

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES
September 21, 2015**

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Proclamation 1. International Days of Peace Page 361	Yes		
Visitors' Propositions 1. City water service outside of City limits (various) 2. Permanent homeless shelter (Blair, Karas, Cauthorn) 3. Development Services staff compliment (White) Pages 361-365	Yes Yes Yes		
Consent Agenda Page 365			<ul style="list-style-type: none"> • Adopted Consent Agenda <u>passed U</u>
Unfinished Business 1. City water service outside of City limits Page 366-368		Yes	
HSC – September 8, 2015 1. Corrections to minutes 2. KLAB Annual Report 3. LAB Annual Report 4. HCDAB Annual Report Pages 368-369	Yes		<ul style="list-style-type: none"> • Accepted Report <u>passed U</u> • Accepted Report <u>passed U</u> • Accepted Report <u>passed U</u>
ASC – September 9, 2015 1. Canceled due to lack of quorum Page 369	Yes		
Mayor's Reports 1. Jail Bond Measure 2. Homeless shelter update 3. State of the Region 4. Burgerville Pages 370-371	Yes Yes Yes		<ul style="list-style-type: none"> • Supported jail bond measure <u>passed 8-1</u>
Council Reports 1. Climate Action Task Force (Baker) 2. Housing Development Task Force (Glassmire) 3. Sustainable Budget Task Force (Brauner) 4. Vision and Action Plan Task Force (York) 5. OSU-Related Plan Review Task Force (Hann) 6. CGTF Chairs meeting for September 29 canceled 7. CRAG community outreach (Hogg) 8. Car Free Day (Beilstein) 9. Government Comment Corner (Glassmire) 10. Crosswalk at NW Arrowood Drive (Hann) 11. CRF: Littering fines/cigarette butt scavenger hunt (Baker) 12. CRF: Temporary Use Permits for temporary homeless shelter (Traber)	Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes		

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Council Reports, Continued 13. LOC Conference (Hirsch) 14. CDBG Action Plan and staff assistance to CHF (Baker, York) Pages 371-373	Yes Yes		
Staff Reports 1. City Manager's Report 2. City Manager's attendance at LOC and ICMA (Shepard) 3. Conditional job offer to CD Director Pages 373-374	Yes Yes Yes		

Glossary of Terms

ASC	Administrative Services Committee
CD	Community Development
CDBG	Community Development Block Grant
CGTF	Council Goals Task Force
CHF	Corvallis Housing First
CRAG	Community Relations Advisory Group
CRF	Council Request Follow-up
HCDAB	Housing and Community Development Advisory Board
HSC	Human Services Committee
ICMA	International City Manager's Association
KLAB	King Legacy Advisory Board
LAB	Library Advisory Board
LOC	League of Oregon Cities
OSU	Oregon State University
U	Unanimous

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I. CALL TO ORDER

The regular meeting of the City Council of the City of Corvallis, Oregon was called to order at 6:31 pm on September 21, 2015 in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Traber presiding.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: Mayor Traber; Councilors Baker, Beilstein, Brauner, Bull (6:33 pm), Glassmire, Hann, Hirsch, Hogg, York

Items at Councilors' places included a Welcome to Corvallis door hanger distributed by Councilor Hogg (Attachment A); and correspondence from residents concerning extension of City water service outside city limits: Kirk Bailey, Jennifer Gervais, and Tony Howell (Attachment B), P. Elinor Griffiths (Attachment C), Laura Lahm Evenson from the League of Women Voters (LWV) (Attachment D), Marilyn Koenitzer (Attachment E), David Eckert (Attachment F).

IV. PROCLAMATION/PRESENTATION/RECOGNITION

A. International Days of Peace Proclamation

Mayor Traber read the proclamation, which was accepted by Valerie White and LoErna Simpson. Ms. White said this was the tenth year that the Pinwheels for Peace event had been held to recognize International Days of Peace. She thanked the City and Benton County for being event partners and read from the preamble of the United Nations Charter.

Mayor Traber announced that Corvallis resident Carl Gustafson would receive the French Legion of Honor on October 3 to recognize his service in World War II as part of the European Campaign. Mayor Traber encouraged everyone to attend the event and noted that a copy of the proclamation recognizing Mr. Gustafson would be in the October 5 Council meeting packet.

V. VISITORS' PROPOSITIONS

Shelly Murphy, League of Women Voters (LWV), ceded her three minute time limit to Laura Lahm Evenson, who read from prepared testimony opposing the proposed ordinance regarding extension of City water service outside City limits (Attachment D). Councilor Hann noted the testimony mentioned property north of Timberhill that could potentially be annexed for fire safety purposes. In response to his inquiry about what residential development of that property would mandate sprinklers, Ms. Murphy opined that it might be required for a multi-family structure. She said with the exception of health hazard annexations, all properties should be annexed before granting services, including Beit Am's property. Ms. Lahm Evenson said the issue related to the Charter, not the applicant. In response to Councilor Bull's inquiry, Ms. Lahm Evenson said LWV's objection related to an approval for multiple unknown applicants without a majority vote of Corvallis citizens. In response to Councilor Hirsch's inquiry, Ms. Murphy understood the

proposed change was only for fire suppression; however, water in the line would become stale, so it would have to be used periodically. She was also concerned about unforeseen consequences. Ms. Lahm Evenson said in the past, the Council's ability to annex had been on a very limited basis; however, the proposed ordinance was a blanket application and it was not possible to foresee every problem that could arise. Councilor Beilstein observed that Charter language permitted the Council to authorize providing services outside the City limits if it passed an ordinance. Ms. Murphy interpreted the Charter language to mean the ordinance would be for a single circumstance, not as a blanket authorization. In response to Councilor Hogg's inquiry about whether she believed such requests should first be reviewed by the Planning Commission which would then make a recommendation to Council, Ms. Murphy said it was not clear when the process related to the Land Development Code (LDC) provision would occur, as two public hearings would be involved. In response to Councilor Glassmire's inquiry, Ms. Murphy did not have suggestions for modifying the ordinance that would make it acceptable to the LWV, other than restricting it to Beit Am.

Marilyn Koenitzer read from prepared testimony opposing the proposed ordinance regarding extension of City water service outside City limits (Attachment E) and noted that she supported the LWV's testimony. In response to Councilor Hann's inquiry, Ms. Koenitzer understood Council could initiate an ordinance; however, in consulting LDC Section 2.7.30 - Eligibility for Extension of Services, she found the jurisdiction of the LDC in the legislative section addressed legislative action dealing with land use issues; however, the ordinance was put forth as a legislative action that did not relate to a land use issue. Councilor Bull stated concerns about building to County standards rather than City standards. Ms. Koenitzer agreed, noting the street in front of her home was not built to City standards. She and her neighbors already paid for street improvements, and they may have to do so again. She preferred that the street would have been built to City standards from the beginning. Councilor Hann noted that such legacy streets would be discussed at the September 22 Urban Services Committee meeting and encouraged Ms. Koenitzer to provide input to the Committee.

Mayor Traber said while Councilors may deliberate and provide direction to staff, they would not vote on the proposed ordinance at tonight's meeting because the City Attorney had since recommended changes to the version that was included in the Council meeting packet. Mayor Traber believed the regular notification process of providing the updated ordinance in the Council meeting packet was sufficient; however, he acknowledged if the City Attorney's Office had a different view, he would stand corrected.

Steven McLaughlin, a Corvallis resident for nearly 40 years, was proud that the City required a majority citizen vote before property could be annexed. He cited the initial proposal to build 400 homes in the Highland Dell development, which ultimately was reduced to five acres with fewer homes. He would vote to annex the Beit Am property; however, he was concerned about the process that was being proposed.

Mike Blair read from prepared testimony concerning Corvallis Housing First's (CFH) proposed homeless shelter (Attachment G). Councilor Hogg said at a recent Avery Homestead Historic District Neighborhood Association meeting, residents expressed opposition to the shelter. In response to Councilor Bull's inquiry, Mr. Blair said the temporary use permit for the cold weather shelter had been renewed by the City for three years. This year's permit request was in process; however, it had not yet been approved. He lived one-half block from the shelter and had never received notification about the shelter permit requests.

Jennifer Gervais read from prepared testimony opposing the proposed ordinance regarding extension of City water service outside City limits (Attachment B). Ms. Gervais, who served for nine years on the City's Planning Commission, supported the LWV's testimony. In response to several questions from Councilors, she believed the proposed ordinance would erode confidence in City land use planning and was concerned about unforeseen consequences, citing development-related density rounding as one example. She said the proposed ordinance did not require a subject property to be annexed, so another property next to it could eventually be annexed, resulting in leap frog development, with the original subject property being an island of County property. The City's LDC only applied to City properties, so its provisions could not be considered for projects on County land. She did not believe language could be added to criteria in LDC Chapter 2.7 to address the current situation without risking unintended consequences later. She shared others' concerns about properties first developing to Benton County standards and trying later to bring them to City standards, as systems development charges would not have been collected to offset the cost. She noted the Planning Commission had no authority outside of the City's jurisdiction, and the City's LDC only applied to properties within the City limits; however, the ordinance was focused on properties located in the County.

Vanessa Blackstone, President of the Timber Ridge Neighborhood Association, spoke from prepared testimony opposing the proposed ordinance regarding extension of City water service outside City limits (Attachment H). In response to Ms. Blackstone's statement regarding the Fire Marshal's interpretation of the Fire Code, Councilor Hann said the City allowed individual staff members to make decisions on behalf of the City, and those decisions could be appealed.

Ken Crane read from prepared testimony regarding the proposed ordinance to extend City water service outside City limits (Attachment I). In response to several Councilors' inquiries, Mr. Crane said Beit Am did not anticipate fire suppression issues when it submitted its building permit request to Benton County, Beit Am did not have any concerns with City design standards, and when the property was purchased, it was surrounded by County land. Prior to the Witham Oaks annexation, the area had already been rejected for annexation many times. He believed fire was a health issue, so it could possibly be considered as part of the health hazard annexation provision; he acknowledged he was not an expert and the matter might better be interpreted by attorneys.

Ken Bronstein respected the points expressed thus far; however, he did not share the LWV's opinion that the particulars of Beit Am's circumstances were not material. He believed Beit Am's situation represented a case of unintended consequences. Beit Am did not anticipate that a project on County property would require City water service for fire suppression. To mitigate unintended consequences, he noted the need for City water service for fire suppression would have to first be determined by the Fire Marshal, and Council would then have to approve a second ordinance specifically authorizing the requestor to make such a connection. He saw those two requirements as ways to ensure the requests were legitimate. In response to public testimony that questioned whether the Fire Marshal's interpretation of the Fire Code was accurate, Councilor Hann said he trusted that Beit Am had vetted the decision with the Fire Marshal and the State to ensure there was no misinterpretation; Mr. Bronstein said lay people did not have the expertise to make such a determination. As an alternative to the proposed ordinance, he supported consideration of amending the criteria in LDC Section 2.7. In response to Councilor Hirsch's inquiry, Mr. Bronstein said Beit Am's property was involved in seven failed annexations.

Dave Eckert read from prepared testimony regarding the proposed ordinance relating to City water service outside City limits (Attachment F). In response to Councilor Hann's inquiry, Mr. Eckert said he was not speaking for or against the matter; he was only reacting to the ordinance

itself. During discussions with Planning Division and Engineering Division staff, the only thing he learned for certain was that Beit Am would be required to hook up to City wastewater if the property was annexed. Staff also did not believe storm water could be effectively retrofitted and he was concerned about the significant impact that would have on the surrounding properties. He was also concerned about parking regulations, as well as landscape design and differing bicycle and pedestrian standards. He said the matter was a larger issue for development around the City limits, not one that was specific to Beit Am. In response to Councilor Beilstein's inquiry, Mr. Eckert said the only good approach would be to require full urbanization as if the property were being annexed.

Hugh White complimented Development Services Division staff for their cooperative and positive attitude. He specifically named Development Services Manager Dan Carlson, Land Use Inspector Shannen Chapman, Permit Technician II Cheryl Flick, and Building/Mechanical Inspector II Pavel Anfilofieff as outstanding employees. In response to Councilor Glassmire's inquiry, Mr. White believed the south end of the Downtown would be boarded up if a homeless shelter was constructed on SW Fourth Street. He recently visited Downtown Detroit, Michigan and Downtown Dearborn, Michigan, noting the terrible conditions of both areas. He said Council controlled Corvallis' Downtown and the decisions it made would affect whether it remained as it was or would deteriorate to the conditions found in Detroit and Dearborn. He hoped the Council would not do anything to destroy Corvallis' Downtown.

Megan Karas, President of the Avery Homestead Neighborhood Association, said at a recent meeting, neighbors voted to oppose expansion of the current temporary homeless shelter on SW Fourth Street. She said Benson's Interiors was moving to another location and other businesses also were considering relocating. She cited negative impacts on the neighborhood, including littering, loitering in backyards, and an increase in petty crime that residents have experienced from the temporary shelter. She recognized the need for services for the homeless; however, she did not believe Downtown was the appropriate location to concentrate those services. In response to Councilor Beilstein's inquiry, Ms. Karas said she was aware that some neighbors opposed the temporary shelter; however, it was not discussed in their Neighborhood Association meeting. In response to Councilor Hann's inquiry, Ms. Karas said the issue of consolidating services from other organizations to the permanent homeless shelter was raised briefly at the Neighborhood Association meeting; personally, she did not support that approach. She volunteered at the soup kitchen and explained that many of its clients, including seniors and students, are not homeless. She said the stigma of receiving food service at a homeless shelter could result in some populations choosing not to use them. In response to Councilor Hogg's inquiry, Ms. Karas said she had lived in the Avery Homestead area for eight years and the number of families with children had increased over time. She had observed a decline in respect for the area by the homeless population who passed through. She was skeptical that what was proposed for the permanent shelter in Corvallis did not match the true Housing First model. She questioned whether a shelter operated by volunteers managing a mixed population of families and people who were under the influence of drugs and alcohol would be successful.

Paul Cauthorn said at their April 20, 2015 meeting, Council unanimously approved the Fiscal Year 2015-16 Community Development Block Grant/HOME Investment Partnership Program Action Plan. At that meeting, he objected to the section of the Plan regarding the CHF funding. Since then, he realized that element had deeper implications, as the Plan included funding for City staff to assist with pursuing the permanent shelter. He read the following excerpt from the Plan: *In addition, staff of the City's Housing and Neighborhood Services Division will provide technical and other assistance to the Corvallis Homeless Shelter Coalition during Fiscal Year 15-16 with the intent of helping the agency move forward and become ready to proceed with the*

construction of a new homeless services facility. He said the issue was that Downtown businesses, neighbors, and others in the community were objecting to the shelter location, yet the Council approved funding for City staff to actively pursue the shelter, or at least staff's commitment to assist. He believed it represented staff working against the community, the neighborhood, and the Downtown, and asked Council to amend the Action Plan to remove that funding. Councilor Hann said he would read the Action Plan again; however, he recalled the funding was for a part-time person to staff the shelter. He said the process for next year's funding would be considered at a future Human Services Committee meeting and encouraged Mr. Cauthorn to participate.

Marie Wilson spoke from prepared testimony opposing the proposed ordinance regarding extension of City water service outside City limits (Attachment J). In response to Councilor Hann's inquiry, Ms. Wilson confirmed that Corvallis was the first to enact a Charter amendment that required a majority vote for annexations, and as a result of its effectiveness, other cities have followed Corvallis' model.

VI. CONSENT AGENDA

Councilors Hann and York, respectively, moved and seconded to adopt the Consent Agenda as follows:

- A. Reading of Minutes
 - 1. City Council Meeting – September 8, 2015
 - 2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Arts and Culture Advisory Board – August 19, 2015
 - b. Downtown Advisory Board – August 12, 2015
 - c. Economic Development Advisory Board – August 10, 2015
 - d. Housing and Community Development Advisory Board – August 19, 2015
 - e. Library Advisory Board – July 15, August 5 and August 19, 2015
 - f. Planning Commission – August 19, 2015
 - g. Watershed Management Advisory Board – July 22, 2015
- B. Announcement of vacancy on Community Police Review Board (Swinyard)
- C. Announcement of appointment to Visit Corvallis (Eckroth)
- D. Confirmation of appointments to advisory boards (Arts and Culture Advisory Board – Sischo; Bicycle and Pedestrian Advisory Board – Heald; Community Relations Advisory Group – Schacht Drey; Housing and Community Development Advisory Board – Rinaldi; Parks, Natural Areas, and Recreation Advisory Board – Alpert)
- E. Approval of an application for a Full On-Premises Sales liquor license for Yi Zhao, owner of Mix Café & Bar, 106 NW Second Street (New Outlet)

The motion passed unanimously.

VII. ITEMS REMOVED FROM CONSENT AGENDA - None

Mayor Traber recessed the meeting from 8:18 pm to 8:30 pm.

VIII. UNFINISHED BUSINESS

A. City water service outside of City Limits

Mayor Traber said, per his earlier comments, an ordinance was not on the table for action at tonight's meeting.

Councilor Brauner said he was not able to attend the September 8 Council meeting when the public hearing was held. He hoped a solution could be identified to address Beit Am's situation without creating a new ordinance. He was concerned about significantly impacting land use planning and development within the Urban Growth Boundary, and said he would find it difficult to support an ordinance that was not focused on a specific property. He noted that City water service had not been extended to properties outside of the City limits since the Charter amendment related to annexations was enacted. He inquired what made Beit Am's circumstance different from other churches on County land, none of which were connected to City water. Fire Marshal Prechel said as part of the Rural Fire Protection District, properties in the County must follow the same State Fire Code provisions that Corvallis adopted and he would have interpreted the Code the same way. Beit Am's circumstance was unique because the property was surrounded by City property, creating an island. Municipal water was available on two sides and would soon be available on a third side. A water stub existed on the southeast corner of the property and the City held an easement to run a waterline from that stub through the south end of the property to reach the west end of the property. Staff's interpretation was based on whether an adequate and reliable water supply existed for Beit Am's property. The criteria for the water supply included the fact that the City held an easement, a water stub was in place, and the City had an agreement and a plan to run water through the property. Other large churches in the area, all of which were located on County property, were well over one-half mile from City water and were not contiguous to the City limits. Mr. Prechel confirmed that if two fire hydrants were near the structure, most likely, the Fire Code could be met without use of sprinklers.

In response to Councilor Hirsch's inquiry, Mr. Prechel confirmed that one hydrant would be acceptable if a sprinkler system was installed. Without a sprinkler system, proximity to two hydrants would be required.

In response to Councilor Hann's inquiry, Mr. Prechel explained that in a building without sprinklers, one of the hydrants would have to be located within 400 feet of the structure and a fire hose would need to reach around the structure. The second hydrant would have to be located within several hundred feet so an arriving fire engine could connect to both hydrants. Mr. Prechel said based on the last set of plans he reviewed, where the structure was to be cited toward the west side of the property, he believed it would meet the requirement if a hydrant was located on City property to the west of the Beit Am property.

In response to Councilor Beilstein's inquiry, Mr. Prechel said it was possible to meet the Fire Code requirement by having two fire hydrants nearby without providing City water to the facility.

In response to Councilor Hirsch's inquiry, Mr. Prechel said if Beit Am had a nearby hydrant and a sprinkler system, the Fire Code requirement could be met. Mr. Prechel

noted that a holding tank, pump, back-up generator, and fuel source for the generator would be required as part of the redundant supply.

In response to Councilor Bull's inquiry, Mr. Prechel agreed that, until building plans were submitted, it was difficult to say what specific Fire Code requirements would need to be met. He said it was typical for someone to purchase a property and not submit building plans until a later date. Unfortunately, that person is sometimes surprised to learn what the Code mandates. He said the City and County have made strong efforts in the past few years to communicate Code requirements early in the building process with the hope of avoiding such surprises. Mr. Prechel said Beit Am's structure did not quite meet the threshold for a sprinkler system; however, to reduce the water flow that would be required if only one hydrant was available, Beit Am could install sprinklers in their building. He said Beit Am had expressed an interest in this approach. Another issue for the property was the narrow driveway access to reach the structure, which was not Fire Code compliant. A sprinkler system would also resolve that issue.

Councilor Beilstein noted Mr. Eckert's testimony about differing standards for development in the City and County, especially with regard to storm water. Planning Division Manager Young said he did not have expertise in storm water standards; however, if a property was initially developed to County standards and then was annexed into the City, the property could be considered to be a legal non-conforming property. In other words, it may not comply with the City's LDC, but it would be allowed to exist as it was constructed.

In response to Councilor Brauner's inquiry about impacts of the proposed ordinance if another County property was subdivided to include several structures and streets, Mr. Young said under County standards, he did not believe it was possible to develop the types of residential densities that would be found in the City. He could not speak to what types of uses would be permitted under County standards. Mr. Young said he believed there was potential for larger-scale facilities with larger traffic and water quality impacts to be developed under the ordinance's provisions.

In response to Councilor Hann's inquiries, Mr. Young did not know the zoning for the large parcel of County property located where Bunting Drive ended, and he confirmed that during the economic downturn, the previous Council passed ordinances to extend the time frames for land use approvals that were about to expire. The extension of services process was last invoked in early- to-mid-2000s as part of a health hazard concern. Septic systems were failing in a large area of the County which was not adjacent to the City limits, so it was not annexed into the City. Residents of that area paid the cost for an infrastructure extension and Mr. Young confirmed that extension of service was for wastewater only.

Councilor York preferred that any modifications to the criterion for extension of City services were made through an amendment to LDC Chapter 2.7. In response to her inquiry, Mr. Young believed such a change would be under the Council's control, rather than an administrative action. He said a 35-day notification to the State Department of Land Conservation and Development was required prior to the first evidentiary hearing, which would be with the Planning Commission and then the City Council. He estimated the entire process to make such an amendment would likely take four to six months.

In response to Councilor Bull's inquiry, Mr. Young said LDC Chapter 2.7 requires the applicant to consent to annexation in the future. Mr. Brewer said the Fire Code is similar to the Building Code in that the City had adopted the State's Codes. The requirements come from a different authority. Someone who wishes to appeal the Fire Marshal's interpretation may do so through the City's Board of Appeals, as well as at the State level.

Councilor Glassmire supported the possibility of amending LDC Chapter 2.7 as suggested by Councilor York. He noted item d in Section 2.7.30, Eligibility for Extension of Services: *The site cannot be annexed at this time, or the Annexation has been approved but has not yet taken effect.* Given that requirement, he was not certain it would resolve Beit Am's situation. Mr. Young said the Chapter was the appropriate one since Council was focusing on extension of services, not annexation. He said if Council's direction was to amend Chapter 2.7, staff would have to consider how the various parts of the LDC would work together.

In response to Councilor Hann's inquiry regarding fire hydrants, Mr. Young said a water stub was located on private property to the east of Beit Am. He opined it would be unusual to place a fire hydrant in someone's backyard; however, it was possible that an easement could be obtained.

In response to Councilor Baker's inquiry, Mr. Young said other than connecting to the City's wastewater system, he was not certain what else would be required to retro-fit property that was initially developed under County standards and later annexed into the City.

In response to Councilor Baker's inquiry, Deputy City Attorney Brewer confirmed an ordinance directed toward a specific group was problematic due to equal protection issues.

In response to Councilor Hogg's inquiry, Mayor Traber was inclined to keep the matter at the Council level, rather than assigning it to a Council Standing Committee for review.

Council supported staff providing more information about the following: Planning Division staff will review the LDC amendment process; Fire Department staff and Beit Am will discuss fire hydrant options so Beit Am could obtain fire protection without connecting to the City's water system; and annexation. They did not support pursuing an ordinance.

Consideration of the matter was continued to a future Council meeting.

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

A. Human Services Committee (HSC) – September 8, 2015

1. Corrections to HSC minutes, if any

The item was for information only.

2. King Legacy Advisory Board (KLAB) Annual Report

Councilor Glassmire noted KLAB was allocated \$10,000 per year to fulfill their mission. He noted that KLAB's focus of pursuing social and economic justice in Corvallis differed from the new Community Involvement and Diversity Advisory Board, which was formed to encourage involvement in municipal government.

Councilors Glassmire and Hann, respectively, moved and seconded to accept the King Legacy Advisory Board Annual Report.

The motion passed unanimously.

3. Library Advisory Board (LAB) Annual Report

Councilor Glassmire said the LAB was developing a strategic plan and he appreciated that the LAB had a student member, even though it was a non-voting position.

Councilors Glassmire and Beilstein, respectively, moved and seconded to accept the Library Advisory Board Annual Report.

Councilor Hann noted that the Library had to cancel library cards that were inadvertently issued for free to some of its patrons because they resided in the unincorporated areas of Linn County immediately to the east of Corvallis. With the exception of Corvallis School District 509J students, library cards were only free to those who lived, worked, or attended school within Benton County's Library District. Councilor Hann said many of those who had their cards canceled had donated to the Library and/or served as a Library volunteer.

The motion passed unanimously.

4. Housing and Community Development Advisory Board Annual Report

Councilor Glassmire said three significant projects were accomplished in Fiscal Year 2014-15: completion of the Julian Hotel renovation; rehabilitation of the heating and cooling system at Community Outreach, Inc.; and the Jackson Street Youth Shelter's creation of a separate residence for its clients who are over 18 years of age.

Councilors Glassmire and Beilstein, respectively, moved and seconded to accept the Housing and Community Development Advisory Board Annual Report.

The motion passed unanimously.

Councilor Glassmire said the subject of restrooms Downtown would be discussed at the October 6 HSC meeting.

B. Urban Services Committee – None

C. Administrative Services Committee (ASC) – September 9, 2015

The meeting was canceled due to lack of a quorum.

X. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

1. Jail Bond Measure

Councilor Hann spoke to Benton County Commissioners Dixon and Schuster. He was not opposed to a new jail facility; however, he was concerned about social inequity. He was supportive of Council's endorsement of the jail bond measure; however, without a firm plan about how various ideas would be funded and whether services might be duplicated, he was not certain he would personally vote for the measure.

Councilors Brauner and Hirsch, respectively, moved and seconded to support the Benton County jail bond measure to build a new jail.

Councilor Bull understood concerns about social justice which were raised by the King Legacy Advisory Board. She recognized that those concerns could be directed more at how jails and prisons were used on a national level. She did not know the extent to which those were issues applied to Benton County. She supported endorsement of a new jail facility and hoped her support was not in conflict with social justice concerns.

Councilor Beilstein opined that our society was dedicated to mass incarceration and he was concerned about that; however, he did not believe support for a new jail facility in Benton County amounted to jailing more people. At a rate of 0.8 people sent to the state prison per thousand residents, Benton County was well below the national average. He noted that a new jail could offer more alternatives for people, including long-term counseling and assistance to people with mental illnesses.

Councilor York supported community policing and community corrections. She agreed with Councilor Beilstein's point about not necessarily adding more people to the jail. She appreciated the County's foresight to consider sites that would accommodate growth over the next 40 years. She encouraged citizens to speak with the Board of Commissioners if they wanted more information about how savings would be used.

Councilor Baker toured the jail and spoke to the Board of Commissioners and County corrections staff. He was impressed with staff at the jail and their commitment to helping people who were in jail. However, he did not believe all of the alternatives had been considered, especially regarding mental health and substance abuse services; therefore, he did not support the motion.

Councilor Hirsch said a new jail facility was absolutely necessary and he supported the motion.

The motion passed 8 to 1, with Councilor Baker opposing.

2. Homeless Shelter Update

Mayor Traber and Benton County Commissioner Schuster met with a mediator who is proceeding to meet with CHF and Citizens for Protecting Corvallis. Mayor Traber said he would provide regular updates to the Council. He noted Councilor Glassmire's earlier comment that restroom availability Downtown and car camping would be discussed at the October 6 Human Services Committee meeting. CHF scheduled a series of listening sessions on September 23, October 18, and November 16.

3. State of the Region

Mayor Traber said the Oregon Cascades West Council of Governments recently provided a State of the Region update concerning Linn, Benton, and Lincoln Counties. Information was available at www.stateoftheregion.org.

4. Burgerville

Mayor Traber said Burgerville was coming to Corvallis and several outreach sessions were being conducted to learn more about residents' preferences for the Corvallis location.

B. Council Reports

1. Climate Action Task Force (CATF)

Councilor Baker said Susie Smith was hired as a casual employee to serve as the project manager for the Council's Climate Action goal. The CATF's next meeting was anticipated for October 13.

In response to Councilor Hann's inquiry, City Manager Shepard said funding for the casual position, as well as funding for the Vision and Action Plan consultant, would come from the \$185,000 set aside in Fiscal Year 2015-16 for all Council goals. Mr. Shepard believed sufficient budget existed for the current fiscal year; however, Council goals funding needs for next year would be part of upcoming Fiscal Year 2016-17 budget discussions. He agreed to provide regular updates to Council about how the budgeted funds were being spent. The item was for information only.

2. Housing Development Task Force (HDTF)

Councilor Beilstein said HDTF continued to meet every two weeks. The item was for information only.

3. Sustainable Budget Task Force (SBTF)

Nothing new was reported. The item was for information only.

4. Vision and Action Plan Task Force (VAPTF)

Councilor York said. The item was for information only.

5. OSU-Related Plan Review Task Force

Councilor Bull said the Task Force was wrapping up its work. In response to her inquiry about next steps with Council, Mayor Taber said it would be considered as an item for discussion at an upcoming Council work session. Council Leadership would discuss the matter and report at the October 19 Council meeting.

6. Other Council Reports

In response to Mayor Traber's inquiry, Councilors agreed the Council Goals Task Force Chairs did not need to meet on September 29. Councilor York said the Chairs should meet soon after the Vision and Action Plan consultant was selected, as it would be important to coordinate the work of that consultant and the newly hired CATF project manager.

Councilor Hogg noted the Welcome to Corvallis door hanger that was at Councilors' places (Attachment A). The door hanger was a product of the Community Relations Advisory Group's (CRAG) outreach efforts which included representatives from both the City and Oregon State University (OSU). CRAG will have a booth at the Fall Festival and volunteers from the City and OSU planned to visit neighborhood residents to encourage good neighborly behavior. Councilor Bull encouraged people to distribute the door hangers at any time.

Councilor Beilstein said September 22 was International Car Free Day and he hoped everyone would participate.

Councilor Glassmire hosted Government Comment Corner on September 19 and spoke to approximately eight people. Discussions centered around the possible extension of City water services to properties outside the City limits and the impact of homeless people on the City, particularly at Shawala Point. He said three of his constituents have separately requested that the City gather data about how much of the City's housing was devoted to students. About 40 people attended his Ward 7 meeting on September 15.

Councilor Hann said the Timberhill Neighborhood Association expressed an interest in a crosswalk at the lower end of NW Arrowwood Drive to provide a safe place for school children to cross the street.

Councilor Baker noted that Mr. Cheyne Willems, who spoke to Council at the September 8 meeting concerning the cigarette butt scavenger hunt, was in attendance at tonight's meeting; however, he left after Visitors' Propositions. Referring to the Welcome to Corvallis door hanger (Attachment A), Councilor Baker observed the fine for littering was listed at \$150; however, he recalled Mr. Willems' testimony indicated the fine was \$1,250 for cigarette butt littering. Councilor Baker requested follow up from staff about fines for littering, including why the amounts would be different and if the City had enforced the cigarette butt fine. Mr. Brewer said there were two statutory references regarding littering; the fines differed depending on whether the act was considered littering or offensive littering.

Mayor Traber referred to earlier testimony regarding the temporary use permits that had been issued for the temporary homeless shelter. He asked staff to provide

information about the process and the guidelines for issuing those permits. Councilor Hogg supported the request for information and asked that the mediator working on the permanent homeless shelter issue also speak to the neighborhood association presidents.

Councilor Hirsch offered to be a resource for new Councilors who were attending the League of Oregon Cities Conference.

In response to Councilor Baker's inquiry, Interim Community Development Director Weiss responded to earlier testimony from Mr. Cauthorn concerning staff providing technical assistance to the CHF in its efforts to construct a permanent homeless shelter facility. He said the staff assistance component described in the Community Development Block Grant (CDBG) Fiscal Year 2015-16 Action Plan was not a site-specific provision of technical assistance. Rather, after CHF determined an appropriate site, staff would provide technical assistance to help them prepare an application for CDBG funding. Mr. Weiss noted staff would provide the same assistance to any other potential grant applicant. He said Action Plan amendments were for instances where money was approved, but would not be spent on that item, or if no funding was allocated for an item where money was needed. No money was associated with staff's assistance; therefore, it was not an item that would technically reach the level of an Action Plan amendment. Mr. Weiss said Council could amend the Action Plan if it wished, or it could direct staff to not provide technical assistance to the CHF without amending the Action Plan.

Councilor York said, during earlier public testimony, a statement was made that conflict existed between staff and the community regarding the permanent homeless shelter. She believed the conflict existed within the community about how to solve a difficult and complex issue. She said staff was aware of the situation and she assumed staff was being sensitive to the issue and not getting out in front of solutions that receive broad community support; Mr. Weiss agreed. She thought it was important to be clear about the matter and believed everyone could work together to resolve the shelter issue.

Councilor Baker would like to better communicate what assistance the City was providing to ensure it was clear to the community. Mr. Weiss said at this time, staff was not providing technical assistance and would only do so upon request. CHF was aware that at the current proposed location, given the development plan, the City would not provide funding to CHF at that site. Any technical assistance from staff would be looking beyond that and considering a different location. Mr. Weiss said, for the most part, staff would consider how they could help CHF through the provisions of any CDBG funding.

Mayor Traber noted staff was developing a map to show where outright or conditional use for a shelter would be permitted. Mr. Weiss said the maps were close to being completed.

C. Staff Reports

1. City Manager's Report – August 2015

The item was for information only.

2. Other

Mr. Shepard said he would be attending the League of Oregon Cities Conference, immediately followed by the International City Manager's Association Conference. He looked forward to gaining insight and knowledge into the City Manger profession. Police Chief Sassaman and Public Works Director Steckel would be splitting Acting in Capacity duties during his absence.

In response to Mr. Shepard's inquiry, Councilors did not express interest in receiving additional email training.

Mr. Shepard said a conditional job offer was extended for the Community Development Director position. If the candidate was interested, staff would proceed with background checks.

XI. NEW BUSINESS – None

XII. PUBLIC HEARINGS – None

XIII. ADJOURNMENT

The meeting adjourned at 10:12 pm.

APPROVED:



MAYOR

ATTEST:



CITY RECORDER

WELCOME TO CORVALLIS

Corvallis is one of the top college towns in America. Here's how you can get connected with your community:

- Be a good neighbor. Introduce yourself and make a connection — maybe even a friend.
- Party smart. Keep the noise down — it's the No. 1 reason police are called.
- Take the bus. Both the Corvallis Transit System and on-campus Beaver Bus are free.
- Keep the neighborhood clean. Call Republic Services — 541-754-0444 — to dispose of unwanted furniture.
- If you're a student, contact ASOSU Legal Services at 541-737-4165 for free legal advice and representation.
- Building or landlord problems? Contact the Corvallis Rental Housing Program at 541-766-6944.
- Housing discrimination issues? Contact the Fair Housing Council of Oregon at 1-800-424-3247.
- File a community grievance. Contact OSU's Corvallis Community Relations at 541-737-8606.
- Too much noise? Contact Corvallis Police at the non-emergency number: 541-766-6911.



Oregon State
UNIVERSITY



BY PARTICIPATING WITH CORVALLIS NEIGHBORHOOD ASSOCIATIONS

KNOW THE CODE

The OSU Student Conduct Code applies to all students, whether living on or off campus.

KNOW THE LAW

Breaking the law or violating a city ordinance is a violation of the Code, and, in addition to citation fines and fees, may lead to sanctions, suspension or expulsion from the university.

Violations and fines include:

- \$500 - \$1,500: Furnishing alcohol and marijuana, or hosting a party for minors.
- \$7,500: Driving under the influence (DUI) of alcohol, marijuana or other drugs. Party hosts may also be held liable for guests who receive a DUI.
- \$7,500: Providing alcohol to minors.
- \$1,000: Providing marijuana to minors.
- \$306: Loud music.
- \$295: Minor in possession of alcohol or marijuana (MIP). Driver's license suspension for up to one year.
- \$150: Public urination.
- \$150: Littering.
- \$100: Open container or public use of marijuana.

SPECIAL RESPONSE NOTICE (SRN)

Written warning for violations like littering, noise or indecent exposure. Two SRNs within 30 days will result in a bill from the city to cover the cost of responding to both incidents.

studentlife.oregonstate.edu/ccr

ATTACHMENT A

Page 374-a

Kirk Bailey
Jennifer Gervais
Tony Howell

September 20th, 2015

Corvallis City Council
501 SW Madison Avenue
Corvallis, OR 97330

Honorable Mayor and City Councilors:

We are jointly writing concerning the proposed ordinance which allows the extension of City water outside City boundaries in non-health hazard situations. As community volunteers with significant experience with the Corvallis land use system, we **strongly** concur with City Staff in recommending that the Council not pursue this new ordinance. We also propose an alternative Council action that might help address the equity issues of the current situation.

While we are sympathetic to the additional unexpected hurdle placed in front of Beit Am's development plans, we are also extremely concerned that the proposed ordinance is a short-term and short-sighted fix that will potentially cause an avalanche of long-term problems. In particular:

- (1) Comprehensive land-use planning requires more than just the orderly provision of municipal water services. The increased intensity of development within the UGB that this ordinance permits could result in many other potential impacts to the rest of the community. These include increased traffic, lack of concurrent storm-water development, and decreased natural features protection. The cost to mitigate these impacts, even if possible, is unlikely to be covered using just the revenue from water SDC's. As Staff has noted, Council will not be able to pick and choose where this ordinance gets applied. There are hundreds of acres of land within the UGB and adjacent to City limits, and some parcels, because of their size and/or location, would be a much bigger long-term challenge for the community than that posed by the Beit Am property.
- (2) Beyond the costs associated with the "leap-frog" development attendant to (1), there is also a potentially significant long-term fiscal impact from litigating "iffy" development proposals which might use this ordinance to attempt to push inappropriate development proposals through. We have all been recently reminded that this can lead to very expensive and drawn-out legal battles with unfortunate results.

So, how to address the potential equity issues for the Beit Am proposal? Our suggestion is simple: Have the Council propose the annexation of this property to the Citizens of Corvallis and offer to pay for the annexation fees in this case. Because the problem appears to result from a decision by the Corvallis Fire Marshall that Beit Am couldn't have realistically predicted, it seems only fair that Corvallis pay the tab for the annexation. In the future, developers will be

aware of this possibility. Although this will cost the City in the short run, it could be a tiny drop in the bucket compared to the long-term costs associated with going forward with the proposed ordinance.

And finally, as your constituents, we very much appreciate all the hard work you put in on behalf of the larger community. Important decisions like this probably aren't the "fun" part of the job!


Kirk Bailey


Jennifer Gervais


Tony Howell

September 21, 2015

Mayor Traber & City Council
City of Corvallis
500 SW Madison Ave.
Corvallis, Oregon

Re: Extension of City Water to Contiguous Urban Growth Area Land Without Annexation

Dear Mayor Traber and City Councilors,

I am writing regarding the recent request made by Beit-Am for extension of City water to land in the Urban Growth Area (UGA) without annexation. This type of request would set a precedent for developers in the future, and I do not support the draft Ordinance prepared by staff (as part of your September 3, 2015 packet).

On Friday, I went to the County Planning Department to request information on this development request, and none was available to share with the public. Staff showed me a topographic map of the area, and indicated that a 5.50-acre parcel with significant slopes was the site. A recent article (dated September 11, 2015) in *The Gazette Times* (GT) provided some general information of what the development might entail, but no conceptual plan or application was available for review at the County. The GT article indicated that an 8,000 square foot structure was planned, including a sanctuary and synagogue, classrooms, a social hall, a library, and an office.

Our Charter Amendment on Annexation specifically states no extension of City services without annexation.

This property is an island in that it is surrounded by City land, but remains in the Urban Growth Area, and in the County. There are many islands in the City of Corvallis that have never been brought into the City Limits, and some of them have sewage problems, and/or hazardous chemical problems, and they have not been annexed into the City.

Apparently, the City is unable to compel islands to request annexation. Is this also a possibility with the Beit-Am property? If the property owner is not required to request annexation in order to obtain significant City services, such as sewer and water, what would compel an island to be annexed in the future?

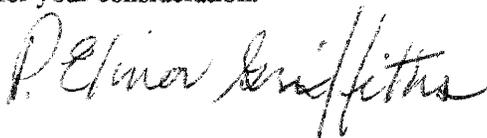
The draft Ordinance would have a much broader scope than just this one property. Even the applicant for Beit-Am acknowledged that, as drafted, the City's Ordinance is "very broad in scope," and that, "as written, the proposed Ordinance could extend water services to anyone within the Urban Growth Boundary."

At the last City Council meeting, one of the speakers supporting Beit-Am indicated that Beit-Am had always intended to build in the County. However, in 2002, when City voters were asked to vote on the Parkland Addition Annexation, the subject property owned by Beit-Am was part of that annexation request. At that time, the voters turned down the approximately 102-acre annexation request. *(Please see the attachment.)*

Please do not approve this request without annexation, or this Ordinance. To do otherwise, you will be breaking faith with the voters of Corvallis and with the City's long-standing Charter Amendment on Annexation since it would deliberately circumvent the public process reflected in that Charter. As such, it should not be allowed.

Thank you for your consideration.

Sincerely,



P. Elinor Griffiths

Corvallis, OR 97330

BENTON COUNTY VOTERS' PAMPHLET



GENERAL ELECTION NOVEMBER 5, 2002

PUBLISHED BY THE
BENTON COUNTY
BOARD OF COMMISSIONERS

Please RECYCLE this pamphlet with your newspapers

ATTENTION

This is the beginning of your county voters' pamphlet. The county portion of this joint voters' pamphlet is inserted in the center of the state portion. Each page of the county voters' pamphlet is clearly marked with a gray screen bar on the outside edge. All information contained in the county portion of this pamphlet has been assembled and printed by the Benton County Elections Office.

City of Corvallis

CONTINUED

Measure No. 02-26

BALLOT TITLE

MEASURE PROPOSING ANNEXATION OF THE PARKLAND ADDITION PROPERTY

QUESTION: Shall the 102.67-acre Parkland Addition property, located on the north side of Harrison Boulevard, be annexed?

SUMMARY: Approval of this measure would annex approximately 102.67 acres to the City of Corvallis. The property to be annexed is located on the north side of Harrison Boulevard, west of the Church of Jesus Christ of Latter-Day Saints located at 4141 NW Harrison Boulevard, east of Walnut Boulevard, and south and west of Witham Hill Drive. The property is proposed to be districted in a combination of RS-3.5 (Low Density Residential), RS-6 (Low Density Residential), PD(RS-6) (Low Density Residential with a Planned Development Overlay), PD(RS-12) (Medium-High Density Residential with a Planned Development Overlay), and PD(AG-OS) (Agricultural - Open Space with a Planned Development Overlay).

identified in 1980 when the Corvallis Urban Growth Boundary was established. This need was reaffirmed in 1998, with acknowledgment of the City's Comprehensive Plan update. City ordinances specify that the developers will be responsible for on-site and off-site costs associated with street and utility improvements needed for land development projects. Infrastructure proposed to serve the development includes the extension of Circle Boulevard to Harrison Boulevard, new local streets, pedestrian pathways, stormwater detention facilities, and the extension of water and sanitary sewer lines to serve the project.

The City Council found the annexation request to be consistent with the policies of the Comprehensive Plan and other City and State policies and standards. Citizens are encouraged to become informed about the annexation request. Full copies of the project's staff reports and Planning Commission and City Council hearing minutes are available at the Corvallis-Benton County Public Library (645 Monroe Avenue) and the Community Development Department at City Hall (501 Madison Avenue, 766-6908), e-mail: planning@ci.corvallis.or.us.

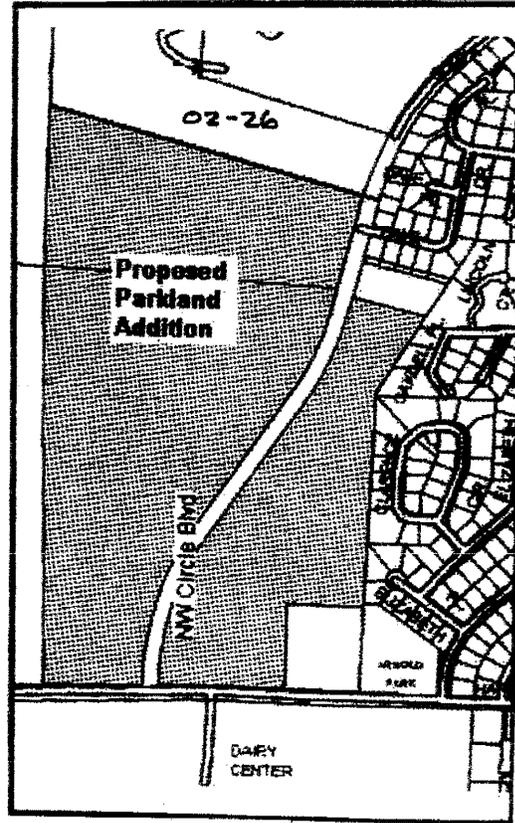
EXPLANATORY STATEMENT

The 102.67-acre area proposed for annexation is located on the north side of Harrison Boulevard, west of the Church of Jesus Christ of Latter Day Saints, and east of Walnut Boulevard. The area includes 1.91 acres of Harrison Boulevard right-of-way, 0.83 acres of land recently purchased by the owners of adjacent developed residential properties to the east, 5 acres of land owned by the Beit Am Mid-Willamette Valley Jewish Community, and 94.93 acres of land proposed for residential development and open space. Upon annexation, the Comprehensive Plan Map would identify 10.82 acres of the area as Medium-High Density Residential, 40.97 acres as Open Space - Conservation, and 48.97 acres as Low Density Residential. Zoning District changes would follow these designations and add a Planned Development Overlay zone to the 94.93 acres that are proposed for residential development and open space. The City's Comprehensive Plan permits Low Density Residential development at 2-6 units per acre and Medium-High Density Residential development at 12-20 units per acre.

Annexation requests are required to include a drawing to illustrate how the site could be developed. The applicant's drawing was submitted in the form of a Conceptual/Detailed Development Plan. This Plan is for the development of single family homes, an assisted living facility, and a future community center. It includes areas set aside for wetlands, drainageways, and oak forest preserve. If annexed, development would occur consistent with the approved Conceptual/Detailed Development Plan unless the property owner requested a change. Any major revisions to the approved plan would require a public hearing, Planning Commission review, and findings that the change was consistent with the review criteria.

This project was analyzed for possible development impacts to wetland, tree, hillside, habitat, and drainageway resources; for compatibility impacts; and for potential traffic impacts. Analysis included consistency with the City's adopted Master Plans for items such as transportation, parks, trails, sewer, water, and storm drainage.

The eventual need to annex and develop this land was originally



(Submitted by the City of Corvallis)

City of Corvallis

Measure No. 02-26

ARGUMENT FOR

We are interested in developing an assisted living facility and 162 single-family homes at Parkland Addition. As you may know, a number of attempts have been made at annexing this property, none of which have offered to set aside 41% of the land for open space.

We have spent the past three years working with City officials and the neighbors to develop a plan that will address the housing needs of young families and the elderly in our community. The plan provides the following:

- Single-family homes for young families. Over half the lots are less than 7,700 square feet, making them affordable to most families.
- Preserves the integrity of the wetlands and mitigates all wetland impacts on site.
- Preserves existing significant stands of White Oak trees.
- Discourages truck traffic along the existing portions of Circle Boulevard.
- Provides developer funding of traffic calming measures to maintain 25 MPH speeds along the new Circle Boulevard extension and existing portions of Circle Boulevard through Woodland Park.
- Provide open space preserves between existing single-family homes and OSU's agricultural lands.

We have a track record of successfully developing homes in Corvallis and Philomath, and welcome the opportunity to complete another project in Corvallis. Currently the entire 101 acre parcel is designated for low-density residential development on the City's Comprehensive Plan. Annexing this property would convert 41 acres to open space and would ensure the preservation of existing wetlands near Harrison Boulevard and White Oak trees on the hillside.

Please join us in supporting this measure to provide housing for young families and the elderly, and giving the community additional open space at no cost to the taxpayer.

Vote YES for Parkland Addition.

Sincerely,

People in support of Parkland Annexation

(This information furnished by Citizens for Parkland)

The printing of this argument does not constitute an endorsement by Benton County, nor does the county warrant the accuracy or truth of any statements made in the argument.

ARGUMENT FOR

Our town needs Parkland

Vote 'Yes' on the Parkland annexation. This property is in an ideal location for family housing. It is close in on the City Limits, well within the Urban Growth Boundary with utilities in place or ready for expansion. So situated, this neighborhood plan will help us avoid sprawl and increase our housing stock while providing key features called for in the Corvallis Vision Statement:

- provides a complete and distinct neighborhood with connectivity to adjoining neighborhoods;
- planned on a pedestrian scale;
- incorporates substantial open space and preserves significant natural features;
- within easy biking and/or walking distance from shopping areas and workplaces, including the OSU campus;
- accessible to these same areas by existing public transportation routes.

With lots dedicated to more modestly priced new homes, a planned assisted living facility and larger lots for more expensive homes similar to some of the neighboring properties on developed Witham Hill, the Parkland proposal offers a variety of family focused housing types. **The tight family housing market means that our schools suffer because of declining enrollments. Parkland would help address this problem.**

The developer has also gone to great lengths to solicit and address the concerns of current Witham Hill residents, and has conceived a design for this property that is sensitive to the potential impacts on the existing neighborhood.

Finally, we need property tax revenue in Corvallis. In the period from 1995 to 2000, our per capita property tax revenue decreased 21%, contributing to our current funding woes and the fact that many city services are now at risk. Annexing lands should be a priority for our community, particularly if proposed developments meet other community-wide needs as well as the Parkland proposal would.

Vote 'Yes' to meet our housing needs. Vote 'Yes' for families and schools. Vote 'Yes' for the health of Corvallis. Vote 'Yes' on Parkland.

(This information furnished by Citizens for a Healthy Corvallis.)

The printing of this argument does not constitute an endorsement by Benton County, nor does the county warrant the accuracy or truth of any statements made in the argument.

<p style="text-align: center;">City of Corvallis</p>	<p style="text-align: center;">City of Monroe CONTINUED ▶</p>
<p style="text-align: center;">Measure No. 02-26</p>	<p style="text-align: center;">Measure No. 02-29</p>
<p>ARGUMENT AGAINST</p> <p>Voters have rejected annexing this property six times, including the same developer's similar proposal in 2001.</p> <p>The Corvallis Planning Commission unanimously denied this annexation saying, "The advantages of annexation do not outweigh the disadvantages."</p> <ul style="list-style-type: none"> • "There is no public need for the annexation of additional low density residential land." • Medium-high density zoning would have "negative traffic impact," "is not compatible in close proximity to OSU's agricultural lands" and "is not the desirable means of meeting a public need." • Annexation would not "encourage affordability and diversity." <p>NOT NEEDED: According to the <i>Corvallis Land Needs Analysis</i>, we will have a surplus of 341 acres of low density land in 2020.</p> <ul style="list-style-type: none"> • Planning Commission calculations indicate we currently have a surplus of 20 acres of medium-high density. • Last year the city issued building permits for 847 new dwelling units, including 197 single family homes, demonstrating that land is available inside Corvallis. <p>A POOR SITE FOR DEVELOPMENT: Steep slopes, fragile wetlands, and soil and drainage problems make developing Parkland difficult and expensive.</p> <ul style="list-style-type: none"> • There are no nearby schools. • The assisted living center would be far from stores and doctors' offices. <p>A SERIOUS DRAINAGE PROBLEM. The developer plans to send stormwater to Oak Creek via the OSU dairy property. The planning commission, concerned about "detrimental sediment flowing into area streams," noted "there is no assurance that the applicant and OSU will come to an agreement regarding stormwater drainage."</p> <p>INCREASED TRAFFIC: Residential sections along Circle west of Highland and Harrison west of 30th are already under pressure from more than 15,000 cars a day.</p> <ul style="list-style-type: none"> • According to the developer, the subdivision would add another 1300 trips a day to Circle. • There would be a significant increase on Harrison even without the proposed Oak Creek annexation. • The City's planners say the proposed zoning would allow 535 units on Parkland. Such development could almost double the increase in traffic. <p>This information furnished by Citizens Against Parkland Addition Annexation 3800 NW Harrison, Corvallis http://NoParklandAddition.webhop.org</p> <p style="text-align: center;"><i>(This information furnished by Citizens Against Parkland)</i></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>The printing of this argument does not constitute an endorsement by Benton County, nor does the county warrant the accuracy or truth of any statements made in the argument.</p> </div>	<p>BALLOT TITLE</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p style="text-align: center;">GENERAL OBLIGATION BONDS FOR WATER SYSTEM</p> <p>QUESTION: Shall the City be authorized to issue up to \$556,000 of general obligation bonds for water system improvements? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of Section 11 and 11b of Article XI of the Oregon Constitution.</p> <p>SUMMARY: A "yes" vote on this measure is a vote to increase taxes. This measure, (Phase II of a two phase project), will permit the City to issue up to \$556,000 in general obligation bonds to finance costs of capital construction and improvements related to the water system. Phase II construction includes addressing supply deficiencies, upgrading the Water Treatment Plant, replacement of existing aging supply lines and securing additional water sources. The bonds will mature over a period not to exceed forty years. The total estimated cost of the bonds, including interest estimated at 4.5% and a forty-year payment schedule is \$1,207,720. The annual property tax levy to pay the bonds for the city is estimated to be \$30,193. The bond cost estimate is \$1.61 per \$1,000 of assessed property value per year.</p> </div> <p>EXPLANATORY STATEMENT</p> <p>Approval of this measure by the voters would allow the City of Monroe to issue up to \$556,000 in general obligation bonds to finance costs of capital construction and improvements related to a new water system. The estimated tax rate would be \$1.61 for each \$1,000 assessed property value. The bonds would be paid off with a time period not to exceed 40 years from taxes on property within the City of Monroe.</p> <p>The City Council has referred this measure to the voters based upon conditions and requirements established by the Oregon Health Department's (OHD), Drinking Water Program, the Environmental Protection Agency, Department of Environmental Quality (DEQ) and the Federal Safe Drinking Water Act of 1996.</p> <p>This bond measure allows the City to work in cooperation with Rural Development on a water grant to improve the water quality, supply for fire protection, and water consumption needs for the next generations. Such bonds will secure the City's portion of a 25/75 matching grant. As part of project the bonds will pay for 25% (\$556,000) of the project and the grant will pay for 75% of the project (\$1,666,550).</p> <p>The construction project calls for improvements of the current water system. These improvements have been laid out in two phases. Phase I of the project included a 1,000,000 gallon water tank, replacing existing distribution lines and a dedicated supply line to the new water tank. Phase 2 will address water supply deficiencies, upgrades to the Treatment Plant, repair remaining aging distribution lines, and secure additional water sources.</p> <p>Construction is anticipated to begin in the third quarter of 2003 with voter approval of this bond measure.</p> <p style="text-align: center;"><i>(Submitted by City of Monroe)</i></p> <p style="text-align: center;">NO ARGUMENTS FOR OR AGAINST THIS MEASURE WERE FILED.</p>



<u>Race</u>	<u>Candidate</u>	<u>Votes</u>	<u>Percent</u>
02-26: CORVALLIS ANNEX PARKLAND ADDITION			
	YES	6,247	33.84 %
	NO	11,356	61.51 %
	Total	17,603	
	Under-Votes	825	4.47 %
	Over-Votes	33	0.18 %
	Total Votes Cast	18,461	
02-29: MONROE GO BOND FOR WATER SYSTEM			
	YES	78	42.16 %
	NO	99	53.51 %
	Total	177	
	Under-Votes	8	4.32 %
	Over-Votes	0	0.00 %
	Total Votes Cast	185	
02-20: PHILOMATH ANNEX INDUSTRIAL PARK			
	YES	1,110	71.02 %
	NO	344	22.01 %
	Total	1,454	
	Under-Votes	103	6.59 %
	Over-Votes	6	0.38 %
	Total Votes Cast	1,563	
02-21: PHILOMATH ANNEX DASTEUR PROPERTY			
	YES	1,136	72.68 %
	NO	322	20.60 %
	Total	1,458	
	Under-Votes	104	6.65 %
	Over-Votes	1	0.06 %
	Total Votes Cast	1,563	
02-22: PHILOMATH ANNEX PEKAR PROPERTY			
	YES	1,132	72.42 %
	NO	329	21.05 %
	Total	1,461	
	Under-Votes	102	6.53 %
	Over-Votes	0	0.00 %
	Total Votes Cast	1,563	
02-23: PHILOMATH ANNEX SMURFIT NEWSPRINT			
	YES	1,175	75.18 %
	NO	290	18.55 %
	Total	1,465	
	Under-Votes	98	6.27 %
	Over-Votes	0	0.00 %
	Total Votes Cast	1,563	
02-24: PHILOMATH ANNEX THOMPSON TIMBER/G			
	YES	1,082	69.23 %
	NO	379	24.25 %
	Total	1,461	
	Under-Votes	102	6.53 %
	Over-Votes	0	0.00 %
	Total Votes Cast	1,563	

September 21, 2015

To: Mayor Traber and Members of the Corvallis City Council
From: League of Women Voters of Corvallis, Laura Lahm Evenson, President
Re: Extension of City Services Outside of City Limits

The League of Women Voters of Corvallis is a strong supporter of comprehensive planning and of measures to ensure its effective, impartial, and lawful implementation.

The League understands that the City Staff is trying to find a way for the Council to allow Beit Am to proceed with plans to build their synagogue. However, we request you DENY the approval of the Ordinance before you. The applicant and project are immaterial to the issue at hand, which is extension of City services without annexation. Adoption of this Ordinance is likely to result in unforeseen consequences, as noted in the Staff Report. Such was the case with the Coronado property, and now the City must bear the cost of appeals.

There are two reasons for our opposition to this Ordinance.

1. Abrogates the City Charter and Land Development Code

In the mid-1970s, Corvallis voters passed two Charter Amendments addressing annexation. These amendments work hand in hand. The 1974 Amendment (Section 52) prohibits extension of City Services outside the city limits unless mandated by State law or by an Ordinance passed by City Council. The Amendment passed in 1976 (Section 53) states that *"Unless mandated by State law, annexation, delayed or otherwise, to the city of Corvallis may only be approved by a prior majority among the electorate."* Land Development Code (LDC) language was adopted to implement these amendments. The draft ordinance before you tonight is not in keeping with the provisions in Sections 52 and 53 of the City Charter. The City and its residents have relied on the process set forth by these amendments to provide orderly, cost-efficient growth for 40 years. The proposed Ordinance is so broad that it essentially disregards both Charter Amendments 52 and 53, by not providing for orderly extension of services, and by not requiring an annexation vote before building.

The LDC says *"...The City shall furnish no services or enter into any agreement or contract to furnish such services to property outside the corporate limits of the City unless the City Council shall have first adopted an ordinance approving the same..."*. The provision within Charter Amendment 52, which gives the Council the ability to write an ordinance, has been used for exceptions only, not for a blanket allowance. Since 1974, the city has used this provision rarely, if at all.

2. Setting a Precedent

Many properties in the urban growth boundary abut the City limits. If owners of property north of the Timberhill development choose to build in the County and request use of City water to meet the Fire Code, what happens to our public hearing and annexation process? The irrevocable annexation clause in this Ordinance removes Corvallis voters' ability to vote on annexations before building takes place. Additionally, with no specific timeline for annexation, annexation may never occur, costing the City valuable tax base.

We also wonder when, in this situation, does the public process set forth in Section 2.7.50 of the LDC take place? This process requires a Planning Commission hearing, for the Commission to make a recommendation to the Council, and a Council public hearing before a final decision is made.

In conclusion, League believes that if City water is necessary to meet the requirements of the Fire Code to allow building on the Beit Am property, it should be annexed to the City before building. In this case, because the decision by the Fire Marshal requiring extension of City water into the County is unprecedented, the City itself might consider placing the annexation on the ballot. Also we strongly recommend that the City, County and the Fire Marshal be required to inform all parties abutting the city, who are contemplating development, of all requirements at the *beginning* of the application process.

Thank you for the opportunity to express our concerns.

A handwritten signature in black ink, appearing to read "Laura Lahm Evenson". The signature is fluid and cursive, with a large initial "L" and "E".

Laura Lahm Evenson, President
League of Women Voters of Corvallis

Date: 21 September 2015
To: Corvallis Mayor and City Council
From: Marilyn Koenitzer; Corvallis 97333
Re: Extension of Services Outside the City Ordinance

Tonight I very strongly urge you deny the ordinance before you.

If you approve this ordinance, your decision will impact Corvallis more than any other land use decision before the Planning Commission and City Council in my memory. It changes the complete complexion of how we process land use decisions. It will remove decision-making from the citizens and councilors. City Staff has recommended against the Ordinance.

Implications of not including Charter Amendment 53 in your packet information.

Amendments 52 and 53 are linked. During the public hearing, I have not heard discussion of Amendment 53. It cannot be ignored because it requires a prior public vote on annexation. "Unless mandated by State law, annexation, delayed or otherwise, to the City of Corvallis may only be approved by a prior majority vote among the electorate." The proposed ordinance has no timeline for annexation, and the vote would be moot after extension of service and development has occurred.

Insufficient public notice for city wide implications.

The original draft Ordinance was Noticed by the city as an ordinance for a single entity asking for city water outside the city. It was treated as a minor housekeeping type issue without planning commission review. It has morphed into an ordinance with ramifications to every property contiguous to the City. This is both a land use and a legislative issue. If you do not deny, this Charter Amendment interpretation requires another public hearing.

Because I am concerned of city wide implications of this Ordinance, I attempted to find code language to address how ordinances such as this should be noticed. I could not find legislation in either the LDC or the Municipal Code that fits this situation.

LDC 2.0.40.01ⁱ, Legislative Hearings, applies to legislative land use actions. It appears to apply to adjacent landowners of land that will only be rezoned. Subsection c. requires notification for limitations put on the property, not EXPANSION of amenities (water) as allowed in this Ordinance.

I called the city attorneys' office to find notice requirements, and was referred to ORS 192.640ⁱⁱ Public Meetings¹ section. It calls for responsible notification. What I am saying is that the intent of these LDC legislative sections is to notify if zoning or limiting actions are happening to property. Apparently, it was not foreseen in 1974 that water would be extended to county property and there would be no provision for adequate hearings. The city should err on the side of caution when promulgating laws with wide application after stating in public notifications that it was extending water use for one entity only. Ordinances, especially those with city wide land use implications, should be carefully written after extensive public input.

In addition, Ms. Robin Pekala, of Beit Am, requested before you at the last council meeting, to continue the hearing. Her plea was not acknowledged or acted upon. If you do not deny, then this subject needs another public hearing with broad notification.

ⁱCHAPTER 2.0 PUBLIC HEARINGS; Section 2.0.10 BACKGROUND

The following procedures establish the conduct of legislative and quasi-judicial public hearings required by the provisions of this Code. Where this Code and a provision of state law address the same subject, the requirement of state law shall take precedence.

Section 2.0.20 PURPOSES

- a. Describe rules of conduct, notice requirements, order of proceedings, and action required for legislative and quasi-judicial hearings; and
- b. Provide clear and consistent rules to ensure that the legal rights of individual property owners and the general public are protected.

Section 2.0.30 DETERMINATION OF HEARING TYPE

Within seven days from the date of the Director's request for a hearing, the City Attorney shall determine whether a legislative or a quasi-judicial hearing is required. The decision shall be based upon consideration of applicable state regulations and relevant court decisions.

Section 2.0.40

2.0.40.01 LEGISLATIVE HEARINGS

Notice

a. Notice Published in Newspaper

Notice of the hearing shall be published in a newspaper of general circulation at least 10 days prior to the hearing and shall contain the following information:

1. Terms of, or a statement of, the proposed public action;
2. Department of the City from which additional information can be obtained; and
3. Time, place, date, and methods for presentation of views by interested persons.

b. Notice Requirements Pursuant to ORS 227.175

Notice shall be provided to property owners affected by legislative land use actions in the following manner:

1. Notice Recipients

The statutory notices required by Oregon Revised Statute 227.175, as amended over time, shall be provided in addition to any other notice required by the Code. These notices include:

- a) Notice to all owners of property that will be rezoned to comply with a proposed legislative amendment to the Comprehensive Plan, when the proposed legislative amendment is not required as part of Periodic Review;
- b) Notice to a
If owners of property that will be rezoned as a result of a proposed ordinance;
- c) Notice to all owners of property that will be affected by a text amendment that limits or prohibits uses permitted by that zone, when the proposed amendment is not required as part of Periodic Review; and
- d) Notice to all owners of property that will be rezoned as the result of a proposed amendment to the Comprehensive Plan or Zoning Ordinance that is a component of the Periodic Review process.

2. Timing of Notices

Notices under "1.a," "1.b," and "1.c," above, shall be sent within 20 to 40 days before the first Planning Commission public hearing to review the proposed draft ordinance or amendment. Notices under "1.d," above, shall be sent 30 days before the first Planning Commission public hearing to review the proposed draft ordinance or amendment.

4. Renotification Required

If, during the legislative land use action for which notices have been provided in accordance with ORS 227.175, as amended over time, the hearing authority has rezoned property not previously noticed, or further limited or prohibited uses not previously identified, then re-notification shall occur in accordance with these provisions.

ⁱⁱ **ORS192.640 Public notice required; special notice for executive sessions, special or emergency meetings.** (1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

Koenitzer, 21 September 2015

September 24, 2015

To: Corvallis City Council
From: David Eckert, Corvallis, OR 97330
Subject: Proposed Ordinance - City Water Service outside City Limits

Today I consulted with City Planning staff, a City engineer, and the City Manager to find answers to questions I have about the proposed ordinance. This is what I discovered:

1. Since there is no time restriction listed when an annexation must be brought before voters when instituting this ordinance, there is no obligation for the City to require annexation. This portion of the ordinance is, therefore, without any teeth or meaning.
I recommend a fixed, one-year time limit for the annexation requirement.
2. If the site owner proceeds through planning approval and development phases prior to annexation, they will be subject only to County standards, not to City standards.
3. The ordinance does not require wastewater hook up for the intended properties in this ordinance and, therefore, the site owners would get City water, a theoretically unlimited source of water, without City wastewater hookups. They would rely on very limited septic systems to treat a potentially large source of water. Our City government has no staff or procedures to work with septic fields.
4. Once the site is annexed into the City, the site will then be required to hookup and use City wastewater. This means that if this ordinance is passed and Beit Am installs a septic system during development, then upon annexation, they will need to hook up City wastewater post-development. And that is a lot more expensive than pre-development hookup. **I recommend requiring wastewater hookup, as well as water hookup, as a stipulation of this proposed ordinance.**
5. By developing with County standards, the site will not be required to follow the more stringent and effective City standards for stormwater management, parking features, pedestrian and bicycle accommodations, landscape design and natural areas protection. installing City-substandard features will ultimately have a negative impact upon neighboring properties, the local environment and our City culture. We are currently struggling with poorly conceived annexations. **I recommend requiring adherence to City standards while planning and developing a property committed to annexation.**
6. City staff cannot and should not be deemed accountable for the current last-minute awareness of the property owner regarding County and City codes. Such accountability must rest with the paid consultant of the property owner whose job it is to fully read and understand all aspects of City code. This paid consultant may be an architect, engineer or planner who is tasked with ensuring the plan is compliant with all relevant codes.
7. Staff indicated this ordinance is entering into uncharted territory* of which the unintended consequences cannot be foreseen. **I recommend that any new ordinance ensure that the new property fully conforms to the needs of the City, not the County.**

*The only sites outside the City that have municipal water without municipal wastewater were those sites along the Rock Creek water delivery line. The City bargained easements for water hookups. These hookups were granted long before the 1974 Amendment (Section 52). Most are well outside of the City and do not impact the City environment.

From: Mike Blair

Sent: Monday, September 21, 2015 4:50 PM

To: 'mayorandcitycouncil@corvallisoregon.gov' <mayorandcitycouncil@corvallisoregon.gov>

Subject: Temporary Mens' Shelter on 4th Street

Dear Mayor and Councilors:

I'm writing this email regarding Corvallis Housing First, and both the temporary men's shelter they have been running and the proposed permanent shelter on 4th St. I understand that they have "postponed" plans to build right away. Many thoughtful and heartfelt Corvallis Citizens feel that this location, adjacent to both an historic district and the downtown "heart" of our city, is simply wrong. Many of us are also concerned about the continuance of a winter shelter in this location. Not only are the negative impacts felt by the homeowners and businesses, but CHF's "program" is flawed for those they are trying to serve as well, enabling a cycle of addiction and negative behavior with no real attempt to help these chronically homeless people. Close proximity to a liquor store, a Dari-mart, and a Safeway only compounds the cycle and perpetuates the negativity for all. Many downtown employees and neighborhood residents have expressed their safety concerns. The reality is that property values in the vicinity of the temporary shelter have already been negatively impacted over the past three years.

There have been some discussions of alternative solutions, but they have been focused on the proposed permanent shelter, leaving the question about the temporary shelter apparently still an option. I would encourage you to please help find a better suited location, and a better qualified group, to run this type of "damp" shelter, whether temporary or permanent, for the future of all of our citizens.

I am asking the Council and Mayor to impose a moratorium on issuing another temporary permit for the operation of the shelter at this location, until a thorough study has been completed related to the impacts on the downtown and Avery-Helm Historic District.

Respectfully Submitted,

Mike Blair

Corvallis

MAYOR & COUNCIL EMAIL

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Ordinance allowing City Water extended beyond the City Limits

- *To:* ward8@xx
- *Subject:* Ordinance allowing City Water extended beyond the City Limits
- *From:* Vanessa Blackstone <timberridgecorvallis@xxxxxxxx>
- *Date:* Mon, 21 Sep 2015 12:38:36 -0700
- *Authentication-results:* zmail-mta01.peak.org (amavisd-new); dkim=pass (2048-bit key) header.d=gmail.com
- *Cc:* mayor@xx

Hello Councilman Hann,

My Neighborhood Association has been informed of this Ordinance this past Friday; we did not receive a clear notification regarding a public hearing on this topic. The notification was regarding Beit Am, and not a new ordinance. We discovered the Ordinance when checking the City Council Agenda for tonight's meeting. As such, we were not able to provide comment during the actual public hearing at the previous Council Meeting. In fact, in reviewing the meeting minutes, it is obvious most of Corvallis did not know about this public hearing or there would have been more speakers either for or against.

My neighborhood association does not support this ordinance as written. While the situation the Beit Am property owners find themselves in is unfortunate, it does not justify an attempt to bypass Charter 52 just to aid one property owner while opening the door for unforeseen abuses of this ordinance. The property owners already have an avenue to connect to City Water by applying for annexation. It may take them longer than they anticipated, but that is the process. By passing this ordinance as written, it forces the voters to annex property that was already granted City services OR allow property to acquire City services without paying City taxes. This "alternative process to Chapter 52" places the cart before the horse. It also sets a dangerous precedent that the Council can provide other alternative process to Chapter 52 that may be less narrow and discretionary.

Some of our membership have stated that the requirements the Fire Marshall is placing on Beit Am are not actual Fire Code rules, but guidelines from the insurance. Perhaps you know the section of Fire Code that the Fire Marshall based his decision upon. I have not verified this statement, but if this is

ATTACHMENT H

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true, then this whole situation is a misinterpretation of fire code, and Beit Am needs to proceed along that route rather than seek an alteration on a voter measure that has been in place for decades.

I would suggest (though not necessarily my association, as I haven't vetted the idea with them), that instead of providing an alternate means to gain City Services, the Council considers a way for property owners in the Urban Growth Boundary to apply for "special vote" annexations when they cannot wait for the typical May or November submissions. Rules that apply to those annexations could be similar to those in this ordinance in addition to something like this: to get a special vote property owners must demonstrate a need for City Services, such as a requirement by the Fire Marshall. There could be unforeseen abuses of this as well, but at least it goes to the voters, which keeps to the heart of Chapter 52.

I will be speaking during Visitor Propositions at the meeting this evening, but wanted to provide this input to you in advance in case there was additional actions you wanted to take prior to the "unfinished business" segment of tonight's agenda.

Vanessa Blackstone

President

Timber Ridge Neighborhood Association

timberridgecorvallis.wordpress.com

"Like" us on Facebook at <https://www.facebook.com/timberridgecorvallis/info>

- Prev by Date: **Re: HOC meetings**
- Next by Date: **Press release: Local history author presentation at Corvallis-Benton County Public Library on 10/21/15**
- Previous by thread: **Re: HOC meetings**
- Next by thread: **Press release: Local history author presentation at Corvallis-Benton County Public Library on 10/21/15**
- Index(es):
 - **Date**
 - **Thread**

Mayor Traber, City Councilors, and Staff:

My name is Ken Krane. I have lived in Corvallis for more than 40 years. I am a member of Congregation Beit Am and chair of the design committee for our new synagogue building.

It has been very distressing to me to see how a bureaucratic molehill has been allowed to develop into a mountain. The original narrow focus on fire suppression issues has been allowed to develop into a discussion of issues fundamental to the city's charter and its growth capabilities through annexation. Beit Am did not come before you to request access to city water. Instead, we sought resolution of a conflict between two city policies: the fire marshall's insistence that we use city water for fire suppression and the city's charter that forbids city services being delivered to property outside the city limits. We do not seek to overturn the city's charter nor to create a precedent that will cause future city councils to be forced to deal with a myriad of requests from county landowners for access to city services.

We have a well on our property that is perfectly adequate for all of our needs, but our plans to build an underground cistern for fire suppression were found to be inadequate by the fire marshall. Adequate fire suppression on our property is clearly in the city's interest, because a fire could rapidly spread over our heavily wooded hillside and threaten the adjacent city homes on Clarence Circle and Elizabeth Place. Fire suppression is in everyone's interest, but domestic city water is being sought by no one and is in no one's interest to be provided to our property. Why then are we even having this discussion? We respectfully suggest that rather than dealing with global issues of the city charter or annexation, that instead you focus on the fire suppression issue. Is it possible to provide water for fire suppression within the guidelines of the city charter? In such a case there would be no actual usage of the water except in the event of a fire, in which case everyone would presumably be in favor of its use.

Is it not possible to put a dedicated fire suppression water line on our property? After all, if the Campus Crest development were completed and Circle Boulevard had been put through, there would presumably be a fire hydrant on Circle close to our property, and this issue would not arise. Would it be a violation of the city charter to use city water from the hydrant to put out a fire on our county property? A dedicated fire suppression water line would in the interim serve the same purpose as a fire hydrant. We recognize that city staff are reluctant to place a stub water line, but surely there are ways to mitigate its effect on the city water system: for example, a backflow valve and an agreement to flush the line periodically (similar to the way that hydrants are now flushed periodically).

We have heard the many sincere voices requesting that we be annexed into the city before we build. We do not see this as a viable solution, because there is no certainty that the annexation vote would pass. It would mean delaying by at least a year before a vote could even be taken, and then if it were to pass starting the permitting process, which is already 8 months underway in the county, all over again in the city. And if the vote were to fail, we would be back here again in a year or two having the same discussion. In our Jewish liturgy, we find the phrase often quoted by Martin Luther King: "justice delayed is justice denied." That is surely the case here.

Thank you for your attention.

September 21, 2015

Pg 1

To: The Mayor and City Council
From: Marie and Jim Wilson Corvallis Oregon
RE: Ordinance 2015 Amending Corvallis Municipal Code Section 3.010.50

I have reviewed the Staff Report and City Council Meeting.

I request that the council retain our existing charter amendment and reject the proposed ordinance change.

I believe there are three other options available.

1: Perhaps a broader interpretation of whether an adequate and reliable and water supply exist may resolve the issue. The Fire Marshall's interpretation based on 1000 ft criteria is an evaluation for (ISO) Insurance Services Office. This is a data - base for the insurance industry, which is risk based, not a fire code. The Fire Marshall has latitude in this interpretation. It is not a shall or should, rather it may be a better best practices. This water request is Precedent Setting.

2: If the project were built 100 ft further out it could be adequately addressed with a storage tank system.

3: The traditional annexation process could be implemented.

The proposed ordinance change would create a council abdication of its authority and decision making as an elected body. All future annexation requests, extension of services, and fees would be interpreted and decided by an administrative body. The controversy before us is a perfect example of an administrative bodies interpretation.

The irrevocable contract for annexation (delayed annexation) is non-binding on future councils.

Once potable water/ fire protection is provided, unless the proponent requests annexation, they cannot be forced to annex unless it is a health annexation. If City water is provided in the county, it becomes less attractive to annex. Two and 5-acre parcels would hamstring orderly growth and densities, which creates an impediment of orderly contiguous annexations. An example is Highland Dell who chooses not to be annexed. This would take us back forty years and the deleterious effect would be leapfrog water and land use requests throughout the entire urban growth boundary.

This Ordinance has City Wide Ramifications.

Public notices and Saturdays GT Article described as a Beit Am water issue requesting connection to city water. There has been no notification to neighborhood associations, or notice of public hearings on an ordinance proposal that impacts the entire city and our right to vote on annexations.

The city manager states this is not project driven or specific, yet that is precisely how the hearing has been announce. This is precisely why we are here, and possibly creating an ill-conceived solution, which serves no one well. If the intent is other than a solution to the applicant it should be announced as such and a process should ensue.

I believe such an ordinance may hold the city open to a myriad of legal challenges, and appeals now and in the future. This may cause lengthy delays to the project being built.

While the Council can implement an ordinance, it does not mean it should.

No action should be taken that compromises the intent of our City Charter Amendment 52 and 53.

While we all want good will and a resolution for and with our neighbors, That cannot be achieved through an ordinance that renders our Charter Amendment ineffectual

Sincerely,
Marie and Jim Wilson