

**CITY OF CORVALLIS
COUNCIL/PLANNING COMMISSION WORK SESSION
January 13, 2015**

The joint work session of the City Council and the Planning Commission was called to order at 6:00 pm on January 13, 2015 in the Madison Avenue Meeting Room, 500 SW Madison Avenue, Corvallis, Oregon.

I. ROLL CALL

PRESENT: Mayor Traber; Councilors Baker, Brauner, Glassmire, Hann, Hogg, York, Hirsch (6:03 pm), and Bull (6:03 pm)

Planning Commissioners Daniels, Gervais, Woodside, Feldmann, Lizut, Ridlington, Woods, Sessions (6:05 pm)

ABSENT: Councilor Beilstein and Commissioner Selco (both excused)

II. UNFINISHED BUSINESS

A. Process and Schedule Considerations for Review of OSU-Related Comprehensive Plan (CP) Findings and Policies

Items at places included emails from Josh Kahan (Attachment 1) and Rolland Baxter (Attachment 2), a letter from OSU (Attachment 3), and staff's responses to Councilor questions (Attachment 4).

Mayor Traber welcomed Commissioners and provided introductory remarks.

Councilors and Commissioners were invited to ask questions of staff and Deputy City Attorneys Brewer and Coulombe. Several inquiries related to whether certain actions by the Planning Commission or the Council would constitute a quasi-judicial process. Mr. Brewer and Mr. Coulombe cautioned that each circumstance was unique and it was not easy to provide definitive answers to "what if" scenarios. Mr. Brewer noted if a specific property was the subject of a review, the process for that review and possible action would be considered quasi-judicial.

Councilor Bull indicated she had some questions (Attachment 5). Mr. Brewer said ordinances could be passed by the Council at any time; however, a purposeful shift to a quasi-judicial process would require Council approval, as the prior Council voted to pursue a legislative process.

In response to Commissioner Woods' inquiry, Community Development Director Gibb said Attachment E in the Work Session meeting packet reflected staff's initial review of Oregon State University (OSU) related CP Findings and Policies contained in the 1998 version of the CP. Mr. Gibb said other policies may need to be identified as part of the review.

Commissioner Woodside observed the last CP update involved a lengthy appeals process. In response to her inquiry, Mr. Brewer said if OSU submitted an application before CP or

LDC updates were completed, the application would be reviewed against the standards that were in place at the time it was submitted.

In response to Councilor Bull's inquiry regarding land use issues outside of the campus boundary, Mr. Gibb said many of the OSU/City Collaboration Project's Neighborhood Planning Work Group's recommendations had been implemented; however, incorporating the outstanding recommendation related to zoning and land use was held for inclusion in the next CP update.

In response to Commissioner Daniels' inquiry, Mr. Brewer said if the LDC review flowed from the CP, the process would be legislative. However, if a CP change flowed from the LDC, the process would be considered quasi-judicial.

In response to Commissioner Gervais' inquiry, Mr. Brewer said the City Manager had the authority to address violations of City Ordinances while the review process was underway.

Councilor York preferred a longer legislative process to ensure a thorough review that included public input to achieve an outcome that supported both resident livability and OSU's mission. However, for her, the longer process was contingent upon having a parallel process to address current issues of concern, such as parking and the rate of new construction on campus. She asked staff to provide information about interim measure opportunities, including voluntary and regulatory measures.

Councilor Brauner supported a longer legislative process to review the CP. He believed establishing an Intergovernmental Agreement with OSU should be conducted as a parallel process. Allegations that OSU had violated the LDC should be reviewed separately to determine if the claims had merit.

Councilor Glassmire supported a longer legislative process to review the CP. He was interested in resolving problems in his Ward, especially those related to parking.

In response to Commissioner Woods' inquiry, Mr. Coulombe said the CP included other supporting documents in addition to the Campus Master Plan which had planning horizons; however, he was not sure if those documents had expiration dates.

Commissioner Daniels asked the Council to be clear about OSU's role in the process.

Councilor Baker observed much of the data in the CP was stale and he supported collecting new data to ensure decisions would be based on current information.

Councilors and Commissioners discussed preferences for Task Force (TF) representation and the number of members. Many supported a small number of members and equal representation between Council and the Planning Commission. Commissioner Gervais preferred a larger number of members and greater representation by Planning Commissioners.

Councilors and Commissioners did not support inclusion of community members on the TF due to the complexity of the subject matter; however, they agreed it was important to ensure there was an effective method for the TF to gather community input. City

Manager *Pro Tem* Brewer said there were many online citizen engagement tools and a longer legislative process would afford staff time to acquire and implement software.

Mr. Gibb recommended the TF's charge include creating a more detailed statement of work. Taking the time up-front to complete the extra step would help ensure the TF's work was efficient and responsive.

General consensus was reached to have the Mayor appoint either three or four Planning Commissioners and three City Councilors (one from each of the Standing Committees.) Councilors and Commissioners also supported having the TF focus on elements of the CP that related to the Campus Master Plan.

Councilors agreed to discuss at their January 20 Council meeting concepts for addressing the ambiguities identified by the City Attorney.

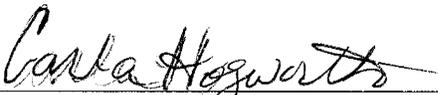
The meeting adjourned at 7:58 pm.

APPROVED:



MAYOR

ATTEST:



CITY RECORDER

Young, Kevin

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

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

January 12, 2012

Corvallis Mayor and Council
Corvallis Planning Commission

CITY MANAGERS OFFICE
CITY OF CORVALLIS

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

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

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

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.