Section 3.36.4 0.04 "h" shall be reviewed as a **Zone Change**, consistent with process and criteria in **Chapter 2.2 - Zone Changes**, and if needed, as a **Comprehensive Plan Amendment**, consistent with the process and criteria in **Chapter 2.1 - Comprehensive Plan Amendment Procedures**.*

MEMORANDUM

To: Mayor, City Council and Planning Commission
From: Ken Gibb, Community Development Director
Date: January 10, 2015
Subject: Additional Public Testimony Regarding the Legislative Review of OSU-Related Comprehensive Plan Policies

In addition to the written testimony from Dan Brown, which was included in a prior information packet, the attached testimony was submitted for your consideration by Rolland Baxter on Friday, January 9, 2015.

January 9, 2015

Corvallis City Council
Corvallis Planning Commission

RE: LDC CHAPTER 3.36
OREGON STATE UNIVERSITY (OSU) ZONE

I have read with interest information in the Council packets relating to the update of the Campus Master Plan (CMP) and LDC Chapter 3.36. This update is obviously a complex and difficult task to deal with, even for the informed.

The 2004-2015 CMP was apparently the basis for LDC Chapter 3.36. This CMP contains many predictions and commitments, some of which are seriously in error or unmet. These errors or commitment failures are not insignificant or minor and, as a result, the master plan has not proven to be a good guide or predictor of campus development or of the impacts of OSU development. Consequently, the plan and the resulting LDC Chapter 3.36 have failed the community at large.

In reading the various documents, I find that the CMP and Chapter 3.36 fail the community most egregiously in the areas of 1) Parking, 2) Transportation and 3) housing. Others in our community may have other areas of concern. I would suggest that once a process has been established for your pending legislative review that you focus on these identified areas.

It also appears to me (after reading various memos to Council and interpreting previous actions of the City) that the CMP is simply an advisory or reference document and has little force in law. The planning document that appears to be relied on and referenced when determining when (or if) OSU has met OSU's land use obligations is LDC Chapter 3.36.

As evidence of the failure of the CMP and/or LDC Chapter 3.36 I would offer the following:

- 1) The student and faculty population basis for both documents was wildly at variance to the reality the community has experienced over the last 10 years. Population figures have exceeded projections from nearly the beginning of the plan, making the plan ineffective (or inappropriate) during the entire planning period (10 years). This is a very serious error with broad consequences.
- 2) Both documents purport to put in place mechanisms to guard against negative impacts of parking in neighborhoods. The evidence clearly shows that negative impacts have intensified. Clearly, both the good intentions of OSU as stated in the CMP and the requirements of Chapter 3.36 have failed. This is, in my judgment, partly due to the erroneous projections of the CMP but also due to the total ineffectiveness of the parking standards set in Chapter 3.36. The "90% rule" has proven to be ineffective and a poor means of insuring adequate on-campus parking by almost anyone's reasoned judgment.

- 3) Monitoring and reporting during the course of the planning period (2004-2015) has been ineffective and without critical analysis. The City seems to have relied on OSU to prepare performance analysis or documents. Do I dare suggest this is like asking the fox to report on the condition of the hen house? I can find nowhere that the City staff, with a critical and questioning eye, actually evaluated what reports may have been submitted by OSU and reported their findings and recommendations to the City Council or the community at large. Nowhere can I find a report from staff where they cautioned Council that population projections were being seriously exceeded and this would have impacts on campus development and the community. It would seem to me that Council is ill advised to give broad discretion to OSU and then not require a critical assessment of OSU's performance. This failure has led to a decade of growing problems. Perhaps this is an issue with how Chapter 3.36 was written or with the direction that has been given to City staff (or both). In any case, I would implore the Council to provide direction to staff that, in all issues related to OSU zoning and development, they critically assess all proposals, submittals, documents and reports.
- 4) While student and faculty populations increased, parking on campus decreased. Parking decreased dramatically in the core area (District C) while no nearby parking was added (as committed to in the CMP). On-campus parking became more expensive and less convenient. Policies were adopted that drove students and faculty away from on-campus parking and into neighborhoods.
- 5) I have contended for some time that campus parking was, for all practical purposes, "fully utilized". My contention is largely supported by the evidenced - the overflow of parking into neighborhoods. But the "90%" rule permitted OSU to argue otherwise. Now, with the new campus parking plan, we find that indeed OSU parking is fully utilized as evidenced by the sale of more than 100% of permits available for parking zones A and C. Again, evidence that the requirements of LDC 3.36 are ineffective. OSU will attempt to rationalize the data, but the truth is that OSU parking is inadequate for the uses they have placed on their property.
- 6) The City recently had a housing survey completed. As part of that evaluation, the consultants pointed out the high growth rate on campus as one of the factors contributing to housing problems, barriers or difficulties in Corvallis. These problems included unavailability of land, lack of proper zoning, high cost and others. All of these are linked in one way or another to the rapid (and un-projected) increase in campus populations. In other words, OSU's growth rate contributed mightily to the housing problems in the community- a growth rate that vastly exceeded that contained in the CMP and used as the basis for Chapter 3.36. There needs to be better mechanisms in Chapter 3.36 that requires OSU to directly mitigate the impacts of their growth.
- 7) During the course of the planning period we have seen changes on campus that were not anticipated or adequately addressed in the planning and zoning documents. We now find private operations on campus, some or all of which may have been permitted to ignore parking requirements. I site the recently construction Good Samaritan clinic on campus which will serve non-campus clients, the InTo OSU project serving students that may not be counted in OSU's population, and now, in today's paper, a new Forest Sciences building that will serve not only OSU students, but also UofO students. I am not opposed to private operations on campus, but there should be a better understanding of how they will be regulated.

If I had more time I could perhaps point out other errors, omissions or misjudgments in the CMP and LDC Chapter 3.36. But the point of my writing is to demonstrate that there needs to be a serious, critical and thorough assessment of the LDC and the means of regulating OSU development. I am encouraged by Council's commitment to a legislative process as a first step in that direction. I also look forward to a careful review of the updated CMP when it is submitted.

Rolland Baxter

Corvallis, OR 97333

January 9, 2015

Corvallis Planning Commission
Corvallis City Council

RE: CMP and LDC Chapter 3.36

I would like to present an argument in favor of declaring the current 2004-2015 Campus Master Plan (CMP) null and void and further declaring that all building plans that call for an increase in useable square feet in any zone on campus be processed through the requirements of LDC Section 2.5.60.03 – Major Modification.

Section 3.36.40.04 states that a Major Modification shall be triggered if one or more criteria is met. One of the criteria (d.) reads “Exceeds 90 percent parking usage campus wide”. The term “parking usage” is undefined in the document.

My argument is that OSU parking is over 90% utilized at the present time. OSU reports that they have issued over 100% of the permits for zone A parking and over 100% of the permits for zone C parking. Therefore, zone A and zone C parking is over 100% subscribed campus wide. I do not have figures on zone B parking, but I suspect parking permits in this zone also exceed 90% sold. This would mean that parking in all parking zones campus wide exceeds 90%. This would trigger the Major Modification clause, requiring review under LDC Section 2.5.60.03.

Since there is no definition for parking usage, then this interpretation of the standard is just as reasonable as any other offered. Interpretation of the code is up to the city, not individual property owners.

I further argue that Section 3.36.40.05 – Campus Master Plan Update requires a review under Section 3.36.40.02 (and subsequently Section 2.5.60.03) when or if conditions change significantly or unanticipated events occur. Conditions have changed significantly (acceleration of parking intrusion into neighborhoods, among others) and unanticipated events have occurred (dramatic campus population increase and related campus building boom, among others).

Again, it is up to the Council to determine whether conditions have changed and whether the change is significant and to determine if unanticipated events have occurred. It is not up to individual property owners to make this determination.

My argument is that the City should find that:

- 1) Conditions have changed significantly since the CMP was adopted
- 2) Unanticipated events have occurred
- 3) An updated CMP is required under procedures outlined in LDC Chapter 2.5 –Planned Development, Section 2.5.60.03 – Major Modifications.
- 4) The current CMP is invalid and without effect
- 5) The Major Adjustment clause has been triggered by the fact that parking usage exceeds 90%.
- 6) All development on campus must therefore proceed under Section 2.5.60.03 –Major Modifications.

I do not know if the City will take this approach or not. The City should. If this approach to the current situation is rejected, it clearly points out the weakness of the current planning process and regulations. And it reinforces the need to make major changes in (or perhaps abandon?) the current Chapter 3.36.

The City cannot continue to allow OSU unconstrained discretion to do what it likes on campus with impunity and without effective review. The Corvallis community needs mechanisms to deal with issues effectively without allowing OSU to override the community's interests.

Rolland Baxter

Corvallis, OR 97333

MEMORANDUM

To: Mayor, City Council and Planning Commission
From: Ken Gibb, Community Development Director 
Date: January 13, 2015
Subject: Additional Responses to City Councilor Questions Regarding the
Legislative Review of OSU-Related Comprehensive Plan Policies

Attached are staff responses to emailed questions received from City Councilors since the staff reports were released. Private email addresses have been redacted.

Young, Kevin

From: Young, Kevin
Sent: Monday, January 12, 2015 5:07 PM
To: *Barbara Bull*, Brewer, Nancy
Cc: Penny York Cell; Hal Brauner; Gibb, Ken
Subject: RE: Responses to Council Questions Regarding OSU Comp Plan Review

Hi Barbara,

I want to acknowledge that we've received your request. Development Services staff have begun assembling the information you've asked for.

Kevin Young
Planning Division Manager
City of Corvallis
(541) 766-6572
kevin.young@corvallisoregon.gov

From: **Barb Bull**
Sent: Monday, January 12, 2015 9:16 AM
To: Young, Kevin; Brewer, Nancy
Cc: Penny York Cell; Hal Brauner
Subject: Re: Responses to Council Questions Regarding OSU Comp Plan Review

Hi Kevin,

I appreciate your response to my request for development info in the OSU zone. It would be helpful to me to have the list of permits that contribute to your summary table. Just new construction would be fine if that is easiest.

If there is a table summarizing parking requirements by use that would also be helpful. If there are two or three answers for retail development, for example, a separate column for downtown and any other special area would be fine.

Thanks again,

Barbara

On Jan 10, 2015 1:30 PM, "Young, Kevin" <Kevin.Young@corvallisoregon.gov> wrote:
Dear Mayor, Councilors, and Planning Commissioners,

Attached are staff responses and supplemental information responding to questions from City Councilors. Shortly, I will also be sending you written testimony received regarding this matter.

Kevin Young
Planning Division Manager
City of Corvallis
(541) 766-6572

kevin.young@corvallisoregon.gov

Young, Kevin

From: Young, Kevin
Sent: Tuesday, January 13, 2015 12:37 PM
To: Frank Hann
Subject: RE: Responses to Council Questions Regarding OSU Comp Plan Review

Good questions Frank,

Finding 1.1.c in the Comprehensive Plan notes a 1997 Council-approved population forecast of 58,461 City residents in 2020. Census data in 2010 reported the Corvallis population as 54,462, with 18,152 residents enrolled in college or graduate school. Subsequent population estimates from Portland State University (their Population Research Center provides us with annual estimates) are as follows:

2010
 Census 54,462

2011	54,520
2012	55,055
2013	55,345
2014	56,535

That growth rate averages out to about a 1% annual growth rate, which is generally consistent with the population forecast from 1997. At a 1% annual growth rate moving forward from the 2010 Census number, we would reach a population of 60,160 in 2020, which is pretty close to the 58,461 forecast from 1997. I don't have specific data on population losses from other sectors of the economy, but if I had more time, we could look at on-campus enrollment data from OSU during the same time span to see if there is some offset impact, or what percentage of population growth has come from student on-campus enrollment increases. It may be that declines in employment at Hewlett-Packard (and associated community residents), and perhaps other employers, have offset increases from OSU. Of course, OSU enrollment numbers do not reflect changes in on-campus employment of staff and faculty, either.

In general, our population increase, as a community, has been along the lines of what was projected in 1997.

Kevin Young
 Planning Division Manager
 City of Corvallis
 (541) 766-6572
 kevin.young@corvallisoregon.gov

From:
Sent: Saturday, January 10, 2015 7:21 PM
To: Young, Kevin
Subject: Re: Responses to Council Questions Regarding OSU Comp Plan Review

Hello Kevin,

Thank you for providing this information. As I read the material it occurred to me that we should consider the population growth projections city wide that were assumed in the Comp Plan. We realize that the growth of the student population exceeded by far anticipated levels. Has this been in any way "softened" by decreased growth from other sectors given the economic downturn and loss of

substantial numbers of positions within the tech and construction sectors during the period from 2008 until now?

Thanks,

Frank

From: "Kevin Young" <Kevin.Young@corvallisoregon.gov>
To: "mayorandcitycouncil@corvallisoreong.gov" <mayorandcitycouncil@corvallisoreong.gov>,

Cc: "Nancy Brewer" <Nancy.Brewer@corvallisoregon.gov>, "Ken Gibb" <Ken.Gibb@corvallisoregon.gov>, "City Attorney Brewer" <jkbrewer@peak.org>, "Carrie Mullens" <Carrie.Mullens@corvallisoregon.gov>, "Carla Holzworth" <Carla.Holzworth@corvallisoregon.gov>
Sent: Saturday, January 10, 2015 1:30:07 PM
Subject: Responses to Council Questions Regarding OSU Comp Plan Review

Dear Mayor, Councilors, and Planning Commissioners,

Attached are staff responses and supplemental information responding to questions from City Councilors. Shortly, I will also be sending you written testimony received regarding this matter.

Kevin Young
Planning Division Manager
City of Corvallis
(541) 766-6572
kevin.young@corvallisoregon.gov

Young, Kevin

From: Young, Kevin
Sent: Tuesday, January 13, 2015 2:23 PM
To: Frank Hann
Cc: Gibb, Ken
Subject: RE: Responses to Council Questions Regarding OSU Comp Plan Review

Hi Frank,

When we were first approached regarding the Samaritan Sports Medicine Center on campus we asked OSU staff to what extent the facility would be serving folks on campus vs. off campus. We were told that the majority of clients would be from the University, including not just student athletes, but also faculty, staff, and students. The applicants provided written documentation that the facility will provide educational opportunities for training and support for OSU's College of Public Health and Health Services, to supplement OSU's B.S. and M.S. programs in applied exercise and sports sciences, fitness and nutrition, exercise physiology and sport pedagogy. Given these assurances, we determined that the facility would be an allowed accessory use to the primary University use on campus.

Because the facility is on the OSU campus, it is subject to the parking requirements for that area, which are campus-wide standards. As you know, those requirements link the need for additional parking facilities on-campus with a certain level of on-campus parking utilization. The building is approximately 17,450 sq. ft. in size.

The one space/200 sq. ft. requirement for medical facilities is one of the more parking-intensive requirements in the LDC. However, seating areas within restaurants have a higher requirement, which is one space/50 sq. ft. of seating area where there are no fixed seats. However, as described above, these standards do not apply to the OSU zone (due to the campus-wide nature of parking at the University) and we note that the Central Business District and Riverfront zones also have a different set of standards for medical offices, restaurants and other uses.

I hope this answers your questions,

Kevin Young
Planning Division Manager
City of Corvallis
(541) 766-6572
kevin.young@corvallisoregon.gov

From:
Sent: Saturday, January 10, 2015 7:09 PM
To: Young, Kevin
Subject: Re: Responses to Council Questions Regarding OSU Comp Plan Review

Hi Kevin,

In the identification of new facilities built what is the total square footage of the Samaritan Sports Medicine Center and were parking requirements for this structure calculated at the one space per 200 SF required in the LDC as it has clearly been described as a health facility that includes outreach to the community. Do we calculate the parking requirements by use to include other higher density requirements for parking in the LDC?

Thanks,

Frank Hann,
Ward 8

From: "Kevin Young" <Kevin.Young@corvallisoregon.gov>
To: "mayorandcitycouncil@corvallisoreong.gov" <mayorandcitycouncil@corvallisoreong.gov>,

Cc: "Nancy Brewer" <Nancy.Brewer@corvallisoregon.gov>, "Ken Gibb" <Ken.Gibb@corvallisoregon.gov>, "City Attorney Brewer" <jkbrewer@peak.org>, "Carrie Mullens" <Carrie.Mullens@corvallisoregon.gov>, "Carla Holzworth" <Carla.Holzworth@corvallisoregon.gov>
Sent: Saturday, January 10, 2015 1:30:07 PM
Subject: Responses to Council Questions Regarding OSU Comp Plan Review

Dear Mayor, Councilors, and Planning Commissioners,

Attached are staff responses and supplemental information responding to questions from City Councilors. Shortly, I will also be sending you written testimony received regarding this matter.

Kevin Young
Planning Division Manager
City of Corvallis
(541) 766-6572
kevin.young@corvallisoregon.gov

Young, Kevin

From: Bell, Amber
Sent: Monday, January 12, 2015 1:25 PM
To: Young, Kevin
Subject: FW: Comments Oregon State University District Plan

This was forwarded to me, but appears to be related to the OSU District Plan update

*Amber R. Bell
Assistant Planner
City of Corvallis
541-766-6575*

From: Planning
Sent: Monday, January 12, 2015 12:24 PM
To: Bell, Amber
Subject: FW: Comments Oregon State University District Plan

Hi Amber,
Here's one from the Planning inbox. I've not moved it to the testimony folder nor added to the database. Hopefully you can access it in order to drag it into the appropriate folder.

Marci Laurent

From: Kahan, Josh [<mailto:Josh.Kahan@kingcounty.gov>]
Sent: Monday, January 12, 2015 10:39 AM
To: Planning
Subject: Comments Oregon State University District Plan

Dear Planning Division Representative. I would like to provide comments to the City Council and Planning Commission regarding the update of the Oregon State University District Plan.

The construction of the new OSU Classroom Building eliminated the potential to create a series of prominent east-west quads on campus, creating a beautiful open space corridor. An series of quads could have accentuated OSU's architecture and landscaping, enhanced the pedestrian experience, and created something very special for the campus. This missed opportunity can however act as a catalyst to include more robust open space language in the updated District Plan such as:

- Identifying a long-term open space vision that would include the development of future quads, courtyards, and landscape areas.
- A conceptual design for Oak Creek as it flows through campus including ecological restoration, recreational, and educational elements. An improved riparian corridor along this waterway could be a significant campus asset.
- Promoting the continued removal of parking lots/spaces in the central part of campus.

Promoting these elements in the Plan can ensure that OSU will remain one of the most beautiful campuses in the country. It will also ensure consistency with the campus plan created in 1909 by John C. Olmsted. The Olmsted architectural legacy is visible today: park-like areas, buildings surrounding open-space quads with diagonal crosswalks, harmony of landscape design and architecture, etc. While the intent of this earlier plan remains in effect today, it is unclear whether these elements will persist in the future.

Thank you for the opportunity to provide comments. Can you please confirm that they were provided to the Council and Planning Commission? Thanks a lot.

Sincerely,

Josh Kahan

*Josh Kahan, Program Manager
Green/White River Basin Stewardship
King County Department of Natural Resources and Parks
201 S. Jackson St., Suite 600
Seattle, WA 98104
(206) 477-4721
josh.kahan@kingcounty.gov*

RECEIVED

JAN 13 2015

CITY MANAGERS OFFICE
CITY OF CORVALLIS

January 12, 2012

Corvallis Mayor and Council
Corvallis Planning Commission

Regarding: OSU development

I just read the submittal by David Dodson in behalf of OSU dated January 9, 2015. Interesting reading indeed.

The take away (from OSU's submittal) seems to be that the CMP as prepared and presented by OSU is simply an exercise in speculation and unfulfilled promises. I must now agree with OSU that their CMP is simply theater and has no official standing. Consequently, I would suggest that the City no longer give any credence to the CMP, any process to update the CMP, any other campus publication, or any official or unofficial statement of the university as it relates to planning or development. Any requirements the City wants to see carried out clearly must be in the LDC. No exception. Absolutely no "collaboration" since OSU is obviously not required to perform unless it is in the LDC. That is not me speaking, that is the official position of OSU.

But what is disappointing in this letter is the suggestion that the City permit the OSU zone to continue in its current format until the CMP expires in 2016 at the end of the planning period. This is a whopping two more years. The letter suggests the City "simply amend the OSU zone by that time", implying the end of 2016. . Two more years of development that goes virtually unregulated.

There are at least two problems with OSU's position that I can see. First, OSU does not seem to recognize or acknowledge that it is entirely up to the City Council how, when and in what time frame it updates the LDC and Chapter 3.36. Second, OSU sees no urgency or critical need to amend the LDC before further development occurs. In fact, they seem to imply that Chapter 3.36 is working just fine.

The university does not (in **any** manor or fashion) acknowledge that there are serious problems **now**. They do not acknowledge that these issues and problems have been **building and building** for the last decade. They do not acknowledge (in fact they deny) that the **root cause** of many (or even some) problems are directly and/or indirectly related to **OSU development**. OSU does not acknowledge that the **CMP was seriously flawed** in its projections and that as a result **Chapter 3.36** proved to be an **ineffectual** tool to regulate campus development. OSU does not acknowledge that past development has created problems that were not mitigated at the time and now require post-construction action.

OSU says in this letter they want dialogue and want to engage with the City. I hope so. But a dialogue is a two way street. It requires listening. So far, I have not observed any listening on the part of the OSU representatives. I am unsure why, but my operating theory is that staff has marching orders to not give up a thing and never to agree that there is a problem that OSU is responsible for or has contributed to. So I will believe in dialogue only when I observe OSU actually advancing or agreeing to proposals to solve the problems. They need to commit monetary resources and real actions, not simply empty promises.

Rolland Baxter
Corvallis



Capital Planning and Development
100 Oak Creek Building
3015 SW Western Blvd., Corvallis, Oregon 97333
Main Line: 541-737-5412 | Fax: 541-737-4810

January 13, 2015

A Letter to the Mayor, Council Members and Planning Commissioners:

We at Oregon State University ("OSU") understand that you are preparing to enter a work session tonight to formulate a plan for updating the university's Comprehensive Plan policies and discuss expiration of the Campus Master Plan (CMP). As the property owner and institution that will be most directly impacted by those discussions, we have a few additional thoughts we would like to add before your discussions begin. We appreciate your consideration of our comments both tonight and in the months ahead as we proceed together through the planning process as institutional partners.

First, we have been actively engaged with the City over the last 10 years to implement the CMP and the associated OSU Zone. As you know from City staff, stakeholder and OSU memoranda or letters, the OSU zone established the ground rules for how OSU was to grow over the 10 to 12 year planning period. The zone established development sectors on the campus and capped the amount of growth that could occur in those sectors. The zone also established open space minimums by sector. These standards are clearly articulated in the OSU zone. OSU has complied with the City of Corvallis regulations over the last 10 years. In one recent instance where OSU needed an adjustment to the development allocation in one of the sectors, OSU applied to the City for the adjustment and the adjustment was approved by the Planning Commission and the City Council.

The OSU zone permits a total of 3,155,000 square feet of growth over the planning period. Between 2004 and 2014, the building permit records and OSU reports show 873,143 square feet of growth. OSU has built 28% of the permitted allocation. The zone also requires a minimum open space across campus of 50%. OSU currently has 65% open space across campus. The record shows strict compliance with the sector development and open space allocations of the OSU zone. The City planning staff describes this planning and permit history of strict compliance on pages 14 through 17 of the Memorandum from Jim Brewer and Ken Gibb to the City Council, dated January 10, 2015.

Second, parking and transportation is also regulated by the OSU zone. The OSU zone articulates a specific parking strategy and a process for re-evaluating that strategy once certain utilization is triggered. When parking on campus exceeds

90% utilization, any development on campus that adds any building square footage is subject to the adjustment process. In 2004 when the CMP was adopted, parking utilization was at 87%. Following adoption of the CMP and construction of the OSU parking garage, parking utilization was measured at 79%. To evaluate these utilization rates for compliance, we are obligated under the OSU zone to submit parking inventories annually. We have done so since 2005 and those inventories consistently reflect utilization rates at 79% or lower, still not approaching the 90% utilization threshold identified.

In his letter to the Council, Mr. Rolland Baxter indicates that our data is flawed or that OSU should not be in charge of submitting these inventories. Mr. Baxter's comments on this matter are in error and do not serve to facilitate the productive planning process we continue to seek with the City of Corvallis. The OSU zone requires OSU to submit this inventory data and there is no indication that the data is flawed or inaccurate.

We do agree with Mr. Baxter that utilization rates, while a sound monitoring methodology when conceived in 2004, may not be the best monitoring method going forward. OSU is in the process of evaluating other methods that would further incentivize on-campus parking while decreasing single occupancy vehicle trips. Parking impacts in the neighborhoods need to be addressed through a thoughtful engagement process involving the City, OSU, and neighbors. We invite that discussion as we move forward with the City and other stakeholders in the update process.

Third, OSU was surprised to see discussion in the Council materials of a moratorium, or the notion that OSU would seek some kind of exemption from the land use process at the state legislature or that OSU intended to fast track some master plan submittal to avoid changes in City regulations.

These ideas did not originate from OSU and, in our view, are not part of a productive planning process, and should be off the table.

OSU is Oregon's leading public research university. We not only have a state mandate to serve the residents of Oregon in their educational and research pursuits, our diverse student body comes from across Oregon, all 50 states and more than 100 countries. Students can choose from more than 200 undergraduate and more than 80 graduate degree programs. We continue to attract high-achieving students, with nationally recognized programs in areas such as conservation biology, agricultural sciences, nuclear engineering,

forestry, fisheries and wildlife management, community health, pharmacy, zoology, among others.

We will continue to evolve as we are asked to serve this public educational and research mandate. We are also committed to accommodating this evolution responsibly and within a regulatory partnership with the City of Corvallis. We have not sought any exemptions from the state legislature and we are not preparing to fast track any master plan through the City approval process.

Quite to the contrary as demonstrated by the public engagement and outreach to date with our neighbors regarding the District Plan, it is critical we have a seat at this important planning table to craft a long term plan for our future that accommodates our public educational mission while reasonably mitigating negative impacts on the community.

If there is a common theme in the comments you have received, it is that such a process will take some time. We have that time. The OSU zone has no expiration date and the Campus Master Plan requires update by 2016. We can commit to an active engagement in the planning process with a completion and adoption date before the expiration of the 2016 planning period. If your concern is development that may occur between now and 2016, we can share any of those plans with you and demonstrate how those plans are within the development allocations of the current OSU zone.

Thank you for consideration of these additional comments and we look forward to an active and engaged role over the next 12 to 18 months to adopt effective planning tools that will serve our shared objectives.



Kirk Pawlowski
University Architect/
Executive Director for
Capital Planning and Development



David Dodson, AICP
University Land Use
Planning Manager

cc: Glenn Ford, OSU Vice President for Finance and Administration
Steve Clark, OSU Vice President for University Relations and Marketing

January 13, 2015

To: City Council
From: Barbara Bull, Ward 4
Re: Possible Council actions regarding OSU development: identify the appropriate process and consider a temporary moratorium

I am concerned that the agenda for tonight's joint meeting seems to presume that we have decided to pursue a fairly comprehensive review of the comprehensive plan as it may apply to OSU development. I respectfully request that Council and Planning Commission leadership consider a brief discussion of options/alternatives before starting the discussion on how to proceed with one of the options presented so far.

In particular, I would ask the following high-level questions:

1. Some of the recent development is occurring in the OSU Zone, some is occurring in the surrounding area. Should a legislative review focus on a geographic area (central Corvallis) instead of OSU or the OSU Zone?
2. The main concerns on this topic seem to be more closely related to **the implementation of our Comprehensive Plan policies** rather than the policies themselves.

Question: What would be the appropriate process for reviewing LDC Chapter 3.36 with respect to existing Comprehensive Plan policies without amending the Plan?

3. What would the process be for initiating a moratorium on the relevant development while we conduct a review of either the Comprehensive Plan, some portion of the LDC, or both?

It is my feeling that the land use code currently governing development in and around the OSU Zone is inadequate to protect our community from the harm associated with unanticipated rapid and intense development. It is the responsibility of the Council to consider the possibility of invoking a moratorium on this development allowed under ORS 197.505 and/or ORS 197.520 while the Council considers measures that would address this inadequacy.

From ORS 197.520:

(3) A moratorium not based on a shortage of public facilities under subsection (2) of this section may be justified only by a demonstration of compelling need. Such a demonstration shall be based upon reasonably available information and shall include, but need not be limited to, findings:

(a) For urban or urbanizable land:

(A) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;

(B) That the moratorium is sufficiently limited to ensure that a needed supply of affected housing types and the supply of commercial and industrial facilities within or in proximity to the city, county or special district are not unreasonably restricted by the adoption of the moratorium;

(C) Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;

(D) That the city, county or special district has determined that the public harm which would be caused by failure to impose a moratorium outweighs the adverse effects on other affected local governments, including shifts in demand for housing or economic development, public facilities and services and buildable lands, and the overall impact of the moratorium on population distribution; and

(E) That the city, county or special district proposing the moratorium has determined that sufficient resources are available to complete the development of needed interim or permanent changes in plans, regulations or procedures within the period of effectiveness of the moratorium.

On the Status of the Current Master Plan

The law governing development within the OSU Zone consists of the land use code Chapter 3.36. As indicated below, significant change in conditions may create the need to update the plan before the end of the planning period. The unanticipated increase in enrollment at OSU and the resulting traffic and parking impacts are significant and warrant early reconsideration of this code.

The anticipated enrollment at the time of the plan is summarized as follows:

The Oregon University System (OUS) Institutional Research Services prepares enrollment projections for all eight Oregon public universities. Below is the enrollment projection for OSU, prepared July 2003. OSU is projected to have a student population of 22,074 by the year 2015. For planning purposes, the CMP uses an enrollment projection of 22,500. (CMP P. 3-2)

Section 3.36.40.05 – Campus Master Plan Update

The CMP covers a 10- to 12-year planning period. However, if conditions change significantly or other unanticipated events occur, it may be necessary to update the CMP before the end of the planning period. An update of the CMP shall be reviewed as described in Section 3.36.40.02.b "1", through "3".

The review shall comprehensively evaluate the need to update or otherwise modify the Campus Master Plan, its policies and related traffic and parking studies, and this Chapter.

Furthermore, OSU has failed to perform the required monitoring of development since 2010. Allowing OSU to continue to develop under this code while they neglect to carry out their responsibilities, which would inform the Council and the broader community about the impacts of the development and need for mitigation, is inappropriate.

Section 3.36.90 - Campus Master Plan Monitoring

a. As a means of monitoring the implementation of the Campus Master Plan, the University shall provide the following information to the City on a yearly basis.

1. Updated tabulations of development and open space for the planning area,...
2. Updated parking utilization reports...
3. TDM Report - The TDM Report that identifies efforts and the effectiveness of those efforts undertaken by the University over the previous 12 months to reduce reliance on the single-occupant vehicle....

The Council clearly has the authority to modify its land use code and under the current conditions it is both necessary and appropriate.

On the expiration date

The primary measure of development in the OSU Zone under LDC Chapter 3.36 is the accounting of developed square footage in *Table 3.36-2 – Building Square Footage by Sector*. This accounting is the primary substantial limitation on development under the plan and code. The fact that this accounting of development includes all development after December 31, 2003 suggests that the effective beginning date of this accounting is January 1, 2004.

Ten years of development from January 1, 2004 would end December 31, 2013.

Twelve years of development from January 1, 2004 would end December 31, 2015.

Section 3.36.50.01 – Sector Development Allocation

a. Sector Development Allocation represents the gross square footage of new development allowed in each Sector, regardless of the Use Type. See Table 3.36-2 - Building Square Footage by Sector.

b. Each new development project in a Sector shall reduce that Sector's available allocation.

c. Existing and approved development as of December 31, 2003, has been included in the existing/approved development calculations and shall not reduce the Sector Development Allocation.

On Comprehensive Plan Review

The entire Comprehensive Plan is in need of review. Any partial review of the comprehensive plan should be considered alongside any intention to renew our community vision, transportation system plan, and comprehensive plan as a whole with careful attention paid to responsible use of resources.