



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

Approved as submitted, March 31, 2015

CITY OF CORVALLIS
OSU-RELATED PLAN REVIEW TASK FORCE MINUTES
February 9, 2015

Present

Planning Commissioners:

Jennifer Gervais, *Chair*

Jasmin Woodside

Ronald Sessions

City Councilors:

Barbara Bull

Frank Hann

Excused Absence

Paul Woods, *Planning Commissioner*

Roen Hogg, *City Councilor*

Staff

David Coulombe, *Deputy City Attorney*

Ken Gibb, *Comm. Dev. Director*

Kevin Young, *Planning Division Manager*

Sarah Johnson, *Associate Planner*

Claire Pate, *Recorder*

Visitors

Dan Brown

Joe Raia

Attachments to the February 9, 2015 minutes:

- A. City Attorney's Office Memorandum regarding Legislative and Quasi-Judicial Land Use Processes OSU Campus Master Planning Comprehensive Review.
- B. Proposed Amendments to Land Development Code Chapter 3.36, submitted by Dan Brown.

I. WELCOME AND INTRODUCTIONS.

The OSU-Related Plan Review Task Force was called to order by Chair Jennifer Gervais at 6:00 p.m. in the Madison Avenue Meeting Room. Introductions were made.

II. CITY ATTORNEY PRESENTATION.

Deputy City Attorney Coulombe explained the differences between legislative and quasi-judicial processes, and described what some of the implications were of using one versus the other. He referred to the City Attorney memo to the City Council dated November 13, 2014 (**Attachment A**), which discusses both processes, and describes the three-factor balancing test typically used by the courts and the Land Use Board of Appeals to determine whether a decision was legislative or quasi-judicial. He emphasized that there was not a hard and fast line that could be drawn between the two processes. Typically, a legislative process and decision relates to the creation of policy and implementing regulations, without the application of a pre-existing set of criteria to a discrete set of facts. These broad policies involve a variety of factual situations and apply to a broad spectrum of parties. However, changes to the text of implementing regulations, Comprehensive Plan text or map amendments, or zoning map changes, could fall under a quasi-judicial or legislative process. The process used by the Task Force might start out as a legislative one and then evolve into a quasi-judicial one. At that point,

the Task Force would have to be concerned with declaring ex parte contact, ensuring adequate public noticing, etc.

The motion adopted by City Council, which included the language that “*this review may lead to a recommendation,*” implies that their intent was for a legislative review. A quasi-judicial process would require that there be a recommendation and decision. In response to specific questions, Coulombe and staff gave the following responses:

Bull: Is the main concern that the Task Force might be engaging in a quasi-judicial process, or is the concern that the Task Force might be perceived as interfering with a potential quasi-judicial process?

Coulombe: *The former, though there is nothing to stop the Task Force from devolving into a quasi-judicial process purposefully if a decision is made to do so. At that point, formal procedures would need to be adopted in order for any decisions to be defensible by the City Attorney’s office.*

Woodside: Can information be solicited from the public during a legislative process?

Coulombe: *Yes. There will be a need for ensuring adequacy of maintaining both a legislative record as well as potentially a public record of any comment or testimony received.*

Gervais: Could the Task Force start by looking at Land Development Code Chapter 3.36 using a legislative process?

Coulombe: *It might be better to start from the top by taking a broad look at which of the fourteen statewide planning goals might apply, and then looking at the pertinent Comprehensive Plan policies and findings. This would be a legislative process. The more focused the Task Force’s attention becomes, such as looking at the particular Land Development Code Chapter 3.36 provisions, it starts looking more quasi-judicial since it is looking at a discrete set of criteria applying to a relatively small portion of the community – OSU. The Task Force’s effort might end up as a two-part process, with the first part being legislative and the second, more narrowly focused effort quasi-judicial.*

Sessions: Since we are a task force and not a commission, and are only making recommendations to authorities that have responsibility for making decisions, does that make a difference?

Coulombe: *The Task Force is still considered a public body in that it was formed by action of the City Council with members appointed by the Mayor. As a body, the Task Force will be fact-finding, gathering information, and making judgments and recommendations towards a decision by the Planning Commission. This could be considered either legislative or quasi-judicial depending on its scope and content.*

Sessions: Do changes to the Land Development Code have to be reviewed by the State?

Young: *Yes, both Comprehensive Plan and Land Development Code amendments are reviewed by the State for consistency with statewide planning goals and other applicable state regulations.*

Gervais: If we choose to identify policies that we felt were not consistent with the intent of the overall vision of the Comprehensive Plan, would that be legislative?

Coulombe: *It depends. If the review of the Comprehensive Plan results in recommendations for new policies, with a potential for leading to new regulations, these would not be considered pre-existing criteria. If the Task Force were to go on to say that there are Land Development Code regulations that would not be implemented because of a new policy or an amendment to a policy, this would all likely be considered to be a legislative process. If changes were being recommended based on existing Comprehensive Plan policies, this would begin to feel quasi-judicial. Again, the line is blurred and not clear.*

Bull: I would like to allow for the possibility that instead of reviewing the Comprehensive Plan in its totality, the focus be on just those findings and Comprehensive Plan policies that are at issue. It could be that in the review they might determine that there is no immediate need for a change in Comprehensive Plan policies, but rather that the need is to look at Land Development Code Chapter 3.36. I do not want it assumed that they would take on the whole Comprehensive Plan review process before taking a look at the Land Development Code language.

Coulombe: *Certainly, the Task Force's scope of work could be in parts. After reviewing findings and policies from the "20,000-foot level", the Task Force might decide that no policy level changes need to take place and might find that the issue is with implementation. This could be the Task Force's first recommendation. The City Council then might ask either the Task Force or Planning Commission to look at the implementing language and regulations, in a quasi-judicial process.*

Gervais: If we were to find that the policy seems sound but is just not being implemented, would that then move it to a quasi-judicial process?

Coulombe: *This determination that a policy does not direct its attention to a specific issue or concern that has been raised would likely be legislative.*

Bull: What are the role and mechanics of "findings"?

Coulombe: *Findings are required for a land use decision. Legislative processes can also have findings. The facts or information received which lead to a certain decision or recommendation are findings. Minutes of the meetings will likely contain such findings. It is not necessary that they be formal findings. When the Task Force gets to a recommendation stage, it would be appropriate to make some statements of what persuaded members to make a certain recommendation. This legislative history would be helpful to City Council when it makes a decision.*

Bull: What if a Comprehensive Plan finding is determined to be no longer applicable, or needs amending? Were there findings associated with the Collaboration process?

Young: *There are two separate contexts for findings. In the context of a land use decision, one can use as an example the Package #2 code amendments that came out of the Collaboration process. When the code amendments were adopted, staff developed formal findings that stated what the applicable criteria were and how they were met. These findings are specifically tailored to the decision criteria. In another context, the Task Force will likely be reviewing existing Comprehensive Plan findings and policies. These findings are the factual bases for some of the policy direction found in the Comprehensive Plan. Findings might have something to do with the enrollment projections for OSU, and what the trends might be. This is different in a legal sense from a finding that supports a land use decision. There were no separate findings that came out of the Collaboration process, but there is certainly lots of appropriate information for the Task Force to review. Staff would be putting that information together for the Task Force.*

Coulombe then addressed the issue of record keeping, and emphasized the importance of ensuring all emails, correspondence, and public testimony received by Task Force members pertaining to the legislative and/or quasi-judicial process were saved and placed in a public record repository. In the case of receiving redundant testimony (such as several persons submitting emails referring to the same written report or article), all of it must be retained in a public record repository, but a separate legislative record repository might just include the pertinent emails with just one copy of a referenced report or article. All of it is subject to public disclosure. Copies of emails and written testimony received can be kept on personal computers, but a copy needs to be forwarded and kept in the public and/or legislative records repository.

In response to a question from Sessions, staff said that the public could be encouraged to give focused testimony – for example, a meeting might be advertised as dealing with specific issues and the public encouraged to provide testimony targeting those issues – but it would be difficult to enforce limitations on content of testimony.

Gibb suggested that all pertinent emails and written testimony be put into a legislative record, as opposed to having a separate public record and having to make a determination about what testimony goes where. Young will determine who the staff person will be who will receive the testimony and keep the record, and he will let the Task Force members know. There is also the option of having the City's website used to be a repository for testimony.

III. MEETING PROTOCOLS.

- **Selection of a Vice Chair.** The group agreed by consensus to appoint Hann to the role. Hann agreed to serve in that capacity, but said he would defer to Roen Hogg if he expressed an interest in serving in the role.
- **Process for reaching decisions.** It was agreed to reach decisions by consensus, moving to a vote if necessary. When there is less than unanimity, the minority vote is encouraged to give their reasoning in order to inform City Council.
- **Meeting attendance expectations.** Attendance is expected, but it is understood that there will be conflicts for some of the members for some of the meetings.
- **Desired detail in meeting notes.** Minutes should have enough detail to inform anyone who was not in attendance at a meeting. Attribution of comments should be included.
- **Anticipated turn-around time for packet materials/info from staff.** The packet should be sent out the weekend before the meeting.
- **Frequency of meetings.** The intent will be for the Task Force to meet every two weeks, with a potential of having four meetings total.
- **Preference for electronic vs. printed packet materials.** Any member who wishes to have a hard copy of any of the packet materials should let staff know. Hann suggested that staff look into coming up with a checklist/chart which includes a listing of the various policies and findings/identified issues, so that as they get dealt with they can be checked off. Staff agreed to have at least one hard copy of the meeting packet at the meeting, in case someone needed it for reference.

IV. PUBLIC INPUT.

Per Woods' suggestion in an email to Gervais, it was agreed to have visitors' propositions at the beginning at each meeting, with another opportunity at the end of each meeting for visitors comments.

Hann and Gibb suggested that there be a time limitation placed on the visitor comment periods to allow the Task Force to have adequate time to get its work done. Hann also suggested that early on in the process, members of the Collaboration groups and other stakeholders be invited to make comment during an open forum or public meeting.

V. SCOPE OF WORK.

Gervais acknowledged the concerns expressed about not doing a comprehensive review and overhaul of the entire Comprehensive Plan, but said that it was important to start with a narrowly focused review of pertinent findings and policies, as have been preliminarily identified by staff. Bull agreed.

Sessions opined that the process may yield a lot of information that cannot be anticipated at this time how it will need to be handled. As the issues are identified, there will likely be some not clearly addressed by the Land Development Code or for which the code was not adequately enforced. Others might require a new or amended Comprehensive Plan policy. His opinion is that it is the Task Force's job to sort through the issues first and identify what course of action is required to resolve each of them.

Gervais suggested that the members consider the following as a possible scope of work. The Task Force will start with a legislative review of the statewide planning goals and the Comprehensive Plan policies that pertain to OSU, and gather information and findings from various sources with the assistance of staff. This will then be used to support decisions about recommendations regarding those policies and findings. The Task Force would then check in with City Council about how they wish to proceed with regard to those recommendations; i.e. whether they want the Task Force to proceed with a quasi-judicial process or assign the work to another body.

Staff suggested reviewing the proposed Scope of Work presented on page 2 of the January 30, 2015, memo contained in the meeting packet, and make any changes that the Task Force members might find appropriate. It was agreed to add an earlier check-in with City Council to the schedule, prior to the Task Force doing any actual "wordsmithing" to policies, findings and/or code language. The schematic will be changed to add a box to reflect this check-in with City Council. This check-in would likely take the form of both submitting a summary of recommendations, and potentially attending a City Council meeting to have a discussion about the findings.

Hann said that since there are three City Councilors assigned to the Task Force – one from each of the standing committees – there will be communications going back to City Council on an on-going basis. Nevertheless, one formal check-in with City Council would be appropriate, though the intent is for this to be a short-term project, alongside the other efforts that are going on at the same time. His understanding is that the intent of this effort is to look at policies and findings and come up with suggestions that perhaps would communicate more effectively to OSU what the expectations are as they finalize their district plan.

Woodside suggested that Hann's statement about part of the intent of the Task Force's work was to inform OSU's work on the district plan be made a part of the formalized Scope of Work. Gervais added that in order for this intent to be met, they would have to work efficiently and with some speed.

The schedule will be fine-tuned by staff and re-submitted for consideration at the next meeting.

V. MEETING TIMES.

After discussion, the group agreed to a tentative schedule of four meetings, starting at 6pm and scheduled to last 2-1/2 hours.

First meeting – tentatively February 26, 2015: Prior to the meeting, Task Force members should review the statewide planning goals, Comprehensive Plan policies and findings, Collaboration work/findings, and other available information gathered by staff. The goal of the first meeting would be to discuss all of the information, including any public input received; and then identify what the issues seem to be, as well as what additional information might be needed.

Second meeting – tentatively March 12, 2015: Continue discussion, hear public input during allotted time, and start narrowing down the list of issues to be addressed, and identifying plans of action to address those issues.

Third meeting – (date to be set): Finalize work on and prioritize a list of items that need attention. Prepare a draft for public comment and eventual submission to City Council.

Fourth meeting – (date to be set): Hold a public forum to gather comments on the prioritized list of issues and intended actions. Finalize draft for City Council.

Staff will do a “doodle” poll to determine dates for the last two meetings, as well as to confirm the dates for the first two, since two members are absent.

VII. VISITOR COMMENT.

Dan Brown thanked the members for all of the work they have taken on. In his roles of City Councilor and President of the College Hill Neighborhood Association, he has heard the various complaints his neighbors have had about commuter parking and traffic on neighborhood streets. He was president of the neighborhood association when the OSU Campus Master Plan was developed, and his name is on the acknowledgement page. This plan created quite a furor, akin to that which was raised at many of the Collaboration meetings. The problems were exactly the same ten years ago.

Last year, he was on the subcommittee that proposed the expansion of the residential parking districts, a process through which he heard additional complaints. Citizens are looking for relief. Many people believe that the University should participate in the solution to a greater degree than they have in the past. His preference is for the Task Force to include in its scope of work investigation of Land Development Code Chapter 3.36. In that regard, he handed out two documents that he had prepared (**Attachment B**) containing plausible suggestions about how to deal with the issues. The two documents are currently in the public record as they have been emailed to City Council earlier in the day. He believes that the existing policies are not being effectively implemented. The Task Force’s approach could be either quasi-judicial or legislative, depending on the desire of the City Council. He would also like the Task Force to consider that there are thousands of stakeholders involved, not just one. He referenced the map contained in Section 3.34-1 in Land Development Code Chapter 3.34, which includes the University Neighborhood Overlay. The University is one stakeholder, but there are hundreds of other dwellings with thousands of other people involved in it. It is important that processes be set up to hear from those people, which it appears is what the Task Force has done.

Joe Raia said that he had not prepared any remarks, but his experience through this last decade of living in Corvallis is that there has been a great deal of latitude given to the University, to the detriment of the Corvallis citizenry. The citizens should have an equal footing with the University. He did not believe that this was the case with the Collaboration process. It appears that City Council is taking a new path now with respect to acknowledging that OSU is a major player, but ensuring that the citizens are on an equal footing.

VIII. ADJOURNMENT.

The meeting was adjourned at 8:15 p.m.



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

CITY ATTORNEY'S OFFICE
MEMORANDUM

To: Mayor and City Council
Planning Commission

From: Jim Brewer, Deputy City Attorney 

Date: November 13, 2014

Subject: Legislative and Quasi-judicial land use Processes
OSU Campus Master Planning Comprehensive Review

Issue:

Anticipating the expiration of the current OSU Campus Master Plan, City Council members and Planning Commissioners have inquired about the nature of the process that will be used to review a successor plan. At this point no application has been filed, and neither the Planning Commission nor the City Council has formally initiated any Land Development Code or Comprehensive Plan text amendments. This memorandum is intended to provide background on the current relationship of the OSU Campus Master Plan to the LDC and Comprehensive Plan, to offer advice on the distinction between legislative and quasi-judicial land use processes and decisions, and to provide some options on how the City Council and Planning Commission could proceed with the comprehensive review of the OSU Campus Master Plan and the OSU Zone. Staff and the City Attorney seek guidance from the Council and Planning Commission on which option to follow. In order to keep this memo at a nearly readable length, many of the issues set out below are, at best, general summaries. If you would like more detail or a more

complete discussion of any of the particulars, our office is prepared to discuss these matters at length at your meetings-- or you may, of course, contact us directly. We recommend setting a joint City Council/Planning Commission work session early in 2015 to allow for this discussion.

Background:

Because no application has been filed and no process has been initiated, it is not possible to determine whether OSU might propose something that requires a legislative or quasi-judicial process and decision. Presumably, OSU could also abandon its efforts and make no proposal. The following summarizes the land use process in general, briefly discusses the distinction between the quasi-judicial and legislative processes, and discusses the nature of the current OSU Campus Master Plan.

Legislative and Quasi-judicial Land Use Processes

Oregon's statewide land use system includes procedures for both legislative and quasi-judicial land use decisions. In summary, legislative processes focus on making policy decisions of broad application, while quasi-judicial processes focus on the application of the standards created through those legislative policy decisions to a particular, discrete set of facts. While both processes include public hearings, the opportunity for public participation in quasi-judicial decisions is more formalized, and decision makers are limited in their ability to consider casual conversations and contacts with constituents that occur outside of the public hearing process and record. Reviewing courts and LUBA have long used a three-factor balancing test from a Benton County case, *Strawberry Hill 4 Wheelers v. Benton Co. Bd. of Comm.*, 287 Or. 591, 601 P.2d 769 (1979), when there is a question about whether a decision was legislative or quasi-judicial. More recently, courts and LUBA have determined that the three *Strawberry Hill* factors are not exclusive, and that what appeared to be the most significant of the factors was actually not-- leaving a substantial gray area for decisions that might fall in either category.

Quasi-judicial

Quasi-judicial processes, once begun, must result in a decision, often within an established timeline based on the date of the application. In quasi-judicial decisions the decision maker must apply preexisting criteria to set of concrete facts. Finally, quasi-judicial decisions involve a closely circumscribed, factual situation affecting a relatively small number of parties.

In order to meet procedural requirements, quasi-judicial land use decisions must be based only on substantial evidence that is within the record. Decision makers are not permitted to gather or make use of evidence or facts outside of the record, and decision makers are not supposed to rely upon their personal knowledge of facts or evidence outside of the record. This requirement leads to the process where decision makers disclose the nature and substance of “*ex parte* contacts” so that all the parties (and other decision makers) can fairly respond to all the information that might be the basis for the decision-- which, because of the disclosure, will then become part of the record. Similarly, decision makers are supposed to view quasi-judicial matters without preconceptions, and thus need to disclose if they have a bias that prevents them from making fair and impartial decisions about the facts or the parties. Typically, quasi-judicial land use decisions have an identified applicant, seeking approval of a specific proposal. Under state law, that proposal would be evaluated by applying the standards that exist at the time of the application.

Legislative

On the other hand, initiation of a legislative process does not require that any decision ever be made, and typically there is no deadline for a legislative decision (if one is made). While an individual or a group of people might propose legislation, the process requires no applicant or application. Legislative decisions are the creation of policy and implementing regulations, without the application of a pre-existing set of criteria to a discrete set of facts. Legislative decisions develop broad policies that involve a variety of factual situations and a wide spectrum of parties. While there are procedural requirements for legislative land use decisions, the record in legislative processes is less constrained than for a quasi-judicial decision, and therefore, there is no prohibition against *ex parte* contacts. Legislative decision makers are *expected* to communicate with their constituents and to use their personal knowledge, expertise and experience, so bias is not a great concern.

Oddly, in the land use context, changes to the text of implementing regulations, comprehensive plan text or map amendments, or zoning map changes, could be quasi-judicial or could be legislative, or could result in a consolidated decision with some elements that are quasi-judicial and some elements that are legislative. In these situations, because the quasi-judicial process provides more safeguards, our advice is generally to follow the quasi-judicial process, as making a legislative decision in a quasi-judicial manner will be seen as at most a harmless error on appeal, but making a quasi-judicial decision in a legislative manner will almost certainly be seen as an error.

Statewide Planning System Context

State law requires Corvallis to conform to Oregon's statewide system for land use planning. The foundation of that system is a group of 19 statewide planning goals and guidelines. Based on those goals and community vision, local governments then create comprehensive plans, which establish the local policy direction for land use planning. From the comprehensive plan policies, local governments then adopt implementing regulations and ordinances, like the Corvallis Land Development Code, which contain the standards and criteria for review of specific development proposals. Periodically, local comprehensive plans are reviewed to determine whether they comply with goals, and implementing regulations are reviewed for compliance with the local comprehensive plan. Legislative proposals amending the implementing regulations should be reviewed for consistency with the local comprehensive plan policies. Legislative proposals amending the comprehensive plan must be reviewed for consistency with the statewide goals.

Current Relationship of OSU Campus Master Plan to LDC and Comprehensive Plan

According to the second paragraph in Chapter 3.36, the 2004–2015 Campus Master Plan is itself an approved successor document to the 1986 Oregon State University Plan and Map, also referenced as the Physical Development Plan. The 1986 Oregon State University Plan and Map were incorporated as a supporting document to the 2000 Corvallis Comprehensive Plan. While Article 13 of the 2000 Corvallis Comprehensive Plan incorporates the 1986 Plan as a supporting document to the Comprehensive Plan, a cursory review of the archives indicates that the City adopted the 2004–2015 Oregon State University Plan and Map by approving PLD 03-00018, which was a major modification to the 1986 Oregon State University Plan and Map (Order 2004-156). One view is that because the 2004-2015 Oregon State University Plan and Map were approved as a modification of the 1986 Oregon State University Plan and Map, currently the supporting document to the Comprehensive Plan is the 2004-2015 version that will soon expire.

Land Development Code Chapter 3.36 is the chapter that establishes the OSU Zone. As you might expect, LDC 3.36 states that the OSU Zone implements Comprehensive Plan Policies, but the Chapter also states that the Zone implements provisions in the OSU 2004-2015 Campus Master Plan. Comprehensive Plan Policy 13.2.5 states that “[d]evelopment 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.” Under Oregon's statewide planning

system, these provisions make sense if the current OSU 2004-2015 Campus Master Plan is viewed as a supporting document to the Comprehensive Plan.

LDC

LDC 3.36 establishes the OSU Zone. Some language in LDC 3.36, read in context, is ambiguous and should be interpreted by the City Council. Other provisions seem to be objective development standards. LDC 3.36.40.05 – Campus Master Plan Update is the specific provision relevant to review of the OSU Campus Master Plan. Although the text anticipates a review of the Campus Master plan under a variety of circumstances, LDC 3.36.40.05.d states that the expiration of the CMP planning period is a reason for a CMP update. LDC 3.36.40.05 references criteria that apply in the review of an update. The language is ambiguous at this point, as it is not clear how the referenced criteria at LDC 3.36.40.02.b “1” through “3” [sic] would apply to a review that includes policy direction. But the same provision also anticipates that “[t]he 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.”

Options on Reviewing the OSU Master Plan Update

The OSU 2004–2015 Campus Master Plan expires at the end of 2015. Anticipating a review of a successor plan by the City, OSU has periodically provided the Council and Planning Commission with a schedule and an explanation of its internal planning process. In the past few years a number of people have raised a variety of concerns about the impact of development and growth at OSU on the surrounding community, either as part of the OSU/City Collaboration Effort or in a variety of contexts outside of that collaboration process. In considering the nature of the review of the OSU Campus Master Plan Update and the nature of the process and decisions the City Council might make as a result of that review, the Council should consider the following options:

1. As part of the review of the OSU Campus Master Plan update, a majority of the City Council could initiate a legislative process to review and possibly amend the Comprehensive Plan and/or the Land Development Code text, consistent with LDC 2.1.30. This process could include a joint work session with the City Council and Planning Commission, taking a broad view of the statewide planning goals, the current Comprehensive Plan policies related to land use planning at OSU, and the impact that land use at OSU has on the adjoining neighborhoods and the broader community. This process could determine whether the concerns raised in the collaboration effort and in other contexts (or any other concerns the Council or

Planning Commission might have) are adequately addressed by current policies (and whether the existing policies are consistent with the statewide planning goals). The Council could determine whether current policies need amendment, or if additional policies need to be adopted. Following that policy review, the Council and Planning Commission could determine whether implementing the existing, amended or new policies requires amending or developing new language within the Land Development Code— including the implementing OSU Zone chapter. The focus of decision makers in this process would need to consciously remain at the policy level, with the reviewers considering how current or proposed policies affect areas outside of OSU and how they affect the community as a whole, prior to considering regulations that implement those policies. Decision makers would need to understand that this direction could lead to a number of parallel processes, with potentially conflicting requirements.

2. The Council and Planning Commission could wait until an application is filed by OSU, and review the application in the manner required by the nature of the proposals within the application. This could be either a legislative or quasi-judicial process. OSU has provided a timeline over the last year or so, and may file an application and seek review regardless of any process the Council initiates. This could lead to related but parallel processes. Decision makers would need to be cautious about commenting on the OSU Master Plan, even before the application is filed, as comments could be seen as evidence of bias should the application be quasi-judicial in nature.
3. The Council and Planning Commission could initiate no formal process, but conduct a work session with the intent of gathering issues, concerns and suggestions that would then be conveyed to OSU for inclusion in OSU's application. This discussion could also lead to formal initiation of a legislative process at some later point. Again, decision makers would need to be cautious in commenting on the concerns and issues they have gathered.
4. The Planning Commission could initiate a legislative process to amend the Land Development Code, consistent with LDC 1.2.80, to address amendments to the LDC that are required to implement existing Comprehensive Plan Policies.

From the perspective of legal counsel defending decisions that are likely to be appealed (regardless of the substance of the decisions), we view a Council-initiated legislative process, reviewing the OSU Master Plan as a supporting document to the comprehensive plan, with a focused discussion and ultimate decision that remains clearly on the policy

needs of the community as a whole, as likely the most defensible process. Parallel processes are going to have inherent challenges. We understand and appreciate that the City Council needs to also evaluate its priorities, available staff resources and other work tasks that are on the horizon. One component of the work session and discussion should be the current Community Development department work plan and the priorities Council has established for the tasks in that work plan.

Recommendations:

Regardless of the process the Council chooses, our office advises the Council, as part of its review of the OSU Campus Master Plan Update, to make some express interpretations of language within the LDC and the Comprehensive Plan. Timing of these interpretations may affect the process or decisions that the Council or Planning Commission make. This is not an exclusive list of provisions, but these should be expressly interpreted in this review process:

1. We recommend that as part of its decision, the Council expressly interpret the language in LDC 3.36.40.05 (and expressly resolve the ambiguity between the last two sentences of the unnumbered paragraph in LDC 3.36.40.05). Similarly, we also recommend that the City Council expressly determine what manner of review of the OSU Master Plan, the OSU Zone Chapter and related policies, would be considered “comprehensive” in terms of the City review of the expiring Campus Master Plan which would satisfy the LDC 3.36.40.05 requirements.
2. 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 that the Council 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.
3. Finally, if the Council does not initiate a Comprehensive Plan Amendment process, we recommend that as part of any decision on the OSU Campus Master Plan Update, the Council expressly address whether an updated OSU Campus Master Plan is a supporting document to the Comprehensive Plan, or has some other status.

If you have questions or concerns about the content of this memo, we will be prepared to discuss those issues at your meetings.

To: City Council and Planning Commission
From: Dan Brown

February 9, 2015

Subject: Rough Draft of Amendments to Chapter 3.36 to Remove Existing Problems

1. **ROUGH DRAFT** - The attached document is an abridged version of the present *LDC* Chapter 3.36. Through changes in the text, it attempts to address the problems identified in the companion document, *Partial List of Problems with Chapter 3.36 in the Land Development Code*. These changes would reduce the expressed plight of Corvallis citizens in the central part of the city, and they could be adopted quickly.

bold = author's emphasis

red = added text

yellow = deleted material

2. **AMENDMENTS TO CHAPTER 3.36** - The City Council is contemplating the path forward and is considering "interim" measures such as amending Chapter 3.36 of the *Land Development Code*. The process for such an amendment is specified in the *LDC* and appears to be pretty straightforward.

Section 1.2.80- TEXT AMENDMENTS.

1.2.80.01 - Background

This Code [e.g. Chapter 3.36] may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms to the Corvallis Comprehensive Plan and any other applicable policies.

1.2.80.02 - Initiation

An amendment may be initiated through one of the following methods:

- a. *Majority vote of the City Council; or*
- b. *Majority vote of the Planning Commission.*

1.2.80.03 - Review of Text Amendments

The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings

3. **BASIS FOR AMENDING** - Existing policies and regulations should be sufficient to justify amendments to Chapter 3.36. The *Comprehensive Plan* says:

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

Policy 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.*

The *Land Development Code* says:

Section 2.13.30.05 *Uses requiring Plan Compatibility Review shall be reviewed to ensure compatibility with existing and potential Uses on nearby lands. The following factors shall be considered:*

- a. *Neighboring property owners and residents shall be protected through reasonable provisions regarding surface water drainage; suitable sound and site buffers; preservation of views, light, air; and other aspects of design that may have substantial effects on neighboring land uses;*
- b. *The proposed development shall not adversely affect traffic, parking, and access;*

Section 3.36.10.c *The purpose of the OSU Zone is to:*

- c. *Ensure compatibility of University development with surrounding areas;*

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, services, **and surrounding residential areas**. This Zone also coincides with the Public Institutional Comprehensive Plan designation for property generally within the OSU campus area and is covered by the University Neighborhood Overlay. However, not all property within this Zone is owned by OSU; some parcels are privately owned **and some are privately operated**.

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 **Comprehensive Plan** and 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. **Ensure compatibility of University development with surrounding areas**
- 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;
- 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.

DELETE YELLOW

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.



Section 3.36.30 – PERMITTED USES

In the OSU Zone, use classifications shall follow Chapter 3.0 - USE CLASSIFICATIONS depending on the type of development.

DELETE YELLOW

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

f) Multi-dwelling

3. Civic Use Types -

- a) Administrative Services
- b) Community Recreation
- c) Cultural Exhibits and Library Services
- d) Lodge, Fraternal, and Civic Assembly
- e) Parking Services
- f) Public Safety Services
- g) Religious Assembly

h) University Services and Facilities - Commercial Uses that are considered to be University Services and Facilities under this Code include, but are not limited to:

- 1) Communication Service Establishments;
- 2) Professional and Administrative Services;
- 3) Research Services;
- 4) Eating and Drinking Establishments;
- 5) Lodging Services;
- 6) Retail Sales - University;
- 7) Spectator Sports and Entertainment; and
- 8) Participant Sports and Recreation.

9) Industrial Use Types - Industrial Use Types considered to be University Services and Facilities include, but are not limited to:

- a. Technological Production;
- b. Limited Manufacturing; and
- c. Other Industrial Uses customarily associated with Research Services.

i) Freestanding Wireless Telecommunications Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions

4. Agricultural Use Types - all Agricultural Use Types

b. Accessory Uses Permitted Outright for University-owned Properties

1. Essential Services
2. Family Day Care, as defined in Chapter 1.6 - Definitions
3. Home Business, as defined in Chapter 1.6 - Definitions
4. Major Services and Utilities
5. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions
6. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
7. Collocated/attached Wireless Telecommunication Facilities on multifamily residential structures, three or more stories, and that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions
8. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

9. Garden

10. Market Garden - subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

11. Community Garden – subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

c. Privately Owned Parcels within the OSU Zone -

- 1. 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.

d. Zoning of uses for privately **operated** parcels within the OSU zone will be regulated by Chapter 3.0.

-
-
-

Section 3.36.40 – PROCEDURES AND DETERMINATION OF COMPLIANCE

DELETE YELLOW

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:

DELETE YELLOW

- a. **Modifies any dimensional standard in 3.36.60**
- 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 **by sector 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

-
-
-

Section 3.36.40.05 – Campus Master Plan Update

Chapter 3.36 and the CMP are not the same. Chapter 3.36 can be changed through the process stipulated by Section 1.2.80- TEXT AMENDMENTS.

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 3.36.50.01 – 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. Table 3.36-2 provides a baseline for future comparisons; the baseline will not be automatically updated.
- 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>
<i>A</i>	281,551	250,000	531,551
<i>B</i>	831,426	500,000	1,331,426
<i>C</i>	4,685,510	679,000	5,364,510
<i>D</i>	325,506	106,000	431,506
<i>E</i>	253,046	120,000	373,046
<i>F</i>	847,166	750,000	1,597,166
<i>G</i>	742,092	350,000	1,092,092
<i>H</i>	133,535	50,000	183,535
<i>J</i>	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 3.36.60.08 – Parking Improvements

- a. Parking requirements shall be in accord with Comprehensive Plan **Policy 11.4.3**

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

- a. An increase in on-campus parking spaces will be required in relation to the negative impact on areas surrounding campus in Figure 3.34-1. ,
- a. In the OSU Zone, parking requirements shall follow the standards in Section 4.1.30 - OFF-STREET PARKING REQUIRMENTS.
- 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.

DELETE YELLOW

- 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.



- 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.

DELETE YELLOW

- 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.

-
-
-

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 - Development Standards for Non-University Operated Facilities

Development or redevelopment of properties in this Zone that are not operated by Oregon State University and are identified in Section 3.36.30.01.d, shall be reviewed based on the standards depending on their use.

Section 3.36.90 - Campus Master Plan Monitoring

a. As a means of monitoring the implementation of the Campus Master Plan and Comprehensive Plan Policy 11.12.2, the University shall report the following information to the City Council and Planning Commission on a yearly basis.

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.

2. Updated fall term parking utilization reports, including -
 - c) within the impacted residential areas surrounding the campus (See Figure 3.34-1) daytime usage of on-street parking spaces during fall term using City standard configurations. (See CMP) of the number of residential permits funded by the University
 - a) Identification of new parking space creation, parking spaces eliminated, 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. and by parking permit type - handicapped, reserved, loading zones, etc.;
 - b) Percentage of parking space utilization campus-wide and sector by sector; and
 - x) 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. **For travel to/from the campus**, such efforts shall include, but not be limited to **changes in mode shares compared to Table 6.1 in the CMP**:
 - a) mode shares compared to baselines in Table 6.1 of the CMP:
 1. tabulation of the number of single-occupancy vehicles reduced;
 2. transit **usage**;
 3. car/van pool **usage**;
 4. bicycle **usage**;
 5. **walking to campus**;
 6. **motorcycle usage**;
 7. **multiple mode trips (motor vehicle plus other)**.
 - b) efforts in support of TDM, *compared to baselines*:
 1. **changes** in shuttle routes and service levels;
 2. **changes** in the number of bicycle parking spaces, including the number of covered spaces;
 3. pedestrian system improvements;
 4. Other efforts in support of transit, car-pool, or van-pool usage;
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.
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 **and compared to the baselines**;
 - b) Remaining available Development Allocation for each Sector; and
 - c) Remaining open space areas and percentages for each Sector.

b. Additional monitoring **and mitigation** efforts include:

1. Within one year of adoption of the CMP, OSU **shall** 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 **with the City Council** to develop **on-campus and off-campus strategies to mitigate negative impacts on residential neighborhoods caused by campus-bound commuters**. This partnership will review and evaluate existing baseline **indicator** measurements, parking **and traffic** studies, **changes in student and employee populations compared to baselines**, and other relevant information

To: Corvallis City Council
From: Dan Brown

February 9, 2015

Subject: Partial List of Problems with Chapter 3.36 in the Land Development Code

This document identifies a list of sections of Chapter 3.36, which are deficient compared to *Comprehensive Plan* policies, the rest of the *LDC*, or just due to lack of compliance. The list is necessarily long, and the discussion is perhaps tedious because the issues are arcane and very complicated. There is no way to make the explanations simple. The list can be compared side-by-side with **Chapter 3.36**. [For that purpose, APPENDIX I provides the reader with the text of **Section 3.36.90** on a separate sheet.]

Most of the items discussed in the following pages would require interim -- in order to prevent irreversible harm -- as opposed to lengthy change processes. In the context of current City Council discussions, "interim" is defined as changes that can be accomplished in a few months through the legislative process before the Task Force is finished with the *Comprehensive Plan* review. See APPENDIX II which identifies the process for making changes to Chapter 3.36.

	LDC Chapter 3.36	Comprehensive Plan
Interim	1. 2. :	Policy 11.12.2 Policy 11.4.3
Lengthy	: 18	

Chapter 3.36 implements the *Comprehensive Plan* as well as the *CMP*, and the *Comprehensive Plan* does not have to be changed in order to improve Chapter 3.36. Two long-established *Comprehensive Plan* policies form the rationale for the following discussion and are referenced repeatedly.:

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

Policy 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.*

Taken literally, these existing policies are very powerful for rectifying problems in our community.

1. Regulations are not Tied to Livability (i.e. Parking and Traffic Impacts) -- [Chapter 3.36]

The most important and overarching problem with **Chapter 3.36** is that it does not impose any limits on campus development for the purpose of protecting the surrounding neighborhoods, or the city as a whole. In contrast, the *Comprehensive Plan* places a responsibility on OSU to reduce negative impacts in **Policy 11.12.2**.

LDC Section **3.36.10.c** agrees with the *Comprehensive Plan* that a "purpose of the OSU Zone is to: ensure compatibility of University development with surrounding areas," but this purpose is not implemented by the rest of the chapter. At best, surrogate indicators are used to reflect livability: on-campus parking utilization, covered bike racks, shuttles, etc. These indicators must be replaced by meaningful measures which can lead to solutions to the traffic and parking problems which have spread across the middle of Corvallis over the past ten years.

Bottom line: Ultimately, an effective "transportation and parking plan that reduces the negative traffic and parking impacts" must be created and incorporated into Chapter 3.36. This can be done through incremental changes to the current *LDC* -- or from scratch.

2. Negatively Impacted Neighborhoods -- [Figure 3.34-1]

LDC Section 2.13.30.05 says:

Uses requiring Plan Compatibility Review shall be reviewed to ensure compatibility with existing and potential Uses on nearby lands. The following factors shall be considered:

- a. Neighboring property owners and residents shall be protected through reasonable provisions regarding surface water drainage; suitable sound and site buffers; preservation of views, light, air; and other aspects of design that may have substantial effects on neighboring land uses;*
- b. The proposed development shall not adversely affect **traffic, parking, and access**;*

Comprehensive Plan Policy 11.12.2 does not specify those neighborhoods for which the University will develop a mitigation plan. In the *LDC*, **Section 3.36.90.b.1.b** includes the areas south of Harrison Boulevard and bordering Sectors, A, B, and C. **Section 3.36.90.a.2.c** mentions the residential parking districts northwest of campus.

Times have changed. Over the last ten years, livability problems have expanded much farther to the north (to Grant and Buchanan), to the east, to the south, and to the west. In response to copious public testimony gathered through the Collaboration Project over the past three years, the City Council adopted a new *LDC Chapter 3.34* in which the map, **FIGURE 3.34-1**, shows the negatively impacted areas as of 2014. See APPENDIX III.

One possibility for bringing about mitigation for residential areas is to base it in **Chapter 3.34**, rather than Chapter 3.36 as the foundation for bringing about remediation of negative traffic and parking impacts through **Policy 11.4.3** and **Policy 11.12.2**. Using **Chapter 3.34** would include hundreds of individual properties and owners and is a more direct way of dealing with the problems that have arisen in this area over the past ten years or so.

<p>Bottom line: Figure 3.34-1 will be a useful tool for implementing the <i>Comprehensive Plan Policy 11.12.2</i>.</p>

3. 90% Campus Parking Utilization Rule -- [3.36.60.08.d, 3.36.40.05.c, 3.36.40.04.d]

It is not clear what purpose the 90% rule serves. The current on-campus parking utilization calculation certainly does not measure the impact on livability {parking and traffic} in surrounding residential areas. Furthermore, there is a moral hazard for OSU built into the utilization calculation and its use as a trigger for requiring further OSU investment in parking. The conflict arises from the ability of OSU to set the number of permits to issue, their price, and shuttle service levels. Adjusting these numbers controls the outcome of the utilization measurement. To have a positive impact on livability while maximizing utility of existing OSU parking areas, the 90% threshold needs to be viewed as a number to achieve rather than to avoid. Its use as the only trigger to require OSU to invest in more parking will therefore need to be removed.

<p>Bottom Line: This <i>LDC</i> rule must be eliminated entirely. It should be replaced by a conventional requirement that the total number of required parking spaces must be set by a standard calculation of floor space, weighted by purpose type, as is done off-campus.</p>
--

4. Development Maximums and Open Space Minimums -- [3.36.50.01]

TABLE 3.36-2 provides ceilings for gross square footage of new development allowed. Over the last ten years under Chapter 3.36, the University has added 873,143 square feet of traffic generating development, but after an unprecedented building boom, it has only built 28% of the permitted allocation. [Correspondence from OSU Capital Planning and Development, dated January 13, 2015 and placed in the Jan 13. 2015 joint work session minutes.] This means recent development represents only a small fraction of what **Chapter 3.36** allows. There could be much more building to come, and much of the building will occur on existing commuter parking facilities, further worsening the parking situation on campus and in the **Chapter 3.34** area."

TABLE 3.36-3 provides minimums for open space. Despite the fact that increased development on campus generates more traffic and the need for more parking [**Policy 11.4.3**], the development and open space standards in Chapter 3.36 are essentially disconnected from parking and traffic impacts. Turning parking lots into open space improves the open space calculation. **Section 3.36.50.02.b** says:

Impervious surface areas that are not classified as open space per "a" [e.g. parking lots], shall count against the Sector's open space allocation

Of course open space for the sake of open space is laudable, but one can easily conclude that these two sections do not implement **Policy 11.12.2** or **11.4.3**.

Bottom line: The City needs more realistic and purposeful indicators in Chapter 3.36 for off-campus traffic and parking impacts.

5. Permitted Uses in the OSU Zone -- [3.36.30]

In **Article III**, the *LDC* provides a long list of use classifications, and **Section 2.13.10** tells us that "*Each zone is intended for a predominant type of land use.*" In contrast, almost all types of development are permitted anywhere in the OSU Zone: residential, commercial, industrial, agricultural, etc. And a different use can be substituted for an existing use (for example, from administrative to residential) without considering the impact on traffic generation or parking needs. What is the corresponding benefit or the *Comprehensive Plan* justification for providing this unusual amount of flexibility?

Outside Chapter 3.36, parking requirements depend on the designated use. This is one way that the *LDC* determines how much and what types of parking is "adequate." [**Policy 11.4.3**].

Bottom Line: Section 3.36.30 is too broad and permissive, especially section 3.36.a.3.h. Some limits should be imposed on the range of options -- at least by sector.
--

6. Development "Area" Definition -- [3.36.90.20]

The concept of "Development Site" is used for all the other zones in the *LDC* outside of the campus. However, in Chapter 3.36, this concept is replaced by "Development Area." The OSU Zone "Area" is huge, comprising most of an entire square mile. As applied in **Chapter 3.36**, this definition is problematic in that it nullifies the geographic and temporal intentions found in the rest of the *LDC*. **Section 3.36.40.01** makes that clear, as does **Section 3.36.60.d.1**:

Where conflicts exist between this Chapter and . . . Chapter 4.1 - Parking, Loading, and Access Requirements . . . the provisions in Chapter 3.36 shall prevail.

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.

This approach also ignores the absolute requirements of *Comprehensive Plan Policy 11.4.3* about adequate parking. What is the corresponding benefit or *Comprehensive Plan* justification for allowing this amount of flexibility?

Sector C which is the "campus core" and the largest sector on campus, has traditionally matched the 90% maximum parking utilization threshold. As a traffic generator site, Sector C would require parking mitigation, but when utilization calculation is averaged over the other eight, less convenient sectors, the 90% threshold for the huge Development Area is not reached.

Bottom Line: The special treatment for applications in the OSU zone must be eliminated by reverting to the usual rules for evaluating parking in Section 4.1.30.

7. Independently Owned/Operated Facilities on "University-Owned" Properties -- [3.36.30.01]

The OSU Zone includes a few privately-owned parcels which are dealt with in **Section 3.36.30.c** and **Section 3.36.80**. Since 2004, we have seen an increasing number of independent operators who lease land from OSU, build their buildings, and provide goods and services to their customers, many of whom are not OSU students or faculty. The epitome is the on-campus Samaritan Health Services facility which serves the general public and as many as 400-500 patients a day. The rest of the list would also include: Hilton Garden Inn, OSU Bookstore, INTO, OSU Foundation, Environmental Protection Agency, U.S Department of Agriculture, etc. What regulations in Chapter 3.36 would prevent a Safeway store being located on campus without providing any parking for its customers?

If these traffic generators were located in any other zone, Policy **11.4.3** requires that they provide "adequate parking," and development for their proposed use would be regulated by specific sections of the *LDC*. However, since they piggy-back on "University-Owned properties" **[3.36.30.01]** they also enjoy the benefits of lax development rules which were created exclusively for the benefit of the University. For non-OSU operations, the same code should apply on-campus and off-campus.

Bottom Line: This defect can easily be remedied. One possibility would be to add a new **Section 3.36.30.01.d --Privately Operated Facilities** to accompany **Section 3.36.30.01.c -- Privately Owned Parcels** which would treat on-campus, non OSU operations the same as all off-campus operations.

8. Public Hearings in the OSU Zone -- [3.36.40.03]

Through a unique concession to OSU, Chapter 3.36 provides two types of review processes for individual development applications. On one hand, a "Major Adjustment" process requires a review by the Planning Commission accompanied by a public hearing, plus the possibility of an appeal to the City Council. On the other hand, a so-called "Minor Adjustment" process is *carte blanche*; it requires very little, merely a "ministerial" review by staff without a public hearing. Notice of a Minor Adjustment is provided to property owners within 100 feet of the site, but due to the magnitude of the campus, this distance rarely includes any neighbors. A question for Council: What is the *Comprehensive Plan* justification or offsetting benefit to the Corvallis community in return for making reviews so easy?

Section 3.36.40.03 allows an application for the construction of new building on-campus to slip by with the much less transparent "minor Adjustment" process, even if the project requires variances on three dimensional standards or is out of conformance with any one dimensional standard by as much as 10 percent. This is a very low bar. Wouldn't one expect that a "Minor Adjustment," allowing this kind of superficial treatment, would be reserved for applications which meet all of the criteria specified by the *LDC*?

Bottom line: The current Minor Adjustment process is too permissive and must be made more rigorous.

9. Inadequate Oversight in the Land Development Code -- [3.36.90]

Chapter 3.36 serves two quite different functions. On one hand, this chapter deals with the usual, land-use applications for individual projects. At the same time, it provides a framework for continuing oversight for a large geographic sector of the city. The campus can be expected to change during the indefinite life of the University through growth, infill, and redevelopment. As a result, changes must be monitored over time in order to implement **Policy 11.12.2**, **Policy 11.4.3** and others. In **Section 3.36.90** reporting is required on a combination of annual, two-year, and five-year bases.

In order to provide information for developing mitigation strategies, Chapter 3.36 imposes monitoring requirements for such things as: space allocation, parking utilization, traffic flows, single occupancy commuting, etc. However, even if reporting actually matched **Section 3.36.90** requirements, a fatal flaw is that Chapter 3.36 does not monitor the impacts of changes on livability (parking, traffic, etc.) in residential areas.

In theory, oversight requires a process involving four steps:

Standards: → Monitoring → Reporting → Mitigation;
goals
benchmarks
baselines
livability

Chapter 3.36.90 has fallen down at all four stages. It is a victim of faulty design, faulty compliance, and lax enforcement.

Bottom Line: The oversight process in 3.36.90 must be redesigned to reduce and remediate negative impacts on the community.

10. What is the Mechanism for Oversight? -- [3.36.90]

Another fatal flaw in providing a framework for on-going mitigation is that the oversight mechanism is not specified. For this purpose, **Section 3.36.b.2** envisioned a Neighborhood Parking and Traffic Task Force which would evaluate the *CMP* monitoring reports and then "*develop strategies to mitigate problem areas.*" (If you do not know about this Task force, you might read APPENDIX C in the *CMP* for more information.) In retrospect, it can be concluded that the current approach certainly has not provided a solution to the City for implementing **Policy 11.12.2**. (The *CMP* also promised but did not deliver two other mechanisms for reporting: Annual Public Meetings and Campus Committee reviews which would include members of the public.)

In order to make policy decisions about "negative traffic and parking impacts on residential areas" [Policy 11.12.2], the City Council must be given valid, timely, and comprehensible information. Certainly, dependence on indirect indicators such as: bike racks, square feet of new construction, on-campus parking utilization etc. must be halted now.

Bottom Line: Looking forward, it seems imperative that future oversight be bestowed explicitly by Chapter 3.36 on the City Council and/or the Planning Commission. In order to improve oversight, a better plan to improve the oversight process in **Chapter 3.36** could be designed in just few weeks.

11. Neighborhood Parking Utilization Reports -- [3.36.90.a.2.c]

Chapter 3.36 requires the University to provide yearly reports about neighborhood parking utilization. This was measured for a few years, but only in Parking Districts "A" and "B". OSU never measured utilization in "C". Parking problems in most of the other negatively impacted areas have never been measured as part of the required utilization reports.

Further, although serious parking problems (such as red zones where utilization exceeds 100% of capacity) have been known for some time, the University has not "provided details of efforts undertaken by OSU to address neighborhood parking issues" as required by **Section 3.36.90.a.2.c**. Again, *Comprehensive Plan Policy 11.12.2* is not implemented in the residential areas surrounding campus where parking and traffic impacts exist.

Bottom line: To be useful, annual parking utilization reports must analyze the problems in all the negatively impacted areas and demonstrate the effectiveness, year- to-year, of University mitigation efforts. This ineffective *LDC* section must be made more robust and the requirements must be enforced.

12. Monitoring the Use of Single-Occupancy Vehicles -- [3.36.90.a.3.c]

Section 3.36.90.a.3.c requires the University to tabulate and report the number of single-occupancy vehicles "**REDUCED**" on a yearly basis. (Please note that this code requirement is not limited to commuters who park on campus.) For the most part, this requirement has not been fulfilled. Figure 6-1 in the *CMP*, based on one-time survey data, provides a baseline of 56% percent of commuters using the single-occupant car. (It is interesting to observe that, in some years, OSU attempted to document a change in commuter behavior by showing that OSU reduced the number of parking spaces on campus.)

Bottom Line: If the City wants to continue relying on this indicator, better measurement, reporting, application, and enforcement are needed.

13. TDM Changes in Commuting Behavior -- [3.36.90.a.3]

Forcing campus parking onto neighborhood streets is not a legitimate **TDM strategy**. "Transportation Demand Management" involves strategies to bring about a shift from single-occupant vehicle trips to other modes. Although, these shifts do not measure livability directly, it seems possible that livability would be improved if campus commuters did more of these things.

Section 3.36.90.a.3 requires the University to report the effectiveness of OSU TDM efforts, on a yearly basis: the campus shuttle, public transit, biking, walking, and carpooling. Measuring and reporting the effectiveness of these behaviors has not been done.

Bottom Line: Better measurement, reporting, and enforcement are needed. Of course, absolute numbers in the yearly series would have to be adjusted for the increase in the student and employee populations, as well as number of total commute trips. A few quick changes to the code language would fix the reporting problem.

14. Can anyone comment knowledgeably about an OSU BTM Report? -- [3.36.90.a.4]

For a typical City Councilor or Planning commissioner, it is difficult to determine what the University is required to do in order to be in compliance with **Section 3.36.90.a.4**. Although it is not clear what, the University is required do something on an annual and five-year basis. Also because of spotty reporting, it is difficult to tell what OSU has actually done in order to be in compliance with this section. Judge for yourself. In what context have plans for future development, as specified in **Section 3.36.a.4.b** been reported annually to the City?

The real problem is actually less complicated. How many Councilors or Planning Commissioners have ever read or had access to any (Base Transportation Model) BTM report. To be useful, the traffic and parking data would have to be summarized and reported periodically to the appropriate oversight bodies, i.e. the Planning Commission and City Council.

Bottom Line: The details of BTM reporting deficiencies can be eliminated from Section 3.36 with the stroke of a pen.

15. Baselines for Monitoring Purposes -- [3.36.90]

Explicit baselines are specified in **Section 3.36.90.a.4.d**, **Section 3.36.90.b.1** and **Section 3.36.90.b.2**, and implicit baselines are discussed in **Section 3.36.90.a.3.a** and **Section 3.36.90.a.3.c**. In terms of actual numbers, have these ever been revealed through annual reports? If so what are these official baselines in numeric terms?

The *CMP* provides baselines for single occupancy commuting, carpooling, transit, walking, bicycling, and shuttle in Table 6.1. Open Space baselines appear in Table 4.2 and Development baselines in Table 4.1 and 4.3.

The problem of having comparable baselines has been complicated by changes the University has made to their parking tabulation methods. In 2012, the University made dramatic adjustments to the list of parking spaces. The *OSU PARKING UTILIZATION STUDY 2014-2015* references comparative data from five years ago, instead of from the beginning of the Chapter 3.36, ten years ago.

Bottom Line: In order to monitor changes over time, baselines must be established for comparison of trend data. These must be incorporated into oversight activities based on Section 3.36.90.

16. Residential Permits Funded by the University --[3.36.90.2.c]

LDC Section 3.36.2.c says something which may seem odd today.

*"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 including - **Identification of the number of residential permits funded by the University.***

Of course, we know now that the University has not funded any permits. Then why is this idea included in Chapter 3.36? It did not seem so far fetched back in 2004 because of what the University said in the CMP:

OSU is willing to work with the city and surrounding neighborhoods to address off-campus parking concerns, as follows: Participate financially in the implementation of the neighborhood parking districts based on a pre-determined and agreed upon level of support. OSU will work with the city to determine the most effective manner in which OSU can support the neighborhood parking districts. This could include financial support to reduce the city cost for administering the residential parking program. Other possible alternatives include OSU subsidizing residential permits up to a certain dollar amount or using OSU's Parking Services division to distribute residential parking permits. [CMP pp. 7-13 to14]

Residents expressed concern about the fairness of paying for parking in their own neighborhood and the inconvenience related to program administration [CMP p.7-3]

. . . residents in the parking districts felt that it was unfair that they had to pay to park in their own neighborhoods [CMP p.7-3]

<p>Bottom Line: If the University would like to step up and participate financially, that would be fine. The more realistic thing to do today is probably to drop this idea and substitute some other form of remediation in Chapter 3.36.</p>

17. Noncompliance -- [3.36.40.04, 3.36.90]

Many instances of noncompliance with **Section 3.36.90** monitoring requirements are documented in the previous pages. Although there may be others, one substantial violation of the early part of Chapter **3.36** came to light purely by accident in 2014. The OSU parking division created a large, permit parking lot on the University Plaza Site without obtaining a Major Modification in violation of **LDC Chapter 3.36.40.04**. After discovery, the University "decommissioned" the lot rather than comply with the code. This is how the episode was reported by the University:

*In 2013, OSU began leasing the University Plaza property from the OSU Foundation, adding **175** General Use spaces and three (3) University Support spaces in the University Plaza South Lot (3279) to the parking inventory for academic year 2013-2014. This year, however, these spaces were removed from the parking inventory because the OSU Campus Master Plan 2004-2015 **prohibits** the university from managing parking located on property that does not have the OSU Zone zoning designation in the Corvallis Land Development Code. **OSU PARKING UTILIZATION STUDY 2014-2015, p.7***

<p>Bottom Line: LDC Chapter 3.36 is a short chapter, and only a few sections deal with parking. The University has a staff of lawyers to decipher it.</p>
--

18. Unfilled Expectation in the CMP about Increased On-Campus Parking -- [CMP]

Policy 11.4.3 requires all traffic generators to provide "adequate" parking, and this applies to the OSU Zone. Based on expectations set by the text of the *CMP*, **Chapter 3.36** has not delivered any additional on-campus parking spaces over the past ten years despite the increase in the student and employee populations and the negative impacts on surrounding neighborhoods. One can conclude that today's supply of parking spaces is more than **2,000** spaces or about **30 percent** below expectations.

Section 3.36.90.a.2.a of the *LDC* requires an annual report on the creation of new parking spaces, however, the possible elimination of existing parking spaces is not mentioned. Both **Section 3.36.40.04.c** and **Section 3.36.60.08.c** incorporate Figure **7.3** from p.7-15 in the *Campus Master Plan* into the *LDC*. This map includes "*Existing Parking*," "*Potential Parking Lots*," and "*Potential Parking Structures*," but the map and discussion of the map never consider possible reductions in the number of existing parking places. To the contrary, the *CMP* sets a concrete expectation for the community about increased on-campus parking capacity on the next page, p.7-16:

As noted above, the campus will require approximately 1,212 to 1,536 additional parking spaces to accommodate OSU's projected population growth.

These words seem clear. One could conclude with regard to legislative intent, that when **Chapter 3.36** was approved by the City Council, there was reason for the Council to expect that OSU would increase the inventory of on-campus parking spaces during the ten year life of the *CMP*.

In contrast, the number of on-campus parking spaces has been systematically reduced by over **1,000** spaces. Precise numbers are difficult to pin down because of varying reports, but here are two for comparison. Table 7-3 on p.7-6 of the *CMP* shows **7,996** Total Campus Parking Spaces during Fall 2001. In contrast, p.12, of the *OSU PARKING UTILIZATION STUDY 2014-2015* reports that Total General Use and Residence Hall spaces is **6,840** now. It looks like the University has decreased on-campus parking by about **1,000** spaces despite the substantial increase in the number of commuters.

Parking capacity in the campus core has been cut back even more dramatically over the years, according to the same sources. The *CMP* states that the number of spaces in Sector C was **2,928** in Fall 2002, and the *OSU PARKING UTILIZATION STUDY 2014-2015* reports that the number has been reduced to **1,587** now. It would be easy to conclude that *Comprehensive Plan Policy 11.12.2* and **Policy 11.4.3** have not been satisfied -- and that remediation is required.

<p>Bottom Line: The City must establish its expectations concerning "adequate" on-campus parking, implement those expectations in Chapter 3.36, and provide a means for monitoring progress in order to ensure that those expectations are met.</p>
--

APPENDIX II

In their discussions, people often seem to confuse Chapter 3.36 with the *CMP*. They are not the same thing. How they can be changed is very different.

Amending Chapter 3.36 is Simple

The *LDC* is the land use law in Corvallis. The City Council interprets the *LDC*; therefore, they have great control over Chapter 3.36 and its application. They can also amend Chapter 3.36 and have done so since the chapter was first written. The *LDC* provides a simple way to amend Chapter 3.36.

Section 1.2.80- TEXT AMENDMENTS.

1.2.80.01 - Background

*This Code [e.g. Chapter 3.36] may be amended **whenever** the public necessity, convenience, and general welfare require such amendment and where it conforms to the Corvallis Comprehensive Plan and any other applicable policies.*

1.2.80.02 - Initiation

An amendment may be initiated through one of the following methods:

- a. Majority vote of the City Council; or*
- b. Majority vote of the Planning Commission.*

1.2.80.03 - Review of Text Amendments

The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings

Updating the *CMP* is not so Simple

The *CMP* is a University planning document which is written by OSU. The *LDC* provides vague clues in **Section 3.36.40.05** about how it can be updated which have vexed all those who try to interpret this section. It seems to mix up Chapter 3.36 with the *CMP*. At some point the City Council may have to decide what it means.

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 3.36.4 0.02.b “1”, through “3”. The review shall comprehensively evaluate the need to update or otherwise modify the Campus Master Plan, its policies and related traffic and parking studies, and this Chapter. A *CMP* update will be required under the following conditions:*

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

APPENDIX I: 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;
 - 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.

Comprehensive Plan Policy 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.*

APPENDIX III

