



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

CITY OF CORVALLIS
OSU-RELATED PLAN REVIEW TASK FORCE MINUTES
September 28, 2015

Present

Planning Commissioners:

Jennifer Gervais, *Chair*

Ron Sessions

Jasmin Woodside

City Councilors:

Barbara Bull

Frank Hann

Excused Absence

Paul Woods

Roan Hogg

Staff

Kevin Young, Planning Division Manager

Claire Pate, Recorder

Visitors:

Jim Day, Gazette-Times

Jeff Hess

Rebecca Houghtaling, OSU

Dave Bella

Charles Vars

I. WELCOME AND INTRODUCTIONS.

The OSU-Related Plan Review Task Force (TF) was called to order by Chair Jennifer Gervais at 6:10 p.m. in the Madison Avenue Meeting Room. Introductions were made.

II. PUBLIC INPUT OPPORTUNITY.

Rebecca Houghtaling, OSU senior planner, distributed copies of her testimony (**Attachment A**), and read the text into the record. In summary, OSU encouraged the TF to accept staff's recommendation for proceeding with adoption of the draft Comprehensive Plan (CP) revisions. Their intent would be to use the revised CP language as a starting point as they work through developing their District Plan and other LDC text amendments in collaboration with the City. They agree with staff that adoption of the Comprehensive Plan revisions need not terminate the Interim Development Agreement.

Councilor Bull asked for clarification as to whether the Interim Development Agreement would remain in place if Council proceeded with adoption of the Comprehensive Plan revisions. She expressed her extreme concern about having the interim agreement lapse prior to finishing the work of revising the Land Development Code (LDC) provisions relating to OSU. After further discussion, the consensus was that all parties were in agreement that it was OSU's intent to have the Interim Development Agreement remain in effect until the text amendment work was completed, whether it necessitated rewriting the agreement or not.

Jeff Hess said that as he read through the draft of proposed revisions he got confused about the intent of the TF. He referred to proposed finding 5.2.g, and said it seemed like a narrative statement. His

understanding is that the TF was formed because something went wrong. There was an explosion in population brought on by the OSU expansion without any planning in place. The State's intent with master planning requirements is to ensure that there is a plan in place prior to development taking place in order to reduce the impact to the community. He did not believe that this failure was captured in the draft language.

He also referred to finding 9.7.d, and felt that the wording of the finding was true but implied that the City was throwing in the towel about the issue. He suggested that the wording should include something about the fact that the resultant inaccuracy of OSU's long-range forecast of student enrolment meant that the City did not have the opportunity to plan for possible impacts of OSU's apparent intent to grow significantly. He said that the same thing is happening in Bend right now, with OSU's plans for the new campus. They have submitted plans for a ten-acre parcel, but have the right to purchase a 48-acre parcel adjacent to it. Since they have not submitted plans for that parcel, they avoid the master plan requirement altogether.

The City needs to be forthright and assertive in the face of the fact that OSU has a very strong legal team which they use to their advantage. The narrative should be clear that the City was disadvantaged by not being able to plan for the larger growth in student enrolment.

Councilor Bull said that they have had discussions along these lines. She feels that requirements for monitoring are important, and she will be advocating for having an annual report that goes directly to City Council which will report on forecasts and actual enrolment data, along with an analysis. They will need to work out where such a policy statement belongs - whether in Council policy, the Comprehensive Plan or as part of the Land Development Code.

Councilor Hann suggested that if Mr. Hess had specific wording for a finding that might capture an issue he feels has not been captured, he should submit it for consideration as deliberations on the Comprehensive Plan revisions continue at the next level. Chair Gervais explained the difference between the Comprehensive Plan findings and policies, and Land Development Code text amendments which will follow, suggesting that his concerns might be better addressed as part of the latter effort soon to come.

Dave Bella said that he agreed with Mr. Hess about the issues he addressed, but realized it was hard to find the right place to include those sentiments. There is no intent to criticize any individuals because they are all good people, but as his research has shown the whole can sometimes be less than the sum of the parts.

III. FINALIZATION OF TASK FORCE (TF) RECOMMENDED FINDINGS AND POLICIES

Chair Gervais asked the TF members for any last minute revisions that might be needed to any of the attached documents. Though Commissioner Woods was not in attendance, he had submitted an email giving his approval for the documents.

Three concerns were noted:

- Finding 13.2.k: The numbers still need to be verified by OSU staff.
- Proposed new policy 9.4.11: Councilor Bull preferred that the policy be written so that consideration to impacts on parks, open space and other infrastructure be given at any time that

there was an increase in residential densities. By consensus, the TF agreed to the following revision: Strike the phrase “*through the Comprehensive Plan Amendment process...*”.

- Attachment E, “Process Used by the OSU-Related Task Force”: In 4th paragraph, 4th line, add “Plan” after “*Comprehensive.*”

IV. REVIEW OF “ISSUES TO BE ADDRESSED” DOCUMENT

Manager Young said he had received a response back from Benton County stating that private, for-profit enterprises on campus do pay property taxes, which addressed Issue #13.

Councilor Hann suggested adding the issues raised earlier about the potential for conflicts arising around the timing of implementing the Comprehensive Plan Amendments and the submission of the OSU District Plan. Manager Young said that discussion of the next item on the agenda might resolve concerns about the issue, though he was fine to have it flagged as part of the “Issues to be Addressed.”

Councilor Bull suggested that another issue was the process for consideration of the OSU District Plan and the Land Development Code text amendments that will implement it. After further discussion it was agreed to add two additional issues to the list:

- Potential for conflict between adoption of the Comprehensive Plan amendments and the District Plan submission, including the issue of the District Plan being adopted concurrently with implementing regulations.
- The fate of the interim parking agreement.

Since some of the issues were not specific to the Comprehensive Plan, it was also agreed that the name of the document should be changed to “*Remaining Issues to be Addressed in Updates to the Comprehensive Plan or Implementing Documents.*”

Hearing no further comments or requests, Chair Gervais asked for a motion with regard to the documents.

MOTION: Hann moved to accept the current iteration of the “*OSU-Related Comprehensive Plan Review Task Force – Draft Proposed Revisions to Findings and Policies (Version 6.1)*”, including the revisions noted at the meeting; along with the document entitled “*Remaining Issues to be Addressed in Updates to the Comprehensive Plan or Implementing Documents*”; and to forward them to City Council for its review and consideration. The motion passed unanimously.

V. DISCUSSION REGARDING THE RECOMMENDED PROCESS FOR CONSIDERATION OF COMP PLAN AMENDMENTS.

Chair Gervais asked the members for their input with regard to the process recommendations contained in Manager Young’s memorandum. Staff had presented them with two likely recommendations for City Council: 1) that they initiate only a Comprehensive Plan Amendment (CPA) process; or 2) that they initiate concurrent Comprehensive Plan and Land Development Code (LDC) Amendments to implement the Comprehensive Plan. Manager Young added that another option would be to not make a recommendation.

Councilor Hann said that if they recommend that City Council initiate a CPA process they would then likely refer the documents to the Planning Commission for review and recommendation back to City Council. If a process is initiated to look at the LDC potential changes as well, it seems a bit odd to simply wait for OSU to tell the City what they would like to see in the LDC. It does not seem appropriate to ask OSU to write the text amendments, but certainly to work together with them on the rewrites.

Manager Young said that part of the problem is that the LDC text amendments need to be written in order to implement the policies. However, if both efforts are being done at the same time, it would be like trying to shoot at a moving target. It would be easier to have the Comprehensive Plan Amendments in place before making the LDC text amendments. OSU has been engaged in the Comprehensive Plan updates process, and has an understanding of what the issues are. One option is that they could draft new code language for consideration by the City, understanding that the City is not obliged to approve what is proposed unless it is determined that it meets the needs of the community.

If staff does the work, the process will be lengthy. Likely, a new Task Force would be set up with staff involved as a resource and for support. A key question is what level of engagement OSU staff should have in the process. It seems that it is time to start working through what the process should be, and it is a conversation that might be better suited for the City Council leadership and OSU to have. It needs to be a process that meets both the community and OSU needs.

Commissioner Woodside said that one of the key issues has been transparency, and it might continue to be an issue if the City does not initiate the work on the LDC text amendments and instead leaves it to OSU. Commissioner Sessions stated his belief that this should be a step-by-step process, with the CPA considered and adopted first, then followed by the LDC text amendment process.

Councilor Bull said it was her understanding that when City Council adopted the interim agreement, the City Manager and legal staff said it was perfectly acceptable to go ahead and draft appropriate changes to the CP, but hold off final adoption until the implementing LDC text amendments were ready for adoption. They could then be adopted at the same time, and the Interim Agreement would remain in place until they were adopted. She felt they needed to hear from the legal staff before they could determine a path. Chair Gervais concurred that the legal staff needed to look at the Interim Agreement along with the memo submitted by OSU at the meeting and advise City Council.

Chair Gervais said that the intent of the TF all along was to work on the CP policies and findings, and it seemed appropriate to refer them on to City Council for their review and continuation of the adoption process. City Council would then have to decide which route to take with regard to adoption of the CP revisions versus holding off until LDC text amendments were complete.

Councilor Bull suggested that the staff memo regarding the process should also contain legal advice about how the Interim Agreement would be affected by either course of action. Councilor Hann opined that he would like the TF to suggest that City Council begin review and moving forward with the CPA's, and then consider mechanisms for review of LDC Chapter 3.36 to determine what might be in conflict with the revised CP Policies and Findings. That process could involve staff and representatives of the Planning Commission, as well as OSU representatives. It would be up to the City Manager to determine staff resources for the effort.

Manager Young suggested that the process memo might be more appropriately written by Chair Gervais. That memo could include the TF recommendation as well as some of the considerations down the road to which thought will have to be given.

In response to a question from Councilor Bull, Manager Young said that the process for review and adoption of the CPAs – once City Council gives direction - includes a notice to Department of Land Conservation and Development (DLCD); review by Planning Commission which makes a recommendation to City Council; then back to City Council for final consideration. It is a three- to four-month process. DLCD sees the draft language, and it is understood that changes might occur to the draft. The legal requirement is that the notice to DLCD has to be sent 35 days prior to the first evidentiary hearing.

There was a brief discussion about the potential for making code changes to implement the existing CP policies to meet more immediate needs, such as for parking requirements; but it was determined that this was outside the TF's consideration and that there was potential for muddying the works with running parallel code adoption processes.

Chair Gervais said that she would include in her letter to Council all of the considerations that have been brought up. They include the timing and process issues; legal issues regarding the termination of the Interim Agreement; and transparency concerns relating to OSU developing proposed LDC text amendments along with the District Plan.

Chair Gervais acknowledged Councilor Bull's desire to move both processes forward, but suggested that this should be a City Council discussion. Her understanding was that there was TF consensus around handing over their work to City Council, along with a letter which would include issues to be addressed and concerns that have been raised. In response to a request by Councilor Bull, Manager Young said he would check with DLCD for their opinion about having the CP and LDC amendment processes running concurrently.

Chair Gervais gave a brief rundown of what her letter would include, and Councilor Hann suggested that it also include an offer of TF member availability to attend a City Council work session if desired. Chair Gervais said she would send out a draft of the cover letter, and asked that the TF members reply to Manager Young with any comments.

VI. REVIEW OF MINUTES.

September 17, 2015:

Chair Gervais suggested the following two revisions to page 4, Section V, 2nd paragraph:

1st sentence: strike "*of them to do*" and insert "*the developer to make...*"

3rd sentence: strike "*making the path wider*" and insert "*allowing a wider path...*".

Motion made by Commissioner Hann, seconded by Commissioner Sessions, to approve the minutes, as revised. The motion passed unanimously.

VII. PUBLIC INPUT OPPORTUNITY.

Dave Bella thanked the TF members for their work. He added that his group had also done a lot of work on a vision of creating a less car-dependent, more walkable community, and they would be submitting a final draft of their illustrated proposal. He again urged the commissioners and councilors to be open to more creative approaches to providing transportation alternatives, such as their vision

for using bikes and lightweight trams as people movers. He does not want the ideas to get lost as policy makers work out the details for Comprehensive Plan and code amendments relating to OSU.

Councilor Bull encouraged him to be a part of the Transportation Systems Plan Update process, and to continue finding opportunities to share the vision. Commissioner Woodside suggested that he also share the proposal with the Bicycle and Pedestrian Advisory Board. Councilor Hann added that he appreciated the work they had done, and they might consider adding some ballpark numbers to the proposal so that budgetary impacts of such a strategy could be considered as well.

VII. ADJOURNMENT.

The meeting was adjourned at 8:45pm.

SEP 28 2015

OSU Testimony for September 28, 2015 Community Development
OSU-Related Plan Review Task Force Meeting Planning Division

OSU appreciates the thoughtful work of the Task Force over the past 7 months.

Tonight you will be reviewing Kevin Young's memorandum dated September 25th and included as Attachment C in your packets. We appreciate Mr. Young's assessment and would encourage you to consider his recommendation.

OSU intends to work with the City in the near future to submit multiple land use applications associated with the District Plan, one of which will be a text amendment to the Land Development Code. We anticipate using your draft recommendations before us tonight as a starting point for that update and will be working on that over the next several months.

Thus, we concur with Mr. Young's recommendation that the City move forward with the Comprehensive Plan amendment process but work with OSU on the zoning code amendments that will come on the tail of this Comprehensive Plan work.

As to the timing of these Comprehensive Plan amendments and those later zoning amendments, we concur with staff that this Comprehensive Plan need not terminate the Interim Parking Development Agreement. After your amendments are reviewed by the Planning Commission and City Council, the Council can simply elect to accept the amendments and make them effective at a future date. That date can be specified, such as 30 days following OSU's submittal of a LDC text amendment or a specific date. Or we can just agree together that the Development Agreement does not terminate until the zoning code is adopted.

To this end:

1. We concur with the staff that the City initiate only a Comprehensive Plan Amendment process at this time, and;
2. To avoid early termination of the Parking Development Agreement, OSU recommends that following public review by the Planning Commission and the City Council, that the Council accepts the amendments with an effective implementation date of either 30 days following OSU's submittal of a LDC text amendment associated with the District Plan or a date certain, whichever comes first. OSU and the City could also just agree that the agreement does not terminate with adoption of the Comprehensive Plan.