



**CORVALLIS
CITY COUNCIL AGENDA**

January 19, 2016

6:30 pm

[Executive Session immediately following regular meeting]

Downtown Fire Station

400 NW Harrison Boulevard

*[Note: The order of business may be revised at the Mayor's discretion.
Due to time constraints, items on the agenda not considered
will be continued to the next regularly scheduled Council meeting.]*

COUNCIL ACTION

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PROCLAMATION / PRESENTATION / RECOGNITION

VIII. UNFINISHED BUSINESS

A. Kings Boulevard Extension deliberations [direction]

V. VISITORS' PROPOSITIONS – This is an opportunity for visitors to address the City Council on subjects not related to a public hearing before the Council. Each speaker is limited to three minutes unless otherwise granted by the Mayor. Visitors' Propositions will continue following any scheduled public hearings, if necessary.

VI. CONSENT AGENDA – The following items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member (or a citizen through a Council member) so requests, in which case the item will be removed from the Consent Agenda and considered separately. If any item involves a potential conflict of interest, Council members should so note before adoption of the Consent Agenda.

A. Reading of Minutes

1. City Council Meeting – January 4, 2016
2. City Council Work Session – January 7, 2016
3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Airport Advisory Board – December 1, 2015
 - b. Bicycle and Pedestrian Advisory Board – December 4, 2015
 - c. Housing and Community Development Advisory Board – December 16, 2015
 - d. King Legacy Advisory Board – December 15, 2015

- B. Announcement of vacancies on the Budget Commission (Nyehart), Downtown Advisory Board (Whitcombe, Wiener), and Parks, Natural Areas, and Recreation Advisory Board (Hill)
- C. Announcement of appointment to the Vision and Action Plan Steering Committee (Mbacke)
- D. Confirmation of appointment to the Parks, Natural Areas, and Recreation Advisory Board (Curtin)
- E. Acknowledgement of Transit Operations Fee annual adjustment
- F. Confirmation of an Executive Session immediately following the Council meeting under ORS 192.660(2)(h) (status of pending litigation or litigation likely to be filed)

VII. ITEMS REMOVED FROM CONSENT AGENDA

VIII. UNFINISHED BUSINESS, CONTINUED

- B. Selection of Planning Commissioners [direction]

IX. STANDING COMMITTEE REPORTS, ORDINANCES, RESOLUTIONS, AND MOTIONS – None

X. MAYOR, COUNCIL, AND STAFF REPORTS

- A. Mayor's Reports
- B. Council Reports
 - Task Force minutes and meeting materials are available from the Archives link on the City's website.*
 - 1. Climate Action Task Force [information]
 - 2. Housing Development Task Force [information]
 - 3. Sustainable Budget Task Force [information]
 - 4. Vision and Action Plan Steering Committee [information]
 - 5. Consideration of a resolution proposed by Councilor Glassmire stating the City welcomes people of goodwill from all religions and all cultures, particularly Muslims [possible direction]
 - 6. Other Council Reports [information]
- C. Staff Reports
 - 1. City Manager's Report – December 2015 [information]
 - 2. Council goals update [information]
 - 3. Request to add one member to the Community Relations Advisory Group [possible direction]

XI. NEW BUSINESS**XII. PUBLIC HEARINGS – None****XIII. RECESS TO EXECUTIVE SESSION**

- A. ORS 192.660(2)(h) (status of pending litigation or litigation likely to be filed)
[information]

XIV. POSSIBLE ACTION FROM EXECUTIVE SESSION

- A. ORS 192.660(2)(h) (status of pending litigation or litigation likely to be filed)
[possible direction]

XV. ADJOURNMENT

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

A Community That Honors Diversity

TO: City Council for January 19, 2016
FROM: Kent Weiss, Interim Community Development Director *KAW*
DATE: January 14, 2016
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
SUBJECT: Public Hearing for an Appeal of a Planning Commission
Decision (Kings Boulevard Extension – PLD15-00003)



Action Requested:

Staff recommends Council consider the attached materials related to the NW Kings Boulevard Extension.

Discussion:

Attached to this memo are the following documents:

- Staff responses to Council questions
 - Exhibit CCQ-1 – NW Kings Boulevard dedication staff review letter (dated 12/20/13)
 - Exhibit CCQ-2 – The Hub application staff review letter (dated 6/6/14)
 - Exhibit CCQ-3 – Maps showing a portion of North Corvallis
 - Exhibit CCQ-4 – Recommended Conditions of Approval
- Memo from City Attorney's Office re: right of way dedication (dated 1/13/16)
- Applicant's final written argument (dated 1/11/16)
- Additional written testimony received before the close of the public record

Recommendation:

City Council consider the attached materials as well as existing information on the record and prepare for a decision on this application based on applicable decision criteria.

Budget Impact:

None.

Staff Responses to Questions from City Councilors regarding the Kings Boulevard Extension application (PLD15-00003)

Following the City Council public hearing on January 4, 2016, City Councilors provided a list of questions to City staff. Subsequently, additional questions were received from City Councilors via email. The following list includes all questions received and in some cases consolidates questions from more than one Councilor (Councilors who asked questions have been identified in parentheses). The questions have been organized into five broad categories: Background, Process, Staff Analysis, Natural Features, and Other. Staff responses follow each question. Staff will be available to answer additional questions from the City Council during their deliberations on the application at the January 19, 2016, City Council meeting.

Background

1. What was the responsibility of the City in choosing this route? (Beilstein)

In 2006, the previous owner of the Timberhill properties in question initiated conversations with City staff regarding the alignment for Kings Boulevard through the site. At the time, the owners wished to subdivide the property to allow for a number of development phases. The issue to be resolved was whether there was sufficient development potential in the remaining portions of Timberhill for the developer to fund construction of Kings Boulevard, as a necessary component of development in the area. A number of road alignments were examined through that exercise, some of which were similar to the three options studied for this Kings Extension application. However, the Community Development Director made it clear to the owners that the final alignment of Kings Boulevard through this area would be established through a public hearing process upon review of a Detailed Development Plan. Associated analysis of development potential and road costs determined that there was sufficient development potential in the area to fund the construction of Kings Boulevard through this area in conjunction with development to planned densities. The anticipated land division did not occur and the majority of the prior owner's land holdings in this area were sold to the current owners.

When the current owners of the property approached City staff with a proposal to dedicate right-of-way for the alignment of Kings Boulevard, in 2013, they provided the three options that have been included with this land use application, along with analysis of resultant impacts to natural features. Staff reviewed these materials and determined that acceptance of the proposed right-of-way dedication was in the interest of the City, based on adopted City plans calling for the extension of Kings Blvd through this site, but notified the applicant that, "When these segments of roadway are developed, the alignment may be changed if the change proves to be more efficient with less impact to natural features. The proposed alignment can be dedicated at that time and the original unused right of way can be vacated" (see **Exhibit CCQ-1**). Based on the information presented to City staff at that time, staff found the proposed alignment offered the best balance of minimizing impacts to natural features, meeting facility design standards, and minimizing cuts and fills (which impact natural features in many areas). In conducting the review, staff felt that the options presented generally reflected the three most likely road alignment options, given the location of natural features, topography, and fixed points of connection at the north and south ends of Kings Blvd. and from 29th Street to the west. However, it is not possible to say that staff have reviewed all possible road alignments through the site in order to determine which is most optimal.

2. What is staff's perspective on the history of this land use application? (We've heard the applicant's perspective). Did the Community Development Director expect/intend/agree that the street extension would be proposed without the residential proposal? (Glassmire)

The staff report for The Hub (SUB14-00004; PLD14-00007) recommended denial of that application due to several factors, including that it did not include a plan to extend NW Kings Boulevard to the site. The need for a plan for Kings Boulevard was communicated to the applicant early in the review process (see **Exhibit CCQ-2, Page 7**). At no time did staff suggest that the Applicant establish an alignment of NW Kings Boulevard without concurrent traffic-generating development.

The applicant has stated that staff required a waiver of the 120-Day Rule in order to allow additional time for revisions to be prepared and submitted for The Hub application, and that because they were unwilling to completely waive the 120-Day Rule, the applicant decided to withdraw the application. This is correct, but staff would like to clarify that the requirement for a waiver of the 120-Day Rule is established in the LDC, and was not imposed arbitrarily. In the context of The Hub land use application, the request by the applicant for more time to prepare revisions to the application was received by staff on the day of the Planning Commission hearing, after public notices had been sent, and after the staff report had been written. It is unusual to receive such a request on the day of the hearing, so the Community Development Director looked to the LDC for direction. LDC Section 2.0.50.14 - Applicant's Request for Delay - speaks to this situation and states that the Director may allow a request to delay processing of a land use application, "provided that the applicant agrees in writing to waive the 120-day processing time frame." Staff believe it is important to clarify that this requirement on the part of staff was not "arbitrary and capricious," but was based on a requirement of the LDC.

Process

3. What is the legal relationship between the Comprehensive Plan and the North Corvallis Area Plan? (Bull)

The North Corvallis Area Plan was adopted as a supporting document to the Comprehensive Plan in 2002. Section 13.13 of the Comprehensive Plan includes Findings and Policies related to the North Corvallis area; the NCAP is also referenced in other portions of the Comprehensive Plan as well. Following are Comprehensive Plan Policies that speak to the issue of transportation infrastructure in the North Corvallis area. Although these Comprehensive Plan Policies are not decision criteria, they do provide background information and policy direction related to the subject land use application.

13.13 – North Corvallis Area

- 13.13.15 Amend the Corvallis Transportation System Plan to incorporate the arterial and collector roadway network, on-street bicycle transportation system, off-street trail network, and alternative street cross-sections established in the NCAP.
- 13.13.18 Require through the land division and development review processes that all development proposals include right-of-way dedications and/or reservations for street extensions
- 13.13.19 Optimize the arterial, collector, and local street network to facilitate intra-city trips to reserve capacity on Highway 99W.
- 13.13.21 As roadway and intersection alignments are developed to establish the transportation network envisioned in the North Corvallis Area Plan, careful consideration shall be given to natural

features such as floodplains, riparian areas, and wetlands, minimizing negative impacts to these features to the greatest extent practicable, while continuing to address the multi-modal transportation needs of the area.

- 13.13.23 The NCAP transportation system, including proposed street extensions and trail locations, is conceptual and will be established primarily through review of development proposals. The exact location of the transportation system shall be fixed by site-specific development proposals as they are presented to the governmental agency having jurisdiction.
- 13.13.32 As public infrastructure alignments are determined to provide for the development envisioned in the North Corvallis Area Plan, careful consideration shall be given to natural features such as floodplains, riparian areas, and wetlands, minimizing negative impacts to these features to the greatest extent practicable, while continuing to address the facility needs of the area. As public facilities are designed and constructed, factors to be evaluated shall include, but not be limited to:
1. Risk to the environment of a specific design, such as impacts resulting from construction/installation, and impacts from operational situations (infiltration, inflow, line surcharge, or pump failure);
 2. Impacts on developable land including ultimate cost of residential and commercial projects and timely availability of developable land;
 3. Opportunities for co-location of public facilities; and
 4. An analysis of the costs/benefits associated with a facility's design, addressing elements such as installation, operation, resource mitigation, need for redundancy.

In summary, the Comprehensive Plan incorporates the North Corvallis Area Plan to assist with planning and development activity within this portion of the City's Urban Growth Boundary (UGB). The Land Development Code implements the Comprehensive Plan and the North Corvallis Area Plan.

4. How closely does a development application need to comply with the Corvallis Transportation Plan? Can the Council determine that an arterial is unnecessary for the foreseeable future? If so, how would we handle this? What would be the consequences? Is there flexibility to downsize the road? (Bull, Hogg, York)

The Transportation Plan, as approved by City Council and adopted as a supporting document to the Comprehensive Plan, is our long range planning document that provides requirements for transportation facilities that are classified higher than a local street. The Transportation Plan provides classification for future streets in order to adequately serve future growth within the City's Urban Growth Boundary. While it provides a conceptual street network of higher classification roadways, it also allows flexibility for locating roadways to minimize adverse impacts.

Oregon's statewide land use planning process prohibits local governments from altering facilities plans that are required components of comprehensive plans (particularly when Statewide Planning Goal analysis and administrative rules analysis is required) except through the legislative process set out in state law. Similarly, a local government is prohibited from imposing a defacto moratorium in order to reconsider determinations made in enacted facilities plans. Finally, under the "goalpost" statute, development proposals must be reviewed with the standards in place at the time of the application. If the

question is whether a determination that this specific alignment of the arterial is necessary can be overturned, the Council may want to distinguish between the conceptual alignment of the arterial in the Transportation System Plan, and whether this application complies with the review criteria for Planned Development approval.

In the adopted plans that govern the northern portion of Corvallis, Kings Boulevard is designated as an arterial street in order to provide the adequate capacity to serve the northern portion of the Urban Growth Boundary. Per the Transportation Plan, arterial streets are required to have 12-foot lanes, a continuous center turn lane (12-feet), 6-foot bike lanes, 12-foot landscape strips, and 5-foot setback sidewalks. Where the roadway runs through or adjacent to natural features the landscape strips are to be removed and the sidewalk is located curbside in order to minimize impacts. The Council could have the ability to minimize this further by conditioning the continuous center turn lane to only be provided where demonstrated to be needed by adjacent development.

The alignment shown for Kings Boulevard in the Transportation Plan and North Corvallis Area Plan is conceptual. However, given development patterns, topography, and other constraints between Highland Drive and the western edge of the UGB (see **Exhibit CCQ-3**), it is anticipated that Kings Boulevard should be extended through this portion of land. If the Kings Boulevard improvement were not provided in conjunction with development of this area, it would be extremely difficult to find a new arterial street alignment into North Corvallis. Highland Dell, the large-lot Benton County subdivision to the north of the Rolling Green area, contains a number of roadway easements to accommodate the extension of Kings Boulevard from the termination point of the roadway at the current City Limits boundary, as does the Calvary Chapel church property on the north side of Lester Avenue. Without this arterial connection, unanticipated traffic impacts would result on other roads serving the North Corvallis area, such as Highland Drive and Highway 99W, as the area develops to urban densities. The North Corvallis Area Plan anticipates the development of approximately 10,000 new dwelling units and a total population of approximately 30,000 people when the area is fully developed.

5. In whole or in part issue - What would be the consequences of reviewing an application that includes, in addition to the current information, the extension of 29th to connect with Kings, and of Kings through the PRUE easement to Lester? Can the inclusion of the extension of 29th Street be accomplished with a condition of approval (if so, please provide condition language)? (York)

Proposed Condition of Approval #4 includes the requirement to have approval of 29th Street prior to construction of Kings Boulevard. The condition requires the grading and alignment approval through an appropriate land use application process prior to construction of Kings Boulevard. Being a master planned facility, construction would be concurrent with development of the site, or with an appropriate phase of development if a phasing plan is approved through a future land use application.

Staff recommend approval of the application based on an “in part” review. Staff’s opinion is that subsequent review and approval of infrastructure connections to this proposed alignment (such as the connections to 29th Street and Lester Avenue) are possible without need for changes to the proposed street improvement.

The Council may determine that an “in part” review that is broader in scope than the proposal is necessary in order to understand how the larger infrastructure system (beyond this proposed road improvement) will function, both within the Planned Development and City-wide, while minimizing impacts to natural features and meeting other City standards. The Council may determine that a comprehensive review of the alignment of Kings Blvd. should also include a proposal for the alignment and connection to 29th Street, as well as some analysis of how Kings Blvd. would connect to Lester Avenue through the PRUE

easement, which is currently outside the City Limits, but within the Urban Growth Boundary. The Council may wish to define the appropriate scope of an “in whole” review, which should be considered in light of applicable decision criteria. A key question to ask would be, “What information is necessary to establish the alignment of Kings Boulevard through the subject site, in relation to the developed and undeveloped portions of the Timberhill Planned Development, in a manner that would be consistent with applicable decision criteria?” Staff would not support a condition of approval that would establish the alignment for 29th Street without meeting the requirement for a Planned Development review process.

6. May the City Council overturn the City Engineer’s determination that this road improvement is necessary? (York)

Previous City Councils determined that this road improvement was necessary through the adoption of the transportation master plan and the area plans that specifically identify the requirement for Kings Boulevard to be an arterial street and to extend north through this area.

Oregon’s statewide land use planning process prohibits local governments from altering facilities plans that are required components of comprehensive plans (particularly when Statewide Planning Goal analysis and administrative rules analysis is required) except through the legislative process set out in state law. Similarly, a local government is prohibited from imposing a defacto moratorium in order to reconsider determinations made in enacted facilities plans. If the question is whether a determination that this specific alignment of the arterial is necessary can be overturned, the Council may want to distinguish between the Council may want to distinguish between the conceptual alignment of the arterial in the Transportation System Plan, and whether this application complies with the review criteria for Planned Development approval.

7. What considerations would inform the Council’s decisions to view the application in-part or in-whole? (York)

- a. What is the nature, scope and boundaries of the Timberhill Planned Development?
- b. Is there a single PD Overlay zone for the Timberhill Planned Development?
- c. Within the Timberhill Planned Development, are there a number of separately approved conceptual and detailed development plans, or are these phases of a single Detailed Development Plan?
- d. What is the “whole” detailed development plan for Timberhill?
- e. Are there conditions of approval of prior approvals for Timberhill detailed or conceptual development plans, or modifications to detailed or conceptual development plans, that address the future extension of Kings Blvd?
- f. Does the undeveloped portion of the Timberhill Planned Development have any prior conceptual or detailed development plan or modification approvals that apply to it?
- g. Does the current application require any modification or adherence to any approved Timberhill detailed or conceptual development plan or related conditions of approval and development related concerns imposing mandatory obligations?
- h. Does the application fall within LDC 2.5.60.03 and what is the Council’s interpretation of LDC 2.5.60.03.c?
 - i. What does the phrase "planned development" mean in the context of LDC 2.5.60.03 & LDC 2.5.60?
 - ii. What limitations, if any, does the term "any" have in context of LDC 2.5.60.03?
 - iii. Does the term "redesign" refer to the phrase "petition for review" or the phrase "any detailed development plan"?

- iv. Does the phrase "reasonable and valid" mean in the context of LDC 2.5.60.03?
 - v. Does the phrase "previously approved plans" in LDC 2.5.60.03a include both conceptual and detailed development plan approvals?
 - i. Does the application fall within LDC 2.5.60.04 and has the applicant sufficiently demonstrated compliance with the review criteria in LDC 2.5.40.04?
 - j. Regardless of whether the application is viewed in whole or in part, can the City Council determine whether the application complies with the review criteria, given the narrow scope of an application proposing the alignment of an arterial road absent an overall conceptual or detailed development plan?
8. Why isn't the Minimum Assured Development Area being used? Will future development in this area have to account for the natural resources that would be affected by the road development in future MADA calculations? (York)

Minimum Assured Development Area (MADA) is not an element of this proposal because the proposed road is a planned public facility which is necessary to maintain the City's transportation system as development occurs in this portion of north Corvallis. The improvement is an allowed encroachment into otherwise protected resource areas. LDC Section 4.11.50.02.c.1 allows additional MADA credits for the area of public right-of-way (ROW) dedications resulting from a required width in excess of the width needed for a local street, if the street is identified in the Transportation Plan. The additional width of the ROW would not count against an applicant's allowed development area, but the local street share of the dedication would.

The subject site consists of one 212.11-acre lot. The applicant has not provided any information that would suggest the lot is currently eligible to benefit from MADA provisions, meaning that there is an adequate area of land existing outside of protected natural feature areas to allow for more than the minimum allowed development area. It is likely that future development within this area will occur in phases and that the 212.11-acre lot will be divided accordingly. The LDC does not allow for the creation of lots that would be encumbered by natural features to the extent that the MADA provisions may be invoked.

9. Is it correct that the LDC establishes requirements that either must be met, or explicitly "varied" with compensating benefits, and that other planning documents establish guidelines, but not requirements? Are there general principles for working with the different planning documents? (Glassmire)

Yes, this is generally correct. The LDC contains mandatory requirements for development in the City. The processes whereby an applicant can request to vary from those requirements are either a Lot Development Option or a Planned Development. In either case, the applicant must propose a compensating benefit(s) to the public as a component of a development proposal that compensates for the requested variation. When these types of variations are considered, Comprehensive Plan Policies are typically consulted to ensure that proposed variations from the LDC remain consistent with the City's policies. In this sense, Comprehensive Plan Policies may be considered to act like guidelines for these decisions. Area plans, such as the North Corvallis Area Plan, provide a framework and background for development applications within those areas, to identify key issues and expectations. However, the area plans themselves do not contain requirements; rather, requirements necessary to maintain consistency with area plans are incorporated into the LDC. The City's utility master plans, such as the Transportation Plan, work in a similar way. Section 4.0 of the LDC contains requirements that implement the Transportation Plan.

10. How common is it for a land use decision to anticipate future and unspecified related development? (Glassmire)

From a broad perspective, future development is not unspecified. The area within the City limits that would be served by this extension of Kings Boulevard is provided with a zone that identifies uses and densities. The area outside of the City limits but within the Urban Grown Boundary is provided with a Comprehensive Plan designation that identifies future zoning.

Viewed more narrowly in the context of this development proposal, it is very common, particularly in a large residential planned development such as Timberhill, for land use decisions within a development to anticipate future and unspecified related development. Generally, in viewing these types of development proposals, when a complete plan for development within the entire area is not available, the LDC requires that the remaining areas must be shown to be developable, accessible, and serviceable by public facilities for anticipated development densities.

Staff Analysis

11. Were alternatives outside of the right-of-way considered? (Bull)

Yes. The past and present property owners have worked with the City to identify and analyze several alternative routes. As described in the staff report to Planning Commission, three routes have been examined in detail and each of those three routes were analyzed with longitudinal roadway slope options: Slopes that meet City standards, and slopes that exceed City standards by 2%. The 2% exceedance of slope allows each of the options to construct the roadway with less cut and fill volume and depth, thereby reducing the development impact.

12. Would explosives be used? Who would be responsible for potential damages to private property as a result of explosives? Can a condition be added to address the potential consequences of the use of explosives in construction, or conversely, what would be the consequences of prohibiting the use of explosives in road construction? (York, Hogg)

The August 10, 2015 Geotechnical Report submitted with the application does not identify the need to use blasting techniques for the excavation of the roadway. While the Council could write a condition to prohibit explosives, the impacts from such a decision are not known. It could potentially have a significant impact on construction costs as well as any SDC reimbursement request that may be submitted for the Council's consideration.

The use of explosives during road construction is considered an ultra-hazardous activity and physical damage to real property is the responsibility of the contractor. Notice to the contractor that the contractor is responsible for potential physical damage is not required because the law already imposes the duty of special care and knowledge on the contractor. Conditions prohibiting the use of explosives, in addition to possibly increasing costs, are a concern because under state law the final engineering, design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the Comprehensive Plan and land use regulations is not a land use decision.

If Council finds that enhanced City oversight of the use of explosives is necessary to make positive findings on the compatibility criteria for transportation facilities (LDC 2.5.40.04.a.9), a potential condition of approval could read as follows:

Use of Explosives for Hard Rock Excavation – If hard rock is encountered while excavating for the Kings Boulevard extension, the use of explosives to loosen and break the rock will be allowed. A geotechnical engineer licensed in Oregon shall provide an explosives/blasting plan that will minimize impacts to neighboring property owners.

13. What seismic standards would the design have to meet? Given the large amount of cuts and fills, how are we assured that the resulting slopes will be stable? How can the Council require analysis regarding the safety of constructing a roadway across the Corvallis Fault? What would be the consequences of a fault rupture along the roadway? When were the City's landslide hazard standards established? Are they still adequate, given what we know about the increasing number and severity of storms due to climate change? (York, Hogg, Glassmire)

The City does not have seismic standards for construction of streets. The geotechnical report identifies that the roadway section is relatively flexible and could be repaired in the case of damage. A geotechnical engineer has reviewed site and soil conditions and made recommendations for construction of the proposed roadway. A geotechnical engineer will also be present for construction inspection.

The City's landslide hazard standards were established in 2006, as part of the Natural Features project that put in place a package of protections for significant natural features and natural hazard areas in the City. Mapped landslide hazard areas were identified in a study by the Oregon Department of Geology and Mineral Industries (DOGAMI). The study was very "broad-brush" and subsequent geotechnical analysis has found minimal hazard potential in some of these areas. However, as required in these hazard areas, the applicant has provided geotechnical analysis of the roadway alignment and underlying conditions, and construction of the roadway will need to follow all recommendations from the geotechnical report, which will provide a much higher degree of confidence in the stability of the roadway. Given this analysis, the proposed 8 percent maximum grade of the roadway, stormwater facilities constructed consistent with City requirements, and a design that minimizes cuts and fills through the site, staff are confident that the proposed roadway will be stable.

14. Is a noise study necessary? (Hogg)

A noise study is not required by the LDC. However, an applicant may choose to provide a noise study to help demonstrate compliance with applicable LDC compatibility criteria. Staff do not anticipate that noise generated from the proposed roadway extension would be greater than noise generated on other arterial roadways throughout the City.

15. What is the compensating benefit? (Hann)

The compensating benefit is a public arterial street built to an acceptable slope standard that minimizes impacts. This is done with a minimized variance to the cut and fill standards, reduced impacts to natural features, and minimized volume of cut and fill needed for the roadway when compared to the two other alternative alignments.

16. How is stormwater from the new impervious surface managed? (Hirsch)

The proposed extension has three low points. Stormwater would be collected with catch basins and directed to the low points through a piped stormwater system. At each of the low points the applicant has proposed to install combination wet pool facilities.

17. Please respond to the applicant's proposed revisions to Condition 12 (Beilstein)

The applicant's proposed revisions to Condition 12 generally seek to clarify the understanding that none of the existing trees within the area proposed for street improvements will be preserved. A typical Significant Vegetation Management Plan (SVMP) is designed to protect all high-valued trees in a Significant Vegetation area while allowing for removal of non-native invasive species, or similar activities. In this case, since the road is deemed to be necessary to maintain a functional system, and it is not possible to preserve trees within the road improvement area (and to, at the same time, build a safe facility that meets road design standards), all trees within the area proposed for road improvements would be removed. It should be noted that, per LDC requirements, the roadway must be narrowed to contain only curbside sidewalks (no planter strips) for portions of the road that impact protected natural features. This will reduce, to some extent, the impact of the road on existing trees in these areas. The applicant is also correct that no mitigation planting or reforestation is required by the LDC when public improvements must be extended through protected significant vegetation areas.

In summary, staff believe that the SVMP requirement resulting from staff's proposed Condition 12 would not be different from that resulting from the applicant's revised version of Condition 12; however, the revised version provides more specificity and assurance to the applicant regarding the parameters of the required SVMP, and staff would not object to adoption of the condition as revised by the applicant. Both versions are presented in the proposed conditions of approval for Council's consideration (**Exhibit CCQ-4**).

18. If this application were approved, could the road be built without any further development approvals? (Glassmire)

As conditioned, the Kings Boulevard extension could not be built simply because this application is approved. Conditions of Approval 4 and 5 outline several items that need to be approved through applicable land use processes prior to constructing Kings. These conditions are proposed to insure that adequate and appropriate infrastructure is installed when Kings Boulevard is built.

19. Might further development proposals exceed the capacity of the proposed road? (Glassmire)

The construction of an arterial street is fulfilling long range planning efforts for this property and the area to the north. As with other portions of the City and urban fringe, it is anticipated that development throughout North Corvallis will generally occur consistent with current Comprehensive Plan designations. The North Corvallis Area Plan and Transportation Master Plan each conducted a regional traffic analysis and identified the need for future street extensions and improvements to existing streets. The NW Kings Boulevard extension as an arterial roadway to Lewisberg Road is one of the improvements identified to serve the North Corvallis area into the future. It is specified as an arterial street in order to provide sufficient capacity to serve anticipated development in the area.

Natural Features

20. Do natural features provisions affect the development property within Planned Developments that were approved prior to 2006? (Beilstein)

For a Planned Development approved prior to 2006, those portions of the Planned Development subject to an existing approved Detailed Development Plan that specifically addresses natural features may be developed according to conditions of that Detailed Development Plan. For portions or phases without a Detailed Development plan, the review criteria for approval includes evaluation of natural features and natural hazards.

21. Was the alignment of the road selected to minimize impacts to natural features to the maximum extent practicable, or was the alignment analysis focused on leaving developable areas adjacent to the roadway? (Beilstein)

Staff was provided with three alignment options. Staff reviewed each of the options and selected the one providing the least amount of impact to cut and fill height, cut and fill volume, and area impacts to natural features. The location of developable areas was not a consideration in staff's road alignment analysis.

22. Were natural features impacts outside the ROW considered? (Baker)

The construction of the roadway will require cut and fill outside of the right of way. The applicant has proposed to provide slope easements for this grading work, and the cut/fill and natural features impacts were considered in the slope easement areas. Also, Condition 18 of the Timberhill Conceptual Plan requires that "stormwater discharge system shall be designed to assure that downstream wetlands will have sufficient water to remain vital after development". The proposed stormwater facilities are designed to comply with this condition.

23. Are the locations of the retention areas compliant with LDC riparian easement area standards? (Bull)

LDC 4.13.50.b.2 allows the City Engineer to deem the location and construction of streets and utilities within riparian corridors and riparian-related areas as necessary to maintain a functional system. The City Engineer has reviewed the proposed storm water facilities as well as the alternatives and has deemed the impact to the natural features necessary for a functional storm water drainage system. The northern two facilities will be located in areas of protected riparian corridors in order to maintain gravity flow of the storm drainage from the streets to the natural drainage channels where the storm water will be discharged. The proposed stormwater facilities are provided to mitigate the storm water impacts of the NW Kings Boulevard extension. The applicant provided an alternatives analysis demonstrating the proposed combined wet pool detention facilities will provide the least amount of impact while providing open facilities. The City's preference for open facilities allows for simplified and efficient inspection and maintenance.

24. Is there any mitigation proposed for the impacts to natural features? (Baker, York)

Development of the roadway will have to comply with the City's stormwater requirements for detention and water quality. The applicants have proposed the three combined wet pool/detention facilities to meet the City's requirements. Additionally the applicant will have to obtain wetland fill permits from the Oregon Department of State Lands (DSL) to mitigate the impacts to delineated wetlands.

25. Please explain why staff supported an option that places the road directly over or next to a stream bed and how this was evaluated? What mitigation would occur in conjunction with development of a road near a stream? (York)

The proposed alignment crosses but is not placed directly over a stream bed except at the northern connection to the Public Right of Way and Utility Easement that was established with the Highland Dell subdivision. This portion of the alignment is constrained by the connection to the existing alignment and meeting design standards for arterial streets. The proposed alignment was evaluated against the two other alternative alignments based on the cut and fill depths, cut and fill volumes, and total area impacts to mapped natural features. Based on each of those parameters, the proposed alignment has the least total impacts from cut and fill depths, cut and fill volume, and area impacts to mapped natural features on the site.

In steep topography, the most efficient roadway alignment is typically along a stream corridor. An arterial street's geometry requires large radius curves that do not allow the flexibility that would be provided to a multi-use path in order to better avoid impacts to natural features. Arterial streets are at the top of the City's transportation infrastructure to provide movement of people, goods, and emergency access. As such, the need for arterial roadways may justify a higher level of impact to hillsides and other natural features than would a lower order facility such as a multi-use path.

26. Has the City received comments from residents (outside of this hearing process) or from monitoring agencies regarding environmental degradation in this area (e.g., stream temperature, flooding, oak prairie disruption)? (Glassmire)

As is the City's standard routing procedure, the application was routed to the Oregon Department of Environmental Quality, the Oregon Department of State Lands (DSL) Wetlands Program, and the Benton Soil & Water Conservation District. The DSL Wetlands Program responded with a Wetland Land Use Notification Response indicating that state permits would be required for the proposed activity due to wetlands and hydric soils on the property (Attachment E of the staff report to the Planning Commission). No correspondence was received from other environmental monitoring agencies.

Other

27. Who will pay to build it? How much will it cost? When is it needed? What would be the cost of maintaining the road? (Hogg)

Initially the developer will pay to construct the Kings Boulevard extension. Because this is an arterial street and provides extra capacity beyond a local street the developer would be eligible to request reimbursement for the extra capacity portions of the roadway. Eligible reimbursement costs are incremental costs associated with providing extra capacity above that required to serve the development

site. Only the extra capacity element of public improvements is eligible for SDC reimbursement which for this project include extra pavement depth as well as extra pavement width resulting from bike and turn lanes. Typically SDC reimbursements are limited to materials costs only. However, if the project is competitively bid and constructed per public bidding and construction laws followed by the City, and requirements outlined in ORS 279, engineering, overhead, labor, extra trenching, and similar non-material costs related to the oversized improvement may be reimbursable. All proposed SDC reimbursements must be approved by City Council prior to construction.

In the Timberhill Subdivision application that was withdrawn, the applicants provided a probable cost for construction. It estimated that Kings Boulevard would cost \$5,902,000 to construct from the existing terminus to the northern terminus at the Public Right of Way and Utility Easement in place for Kings Boulevard within the Highland Dell subdivision.

It is difficult to determine what the actual cost would be to maintain the extension of NW Kings Boulevard. When constructed, the extension of NW Kings Boulevard will be included within the existing street maintenance program. For the first 20 years of the roadway's life maintenance is typically limited to sweeping and maintaining paint striping.

Roadway improvements, such as the extension of Kings Boulevard, are typically built concurrent with adjacent development. This is a requirement within the Land Development Code. This ensures a logical expansion of the street system and an efficient distribution of costs to benefitted development.

28. When would construction be anticipated? (Hann)

Construction would be anticipated concurrent with development of the site. The site may be divided into future phases and construction of Kings Boulevard, in which case construction would be phased with adjacent development.

29. Is it relevant to consider the long-term proposal for this property in relation to the Kings Extension request? What is the expected schedule for development of the surrounding property? (Glassmire)

The long term proposal for the property is the Timberhill Conceptual Development Plan, which contemplates an arterial roadway through the site. GPA1, LLC has not provided a development timeline for the subject site. There has been interest to develop the remainder of the Timberhill Planned Development, and in fact one other land use application, known as the Crest at Timberhill (CPA14-00004; PLD14-00008; ZDC14-00006; SUB14-00005), is currently under staff completeness review. However, the best practice is to consider Planned Development applications in the context of what has been already approved rather than what has yet to be approved.

30. If the City owned a comparable piece of property that was more suitable for development, could a land swap be arranged? (Glassmire)

The City does not own any comparable land that is not already dedicated to other purposes (parks, etc.). If such land were available, a swap could not be accomplished in the context of this land use application, but might be accomplished separately.

31. Please clarify the LDC reference on page 9 of the November 18, 2015, Planning Commission minutes. The cited Section 2.5.4.60 does not exist. (Glassmire)

It is not clear to staff what LDC section Attorney Stotter intended to reference.

32. Please provide a clean copy of the conditions and development related concerns recommended by staff, along with any draft condition language requested by Councilors. (York)

See **Exhibit CCQ-4**.



Public Works Department
Engineering Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6941
FAX (541) 766-6464
TTY (541) 766-6477

December 30, 2013

Lyle Hutchens
Devco Engineering Inc.
PO Box 1211
Corvallis, OR 97339

SUBJECT: Kings Boulevard and 29th Street Extensions

Development Review Engineering staff have reviewed the proposed right of way dedications submitted December 12, 2013. In order for the City to accept a right of way dedication without an associated land use application/approval, the right of way shall follow the planned alignments and or align with existing right of ways/easements. When these segments of roadway are developed, the alignment may be changed if the change proves to be more efficient with less impact to natural features. The proposed alignment can be dedicated at that time and the original unused right of way can be vacated.

The east end of Kings Boulevard is proposed to terminate at the property line at an almost due east-west alignment. The Kings Boulevard alignment has already been established on the opposite side of the property line by the PRUE that was created with the Highland Dell Estates partition plat. Please review the plat and align the right of way dedication to the existing PRUE. A 500ft or larger centerline radii may be used to bring the alignments together.

The future 29th Street is a neighborhood collector across this parcel. Dedication of right of way should be at the time of development for this parcel. Please remove from the dedication.

The dedication documents and legal descriptions have not been routed to the City Surveyor for review. Once the above issues are resolved, the documents will be reviewed for accuracy prior to being recorded. If you have any questions or would like to discuss this further, please call me at 766-6729, extension 5198.

Ted Reese, P.E.
Development Engineering

cc: Jeff McConnell, Development Engineering Supervisor

Is
\\ci.corvallis.or.us\departments\PW\Divisions\Engineering\Development Review\Projects - Development\Kings and 29th
Extension\Easements_Dedications_Plats\Review Letter.wpd7



**Community Development
Planning Division**

501 SW Madison Avenue

P.O. Box 1083

Corvallis, OR 97339-1083

(541) 766-6908

FAX: (541) 754-1792

Planning@corvallisoregon.gov

June 6, 2014

Lyle Hutchens
Devco Engineering
PO Box 1211
Corvallis, OR 97339

RE: The Hub at Corvallis (PLD14-00004)

Mr. Hutchens,

Staff have completed the initial review of the Hub at Corvallis Planned Development application for the property identified as Tax Lot 3500 of Benton County Assessor's Map 11-5-22. Per the applicant's request, staff have taken an overall view of the general development proposal, and have provided initial responses below. The application is incomplete, and staff expect that additional review and communication of issues will be necessary with submittal of additional materials and further review of the application.

General Comments – Planning Division

- 1. Introduction / Visioning Statement** – It would be beneficial to provide a specific summary of the vision and goals that your development is trying to accomplish. The vision and goals may be based on the purposes of the Planned Development (LDC Section 2.5.20). This type of an introduction to the project would give staff and decision-makers valuable context when evaluating the proposal, especially in relation to requests for variations.

2. Conceptual Development Plan (PLD00-00014) and Requested Modifications

– The applicant should provide a site plan of the approved Conceptual Development Plan, as well as narrative analysis of the modifications requested and any impact on previously approved plans, other approvals, or conditions of approval.

3. Comprehensive Plan and Zoning Discrepancy

– LDC Section 2.5.40.04 requires Conceptual Development Plans to ensure that development is consistent with the policies and density requirements of the Comprehensive Plan, and Section 2.5.50.01, which governs Detailed Development Plans, stipulates that Detailed Development Plans must comply with 2.5.40.04 as well as the additional criteria. The applicant should amend the application to include Section 2.5.40.04, and address those criteria.

There are two areas of the development site where the Comprehensive Plan designation and Zoning are in conflict; along the west/northwest edge of the project boundary, and roughly through the middle of the development site. In these two areas, staff note that the Comprehensive Plan designation is Open Space – Conservation. The zoning designation on the west/northwest portion is RS-3.5 (low density residential) and on the portion that runs through the middle of the site the zone is RS-12 (medium-high density residential). These two zones are not implementing zones for the Open Space – Conservation Comprehensive Plan Map designation; the only implementing zone for this designation is Conservation – Open Space. In order for development to occur in these areas the conflict between the Comprehensive Plan Map designation and zoning must be addressed.

4. North Parking Structure

– Staff also note that a parking structure use is not a permitted use, either in the RS – 3.5 zone or in the Conservation - Open Space zone. The applicant should evaluate options to remove the structure from the open space area or propose another means by which to address this conflict.

Additionally, staff note that the location of the proposed structure contains slopes, and the applicant proposes a retaining wall and significant grading in this location.

Furthermore, staff have concerns about the distance between the parking structure and some of the residential units it is intended to serve. Staff suggest

the applicant evaluate this location and determine if there are other locations that may be more suitable for the parking structure.

Finally, staff note that the parking structure is proposed to be located along two streets, and that parking for residential units should be located to the side or rear of the residential structures. In addition, staff do not think that a parking structure meets the building frontage requirements in LDC Section 4.10.60.01, for residential building orientation. Staff are evaluating whether the parking structure could be considered under 4.10.70.02, for Civic, Commercial, and Industrial buildings, and whether the structure would then have to conform to other requirements in Section 4.10.70 for design standards.

- 5. Building Orientation and Frontage** – The applicant should explain in detail, and show graphically, how the building orientation for residential structures conforms with Section 4.10.60.01, and whether the proposal meets the 50 percent frontage requirement. This may be accomplished by explaining which streets are proposed to be used for orientation, and mathematically calculating the percentage of those frontages where buildings are within the maximum setback. The applicant may subtract the portions of those streets that are encumbered by natural features. If the applicant proposes to use the exception in 4.10.60.01.b.1.b), the applicant should explain in the narrative and graphically how the development meets the criteria for that exception.
- 6. Block Perimeter Standards** – It appears that there are a number of areas where the proposed design does not meet block perimeter standards, or where pedestrian connections to meet those standards are not clearly defined. Furthermore, Parks and recreation staff have noted that the applicant appears to intend to use portions of the existing trails system to meet block perimeter requirements. Future discussion will be needed to explore the standards, locations, and alternatives regarding this issue.
- 7. Variation Requested and Compensating Benefits** – The application states that the variations requested for the development and the compensating benefits are located in Table 1. Table 1 does not appear to be included in the application. Additionally, the applicant should address in narrative form each of the variations requested as that criterion or standard is presented in the application, rather than referencing the table for each criterion.

- 8. Attachments and Narrative** – The application should check references to attachments throughout the narrative. It appears that many referenced attachments are incorrect. Additionally, the applicant should address each criteria in narrative form, rather than referring staff to the relevant attachment, so that the applicant explains how the proposal meets each criteria, rather than having staff evaluate the site plan for consistency.
- 9. Site Grading** – Please explain in narrative detail the grading plan for the site, and in particular locations where cuts and fills are proposed that exceed the standards LDC Chapter 4.14. Where there are variations requested, please provide a detailed explanation of the reason for the variation requested and the compensating benefits provided. The applicant should also explain what other options were evaluated and why this option was selected.
- 10. Building Numbers/Types and Building Height Table** – This table is located in many places throughout the application and appears to be placed in error, as the criteria it is inserted below address various different standards.
- 11. Residential Versus Nonresidential Buildings and Uses** - Please explain in detail which buildings/structures the applicant is considering to be residential versus nonresidential, and refer to the appropriate design standards for each use or structure type. There are discrepancies throughout the application regarding the assignment of residential versus nonresidential use types and the corresponding requirements (i.e., Chapter 4.10 standards).
- 12. Significant Vegetation and Natural Resources** – There appears to be at least one location where there is a mapped significant vegetation area that is not shown or addressed on site plans or in the narrative. Additionally, please provide a site plans that clearly shows natural features and development envelopes, and discuss any areas of encroachment. It may be beneficial for the applicant to conduct a survey of locally significant wetland areas and riparian corridors to accurately reflect these boundaries.
- 13. Gross Density, Net Density, and Natural Features** – The applicant should provide a detailed discussion of gross density and net density. Detail should be given regarding natural features encumbrances, green area, and a detailed breakdown of each component as they relate to density for the development site as a whole.

14. Setbacks – Please provide detail regarding the applicant’s assignment of front, rear, and side yard for each building or block. It appears that a number of buildings do not fall within the maximum front yard setback area, but in some cases it is unclear which setback applies to the building. A discussion of setbacks, frontages, etc., with regard to natural features should also be included, where natural features impact the ability to comply with setback requirements.

15. Streetscape, Landscaping, and Other Plans – Staff understand that the application is incomplete but note that site plans detailing landscaping, streetscape, and other relevant elements will be required.

As mentioned previously, there are additional omissions and issues to address, as the application is incomplete, and staff expect to have further comments as review of the application progresses. In response to the applicant, the issues raised above are some of the “big picture” issues that have been identified by Planning staff.

Below are comments provided by Public Works Engineering staff.

Development Engineering staff have completed a review of the above-referenced application. The application is incomplete. The following comments are based on the information provided. Additional comments may be warranted with the submittal of a more complete application.

General Comments

1. The final alignment of and financing for NW Kings Boulevard and NW 29th Street will be determined through a public hearing process in conjunction with this Detailed Development Plan per Development Related Concern A from LLA09-00001, Order 2009-025. Installation of the 3rd level waterline shall also be addressed per condition 23 of Order 2000-101. Please address these requirements with this application.
2. The narrative regarding streets and utilities in the Part I Conceptual Development Plan Modification is unedited from a previous land use application and does not pertain to the proposed development site.
3. The October 25, 2013 Geotechnical Report is based on the assumption that site grading is expected to include cuts and fills of plus or minus 10 ft. The site cross

sections show grading 2 to 3 times more than this assumption. Provide an update to the Geotechnical Report that addresses the planned cuts and fills.

4. The Geotechnical Report has a section addressing pavements, however it does not include a recommendation for arterial streets. Provide an update to the Geotechnical Report that includes a recommendation for arterial street pavements design.
5. Provide proposed contours on the grading plan.

Traffic/Circulation & Bicycle/Pedestrian

1. The TIA did not provide a study of the 20-year planning horizon that is required per LDC 2.4.30.01.g.5.b.
2. The response to 4.0.60.k.1 in the Detailed Development Plan narrative should address the variances to street grades and cuts/fills.
3. A variance will be required to address 4.0.60.o.1.b and d. While both streets with sidewalks and walkways are allowed, some of the blocks and block faces exceed maximum lengths, even with the 50% variation allowed.
4. The response for Approval Criterion 9, Transportation Facilities, should be expanded and explain the proposed improvements and the findings from the TIA.
5. Recent multi-family/student housing projects have initiated charging for on site parking. A number of residents opt to not buy a permit and park on the street. This creates an off-site parking impact. Please address Approval Criterion 10, p. Traffic and off-site parking impacts regarding this scenario.
6. Please complete Approval Criterion 11, Utility Infrastructure.

- 7.** Provide a plan of the Kings Boulevard extension from the existing end of the street to the proposed development site.
- 8.** Show the proposed end of Kings and label it for future extension.
- 9.** Show vision clearance triangles on the Circulation Plan, Attachment "R", to show requirements can be met.
- 10.** The conceptual development plan should address the connection between the end of Huckleberry Drive and Kings Boulevard, as shown in the attachments of Order 2000-101.

Public Facilities and Services

1. Provide a stormwater plan. Provide calculations to show selected facilities are feasible. Capacity calculations should consider future up slope developments.
2. Provide a sanitary sewer plan that shows how future development above this development will be served (to and through). Provide capacity calculations to verify the feasibility.
3. Provide a utility plan that shows the connections to existing utility stubs, specifically the connections at the existing end of Kings Boulevard.
4. Identify stream crossings and proposed facilities for crossing them.
5. Drainageway easements will be required, show them in the plans and call them out in the narrative.
6. The response to 4.0.130.c in the Detailed Development Plan narrative states no riparian corridors are present on the site, this is not correct.

Please contact me with any comments or questions you have regarding this letter.

Sincerely,

Sarah Johnson
Associate Planner

cc: **Kevin Young, Planning Division Manager**
Ted Reese, Development Review Engineering

Map 2: Existing Conditions



Kings Boulevard Extension
City Council Questions / Deliberations
PLD15-00003





 Corvallis Planning Division
 501 SW Madison Ave
 Corvallis, OR 97333
 541.766.6908
 Planning@CorvallisOregon.gov

Recommended Conditions of Approval – Kings Boulevard Extension (PLD15-00003).

1. Public Improvements - Any plans for public improvements referenced within the application or this staff report shall not be considered final engineered public improvement plans. Prior to issuance of any structural or site utility construction permits, the Applicant shall obtain approval of, and permits for, engineered plans for public improvements from the City's Engineering Division. The Applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer, storm drainage and street lighting improvements are provided. Final utility alignments that maximize separation from adjacent utilities and street trees shall be engineered with the plans for public improvements in accordance with all applicable LDC criteria and City, DEQ and Oregon Health Division requirements for utility separations. Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in LDC Section 4.0.80.2.
2. Right of Way Dedication – If additional right of way is required to construct the proposed Kings Boulevard improvements and associated facilities, additional right of way shall be dedicated. An environmental assessment for all land to be dedicated shall be completed in accordance with LDC Section 4.0.100.g
3. Grading – No site grading shall exceed the horizontal or vertical limits shown in Attachments R-1 through R-7 (found within Attachment F of the staff report to the Planning Commission). Roadway construction shall be in accordance with the geotechnical report from OGD Consulting, P.C., dated August 10, 2015.
4. Approvals Required Prior to Construction – Prior to construction of NW Kings Boulevard the following shall be approved through applicable land use application processes:
 - a) The horizontal and vertical alignment as well as grading and storm water mitigation for NW 29th Street
 - b) The horizontal and vertical alignment as well as grading and storm water mitigation for a local street or streets on the east side of NW Kings Boulevard to contain the master planned third level waterline up to the City's North Hills Second Level Reservoir. This condition does not require a roadway connection to the north end of NW Garryanna Drive.
 - c) The third level transmission main through the site that connects the third level water line that is adjacent to the City's North Hills Second Level Reservoir to the Timberhill Third Level Reservoir.
 - d) A second and third level water distribution system to serve future development on the site.
 - e) Sanitary sewer system to serve future development on the site.
 - f) Franchise utilities to serve future development on the site.

If future proposed improvements require a change to the grade or alignment of NW Kings Boulevard, modifications to the Kings Boulevard Extension approval shall be required.

5. Improvements Required Concurrent with NW King Boulevard Construction – Concurrent with construction of NW Kings Boulevard the following improvements shall be constructed:
 - a) The third level transmission main through the site that connects the third level water line that is adjacent to the City's North Hills Second Level Reservoir to the Timberhill Third Level Reservoir.

- b) All portions of a second and third level water distribution system to serve future development on the site that will be located within NW Kings Boulevard.
 - c) All portions of a sanitary sewer system to serve future development on the site that will be located within NW Kings Boulevard.
 - d) All portions of franchise utilities to serve future development on the site that will be located adjacent to and within NW Kings Boulevard.
6. Sidewalks – LDC Section 4.0.30.a.2 requires 5-foot setback sidewalks that are separated from the street by 12-foot landscape strips on arterial streets. Where streets cross natural features, street widths shall be minimized by providing no planting strips. Where landscape strips are provided, street trees shall be installed per LDC Section 4.2.30.
 7. Storm Water Detention – The construction of NW Kings Boulevard will create more than 25,000 ft² of impervious surface. In accordance with LDC section 4.0.130.b, the Applicant shall implement storm water detention. Detention facilities shall be designed to maximize storm water infiltration. Storm water detention facilities shall be designed consistent with criteria outlined in Appendix F of the Storm water Master Plan and criteria outlined in the King County, Washington, Surface Water Design Manual, and shall be designed to capture run-off so the run-off rates from the site after development do not exceed the pre-developed conditions based on the 2-year, 5-year, and 10-year, 24-hour design storms.
 8. Storm Water Quality – The construction of NW Kings Boulevard will create more than 5,000 ft² of new pollution generating impervious surface. Therefore, in accordance with the Corvallis Off-Street Parking and Access Standards, the development shall construct storm water quality facilities. These facilities shall be designed in accordance with criteria as established in the most recent version of the King County, Washington, Surface Water design Manual. Water quality facilities shall be designed to remove 70 percent of the total suspended solids (TSS) entering the facility during the design storm, 0.9-inch 24-hour rainfall event with NRCS Type 1A distribution.
 9. Street Lights – Concurrent with development, public street lights shall be installed along all City streets to City standards. Street lights shall be placed at all intersections, at the end of dead end streets, and mid block with spacing not to exceed 300-feet.
 10. Geotechnical Report – Design and construction of the roadway shall be consistent with the findings and recommendations of the geotechnical report from OGD Consulting, P.C., dated August 10, 2015.
 11. DSL and Army Corps of Engineers Approval – In accordance with LDC 4.13.80.1.e, no site development permits, such as Grading and Excavation Permits, Public Improvements by Private Contract Permits (PIPC), and Building Permits, shall be issued until the City has received verification of DSL and Corps of Engineers approval for development on the subject site.
 12. *Staff's recommended language:* Significant Vegetation Management Plan – Prior to issuance of PIPC permits for roadway construction through areas with Significant Vegetation, the applicant shall submit a Significant Vegetation Management Plan for City review and approval in order to mitigate impacts to Significant Vegetation, consistent with the requirements of LDC Section 4.12.50.a.

OR

Applicant's suggested language: Significant Vegetation Management Plan – Prior to issuance of PIPC permits for Kings Boulevard and related storm water facilities construction through areas with significant vegetation, the applicant shall submit a Significant Vegetation Management Plan (SVMP)

for City review and approval. The SVMP will designate the significant vegetation to be cleared and grubbed with this construction. This SVMP will also designate protection measures for significant vegetation, located along the designated construction limits, to be protected during this construction. The SVMP shall be prepared in accordance with Section 4.12.90, except that no vegetation enhancement; no reforestation; and generally no mitigation shall be required; no canopy coverage calculations shall be required; and, no additional information regarding PPSV-4 areas shall be required. Mitigation shall only be required if vegetation that is designated in the SVMP to be protected is adversely impacted by the construction. This SVMP shall be prepared under the supervision of a "registered arborist."



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

CITY ATTORNEY'S OFFICE
MEMORANDUM

January 14, 2016

To: Mayor & City Council
From: David Coulombe, Deputy City Attorney DC
RE: Right of Way Dedication

Issue: Does the attached Right of Way Dedication (Exhibit A) convey the fee interest of the Grantor GPA1,LLC, to the City?

Short Answer: No.

Discussion: Before considering the attached deed, a brief discussion of property law may be helpful. Oregon law provides that a statutory dedication operates as a conveyance of an easement, except where a statute declares that a fee shall pass, and is in its essential characteristics, a grant of an interest in land. If you consider the "interests" in land as being represented by a "bundle of sticks," then owning the "fee" describes the situation where the owner possess all the sticks (rights). A right of way is considered an interest in land (one of the sticks) and is usually described by Oregon courts as a type of easement.

A deed is construed to determine the grantor's intent. In construing a deed, it is the duty of the court to give effect to the intentions of the parties. And this intention is to be gathered from the four corners of the instrument (the deed), as it is presumed to contain all terms of the agreement. Parol evidence (evidence of intent outside the deed itself) is generally prohibited in determining a grantor's intent.

Use of a statutory warranty deed *in the form* required by ORS 93.850 would pass the fee interest (full bundle of sticks). The attached deed is not in the statutory form. GPA1, LLC, the grantor in the attached deed, has expressed through various agents inconsistent statements of intent, including an opinion that the City acquired the fee interest. The agents' statements on this issue are parol evidence and, given their

City Council
 January 14, 2016
 Page 2

inconsistencies, provide no clear intent. Unless GPA1, LLC, provides a deed with granting language that expresses “Grantor conveys the fee interest (or fee title) in the land described below to the City” with no express or implied conditions, then I do not recommend that the City consider the deed as conveying a fee interest. In addition, as Exhibit B demonstrates, agents for the City viewed the proposed dedication as a right of way, not a fee interest.

In determining whether a grantor intends a deed to convey a right of way (easement) or the fee interest, the Oregon Supreme Court set out and applied a six-factor test. The Court held that a conveyance passes title in fee when the conveyance is not entitled as: (1) a “right of way deed”; (2) when the granting clause conveys land, not a right; (3) when the consideration was substantial; (4) when there is no reverter provided for; (5) when the words “over and across the lands of the grantors” do not appear; and (6) when the land conveyed is described with precision. I have set out a short table below that considers the six factors. In our opinion, the deed demonstrates no intent to pass the fee interest.

Entitled “Right of Way”	Yes	No intent to pass the fee
Granting clause convey land; not a right	No	No intent to pass the fee
Was consideration (\$ paid) substantial	No	No intent to pass the fee
Is a Reverter provided for in deed	No	No intent to pass the fee
“Over and across lands” appear	Yes	No intent to pass the fee
Is the land described with precision	Yes	Intent to pass fee

Conclusion: Unless GPA1, LLC offers, and the City accepts, a correcting deed that unambiguously conveys fee interest in land described with precision and that contains no conditions or reversion language, it is the opinion of this office that the attached deed does not convey the fee interest in the land described in the deed. Rather, the language conveys a “right of way” operating as an easement, providing the City with the right of use of the described property “for road, pedestrian, drainage, and utility purposes, on, over, across, under, along, and within that tract of land” as described in the exhibits to the deed.

EXHIBIT A-1

Recordation Requested By:
 City of Corvallis
 ATT: Dev. Review Engineering
 PO Box 1083
 Corvallis, OR 97339

After recording return to:
 City of Corvallis-Engineering
 Development Review
 Linda Stevens

Send Tax Statement To:
 Not Applicable

BENTON COUNTY, OREGON **2014-517836**
 DE-WD
 Dnt=1 Str=41 COUNTER1 **03/28/2014 11:44:32 AM**
 \$40.00 \$11.00 \$22.00 \$10.00 \$20.00 **\$103.00**



00278615201405178380080085

James V. Morales, County Clerk for Benton
 County, Oregon, certify that the instrument
 identified herein was recorded in the Clerk
 records.

James V. Morales - County Clerk



SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED- RIGHT OF WAY DEDICATION
 (Metes and Bounds Conveyance)

KNOW ALL MEN BY THESE PRESENTS THAT GPA1, LLC (Grantor), an Oregon Limited Liability Company, does hereby dedicate by special warranty unto the City of Corvallis for road, pedestrian, drainage, and utility purposes, on, over, across, under, along, and within that tract of land in Benton County, State of Oregon, more particularly described as follows:

SEE EXHIBITS "A" (2 pages) AND "A-1", "A-2", "A-3", and "A-4" AS ATTACHED

The grantor hereby covenants that Grantor is the owner in fee simple and the property is free of all liens and encumbrances, it has good and legal right to grant its right to the above described, and Grantor will pay all taxes and assessments due and owing on the property up to, but not after the date of the dedication.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND Page 1 of 2 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 4th day of March 2014.

Granted By: GPA1, LLC

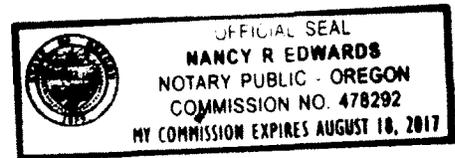
[Signature]
Robert Wood, Manager

State of Oregon) ss
County of Benton)

On this date, March 4th, 2014, Robert Wood did personally appear the above named Robert Wood and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me: Nancy Edwards

Printed Name: Nancy R. Edwards
Notary Public of Oregon
My commission Expires: 08-18-2017/License 478292



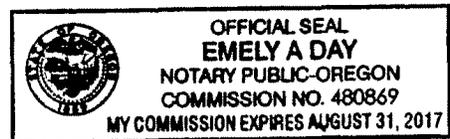
ACCEPTED BY:
CITY OF CORVALLIS

[Signature]
James Patterson, City Manager

State of Oregon) ss
County of Benton)

Personally appeared the above named James Patterson and acknowledged that he is the City Manager of the City of Corvallis, Oregon and he accepted the foregoing instrument on behalf of the City of Corvallis by authority of its City Council. Before me this 13th day of March 2014.

Before me: Emely A Day
Printed Name: Emely A Day
Notary Public of Oregon
My commission Expires: 08-31-2017



Approved as to Form:

[Signature] City Attorney 3/12/14 Date

EXHIBIT A
Description for a Dedication of Public Right-of-Way
For the Extension of NW Kings Boulevard

Located in all quarters of Section 22, Township 12 South, Range 5 West of the Willamette Meridian, City of Corvallis, Benton County, Oregon.

Beginning at a point at the intersection of the westerly and northerly right-of-way lines of NW Kings Boulevard which bears North 57°08'38" West 491.86 feet from the Northeast corner of the James L. Mulkey Donation Land Claim No. 63; thence leaving said right-of-way line of NW Kings Boulevard North 40°01'39" West 155.38 feet to a point; thence North 41°14'06" West 287.38 feet to a point; thence along the arc of a 541.00 foot radius curve to the right 233.77 feet (the long chord of which bears North 28°51'22" West 231.95 feet) to a point; thence along the arc of a 559.00 foot radius curve to the left 108.19 feet (the long chord of which bears North 22°01'19" West 108.02 feet) to a point; thence North 27°33'59" West 202.44 feet to a point; thence along the arc of a 541.00 foot curve to the right 111.74 feet (the long chord of which bears North 21°38'57" West 111.55 feet) to a point; thence along the arc of a 4263.73 foot radius curve to the right 763.89 feet (the long chord of which bears North 10°35'58" West 762.87 feet) to a point; thence along the arc of a 4959.00 foot radius curve to the left 767.22 feet (the long chord of which bears North 09°53'56" West 766.45 feet) to a point; thence along the arc of a 841.00 foot radius curve to the right 114.76 feet (the long chord of which bears North 10°25'19" West 114.67 feet) to a point; thence North 06°30'46" West 243.96 feet to a point; thence along the arc of a 1041.00 foot radius curve to the right 1074.30 feet (the long chord of which bears North 23°03'05" East 1027.26 feet) to a point; thence North 52°36'57" East 256.79 feet to a point; thence along the arc of a 691.00 foot radius curve to the right 443.06 feet (the long chord of which bears North 70°59'03" East 435.51 feet) to a point; thence along the arc of a 459.00 foot radius curve to the left 254.43 feet (the long chord of which bears North 73°28'23" East 251.19 feet) to a point on the northerly property line of Parcel 8 of Partition Plat 2007-33 (a Partition Plat of record in Benton County); thence along the northerly line North 89°34'44" East 22.81 feet to the northeast corner of said Parcel 8, said point also being on the westerly line of Lot 5 of "Highland Dell Estates" (a Subdivision of Record in Benton County); thence along said westerly line of Lot 5 South 00°25'16" East 81.80 feet to a point; thence leaving said westerly line of Lot 5 along the arc of a 541.00 foot radius non-tangential curve to the right 275.89 feet (the long chord of which bears South 74°44'36" West 272.91 feet) to a point; thence along the arc of a 609.00 foot radius curve to the left 390.48 feet (the long chord of which bears South 70°59'03" West 383.83 feet) to a point; thence South 52°36'57" West 256.79 feet to a point; thence along the arc of a 959.00 foot radius curve to the left 989.68 feet (the long chord of which bears South 23°03'05" West 946.34 feet) to a point; thence South 06°30'46" East 243.96 feet to a point; thence along the arc of a 759.00 foot radius curve to the left 103.57 feet (the long chord of which bears South 10°25'19" East 103.49 feet) to a point; thence along the arc of a 5041.00 foot radius curve to the right 779.91 feet (the long chord of which bears South 09°53'56" East 779.13 feet) to a point; thence along the arc of a 4181.73 foot radius curve to the left 749.20 feet (the long chord of which bears South 10°35'58" East 748.20 feet) to a point; thence along the arc of a 459.00 foot curve to the left 94.81 feet (the long chord of which bears South 21°38'57" East 94.64 feet) to a point; thence South 27°33'59" East 202.44 feet to a point; thence along the arc of a 641.00 foot radius curve to the right 124.06 feet (the long chord of which bears South 22°01'19" East 123.87 feet) to a point; thence along the arc of a 459.00 foot radius curve to the left

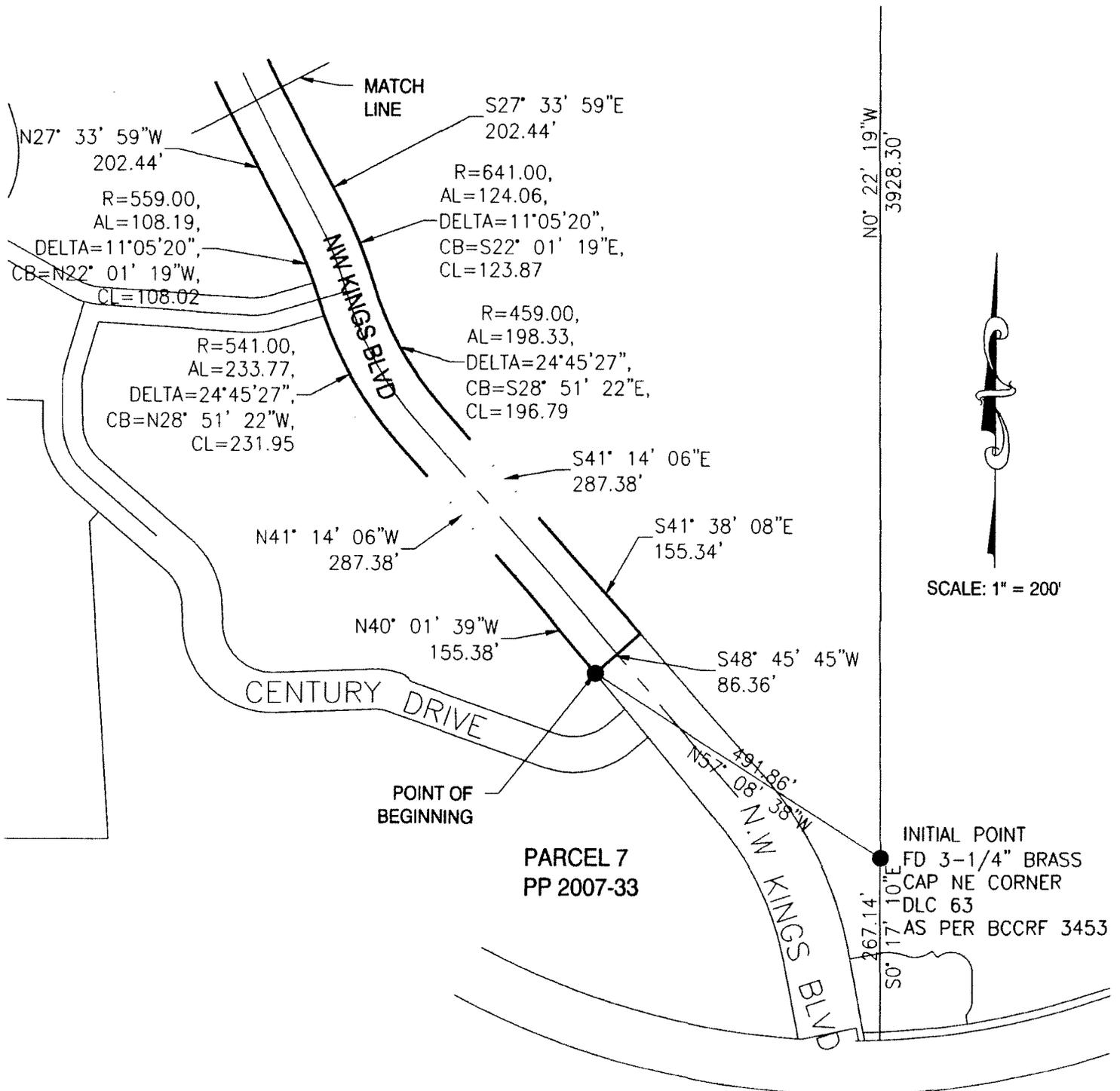
198.33 feet (the long chord of which bears South 28°51'22" East 196.79 feet) to a point; thence South 41°14'06" East 287.38 feet to a point; thence South 41°38'08" East 155.34 feet to a point at the intersection of the northerly and easterly right-of-way line of the aforementioned NW Kings Boulevard; thence along the northerly right-of-way line of said NW Kings Boulevard South 48°45'45" West 86.36 feet to the POINT OF BEGINNING as shown on EXHIBITS A-1, A-2, A-3, and A-4.

Containing 9.32 acres, more or less.

The basis of bearings for the above described dedication is from Partition Plat PP2007-033, a Partition Plat of record in Benton County, Oregon.

EXHIBIT A-1

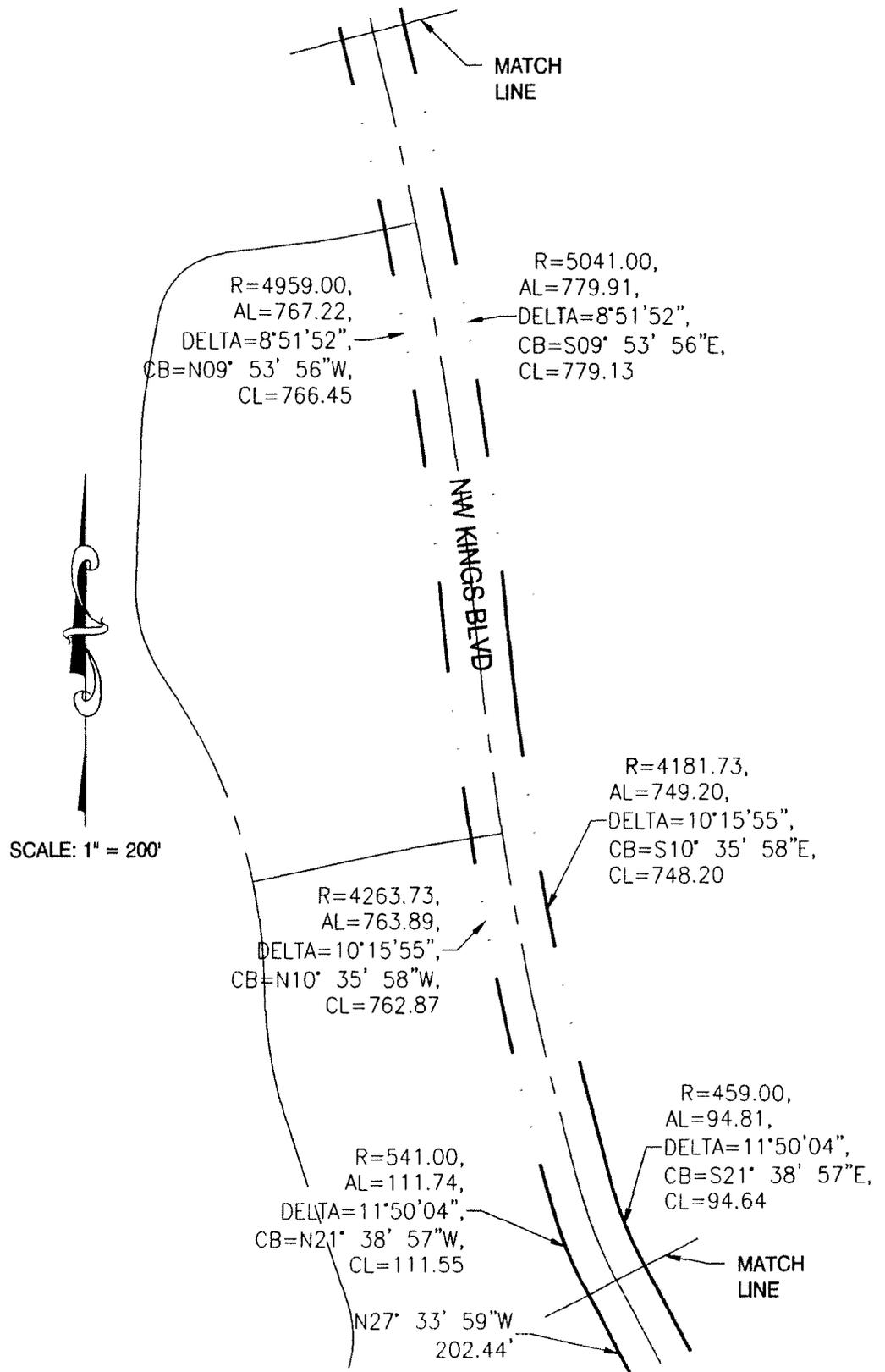
SKETCH OF A RIGHT-OF-WAY DEDICATION FOR NW KINGS BOULEVARD



THE BASIS OF BEARINGS FOR THIS SKETCH IS PARTITION PLAT 2007-33, A PARTITION PLAT OF RECORD OF BENTON COUNTY, OREGON

EXHIBIT A-2

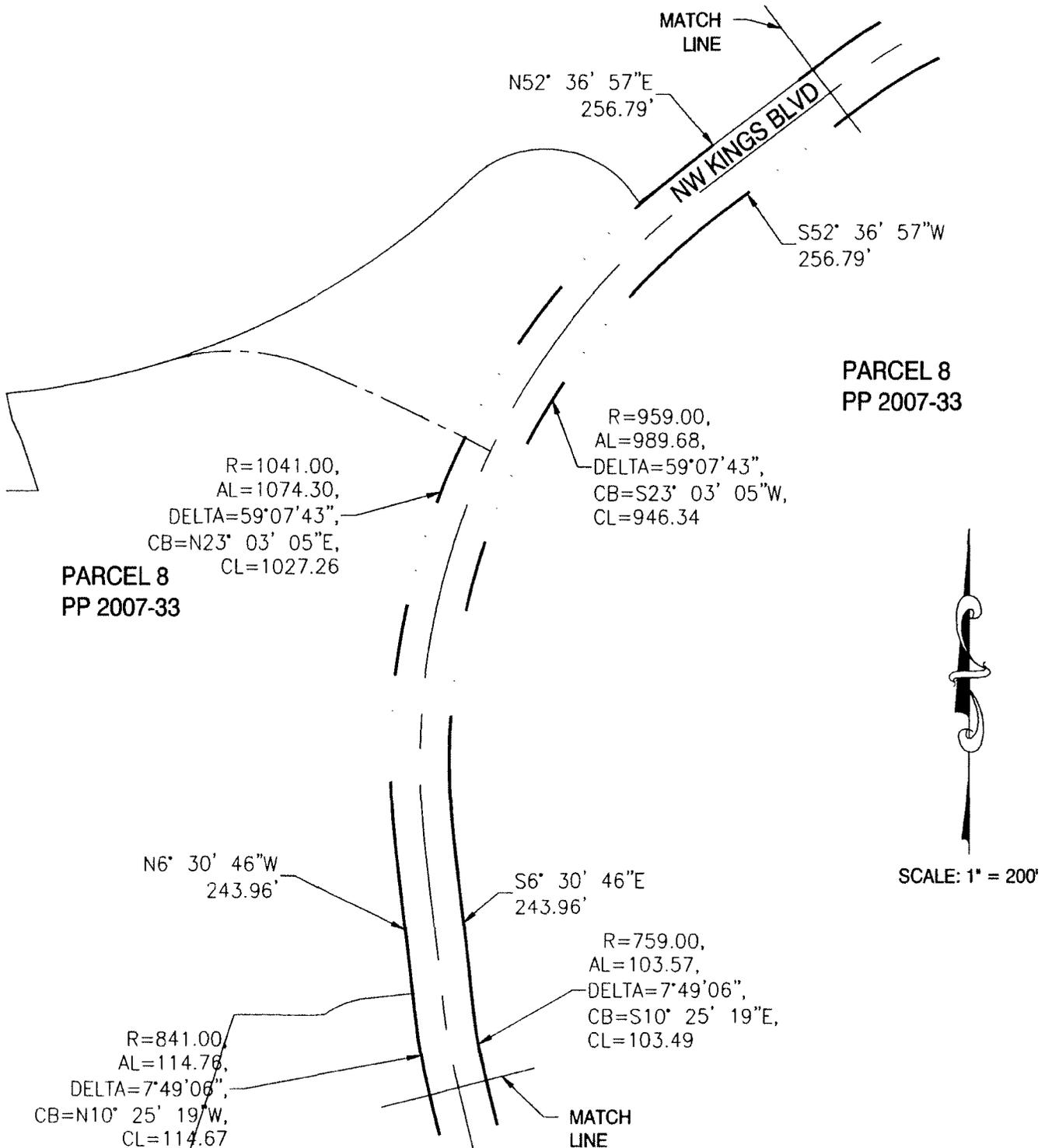
SKETCH OF A RIGHT-OF-WAY DEDICATION FOR NW KINGS BOULEVARD



THE BASIS OF BEARINGS FOR THIS SKETCH IS PARTITION PLAT 2007-33,
A PARTITION PLAT OF RECORD OF BENTON COUNTY, OREGON

EXHIBIT A-3

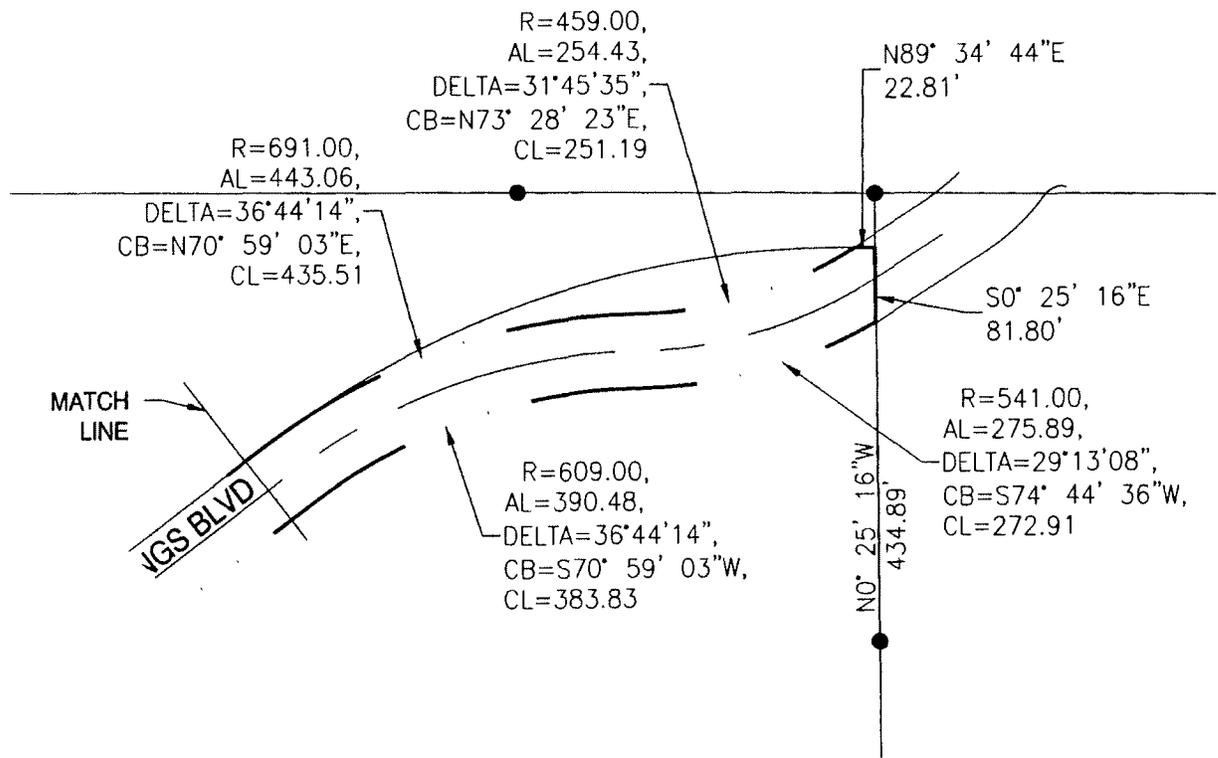
SKETCH OF A RIGHT-OF-WAY DEDICATION FOR NW KINGS BOULEVARD



THE BASIS OF BEARINGS FOR THIS SKETCH IS PARTITION PLAT 2007-33,
A PARTITION PLAT OF RECORD OF BENTON COUNTY, OREGON

EXHIBIT A-4

SKETCH OF A RIGHT-OF-WAY DEDICATION FOR NW KINGS BOULEVARD



SCALE: 1" = 200'

THE BASIS OF BEARINGS FOR THIS SKETCH IS PARTITION PLAT 2007-33,
A PARTITION PLAT OF RECORD OF BENTON COUNTY, OREGON

EXHIBIT A PG 8



EXHIBIT B 1

Public Works Department
 Engineering Division
 501 SW Madison Avenue
 P.O. Box 1083
 Corvallis, OR 97339-1083
 (541) 766-6941
 FAX (541) 766-6464
 TTY (541) 766-6477

December 30, 2013

Lyle Hutchens
 Devco Engineering Inc.
 PO Box 1211
 Corvallis, OR 97339

SUBJECT: Kings Boulevard and 29th Street Extensions

Development Review Engineering staff have reviewed the proposed right of way dedications submitted December 12, 2013. In order for the City to accept a right of way dedication without an associated land use application/approval, the right of way shall follow the planned alignments and or align with existing right of ways/easements. When these segments of roadway are developed, the alignment may be changed if the change proves to be more efficient with less impact to natural features. The proposed alignment can be dedicated at that time and the original unused right of way can be vacated.

The east end of Kings Boulevard is proposed to terminate at the property line at an almost due east-west alignment. The Kings Boulevard alignment has already been established on the opposite side of the property line by the PRUE that was created with the Highland Dell Estates partition plat. Please review the plat and align the right of way dedication to the existing PRUE. A 500ft or larger centerline radii may be used to bring the alignments together.

The future 29th Street is a neighborhood collector across this parcel. Dedication of right of way should be at the time of development for this parcel. Please remove from the dedication.

The dedication documents and legal descriptions have not been routed to the City Surveyor for review. Once the above issues are resolved, the documents will be reviewed for accuracy prior to being recorded. If you have any questions or would like to discuss this further, please call me at 766-6729, extension 5198.

Ted Reese, P.E.
 Development Engineering

cc: Jeff McConnell, Development Engineering Supervisor

Is

\\ci.corvallis.or.us\departments\PW\Divisions\Engineering\Development Review\Projects - Development\Kings and 29th Extension\Easements_Dedications_Plats\Review Letter.wpd7



MEMORANDUM

Date: January 12, 2016

To: City Council

From: Rian Amiton, Associate Planner – Planning Division

Re: Kings Boulevard Extension (PLD15-00003)
Applicant's Final Written Argument

This memorandum information comprising the Applicant's final written argument:

- Memo from Bill Kloos – Applicant's Summary of Key Issues (dated 1/11/16)
- Memo from Bill Kloos – Relevance of December 23 Documents Submitted for the Record (dated 1/11/16)
- Memo from Bill Kloos – Further Information on Detailed Development Plan Status (dated 1/11/16)
- Email exchange between Bill Kloos and the City Attorney's Office (1/5/16 through 1/8/16)

LAW OFFICE OF BILL KLOOS PC**OREGON LAND USE LAW**

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 EUGENE, OR 97401
 TEL: 541.343.8596
 WEB: WWW.LANDUSEOREGON.COM

BILL KLOOS
 BILLKLOOS@LANDUSEOREGON.COM

January 11, 2016

RECEIVED

JAN 11 2016

Corvallis Mayor and City Council
 501 SW Madison Street
 Corvallis, OR 97330

Community Development
 Planning Division

Re: Kings Boulevard Extension (PLD15-00003)
 Applicant's Summary of Key Issues

Dear Mayor and City Councilors:

The applicant will submit a final argument based on the entire record, including opponent evidence that is still arriving. With this letter I would like hit the high points of the applicant's position.

To summarize: The former Community Development Director erred in requiring this application for Kings Boulevard and telling the owner that the City has discretion to require the owner to change the location of the road. The City owns the Right of Way, for road purposes. It selected the right of way from among alternatives it evaluated. Shortly after taking title to the road the City approved a property line adjustment and found that this Right of Way is a "public street" – and the sole access to one of the resulting parcels. The road planning ship has sailed.

Consider this scenario, as a City Councilor owning a vacant lot on a city public street that is undeveloped in front of your lot. You apply to the City for a building permit; you expect to have to improve the street frontage for your lot. The City says it will issue the building permit, but the City has decided that it does not want the street in front of your lot anymore. The City wants you put the street somewhere else.

The owner here is in the same situation, only writ large.

1. The City has already decided where the footprint of the Kings Boulevard ROW will be; it did so by the City Engineer selecting this ten acre dedication, among several alternatives evaluated for their environmental impacts, and by the City Manager then accepting a dedication for this ROW for road and utility purposes.

Some councilors and citizens questioned whether the decision about locating this road has been made yet.

The ROW for the Kings Boulevard extension is already established. The deed the City accepted for the road meets the code definition of "Right-of-Way." It is, as defined in LDC 1.6, a:

"Public travel route dedicated for vehicular, bicycle, or pedestrian uses. Can and often does contain public and franchise utilities."

Corvallis City Council

January 11, 2015

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City staff supported this location for the road at the conclusion of the 2013 evaluation process; city staff continue to support the ROW location and the proposed Detailed Development Plan.

2. The City has relied upon the current ROW in making land use decisions that are premised upon the ROW being a “public street” in its current alignment.

Again, some argue for changing the location of the ROW but fail to provide any evidence supporting an alternative alignment. Others argue the construction of the street is pre-mature and may never be needed.

It is too late to deny the pending application due to the location of the ROW. The City is already relying on the Kings Boulevard extension being in its current location to make land use decisions. We have submitted a recent example – a Property Line Adjustment approval for the GPA1, LLC acreage. PLA14-00005; Order No. 2014-041 (Aug. 22, 2014). Exhibit B-1 to that approval shows the two Resultant Properties, identified as 9 and 10. Resultant Property 9 is 42.57 acres in size, and its sole access to a “public street” is the current King’s Boulevard Right of Way. The decision contains an explicit finding of compliance with a code standard for the adjustment in LDC 2.14.60.b.4. which says: “The availability of both public and private utilities and required access shall not be adversely affected by a Property Line Adjustment.” The finding of compliance in the decision is: “Both resultant properties will have access to a public street.”

Thus, the decision recognizes that the existing ROW is a “public street.” In addition, the current ROW alignment provides the only point of public access for Resultant Property 9. (Note that Condition 26 on the Conceptual Development Plan approval in 2000 prohibits a connection to Property 9 from the Garryanna/Rolling Green neighborhood.) If the ROW is realigned or deleted, that 42 acre unit of land would be stranded without access, in violation of the code.

The Key point here is the Kings Boulevard ROW already exists as a City public street, and its status as a public street has been relied upon to make binding land use decisions. The pending application establishes the design of the road within the ROW. It does not set forth a time frame for construction nor prohibit the City from modifying the design at a later date.

3. The City may not deny this application based on a new policy decision to not improve this road at all, or to build the road of a different classification.

There was considerable testimony from residents that this road should not be built at all. Reasons offered were wide-ranging: It is not needed. It will require removing trees. The area should be park. It is not safe. It will contribute to global warming.

For several reasons, the City may not deny the application or impose a condition of approval that does not allow the road to be built in accordance with the adopted Corvallis Transportation System Plan and the code standards for an arterial street. That decision would not be consistent with local and state law, at least so long as the road is called for in the Corvallis Transportation System Plan (1996) (“TSP”).

Corvallis City Council

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First, the road is called for in the TSP. It is required to be an arterial street. The City may revisit the TSP when it chooses, but for now it must apply the TSP.

Second, a decision to substantially revisit the need, location or classification of Kings Boulevard also would violate Goal 12 and the Goal 12 Rule -- OAR 660-012-0050 provides the administrative rules for development of transportation projects identified in a Transportation System Plan (TSP). OAR 660-012-0050(3) provides, in relevant part:

"Project development addresses how a transportation facility or improvement authorized in a TSP is designed and constructed. This may or may not require land use decision-making. The focus of project development is project implementation, e.g. alignment, preliminary design and mitigation of impacts. *During project development, projects authorized in an acknowledged TSP shall not be subject to further justification with regard to their need, mode, function, or general location.* For purposes of this section, a project is authorized in a TSP where the TSP makes decisions about transportation need, mode, function and general location for the facility or improvement as required by this division." (*emphasis supplied*)

To the extent opponents are asking the City to second guess the TSP, or require the "*further justification with regard to their need, mode, function, or general location*" that the Goal 12 describes, that type of inquiry is prohibited by this part of the Goal 12 Rule. By its plain terms, this Goal 12 Rule applies directly to this decision.

Third, because this is a quasi-judicial application, the applicant is entitled under ORS 227.178(3) to the benefit of standards (including the TSP) in effect at the time the application is filed. This is the "vested standards" statute for cities. If the city wants to revisit the transportation planning for Kings Boulevard, it may not do so through this application.

In summary, if the city ultimately wants to revisit the Kings Boulevard or make some other change the TSP, it must do so consistently with OAR 660-012-0050(5) and -0060 and undertake a post-acknowledgment plan amendment (PAPA). *Lufkin v. City of Salem*, 56 Or LUBA 719, 725-28 (2008). Again, it may not do so through this application process.

4. The City may not deny this application for the time being because it wants a "timeout" to revisit what kind of road is needed or exactly where it should be. That would amount to a *de facto* moratorium, contrary to state law.

Some neighbors argued that the TSP is too old -- that this application should be denied so that more planning can be done about the need for or the location of this road. This would violate state law.

Corvallis City Council

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Denial of this application for the reason that more planning is needed would amount to a *de facto* moratorium. A *de facto* moratorium is one that accomplishes a moratorium without following the procedures required by statute. ORS 197.505 to 197.540. A moratorium is the

“practice of delaying or stopping the issuance of permits, authorizations or approvals necessary for the subdivision or partitioning of, or construction on, any land, including delaying or stopping issuance based on a shortage of public facilities* * *

*” [ORS 197.524(1)]

There are standards for a moratorium; a public hearing is required; certain findings must be made; a “corrective action program” is needed. The City would violate all of these if it concludes this proceeding with a denial as a temporary hold to figure things out.

Furthermore, if the City is considering a moratorium, whether *de facto* or by the proper procedures, there is a special statute that requires conditioning to get the owner to an approval. ORS 197.522. The moratorium statute requires the City to approve this application or approve it with conditions, if that would make the development consistent with the plan and code. The city must approve the application if it can. ORS 197.522 says:

“197.522 Local government to approve subdivision, partition or construction; conditions. A local government shall approve an application for a permit, authorization or other approval necessary for the subdivision or partitioning of, or construction on, any land that is consistent with the comprehensive plan and applicable land use regulations or shall impose reasonable conditions on the application to make the proposed activity consistent with the plan and applicable regulations. A local government may deny an application that is inconsistent with the comprehensive plan and applicable land use regulations and that cannot be made consistent through the imposition of reasonable conditions of approval.”

In summary, if the City would be inclined to deny that application now, so that it can think about the location/design issue some more, that position would be contrary to the moratorium statute. The statute requires approval with conditions, if that would make the development of the road consistent with the plan.

5. The “in whole or in part” language of LDC 2.5.60.03.c. does not give the City authority to expand or contract the scope of the inquiry at its discretion.

Citizens, staff, the city attorney, and Councilors point to this language as an invitation to the Council to change the scope of the inquiry to what suits them. Should the focus be on just the road location? Should it include the future layout of some or all of the vacant residential acreage the applicant owns on each side of the ROW? Should it include the balance of the Timberhill site that was developed between 1969 and now?

None of these options would be lawful. The full text of LDC 2.5.60.03.c. is:

Corvallis City Council

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"Upon finding that the petition is reasonable and valid, the Planning Commission may consider the redesign in whole or in part of any Detailed Development Plan."

For several reasons, the "in whole or in part" option does not apply to let the City decide the scope of the application.

First, this language only applies in the context of redesign or modification of a Detailed Development Plan. The language is only triggered when there is a DDP to start with. There is no active DDP for the vacant property that is the subject of this application. There never has been a DDP for the property that is owned by the applicant. The Staff Report asserts that this property is the subject of a DDP. However, that is a bald assertion that is not supported by anything in the record. The "Planned Development" documents that the Staff Reports reference, in the listing of past approvals for Timberhill, are master plans for the entire 440 acres that were done in 1969 and modified in the 1970s. All of these master plans were prepared under the "planned development" ordinance as it existed prior to 1980. That ordinance was fundamentally different from the present ordinance. It was a vehicle for allowing uses on property that were not allowed in the base zone. It functioned more like a floating Conditional Use permit process. Most importantly, it did not authorize approval of Detailed Development Plans. The current /PD overlay zone, calling for CDPs and DDPs, was adopted in 1980 and amended thereafter. No DDP has been approved for this property on the 1980 ordinance, or its amendments. None was possible before 1980. None has been approved since 1980.

Second, the "in whole or in part" phrase does not allow the City discretion to change the scope of what is under consideration for review. Put differently, if the application is for design approval for a road, the City may not expand the inquiry and deny it because the application fails to address the entirety of an existing DDP. The structure of the code sentence is simple. The "in whole or in part" phrase modifies the word "redesign." It does not modify the term "Detailed Development Plan." Admittedly, there is ambiguity in this code phrase. It might mean either that a redesign may modify the entirety of a DDP or only part of a DDP, and that the decision maker can approve or deny the redesign application as a whole. Or, it might also mean that the decision maker may consider a redesign application and approve part of it, but not other parts, or can approve the whole of the redesign. These may be plausible interpretations open to the City. Under each plausible interpretation, however, the City review is limited to looking at the redesign that is applied for, not a bigger redesign that the owner did not apply for.

The City has the authority to do master plans for large areas of the community. In this case, the master plan was done. The North Corvallis Plan contains policies supporting street connectivity and the extension of Kings Boulevard.

6. This application is an essential component of the owner's withdrawn application for Needed Housing development. Therefore, the City may only apply clear and objective standards, conditions, and procedures, and may not make decisions that unreasonably increase the cost of or delay the provision of the housing.

Corvallis City Council

January 11, 2015

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The record of our 2014 Needed Housing application shows that the owner's approach to road design and development was to include in the DDP application land within the Kings Boulevard ROW that was adjacent to the proposed for residential development and essential for providing access. Thus, the 2014 application for The HUB included the adjacent Kings Boulevard ROW within the DDP for The HUB.

As explained in the Wood Declaration, very late in the review process for the 2014 application, City Staff and the City Attorney said that a DDP was needed for the entirety of the Kings Boulevard extension. In addition, they said, during the 2014 process and after, that the City could, in the context of reviewing a DDP application for the road, change the location of this existing public street.

The owner offered to put the pending applications on hold, file the DDP for the road, allow that application to catch up to the one at the Planning Commission, and then review all of them together. The City staff would only allow the pending applications to be put on hold if the owner completely waived its statutory right in the time frame set by state law. That posed the risk of the applications going into Limbo.

Because the City has previously asserted that it may require the existing public street to be moved, the owner filed a discrete application for the road. This road extension is an essential part of the owner's housing development proposal. As explained in the Wood Declaration, it would be grossly inefficient to design the entire project around a public road, the location of which the City says it can be changed at its discretion. That would turn the application process into a very expensive guessing game. If the road is not to be in the current location, and the City can move it where it likes, how is an applicant to know what the target is? It would be a guessing game.

Finally, many persons addressing this proposal thus far have opined that the City has broad authority under the code to approve or deny this application under the discretionary DDP criteria in the code. We have explained previously that this is not correct. This road application is an essential element of the owner's continuing efforts to develop Needed Housing on this site. The owner gets the benefit of the Needed Housing Statute. ORS 197.303 et seq. The City may only apply clear and objective procedures, standards, and conditions. There are precious few of those in the list of standards the City would apply.

Furthermore, the entirety of this process, making the owner apply for a DDP for an existing public street, so that the City can entertain the idea of changing its location, violates the prohibition in the statute against processes that unreasonably increase the cost and delay the provision of needed housing.

In summary, there are clear, compelling reasons for the City Council to approve the application with the staff recommended conditions of approval and the revision to Condition #12 as follows:

Condition #12: Significant Vegetation Management Plan – Prior to issuance of PIPC permits for Kings Boulevard and related storm water facilities construction through

Corvallis City Council

January 11, 2015

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areas with significant vegetation, the Applicant shall submit a Significant Vegetation Management Plan (SVMP) for City review and approval. The SVMP will designate the significant vegetation to be cleared and grubbed with this construction. This SVMP will also designate protection measures for significant vegetation located along the designated construction limits, to be protected during this construction. The SVMP shall be prepared in accordance with Section 4.12.90, except that no vegetation enhancement; no reforestation; and generally no mitigation shall be required; no canopy coverage calculations shall be required; and no additional information regarding PPSV-4 areas shall be required. Mitigation shall only be required if vegetation that is designated in the SVMP to be protected is adversely impacted by the construction. This SVMP shall be prepared under the supervision of a "registered arborist".

Sincerely,

Bill Kloos

Bill Kloos

Cc: Client
DEVCO Engineering

LAW OFFICE OF BILL KLOOS PC**OREGON LAND USE LAW**

375 W. 4TH AVENUE, SUITE 204
EUGENE, OR 97401
TEL: 541.343.8596
WEB: WWW.LANDUSEOREGON.COM

BILL KLOOS
BILLKLOOS@LANDUSEOREGON.COM

January 11, 2016

RECEIVED

JAN 11 2016

Corvallis Mayor and City Council
501 SW Madison Street
Corvallis, OR 97330

Community Development
Planning Division

Re: Kings Boulevard Extension (PLD15-00003)
Relevance of December 23 Documents Submitted for the Record

Dear Mayor and City Councilors:

This letter and the attached Summary Table explain why all documents in the December 23 supplemental filing (1494 page PDF) are relevant to this proceeding and should be not be rejected from the record by the Council.

The Staff Report recommends that the “majority” of our 1494 page submittal be rejected by the Council. It says, at page 3 para 2:

“On December 23, 2015, the Appellant supplemented the appeal letter with 1,494 pages of new information (linked at the end of this staff report). The majority of this new information is comprised of a planning staff report and correspondence related to a previous land use application that was withdrawn in April, 2015 prior to public hearing (“The Hub”; PLD14-00007/SUB14-00004). Staff believes that the supplemented information concerning The Hub is not relevant to the current application when viewed narrowly. It could tend to distract attention from the applicable criteria to a very detailed residential development concept that is not and may never be placed before a City decision maker for consideration. To avoid an appearance or assertion of prejudice if this or a similar application is filed, staff recommends that Council reject these portions of the supplemental information. The remainder of the supplemental information includes a preliminary title report for the right of way and a Declaration from Rob Wood. These documents pertain directly to the subject application, but were not submitted in time for staff to properly evaluate them prior to publication of this staff report.”

The following separate items were in our December 23 submittal:

1. Rob Wood Declaration (12/23/2015) -- PDF 1-4
2. Staff Report to Planning Commission, SUB14-00004; PLD14-00007) (3/25/2015) – PDF 5-1467.
3. Ticor Title Report (11/11/2015) – PDF 1458-1468.

Corvallis City Council

January 11, 2015

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4. Deed to City for Kings Blvd ROW (3/28/2014) – PDF 1469-1476.
5. Letter confirming withdrawing applications for SUB14-00004 and PLD14-00007 (4/1/2015) – PDF 1477
6. Letter requesting hold on applications for SUB14-00004 and PLD14-00007 (3/31/2015) - PDF 1478-1479
7. Letter to City Staff re PLD15-00003 (10/29/2015) – PDF 1480-1482
8. Email Chain with Ken Gibb (3/31/2015 to 4/1/2015) - PDF 1493-1487
9. Letter exchange between City and DEVCO re PLD15-00003 (9/28/2015-10/21/2015) – PDF 1488-1494

Items 1 and 3 were conceded by Staff to be relevant. We asked the Staff after the January 4 hearing what other items in the list they assert should be rejected as not relevant. Staff declined to be specific. (See email chain between City Attorney Jim Brewer and GPA1, LLC Attorney Bill Kloos.) Therefore, we will address each of the remaining eight items in this letter and the enclosed Summary Table.

Items 7 and 9 are correspondence relating to completeness review of this application, which we do not find in the online version of the record. We resubmit them just to be sure they are included.

Initially, the Staff's concern about letting it all come in reflects a misunderstanding about how these proceedings work at the City level and on appeal at LUBA. The applicant has the burden to show that the standards are met. An applicant may have a different understanding than the Staff as to what standards are relevant to the decision. For example, in the Group B, LLC matter the applicant asserted that the Needed Housing Statute applied to the decision. The City Attorney and Staff asserted throughout that it was not relevant. The City let the Needed Housing evidence into the record anyway, as it should. As it turned out, the Needed Housing Statute was the central theme in the LUBA decision.

Here the Staff recommends rejecting the majority "To avoid an appearance or assertion of prejudice if this or a similar application is filed." This is unexplained. We think it is unexplainable. Each application is judged on its own merits. This is an application to approve a road design and location. It was filed because Staff said it could not recommend approval of the 2015 housing proposal without a DDP for the road, and the Director would not let the residential application be put on hold temporarily to let a DDP for the road to catch up. Approving the road now will make no decision about the housing project; when the housing proposal is resubmitted it will be decided on its own merits.

The City code anticipates that the applicant gets to submit what evidence it believes is relevant. LDC 2.0.50.07.b. says:

Corvallis City Council

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Page 3

“Written exhibits, visual aids, affidavits, maps, and the like may be submitted as part of the evidence. Any signed writing presented to or received by any member of the hearing authority or by any other City agency or official outside the public hearing may be received as argument and placed in the record.”

This code language is very permissive. It does not even mention the possibility of gatekeeping by Staff based on their notions of “relevance” early in the proceeding.

More importantly, if the City rejects an evidentiary submittal that the applicant can show is relevant to an issue it intends to raise in the proceeding or on appeal, LUBA will find that to be a procedural error that prejudices the substantial rights of the applicant. This rule is well established. See, for example, *Montgomery v. City of Dunes City*, 60 Or LUBA 274, 278 (2010); *Nez Perce Tribe v. Wallowa County*, 47 Or LUBA 419, 424, *aff'd*, 196 Or App 787, 106 P3d 699 (2004); *Silani v. Klamath County*, 22 Or LUBA 734, 740 (1992).

Because we have explained why each item is relevant to an issue that we intend to raise in this appeal, the right thing for the City to do is to let all of the evidence remain in the record and not reject it.

Sincerely,

Bill Kloos

Bill Kloos

Encl. Summary Table of Evidence

Cc: Client
DEVCO Engineering

Corvallis City Council

January 11, 2015

Page 4

Summary Table of December 23 Evidence Submittal Items and Relevance		
Evidence Item	Relevant Issue in this Proceeding	Notes on Why it Should Not be Rejected
2. Staff Report to Planning Commission, SUB14-00004; PLD14-00007) (3/25/2015) – PDF 5-1467.	Council/neighbors asked what development on adjacent residential land will the road serve?	2014 application documents show total number of units based on minimum density required by the zoning.
	Council/neighbors asked about impacts on natural features on larger site.	2014 application shows all protected riparian, wetland and significant vegetation areas for existing and potential ROW.
	Is a DDP needed to set the location of the road?	2015 Staff Report at 17-19 says yes.
	Is it lawful for the City to relocate the road ROW?	2015 Staff Report at 17-19 says that the DDP is needed because the City can move the road.
	Must DDP for road be filed as part of housing development proposal?	2015 Staff Report at 20 says a DDP is required for road, not that it has to be filed at the same time as the residential.
4. Deed to City for Kings Blvd ROW (3/28/2014) – PDF 1469-1476.	Councilor asked Staff who owns the ROW that is subject of this application?	Deed shows conveyance to City for road ROW and utilities; was accepted by City Manager.
5. Letter confirming withdrawing applications for SUB14-00004 and PLD14-00007 (4/1/2015) – PDF 1477	Whether this road DDP is related to the 2014 residential DDP?	Withdrawal letter confirms requested info will be submitted and residential plans resubmitted “as soon as possible.”
6. Letter from DEVCO requesting hold on applications for SUB14-00004 and PLD14-00007 (3/31/2015) - PDF 1478-1479	Whether this road DDP is related to the 2014 residential DDP? And whether this application is related to Needed Housing?	Hold request letter attempts to combine the requested road DDP with the pending residential DDP.
7. Letter from DEVCO to City Staff re PLD15-00003 (10/29/2015) – PDF 1480-1482		This letter was filed re <u>this</u> application; it relates to completeness review issues; we are refileing it for the record because we cannot find in the online record for this proceeding.
8. Email Chain with Ken Gibb (3/31/2015 to 4/1/2015) - PDF 1493-1487	Whether this road DDP is related to the 2014 residential DDP? And whether this application is related to Needed Housing?	Email change shows applicant’s request to put 2014 residential applications on hold to allow DDP for road to catch up and be bundled with the residential.
9. Letter exchange between City and DEVCO re PLD15-00003 (9/28/2015-10/21/2015) – PDF 1488-1494		This letter was filed re <u>this</u> application; it relates to completeness review issues; we are refileing it for the record because we cannot find in the online record for this proceeding.

LAW OFFICE OF BILL KLOOS PC

OREGON LAND USE LAW
375 W. 4TH AVENUE, SUITE 204
EUGENE, OR 97401
TEL: 541.343.8596
WEB: WWW.LANDUSEOREGON.COM

BILL KLOOS
BILLKLOOS@LANDUSEOREGON.COM

January 11, 2016

RECEIVED

JAN 11 2016

Corvallis Mayor and City Council
501 SW Madison Street
Corvallis, OR 97330

Community Development
Planning Division

Re: Kings Boulevard Extension (PLD15-00003)
Further information on Detailed Development Plan Status

Dear Mayor and City Councilors:

An issue summary letter I filed earlier today asserted that there is no existing Detailed Development Plan for the Road ROW or the balance of the vacant property that was the subject of the 2014 Needed Housing development proposal. The staff's position is to the contrary, I believe. The status is important because it relates to the "in whole or in part" issue.

The Staff Report reaches back into the 1960s to support its assertion that there is a DDP in effect for this property. That is going back to far. Detailed Development Plans did not exist until the City adopted a wholesale revision of the code in 1980.

For purposes of this discussion, it is important to divide the previous five decades into two parts – before and after 1980. In 1980 the City rewrote the zoning code and adopted a new zoning map that applied the new code. This review was done to bring the city's plan and code into compliance with the State land use program, which was kicked-off in 1973 with Senate Bill 100, and gathered steam in the late 1970s. At the end of the 1970s cities were amending their plans and codes in order to have them acknowledged as being in compliance with the state program. Corvallis adopted its new zoning code and applied its new zoning districts at the end of 1980. See Ord. No. 80-100 (Dec. 24, 1980).

The 1980 development code created the /PD overlay zone as we know it now. "Planned Development" was section 112 of the 1980 code. Its stated purpose was to "permit greater flexibility in the land development process." Section 112.01. Attached to this letter are the relevant pages of the 1980 code. The Planned Development regulations followed the basic structure of the current code, providing for review of Conceptual Development Plans and requiring approval of Detailed Development Plans prior to actual development. The zoning map adopted with the new code in 1980 showed areas given a /PD overlay as having a solid black line perimeter. The entire Timberhill property was assigned the /PD overlay at this time.

The Planned Development designation had a much different meaning in the city development code prior to the 1980 Ordinance. PD was not used as an overlay on the base zoning. Instead it was used to replace the base zoning for a particular tract of property. For example, the 1968 zoning code, Ordinance No. 53-11, explained "PD Planned Development" zoning in Article 16A. Thus, the 1968 code explained: "An approved planned development may include any uses

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permitted in any district except those permitted only in the M-2 district.” Section 16A.02, Permitted Uses. The PD process and standards were a way to get approval to develop a use that was not allowed in the base zone. Thus, the Gazette-Times Building downtown, with residential base zoning in a residential neighborhood, was approved for that commercial office and printing use by getting a Planned Development approval.

In summary, when the current code or the city staff inquires as to the existence of a Detailed Development Plan, for any reason, the inquiry begins in 1980. That is because prior to the 1980 development code there were no Detailed Development Plans approved in the city – not for anyone.

The 2000 Conceptual Development Plan contains a very general summary of the major land use decisions for the entire Timberhill site from 1968 to 2000. Maps of the historic approvals accompanied that summary. See Planning Commission Staff Report (June 28, 2000) at page 4. It does not describe any decision approving a Detailed Development Plan for this property.

The chronology of land use decisions under the pre-1980 zoning code (when Detailed Development Plans did not exist) can be summarized as follows:

In 1969 the City approved the Timberhill Master Plan, which was a “preliminary development plan,” for the entire 800-acre site, including land in the city and in the county. The approval was PD-69-12 (Aug. 19, 1969) and included a wide range of residential, commercial and community service areas.

In 1975 the City approved annexation of 9.94 acres (A-75-8) and PD zoning (PD-75-8) based on a preliminary development plan based on consistency with the 1969 Master Plan. This approval became Timberhill 3rd Addition.

In 1976 the City approved a finding/modification of the 1969 Master Plan approval, determining that the acreages and uses shown on a revised site plan were consistent with the original 1969 Master Plan. The approval was in CPA-76-5 (April 20, 1976).

In 1978 the City approved a major revision to the Timberhill Master Plan. The approval was by AR-77-10; it characterized as “the official preliminary development plan for the Timberhill Planned Development.” Staff Report (March 27, 1978) at 6.

In 1980 the city adopted a new zoning code and a new zoning map, as discussed above. As the city described in its chronology in the 2000 CDP, “[T]he City used the 1977 Timberhill Master Plan and District Map designations for the property.” 2000 CDP. The /PD overlay was applied to the entire property. The new zoning code for the first time made it possible for a property owner to apply for a Detailed Development Plan, under Section 112.

The chronology of land use decisions under the 1980 zoning code – the Land Development Code, can be summarized as follows:

Corvallis City Council

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In 1985 the owner applied for and received plan amendments and district changes, including changes to RTC Research Technology Center. The plan amendments were accomplished in CPA-85-1 (March 18, 1985), approving Ordinance 85-11. The district changes were accomplished by DC-85-2. This did not involve a Detailed Development Plan.

In 1988 the City approved a Detailed Development Plan and Subdivision for the Timberhill SE 4th Addition. The DDP was accomplished by PD-88-8, Order 88-22 (June 1, 1988). This was a 19-lot subdivision along the southeast boundary of Timberhill.

In 1990 the City approved a Detailed Development Plan and Subdivision for the Timberhill 5th Addition. The DDP was accomplished by PD-89-14, Order 90-13 (Feb. 7, 1990). This was a 42-lot subdivision along the northwest boundary of Timberhill. .

In 1992 the City approved a Detailed Development Plan and Subdivision for the Timberhill 4th Addition, Phases 2 and 3. The DDP was accomplished by PD-92-1, Order 92-19 (April 1, 1992). This was an 88-lot subdivision on 40.93 acres. .

In 1993 the City approved a Detailed Development Plan and Subdivision for the Timberhill 4th Addition, Phase 3. The DDP was accomplished by PD-93-2, Order 93-33 (June 2, 1993). This was a 42-lot subdivision.

In March of 2000 the City took the initiative to amend the plan designations in several places in Timberhill to correct errors made in 1998 when new maps were adopted as part of periodic review. The plan amendments were accomplished by CPA99-00003, Order 2000-15 (March 6, 2000). There was no associated development approval.

In May of 2000, the City approved a Detailed Development Plan for the Townhomes at Timberhill Project. This was accomplished by PD-00-00006 (May 22, 2000). This was an 8.3 acre project adjacent and to the east of 29th Street.

In September of 2000 the City also approved a Conceptual Plan Modification for the remaining undeveloped acreage at Timberhill, about 420 acres. The approval was accomplished by PLD00-00014 (Sept. 26, 2000). Although this decision was described a modification of a Conceptual Plan, there was no Conceptual Development Plan under the new code to be modified. The plan being modified was the Timberhill Master Plan, as it had been revised in 1977, under the old zoning code. The 2000 CDP included a small "Phase 1" area, as shown on Figure 2 to the decision. The "Phase I area" is in the SW part of the site with Walnut on the south, Huckleberry on the north, 29th on the west, and Kings Blvd. on the east. The Phase 1 area was the subject of a Detailed Development Plan and actual development. The balance remains undeveloped.

Corvallis City Council
January 11, 2015
Page 4

In January of 2003 the City approved a Detailed Development Plan for Timiberhill Meadows Apartments. This was accomplished by PLD02-00020, Order 2003-03 (Jan. 10, 2003). This approved 136 apartment units north of Walnut and west of Kings Blvd.

In summary, the property that is the subject of this request has residential base zoning and is not the subject of any active Detailed Development Plan in the meaning of the current Land Development Code.

Sincerely,

Bill Kloos

Bill Kloos

Cc: Client
DEVCO Engineering

Amiton, Rian

From: City Attorney Brewer
Sent: Friday, January 08, 2016 10:13 AM
To: 'Bill Kloos'
Cc: Amiton, Rian; Young, Kevin
Subject: RE: Kings Blvd Extension; Applicant Submittals recommended by Staff for rejection from record

Bill:

Of course this will be in the record.

I would think of this as helping the Council so that they don't have to guess which parts of this submission are relevant and material to their decision.

Jim

From: Bill Kloos [mailto:billkloos@landuseoregon.com]
Sent: Thursday, January 07, 2016 10:24 PM
To: Jim Brewer <jkbrewer@peak.org>
Cc: Bill Kloos <billkloos@landuseoregon.com>; Chuck Kingsley (charles@commercialassociates.org) <charles@commercialassociates.org>
Subject: RE: Kings Blvd Extension; Applicant Submittals recommended by Staff for rejection from record

Jim:

OK. So it is a guessing game.

Please confirm that the entirety of this email chain will be in the record.

Bill Kloos
Law Office of Bill Kloos, PC
375 W. 4th Avenue, Suite 204
Eugene, OR 97401
Phone: (541) 343-8596
Email: billkloos@landuseoregon.com
Web: www.LandUseOregon.com

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From: Jim Brewer [mailto:jkbrewer@peak.org]
Sent: Thursday, January 07, 2016 9:31 PM
To: Bill Kloos
Cc: Rian.Amiton@corvallisoregon.gov; Dan Stotter
Subject: Re: Kings Blvd Extension; Applicant Submittals recommended by Staff for rejection from record

Bill:

Presumably your client submitted these 1400 plus pages of documents for a reason. Shouldn't it be up to you to explain how all of it is material and relevant to the Council's decision about this proposal? I would take the staff statement at face value.

Jim

Sent from my iPhone

On Jan 7, 2016, at 5:17 PM, Bill Kloos <billkloos@landuseoregon.com> wrote:

Jim:

Thank you, again.

Here is the list of things in the 1494 page PDF:

The specific items in that 1494 page PDF submittal are:

Rob Wood Declaration (12/23/2015) - PDF 1-4

DEVCO Transmittal Form (12/23/2015) – PDF 5

Staff Report to Planning Commission, SUB14-00004; PLD14-00007) (3/25/2015)

Ticor Title Report (11/11/2015) – PDF 1458-1468.

Deed to City for Kings Blvd ROW (3/28/2014) – PDF 1469-1476.

Letter confirming withdrawing applications for SUB14-00004 and PLD14-00007 (4/1/2015) – PDF 1477

Letter requesting hold on applications for SUB14-00004 and PLD14-00007 (3/31/2015) - PDF 1478-1479

Letter to City Staff re PLD15-00003 (10/29/2015) – PDF 1480-1482

Email Chain with Ken Gibb (3/31/2015 to 4/1/2015) - PDF 1493-1487

Letter exchange between City and DEVCO re PLD15-00003 (9/28/2015-10/21/2015) – PDF 1488-1494

When the staff says “the majority” of these materials, which items are in the scope of its recommendation.

If the City Council agrees with the staff recommendation to reject the majority, what items would they be rejecting?

Bill Kloos
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Web: www.LandUseOregon.com

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From: Jim Brewer [<mailto:jkbrewer@peak.org>]
Sent: Thursday, January 07, 2016 5:07 PM
To: Bill Kloos
Cc: Rian.Amiton@corvallisoregon.gov; 'Dan Stotter'
Subject: RE: Kings Blvd Extension; Applicant Submittals recommended by Staff for rejection from record

Bill:

Here is what the staff report says in about the middle of the second page:

The majority of this new information is comprised of a planning staff report and correspondence related to a previous land use application that was withdrawn in April, 2015 prior to public hearing ("The Hub"; PLD14-00007/SUB14-00004). Staff believes that the supplemented information concerning The Hub is not relevant to the current application when viewed narrowly. It could tend to distract attention from the applicable criteria to a very detailed residential development concept that is not and may never be placed before a City decision maker for consideration. To avoid an appearance or assertion of prejudice if this or a similar application is filed, staff recommends that Council reject these portions of the supplemental information.

Jim

From: Bill Kloos [<mailto:billkloos@landuseoregon.com>]
Sent: Thursday, January 07, 2016 3:10 PM
To: Jim Brewer <jkbrewer@peak.org>
Cc: Rian.Amiton@corvallisoregon.gov; 'Dan Stotter' <dstotter@qwestoffice.net>; Bill Kloos <billkloos@landuseoregon.com>
Subject: RE: Kings Blvd Extension; Applicant Submittals recommended by Staff for rejection from record

Jim:

Thank you for your email.

I should be more clear about my question, I think. I am not looking for a staff commitment on anything. I thought I heard the staff say that they had concerns about the relevance of some of the materials in the 1494 PDF. Is that right? If so, what items were they questioning?

I want to focus my relevance discussion on the items in that package that were put in question by the staff, not the other ones.

Thanks.

Bill Kloos
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From: Jim Brewer [<mailto:jkbrewer@peak.org>]
Sent: Thursday, January 07, 2016 12:45 PM
To: Bill Kloos
Cc: Rian.Amiton@corvallisoregon.gov; 'Dan Stotter'
Subject: RE: Kings Blvd Extension; Applicant Submittals recommended by Staff for rejection from record

Hi, Bill:

My recollection is that in the hearing the Council invited the applicant and other parties to explain the relevance or materiality of the December 23, 2014 documents. I understood that you provided some explanation at the hearing. Staff would not want to presuppose what the Council might now consider to be relevant and material in the 1494 pages. I would expect concerns about whether review and consideration of the withdrawn application materials creates issues of bias or prejudgment with regard to new submission (or resubmission) of applications for development on the site.

Jim Brewer

From: Bill Kloos [<mailto:billkloos@landuseoregon.com>]
Sent: Wednesday, January 06, 2016 9:56 AM
To: Jim Brewer <jkbrewer@peak.org>
Cc: Rian.Amiton@corvallisoregon.gov; 'Dan Stotter' <dstotter@qwestoffice.net>; Bill Kloos <billkloos@landuseoregon.com>
Subject: RE: Kings Blvd Extension; Applicant Submittals recommended by Staff for rejection from record

Jim and Rian:

Thanks for this. That takes care of Question 1 in good fashion. I will hold for Rian's response to Question 2.

Bill Kloos
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From: Jim Brewer [<mailto:jkbrewer@peak.org>]
Sent: Wednesday, January 06, 2016 9:53 AM
To: Bill Kloos
Cc: Rian.Amiton@corvallisoregon.gov; 'Dan Stotter'
Subject: RE: Kings Blvd Extension; Applicant Submittals recommended by Staff for rejection from record

Hi Bill:

I can confirm that this email conversation will be included in the record. Rian is copied, so he now has yours and this reply.

I can also confirm that the entire 1494 pages were placed before the decision makers. There are two active links (also active during the public hearing, as I was using one of them) to the materials. The links are on "Electronic Packet Page 17". There are actually two links to the additional materials – one to "Quick View" it in a web browser, and one to download the entire .pdf. In both cases the document is 1,494 pages. I couldn't find a link that took me to the 40 page document, but Rian tells me it sounds like something that was provided by Lyle earlier in the process.

Jim

From: Bill Kloos [<mailto:billkloos@landuseoregon.com>]

Sent: Tuesday, January 05, 2016 11:16 PM

To: Jim Brewer (jkbrewer@peak.org) <jkbrewer@peak.org>

Cc: Rian.Amiton@corvallisoregon.gov; Bill Kloos <billkloos@landuseoregon.com>; Dan Stotter (dstotter@qwestoffice.net) <dstotter@qwestoffice.net>

Subject: Kings Blvd Extension; Applicant Submittals recommended by Staff for rejection from record

Jim:

Please confirm that this email will be placed in the record.

I need to get clarity from the staff as to what documents, submitted by the applicant on 12/13, which are linked to at the end of the Staff Report to the City Council, have been submitted to the City Council and which of those are under consideration by the City Council for rejection from the record.

The Staff Report at page 2 paragraph 3 says in part:

On December 23, 2015, the Appellant supplemented the appeal letter with 1,494 pages of new information (linked at the end of this staff report). The majority of this new information is comprised of a planning staff report and correspondence related to a previous land use application that was withdrawn in April, 2015 prior to public hearing ("The Hub"; PLD14-00007/SUB14-00004). Staff believes that the supplemented information concerning The Hub is not relevant to the current application when viewed narrowly. It could tend to distract attention from the applicable criteria to a very detailed residential development concept that is not and may never be placed before a City decision maker for consideration. To avoid an appearance or assertion of prejudice if this or a similar application is filed, staff recommends that Council reject these portions of the supplemental information. The remainder of the supplemental information includes a preliminary title report for the right of way and a Declaration from Rob Wood. These documents pertain directly to the subject application, but were not submitted in time for staff to properly evaluate them prior to publication of this staff report.

1. What of the 12/23 supplemental information has been placed before the City Council?

The applicant submitted the 12/23 PDF to be placed before the City Council, consistent with LDC 2.0.50.07.b.:

Written exhibits, visual aids, affidavits, maps, and the like may be submitted as part of the evidence. Any signed writing presented to or received by any member of the hearing authority or by any other City agency or official outside the public hearing may be received as argument and placed in the record.

There is a link to this material as an "Online Exhibit" at the end of the Staff Report. That link says: "Link to additional materials submitted by the Appellant on December 23, 2015." If you click on that link, up comes a 40 page PDF, not a 1494 page PDF. Page 2 of the 40 page PDF has been annotated by the Staff with large block letters: "NOTE; FULL STAFF REPORT AND ATTACHMENTS SUBMITTED TO CITY STAFF AND ON FILE WITH CASE." So, is it the case that the Staff has not provided the full 1494 PDF to the City Council, but only the abridged 40 page PDF?

2. Of the 12/23 Supplemental Materials filed by the applicant, which items does the City Council have under consideration for rejection?

The last two sentences confirm that the Title Report and the Wood Declaration should come into the record. We are unclear about the others.

The specific items in that 1494 page PDF submittal are:

Rob Wood Declaration (12/23/2015) - PDF 1-4

DEVCO Transmittal Form (12/23/2015) – PDF 5

Staff Report to Planning Commission, SUB14-00004; PLD14-00007) (3/25/2015)

Ticor Title Report (11/11/2015) – PDF 1458-1468.

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Letter requesting hold on applications for SUB14-00004 and PLD14-00007 (3/31/2015) - PDF 1478-1479

Letter to City Staff re PLD15-00003 (10/29/2015) – PDF 1480-1482

Email Chain with Ken Gibb (3/31/2015 to 4/1/2015) - PDF 1493-1487

Letter exchange between City and DEVCO re PLD15-00003 (9/28/2015-10/21/2015) – PDF 1488-1494

It was not clear from the discussion between the Council and the Staff as to exactly what documents in this list the Staff is recommending the Council reject from the record. We need to know in order to focus our comments on why each document must be included.

And, of course, a prompt email response is needed for us to meet the post-hearing submittal deadlines.

Thank you.

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MEMORANDUM

Date: January 12, 2016

To: City Council

From: Rian Amiton, Associate Planner – Planning Division

Re: Kings Boulevard Extension (PLD15-00003)
Additional Written Testimony through Close of Public Record

This memorandum includes copies of written testimony received between the close of the January 4 City Council public hearing and the close of the written record at 5pm on January 11.

Amiton, Rian

From: Ann Brodie [annbrodie143@comcast.net]
Sent: Saturday, January 09, 2016 2:01 PM
To: Amiton, Rian
Subject: Kings Blvd extension

I have attended both the planning comm hearing and the council hearing. To me the biggest reason to deny a permit for the road extension is that it goes nowhere and serves no current purpose. Why do we need another dead end road with no stated use?

Ann Brodie 3145 Seneca 97330

Amiton, Rian

From: Holzworth, Carla
Sent: Tuesday, January 05, 2016 6:27 AM
To: Amiton, Rian
Cc: Young, Kevin
Subject: FW: Kings Blvd Extension - Please distribute to City Council and Mayor

Hi Rian,

This came in before last night's public hearing, so please add to the record. Thx

From: Rex [<mailto:camra8@comcast.net>]
Sent: Monday, January 04, 2016 3:07 PM
To: Holzworth, Carla
Subject: Kings Blvd Extension - Please distribute to City Council and Mayor

Kings Blvd Extension

Dear Mayor and City Council:

Please do not allow the Kings Boulevard extension to go through. The Dixon Creek runoff area is stressed enough. Our concern is once the extension is complete, it will make it easier for development to begin. This will increase the runoff to the Dixon Creek area which is stretched as it is. Our concern is increased localized flooding. The city drainage plan needs to be addressed and assessed prior to any additional development being approved.

Rex Campbell
1905 NW Arthur Circle
541-760-0472

Disclaimer: This e-mail message may be a public record of the City of Corvallis. The contents may be subject to public disclosure under Oregon Public Records Law and subject to the State of Oregon Records Retention Schedules. (OAR: 166.200.0200-405)

Amiton, Rian

From: Mayor (External Website Publishing)
Sent: Monday, January 04, 2016 7:24 PM
To: Amiton, Rian
Subject: Fwd: Appeal Hearing for PLD15-00003

Biff Traber
Mayor, Corvallis
541-766-6985

Begin forwarded message:

From: dean2941@comcast.net
Date: January 4, 2016 at 7:23:01 PM PST
To: ward8@council.corvallisoregon.gov, mayor@council.corvallisoregon.gov
Subject: Appeal Hearing for PLD15-00003

Dear Councilor Hann and Mayor Traber:

I regret that I could not attend the Appeal Hearing tonight and provide oral testimony. The hillside I live on has a very steep slope up to my home on Rolling Green Drive, the temperature was dropping and the freezing rain looked like it was back again at 6:30 PM. I figured I could slide down okay but probably not get back up or even safely walk across the street to my car in the parking lot near the site for the appeal hearing once the meeting was over.

For the record, I am opposed to reversing the City Planning Commission's decision to deny approval of PLD15-00003. I felt the Notice of Disposition Order 2015-053 provided an adequate summarization to support this decision that was both clear and objective based on Land Development Code regulations and concerns with unknown development plans as no development proposal for any housing type was included with the application. The proposed roadway improvements and storm water facilities were not approved by the existing Consensual Development Plan PLD00-00014 or any other land use application, and as presented, are located in areas regulated by LDC Chapter 4 that contains specific requirements that protect natural features.

Thank you for your dedication and professional approach in representing your constituents and evaluating documentation provided to you during the appeals process.

Pamela Dean

Amiton, Rian

From: Marcia [youwho.inc@gmail.com]
Sent: Monday, January 11, 2016 10:42 AM
To: Amiton, Rian
Subject: Kings Blvd extension

Please enter my letter into the record on the Kings Valley extension city council vote.

Please support the City Planning Commission's vote on the Timberhill Development issue. There are many items that have not been sufficiently studied before any further roads or developments are carried out in this area. There may be solutions that will enhance the neighborhood, the city and the private interests but we need more collaboration and time to look at all the issues involved - not the least of which is evidenced during this epic rainfall - hillside stability, water flows and climate change issues in the future affecting this property.

It has been many years since the Kings Blvd extension was studied. Issues unknown or not considered at that time are now imperative to consider not the least of which is the effects of the Cascadia subduction zone and earthquake effects.

This issue need further study and a collaboration of all stakeholders: city residents, land users, owners, those who speak for wildlife and flora. We all evolve as people and communities. We need to listen to our new needs.

Please support the Planning Commission's vote to deny the Kings Blvd extension at this time.

Marcia Earlenbaugh
You Who?, LLC
3195 NW Morning Glory Drive
Corvallis, OR 97330
303 898 3715

Subject: Impact on Corvallis RE PLD15-00003 Kings Blvd
From: Chris Goldfinger
Sent: January 8, 2016

The Corvallis Fault is indeed the largest mapped fault in Western Oregon, stretching from the middle of the Coast Range southwest of Alsea, to at least a point between Logsdan ridge and Salem, NE of Corvallis. Its present activity is not known. It is well mapped, and geologically that means within 10's to a few hundred meters, but is particularly well located in the north Corvallis area where it can be seen at the surface in a few locations near Chip Ross and Timberhill. There are many faults in Western Oregon that may be active, and their location and sense of slip is consistent with the modern stress field, meaning that they are likely to be active. But, we just don't know definitively, and therefore I agree with Dr Yeats, that absent other information, we have to assume it is active. If active, it may have a long return period for earthquakes, or it may have a short one, again, we don't know. The issue of a road crossing the fault is an interesting one. Roads cross faults all over the world, and many roads in Corvallis cross the fault, including Walnut, and Hwy 20 in Philomath. Roads are relatively easy to repair however, and every time there is an earthquake somewhere, roads get repaired relatively easily. The real issue appears to be development that will follow this road. Having large developments, or really any developments directly on a fault is not advisable, until and unless, a geologic investigation is done to determine the fault is not active. Otherwise, roads leading to new developments should be assessed in light of the unknowns, and whether such developments would likely fail the test of mitigations for the hazard. I'm a geologist, and not that well versed in local zoning practices, but that's my view of a common-sense approach.

Best Regards, Chris

Dr. Chris Goldfinger
Director, Active Tectonics and Seafloor Mapping Laboratory
College of Earth, Ocean and Atmospheric Sciences
Oregon State University
1+ 541 737 5214 fax 1+ 541 737 2064
gold@coas.oregonstate.edu
<http://activetectonics.coas.oregonstate.edu/> Earthquake Blog: <http://atquake.wordpress.com>

Work address is CEOAS, Ocean admin Bldg 104, Oregon State Univ. Corvallis, 97331.
Home is 3255 NW Hurleywood Dr. Albany, OR 97321.

Date: January 11, 2016

To: **Corvallis City Council, Mayor Traber and City Manager Shepard**

ATTN: **Rian Amiton**

From: Camille Hall, 7175 NW Mountain View Drive, Corvallis

RE: **Kings Blvd. Extension (PLD15-00003)**

I oppose the Kings Boulevard extension to Lester Ave. with regard to compatibility factors for signage and traffic impacts.

Review Criteria 2.5.40.04, Compatibility Factors a.7 and a.10, Signage and Traffic impacts:

Intersection of Lester Drive and Highland Avenue

The intersection of Lester Avenue and Highland Drive is subject to significant traffic during the commute hours for school and work. Additional traffic from the extension of Kings Boulevard to Lester Avenue will negatively impact safety and add significantly to congestion on Highland Drive during these hours. The current stop sign will be inadequate to manage traffic during commute hours.

The intersection of Lester Avenue and Highland Drive has limited sight-distance due to trees along Highland Drive and due to its location at the crest of a hill on Highland Drive.

Intersection of Highway 20 and Granger Road

Though it seems far afield from the topic of extending Kings Boulevard, I hope the Council will also take into account the impact of the proposed extension on commute traffic from NW Corvallis to Albany and I-5, via the intersection of Hwy 20 and Granger Road. This is a dangerous intersection which does not qualify for a signal, due to ODOT conditions for continuous traffic flow.

Conclusion

Any extension of Kings Boulevard which connects to Lester Avenue will introduce a significant amount of traffic to already dangerous intersections heavily used by Crescent Valley High School and Hwy 20 commuters.

I urge you to stop short of completing the connection of any Kings Boulevard extension to Lester Avenue until there is a proposal to annex and develop land north of Lester, at which time there will be time and money to conduct a comprehensive traffic study.

Your decision will have significant impact on traffic safety for the Crescent Valley High School area, and for the intersection of Highway 20 and Granger Road.

Thank you for your consideration.

Amiton, Rian

From: Carole Hobrock [marchbabycarole@gmail.com]
Sent: Friday, January 08, 2016 8:29 PM
To: Amiton, Rian
Subject: In protest of Kings Blvd. extension

Please consider this email as testimony against the Kings Blvd. extension (PLD 15-00003) . It's no secret that this is an attempt by developers to advance the poorly planned 'Hub' subdivision. Regardless, there doesn't seem to be any compelling reasons to extend Kings Blvd. at this point in time. As a 19-year Corvallis resident, I'm all for growth and development, but it needs to be appropriate for the area, and adhere to Land Development code. I served on the Corvallis tourism board for six years, and I fail to see how diminishing green space and recreational areas serves to bring visitors to Corvallis. And, obviously, poorly-planned growth impacts not only the value of our homes, but the livability of the city.

The area in question has yet to recover from the effects of the September 2014 wildfire, and further development on or anywhere near it will only create additional danger of landslides, erosion, wildlife habitat endangerment, and vegetation issues.

Thank you for your time,

Carole Hobrock

3107 NW Morning Glory Drive

Corvallis, OR 97330

Amiton, Rian

From: Mayor (External Website Publishing)
Sent: Monday, January 04, 2016 7:22 PM
To: Amiton, Rian
Subject: Fwd: Kings Boulevard Extension

Biff Traber
Mayor, Corvallis
541-766-6985

Begin forwarded message:

From: Sharla Joseph <skjoseph78@gmail.com>
Date: January 4, 2016 at 4:44:53 PM PST
To: mayorandcitycouncil@cityofcorvallis.org
Subject: Kings Boulevard Extension

Dear Mayor Trabor and members of the City Council,
As a resident of Arthur Circle, Ward 3, I am opposed to any extension of Kings Boulevard toward the north. Any extension of Kings Boulevard would increase runoff into Dixon Creek, which is already unable to carry the current runoff during heavy rains. Our home would be in greater danger of flooding.
It's irresponsible to add runoff upstream which would adversely affect downstream neighborhoods like ours.

Please do not approve any extension of Kings Boulevard.

Thank you.
Sharla Kinney Joseph
1775 NW Arthur Circle
Corvallis, OR 97330

Amiton, Rian

From: JohnM [lifeisgood105@gmail.com]
Sent: Wednesday, January 06, 2016 12:01 PM
To: Amiton, Rian
Subject: RE: Appeal of PLD15-00003

Mr. Amiton,

The following is my written testimony to the Corvallis City Council regarding the land use hearing and decision for PLD15-00003:

1. The proposed Kings Blvd extension has not been shown to be the best alternative for minimum impact on Protected Natural Hazards and Resources (LDC 4.11.50.04.b). Other possible extensions including those outside this property have not been adequately considered.
2. Lack of a specific plan(s) for development of the parcel make it impossible to determine that this road extension is the most appropriate.

The fact that this proposed development could be an opportunity for the city to have a developer construct a road extension does not justify approval of this application. I am not opposed to the eventual development of this area, but it must be done in accordance with applicable criteria and with the best interests of our community in mind.

Please deny this application. Thank you.

John McEvoy
1720 NW Arthur Circle
Corvallis, OR

Amiton, Rian

From: Thomas Meier [tjmeier1@gmail.com]
Sent: Sunday, January 10, 2016 10:29 PM
To: Amiton, Rian
Subject: Proposed Kings Blvd build out

Rian,

My name is Tom Meier and I live on 3347 NW Poppy drive. I would like to voice my concern over the the proposed Kings Blvd build out. First, I back up to the green space and expected that some day there would be development of some kind low density housing on that property. When the HUB was proposed, it looked like as though a very high density housing was proposed on only a portion of the land so as to recoup all their costs as quickly as possible. Too much for the area, and no real grand plan. The developer comes back with the road (that goes nowhere) and no housing details at all. Again, a poor proposal to the city and people of the area. Additionally, the info presented in the meeting didn't discuss what drove the proposed placement of the roadway, yet another negative. This methodology leads me to assume that that the developer would then heavily pressure the City for HUB like developments of the land.

I do NOT endorse the road without a master plan of what is intended for the land once Kings is extended North to Lester.

-Tom Meier

1/9/2016

We are very concerned about and are strongly opposed to Kings Blvd. Extension for the reasons eloquently presented by those in opposition at the meeting. Specifically, our concerns, and that of many others, focus on some of the following issues:

1. This application should be considered "in whole" and not "in part" – the developers **must** be required to present a plan for the entire 220 acres, not simply a piecemeal, arterial road to nowhere, attached to no planned development.
2. Noise from traffic (LDC 2.5.40.40a 4) must be assessed in order to better understand the impact of this proposed arterial road on surrounding neighborhoods
3. This application asks for a variance beyond maximum cut and fill standards that would place this area at risk for landslides.
4. As you will read from other written testimony, a prestigious geologist, Dr. Bob Yeats (emeritus faculty at OSU) will provide data that the property in question where Kings Extension would be built is bisected by the Corvallis fault. Given the lack of data on how active this fault is we urge you to err on the side of Public Health and Safety and support the Commission's denial of this proposed Extension. Placing a road on a known fault places citizens at undo risk.
5. Removal of 300 white oaks (such a rare and important species) will create a loss of habitat dependent on numerous species of plants, birds and animals in the area would cause irreparable damage.
6. This proposed road will also destroy wetlands and sensitive vegetation LDC LDC 2.5.40.40a(14)
7. Based on extensive testimony, there are numerous violations of LDC's in this proposed road that justify the City Council upholding the City Planning Commission denial of this application.

Please vote to **DENY** this application.

Respectfully submitted,
Cathy Neumann, Ph.D. (Emeritus Associate Professor in Public Health)
and Tamina Toray, PhD. (Professor, Behavioral Sciences Division, Western Oregon University).

Amiton, Rian

From: Barb Popoff [barbpopoff@icloud.com]
Sent: Friday, January 08, 2016 5:04 PM
To: Amiton, Rian
Subject: Opposition to Kings Blvd. extension.

Please submit my letter for review by the city council.

As a resident in the Timberhill neighborhood since 1988, I strongly oppose the proposed extension of Kings Blvd.

I believe any development of this area should be imbedded within a master plan that is in harmony with the existing neighborhoods. I understand that this is private property, however, if this "jewel of north Corvallis" needs to be developed, it should be done purposefully and in context of the larger community.

Specifically, I am concerned:

The proposal does not adequately address the environmental impacts (vegetation protection, riparian corridor and wetlands, landslide hazard etc.) The negative impact on noise from traffic The negative impact on air and water quality from construction

And lastly, I am concerned about the possible resubmission of a Hub-like plan if this road is approved. A Hub-like development, complete with a Jumbotron, has NO business in or near family neighborhoods. Note that the Hub in Eugene is on the millrace and in close proximity to the UO campus not on practically the other side of town. I understand, unfortunately, this land will most likely be developed sometime in the future, but let's do it proactively with clear objectives for what is best for Corvallis. The developers need to answer, "Why this road?"

Without a comprehensive plan, which also addresses the concerns above, the proposed Kings Blvd. should be rejected.

Sincerely,
Barbara Baker Popoff
3567 NW Wisteria Place
Corvallis, Oregon 97330

barbpopoff@comcast.net

Sent from iPad

Sent from iPad

Amiton, Rian

From: Judy Ringle [judy.ringle@gmail.com]
Sent: Saturday, January 09, 2016 5:46 PM
To: Amiton, Rian
Subject: NO on the Kings Blvd extension

Dear Mr. Amiton,

We have lived here for 50 years now, and have watched the changes in the north Corvallis viewscape. What used to be green or gold grassy and forested hills and arroyos have become neighborhoods, and what is left of the irreplaceable landscape features is seriously in danger.

Once it's gone, it's permanently gone. This ruins one of Corvallis' prime vista sites, one that is visible from almost anywhere in town. We had no idea how profoundly we would feel the sense of loss as those north town hillsides have been tamed, paved, and urbanized.

Drainage: Our lot abuts Dixon Creek. As the drainage has directed more and more rainfall into the creek, we have noted with alarm the drastically greater creek flow. A few years ago, our creek bank was in danger of being washed away, and the City installed protective rip-rap boulders. With increased drainage from the storm sewers that would be upstream, those of us downstream view with alarm the rising waters. (Last month was a real threat – not to us, but probably to our bank and to our neighbors with lower banks.)

Traffic: The old Kings Road (that tells you how long we've been here) extension project no longer makes any sense. Civic priorities have shifted from northward growth to preserving what we cannot replace. The only reason to continue Kings further north is to provide an autobahn from student housing to OSU. Our formerly quiet nights have long been abandoned to the traffic noise on Walnut. The cacophony on Kings would be horrific. So would the traffic. That's a no-brainer.

And while we recognize that the issue at hand is the extension of Kings, not the development of a humungous student housing project, the two are inextricably connected. Who, after all, wants the Kings extension?

Some things are worth more than money. The natural beauty that surrounds Corvallis, and what's left of our peace and quiet qualify.

In the strongest possible terms, VOTE NO.

Living and voting here for 50 years,

John and Judy Ringle



"Finding Our Way ... Together"

mobile +1-478-235-5296

ReCon4ALL@gmail.com

Corvallis, Oregon
2016-01-10

Greetings to the City Council & Citizens of Corvallis,

I submit a written update to the neutral testimony I offered at the public hearing held January 4, 2016 regarding the proposed extension of Kings Blvd into the Timberhill neighbourhood.

As I stated before the Council, my primary concern is with the efficacy and integrity of the decision making process that the City uses on vital questions such as urban development.

First, let me update the materials I provided at the hearing. The picture of the "Kings Extension Mind Map" and my Reflective Consultation contact card physically submitted on 4 January remain accurate, and I request that these be continued in the record. The small paper card beginning "Please Share!" has been superseded; a new full-page version is attached to this letter, along with a set of eight 3x4 inch cards on a single page, for submission into the record.

To access the Kings Extension online anonymous suggestion box, chat room, and the latest version of the mind map curated by my company Reflective Consultation ("ReCon") and originally created by ReCon on 29 December 2015, follow this link:

<http://tinyurl.com/KingsBox>

The link will take anyone who uses it to the anonymous suggestion box hosted by SuggestionOx.com, which contains instructions and additional links to access the chat room hosted by Hipchat.com, and download the mind maps and free XMIND and/or MindJet software needed to view them on a computer or mobile device, respectively.

ReCon promises to maintain the suggestion box, chat room and curated mind maps until at least 1 June 2016, as a public service. The mind map's latest revision date will be posted in the instructions found on the anonymous suggestion box web page accessed with the "tinyurl" above. These resources are entirely free of charge or any other obligation. ReCon is not affiliated and has no financial or other agreement with providers Suggestionox.com, Hipchat.com, Mindjet.com and Xmind.com. No one's identity or other personal information will be requested, tracked or captured by any means.

The contents of the suggestion box and chat room will be reviewed and when appropriate added anonymously to the downloadable mind maps by “Committees of Refinement” (CoRE groups) composed of trained mediators, nearly all of whom reside in or near Corvallis, and all of whom are fully committed to the principles of neutrality and confidentiality.

These resources seek to augment consultation and decision making, and are in no way intended to alter, impair or obstruct the Council’s clearly established decision making rules and procedures. Whatever the outcome of the Council’s quasi-judicial process regarding the Kings Blvd extension proposal, ReCon merely offers an opportunity for interested citizens, businesses, and organisations to explore new ways of surfacing, evaluating and prioritizing issues involving urban development. At the very least, applying ReCon to the Kings extension proposal can serve as a demonstration of what could be accomplished using a process running alongside of traditional decision making in other situations with fewer constraints related to time, administrative procedures and legal precedents.

* * *

Before closing, let me offer three observations and pose some questions relating to the Council’s public hearing of 4 January, which I attended in its entirety.

First, I observed that there was hardly any additional information or argumentation revealed in the course of over two and a half hours of testimony that differed from what I found and integrated into the original Kings extension mind map from the minutes of the Planning Commission session of Nov. 18, 2015 (available online in the packet released before the Commission’s meeting of 12 December). Even if my expectation that some new ideas, positions and facts would surface at the Council’s *de novo* proceeding is unfounded or unreasonable, there is still the amount of time and labour invested in such a mere repetition of material. I also noticed that practically all the questions Council members put to staff following the public hearing had been asked by Planning Commission members nearly two months before, and it appears from the Commission’s public records that *a number of them had been answered by the same staff hearing the questions from Council members*. These observations, if correct, raise serious questions about the current decision making process. Is this a proper and effective use of vital City personnel and resources? Why does there appear to be so little collective memory function in Corvallis City government?

Second, the appellant GPA1 landowners appeared to offer little substance or context for their request to have the City build a road, beyond asking the City to determine a final unalterable route for the road. The history of GPA1’s previous partnership with an out-of-state builder of student housing and the proceedings before Corvallis governmental bodies spanning nearly the past two years was barely mentioned. As a neutral party, I take no position on the merits of GPA1’s plans and activities past or present. I am solely concerned with the quality of the decision making process. From that perspective, it appears that as time and process have progressed with the Kings extension proposal, *the quality of information and the completeness of the record has regressed*, at least in part through the deliberate efforts of GPA1 to frame their appeal with that procedural outcome in mind. Of equal if not greater concern to me was the near total silence on this historical context of all the various parties opposing GPA1’s appeal, as well as Council members themselves. Is there something that compels this “dumbing down” of collective civic understanding at the very moment when maximum decision making capacity on critical urban development issues is called for?

Third and finally, various City plans and vision statements were talked about in the course of testimony. The same was true during Planning Commission proceedings. What was missing in both, at least from this observer’s point of view, was any sense of how this plethora of plans ranging across nearly two decades fits together so that it could

truly inform and guide urban development decision making. It could perhaps be said of Corvallis that it is a place of many plans and few if any clear priorities. Where are the mechanisms for setting meaningful priorities? If these mechanisms do in fact exist, why are they not more transparent and accessible? Why does it appear that they are not capable of effective oversight by the public and its elected representatives? Without transparency and oversight, how can there be any meaningful accountability for proper decision making?

While my questions may seem to some unduly harsh or even personally insulting to the parties involved, to the various authors of various plans, and to the Council and City government, I can assure anyone reading this that this is the furthest thing from my true purpose. It seems to me that no one involved in the process harbours evil intentions. Furthermore, I do not single out anybody for blame regarding the shortcomings I believe I observed at the public hearing. If the problems truly rested with particular individuals or organisations that needed to be defeated or punished to restore good governance, then the solutions would be relatively straightforward and easy to implement. Such, I conclude, is not the case, regardless of how the Kings Blvd extension is ultimately decided in Corvallis or on further appeal to the State Board of Land Appeals and possibly to the courts.

If my observations and questions point toward a need to redirect and augment the very foundations of political decision making in Corvallis (and many other places besides), as I am convinced they do, then I humbly offer Reflective Consultation as one possible means of exploring how to get the required transformation underway.

Thank you for your kind attention. May God bless all of our efforts to promote the good. And enjoy exploring ReCon!

Sincerely,



Keith R "Kirk" Schlesinger, Ph.D.

listener / facilitator



"Finding Our Way ... Together"

mobile +1=478-235-5296 (text/voice 24/7)

ReCon4ALL@gmail.com



PLEASE SHARE!

... your ideas, questions, opinions about:

Kings Blvd Extension & Timberhill Development

Go online for further instructions & provide your input:

<http://tinyurl.com/KingsBox>

Everything is anonymous – A “Committee of Refinement” will review submissions & add them to the “Kings Blvd Mind Map” ***available to everyone!***



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To:

The Honorable Mayor of the city of Corvallis, Mr Biff Traber and the City Council of Corvallis

From :

Ed and Patti Toggart
4465 NW Honeysuckle Drive
Corvallis, OR 97330

To be submitted in Public Testimony regarding PLD 15-00003.

Honorable Mayor and Council Members:

This letter is to express strong and fervent opposition to the Kings Extension proposal.

There are several concerns that is not in compliance with:

1. Traffic and Transportation Facilities - LDC 2.5.40.40a (9) and LDC 2.5.40.40(a) (10)
2. Preservation and/or Protection of Significant Natural Features - LDC 2.5.40.40a (14) including failure to adequately address compatibility factors for Significant Vegetation Protection Provisions, Riparian Corridor and Wetlands Provision, Landslide Hazard and Hillside Development issues, and Minimum Assured Development Area MADA) analysis.
3. Noise attenuation from traffic LDC 2.40.40a (4)
4. Effects on Air and Water Quality fro road construction and traffic LDC 2.5.40.40a (12)

It is our opinion that this represent poor and inadequate investigation and planning, ignoring standing Land and Development Codes.

Most Sincerely
Ed and Patti Toggart

Amiton, Rian

From: torayt@mail.wou.edu on behalf of Tamina Toray [torayt@wou.edu]
Sent: Friday, January 08, 2016 6:13 PM
To: Amiton, Rian
Subject: Kings Extension PLD 15-00003.
Attachments: Screen Shot 2016-01-08 at 5.07.46 AM (1).png; Screen Shot 2016-01-08 at 5.18.48 AM (1).png; Screen Shot 2016-01-08 at 5.19.33 AM.png; Screen Shot 2016 topo.png

Rian please submit the attached screen shots from the Oregon HazVU for the record. The Statewide Geohazards Viewer captures the Corvallis fault line running directly through Timberhill area and the subject road site. Information can be accessed at:

<http://www.oregongeology.org/sub/hazvu/index.htm>

Tamina

Tamina Toray, Ph.D.

Professor, Behavioral Sciences Division

Western Oregon University

(503) 838-8712

Todd Hall 341

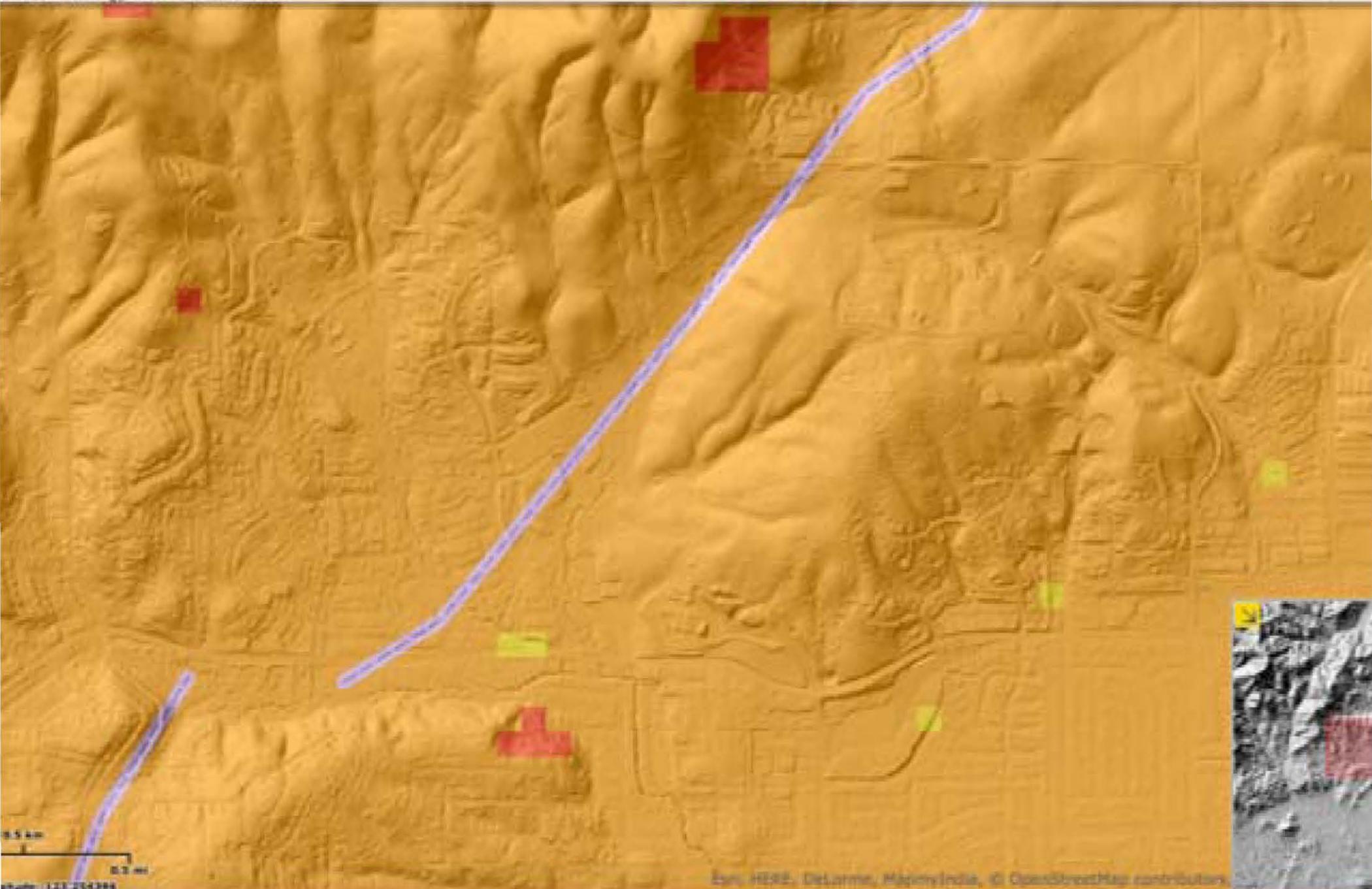
current office hours: http://www.wou.edu/las/behavioral_sciences/faculty/facultyschedule.php

HazVu: Statewide Geohazards Viewer

Department of Geology and Mineral Industries



HELP

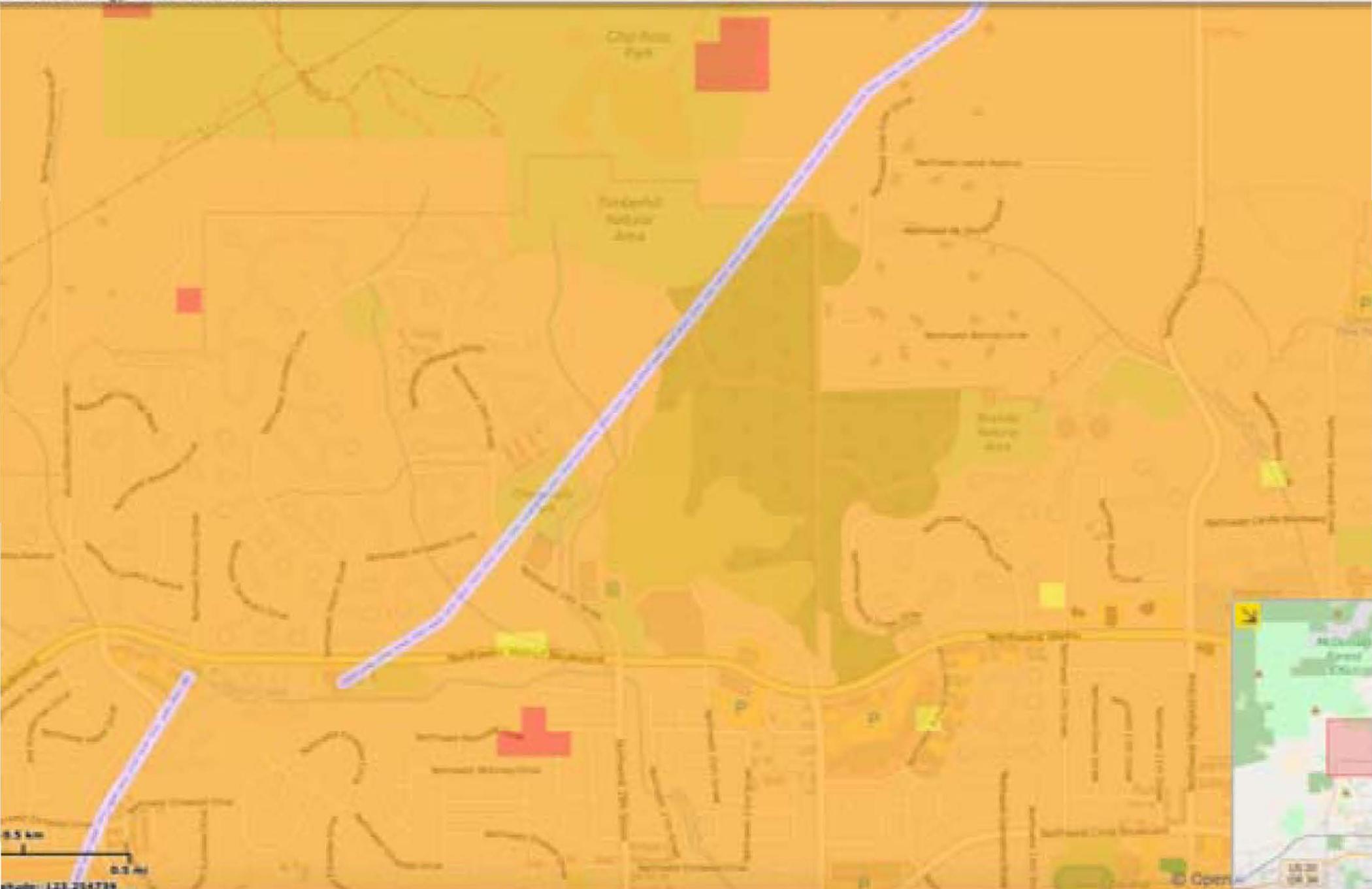


HazVu: Statewide Geohazards Viewer

Department of Geology and Mineral Industries



HELP



HazVu: Statewide Geohazards Viewer

Department of Geology and Mineral Industries

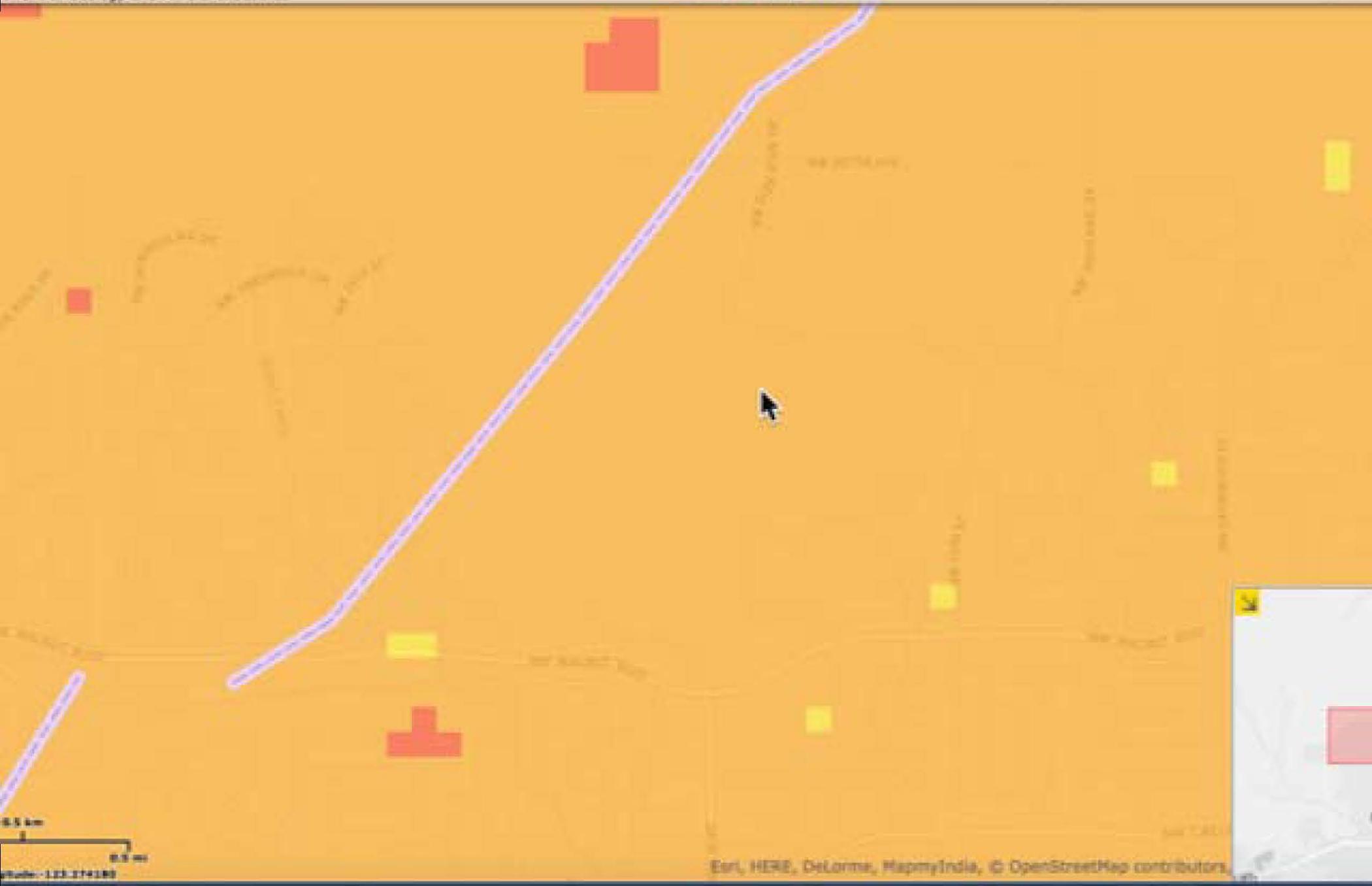


HELP



HazVu: Statewide Geohazards Viewer

Department of Geology and Mineral Industries





Thursday, January 07, 2016

Honorable Mayor Biff Traber
Members of the Corvallis City Council

Via email to: Rian.Amiton@Corvallis.gov

Regarding: Kings Boulevard Extension (PLD15-00003)

Representing the owners and management of Timberhill Shopping Center, LLC at 2359 NW Kings Boulevard, Corvallis, OR 97330 I am writing to state our support of application PLD15-00003, as recommended by your City staff.

This retail center was purposely placed in this section of Corvallis to provide goods and services to the surrounding neighborhood. The planned development insured this center to be easily accessible by private vehicle, public transportation, bicycle, and by foot traffic.

Timberhill Shopping Center companies employ over two hundred people. Timberhill Shopping Center is proud to be part of the Corvallis community. The northerly extension of Kings Boulevard will provide additional and more convenient access to the Center's businesses by-neighborhood residents and our employees.

For the public record, I respectfully request Mayor Traber and Members of the City Council understand the need for this project to move forward as originally planned many years ago.

Regards,

Michael Vaughn
General Manager
Timberhill Shopping Center

2359 N.W. Kings Boulevard
Corvallis, Oregon 97330
Phone: 541 /758-3733
Fax: 541 /758-7328

Email: manager@timberhillshoppingcenter.com
Website: www.timberhillshoppingcenter.com

To: Members of the City Council
Re: Appeal PLD15-00003
From: Jim Wilson
Date: January 8, 2016

Subject: Road alignment crosses the Corvallis Fault

We support TRNA's and NWA's request of denial for the Appeal of the Kings Blvd Extension Decision of the Planning Commission.

The proposed Kings Blvd extension crosses the Corvallis fault line several times contrary to code and standards (see attached map of the fault overlaid on PLD15-00003 road alignment map). Building a structure, which can be defined as a road (LDC 1.6.30), over a fault line is contrary to the Corvallis Comprehensive Plan (2000) and LDC (as amended through Aug 28, 2014). The Corvallis Comprehensive Plan (CCP) specifically states that the Corvallis fault has been mapped and that **structures shall not be built over the fault** (CCP 4.7.d and 4.7.5, see pg 2). The applicant's geotechnical study states that the proposed road alignment crosses the fault, that it "may have had minor intermittent activity" in the past. Furthermore, they state that should a minor movement occur damaging the road, embankment, and utilities they can be simply rebuilt.

Noted earthquake expert and author John Yeats, Professor Emeritus Oregon State University, however, provides a more concerning statement about the proposed extension of Kings Blvd over the Corvallis fault in his recent Letter-To-The-Editor entitled "Development raises fault issues" in the Corvallis Gazette-Times, see attached. Professor Yeats states that the **Corvallis Fault is thought to be the largest crustal fault in western Oregon.**

The application should also be denied because it does not meet Code Purposes--to protect human life, health, and property (LDC 4.14.10 a.)--as a result of the proposed road crossing the Corvallis fault several times. Whereas this code states fault lines are not included because they are difficult to anticipate, in part because it has not been precisely mapped, Professor Yeats states that it has been well located. Fault lines are not "anticipated" as stated in the code, rather they are located. The code does include landslides which can be generated by earthquakes and fault movement.

Professor Emeritus John Yeats states that "the fault is well located because of detailed mapping by Chris Goldfinger (Professor of Geology and Geophysics) of Oregon State University, but it has not been determined if it is subject to earthquakes." The map of the Corvallis Fault Line is available from both Benton County and the City of Corvallis. Yeats further states that "**due diligence requires that the City determine if the fault is active and a generator of large earthquakes.**" LDC 4.14.20.01 b.2 states "These hazards may need to be addressed per requirement of the adopted Building Code and/or per the recommendations of geologic studies, etc." The applicant's geotechnical report does not sufficiently address the impact of the fault line nor how the road should be designed to address the potential seismic conditions. **The road should be designed to seismic standards such as the Association of State Highway and Transportation Officials (AASHTO).** Corvallis has implemented seismic upgrades for City Hall, the library, and fire stations. This road should also meet seismic design standards since as an arterial, in the event of an earthquake, it will need to serve emergency vehicles. It is always best to error on the side of safety to life, property and structures, the Corvallis Fault should be

Wilson
Appeal PLD15-00003

Pg 2

considered active until otherwise determined to not be an active fault. Due diligence by the City of Corvallis is needed.

Reference Standards and Codes which support denial of Appeal PLD15-00003:

CCP, Policies, 4.7.d The Corvallis fault has been mapped and runs through the north and west part of the City and the Urban Growth Boundary. Structures built using appropriate standards are possible near, but not over, the fault line.

CCP, 4.7.5 Structures shall not be located over the Corvallis fault line and should maintain a minimum setback from the fault line depending on a site-specific geologic study and professional recommendation.

LDC 1.6.30 Definitions, Specific Words and Terms, Structure - Combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

LDC 4.14.10 a. Landslide Hazard and Hillside Development Provisions, Section 4.14.10 - Purposes - Landslide Hazard and Hillside Development Provisions

a. Protect human life, health, and property

LDC 4.14.20.01 b.2 Mapping of Natural Hazards –Exclusion of Corvallis Fault Line and Liquefaction Soils – Hazards associated with the Corvallis Fault Line and liquefaction soils are not addressed as part of this Code. Hazards associated with the Corvallis Fault Line, and with fault lines in general, are difficult to anticipate. This is in part because the Fault has not been precisely mapped and in part because other faults may exist in the area which are not yet known. The hazards posed by liquefaction soils can be addressed by the application of more stringent building construction requirements. However, the City will have a map(s) available for informational purposes to show the approximate location of the Corvallis Fault Line and the location of liquefaction soils. These hazards may need to be addressed per the requirements of the adopted Building Code and/or per the recommendations of geologic studies, etc.

Jim Wilson
2624 NW Lupine Pl
Corvallis, OR 97330

Attachments:

Yeats' Corvallis Gazette Times article "Development raises fault issues"
Corvallis Fault Line overlaid on PLD15-00003 Kings Blvd extension map

Corvallis Gazette-Times

Opinion

Send letters to the editor:

By mail to the Corvallis Gazette-Times,
P.O. Box 368, Corvallis, OR 97339

By email to opinion@gtoconnect.com

By fax to 541-758-9505

www.gazettetimes.com

Friday, November 20, 2015 **A11**

LETTERS TO THE EDITOR

Development raises fault issues

On Monday, the Gazette-Times ran an article, "A Road Up Timberhill," about a plan to extend Kings Boulevard into the hills north of Walnut. This is apparently in support of a possible future student housing development in this area called The Hub.

This development and the road will probably cross the Corvallis fault, which is thought to be the largest crustal fault in western Oregon.

This fault underlies one of the buildings at Crescent Valley High School, continues southwest beneath the entrance to Chip Ross Park and beneath the Glen Ridge subdivision. The fault is spectacularly exposed in a rock quarry northeast of Philomath, where friction along the fault has produced rock glass, evidence of melting.

The fault was discussed at a noon meeting of the Corvallis City Club on Oct. 12. The fault is well located because of detailed mapping by Chris Goldfinger of Oregon State University, but it has not been determined if it is subject to earthquakes. Although I notified Mayor Biff Traber and the Corvallis city manager about the City Club meeting, no one from the city contacted me about the fault, and the Gazette-Times article about the City Club meeting failed to discuss the fault, although it was featured at that meeting.

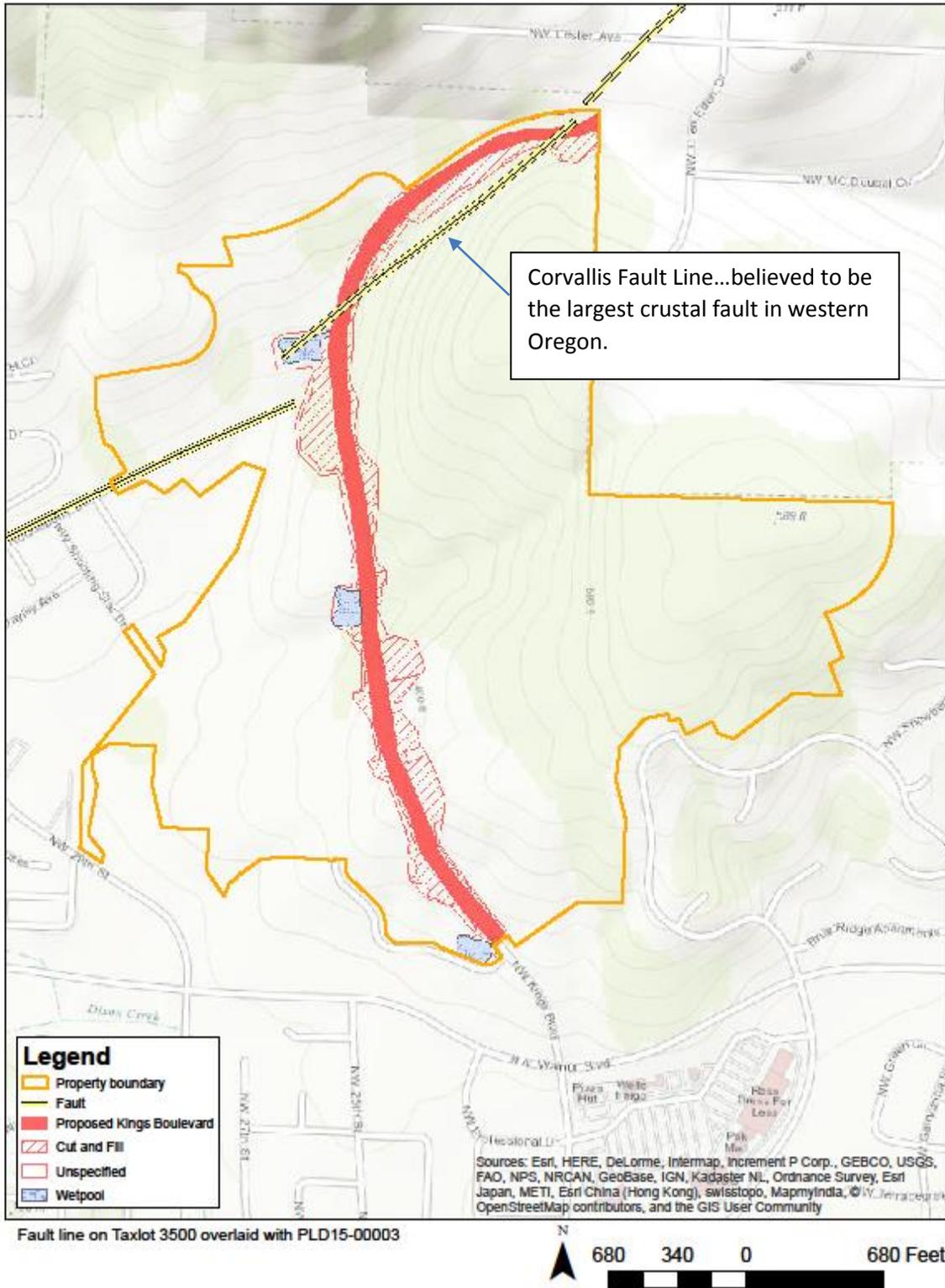
Because the road extension and the proposed student housing development must be approved by the city, due diligence requires that the City determine if the fault is active and a generator of large earthquakes. A map of the fault prepared by Peg Peirson many years ago is available through Kevin Higgins of the Benton County Sheriff's Office.

Bob Yeats

Corvallis (Nov. 17)

(The writer is a professor emeritus

at Oregon State University and the author of "Living with Earthquakes in the Pacific Northwest, available for free from the OSU Press at this website: <http://oregonstate.edu/instruct/oer/earthquake/index.html>)



Testimony Regarding Kings Boulevard Extension

To Whom It May Concern

Qualifications

I am emeritus professor of earthquake geology at Oregon State University and retired professional consultant and partner with Earth Consultants International. I am registered to practice geology in the states of Washington, Oregon, and California. I was chair of the Department of Geology at OSU from 1977 to 1985. I also served on the Oregon State Board of Geological Examiners. I am author of several books: *The Geology of Earthquakes* (Oxford University Press, 1997), *Living with Earthquakes in the Pacific Northwest* (OSU Press, 3rd ed. , 2015), *Active Faults of the World* (Cambridge University Press, 2012), and *Earthquake Time Bombs* (Cambridge University Press, 2015). The OSU Press book is used as a textbook in earthquake science throughout the Northwest. Because it is used to educate the public on earthquake dangers in the Northwest, the OSU Press has made it available online without cost at <http://oregonstate.edu/instruct/oer/earthquake/index.html>.

Testimony on Corvallis Fault

The Corvallis Fault is one of the largest crustal faults in western Oregon, bringing older rocks on the northwest against younger rocks on the southeast. It has been known for many years, and it was mapped in detail by Chris Goldfinger as part of his MS thesis research at OSU. The fault is exposed in a rock quarry northeast of Philomath, with evidence that the rock at the fault has melted due to friction. It also underlies one of the buildings of Crescent Valley High School and is present at the entrance to Chip Ross Park. Goldfinger later completed his PhD at OSU on the Cascadia Subduction Zone and is now a professor in the College of Earth, Ocean, and Atmospheric Sciences at OSU. I was his PhD dissertation advisor, along with Prof. Laverne Kulm. He is internationally well known and was featured in the July 2015 *New Yorker* article by Kathryn Schulz called *The Really Big One*.

His thesis map was redrafted by Peg Peirson on a base with property boundaries as part of my course in earthquake geology when she worked in emergency hazards in the Benton County Sheriff's office. This map is available to planning commissions of Benton County and Corvallis. Her position is now filled by Mr. Kevin Higgins at kevin.higgins@co.benton.or.us. The fault also appears on a map in Chapter 6 of the online textbook. For details, consult the map available at the Sheriff's Office and City Planning Commission.

Although the fault is well mapped, its earthquake potential has not been worked out. This requires finding a place where sediments younger than the Ice Ages (Pleistocene, or younger than 11,000 years) have been displaced by the fault. The reason for the Kings Boulevard extension is to develop residential housing, including apartments, along the route. California law would require that the proponent demonstrate if the fault has earthquake potential or not. In Oregon, the laws are weaker, but due diligence, common sense, and potential for legal action

mean that the question of fault activity and potential for earthquakes be determined and made known to potential owners.

Until this is established, my recommendation is that approval of the Kings Boulevard Extension and subsequent development be deferred until the degree of earthquake activity on this fault be determined.

Robert S. Yeats, PhD

Oregon Licensed Geologist 177

January 6, 2016

M E M O R A N D U M

To: City Council Members

From: Biff Traber, Mayor

Date: January 12, 2016

Subject: Advisory Board Vacancies



Budget Commission

Irva Kay Neyhart resigned from the Budget Commission because her other commitments prevented her being able to attend Budget Commission meetings. Irva's term on the Commission expires June 30, 2016.

Downtown Advisory Board

Nancy Whitcombe, representing the general community, resigned from the Downtown Advisory Board. Her term on the Board expires June 30, 2016.

Mike Wiener, representing cultural resources and arts, resigned from the Downtown Advisory Board. His term on the Board expires June 30, 2016.

Parks, Natural Areas, and Recreation Advisory Board

Bev Hill, who I appointed to the Parks, Natural Areas, and Recreation Advisory Board at the Council's January 4 meeting, determined that her volunteer commitments would not allow her sufficient time to devote to the Board. Therefore, she has withdrawn her application for Board membership; and I will not ask the Council to confirm my January 4 appointment of Bev to the Board.

Based upon this change, I am declaring a vacancy on the Parks, Natural Areas, and Recreation Advisory Board for the position to which Bev had been appointed, which has a term expiring June 30, 2017.

I would appreciate nominations of citizens to fill these vacancies.

MEMORANDUM

To: City Council Members
From: Biff Traber, Mayor 
Date: January 13, 2016
Subject: Appointment to Vision and Action Plan Steering Committee

I am appointing the following organization representative to the Vision and Action Plan Steering Committee:

Ann Mbacke.....Racial Justice Coalition

Council confirmation of this appointment is not necessary; this announcement is provided for your information.

MEMORANDUM

To: City Council Members
From: Biff Traber, Mayor 
Date: January 11, 2016
Subject: Confirmation of Parks, Natural Areas, and Recreation Advisory Board Appointment

At our last regular meeting, I announced the following advisory board appointment:

Parks, Natural Areas, and Recreation Advisory Board

Ed Curtin

Term expires: June 30, 2016

I request that you confirm the appointment at our next Council meeting, January 19, 2016.

TO: City Council for January 19, 2016 meeting
 FROM: Mary Steckel, Public Works Director *MJS*
 DATE: January 5, 2016
 THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
 SUBJECT: Transit Operations Fee Annual Adjustment



Action Requested:

For information only, no action required.

Discussion:

Per Municipal Code 3.08.050, the Transit Operations Fee is reviewed and adjusted annually, with the new rate effective February 1st of each year. The fee is charged to all City Services Bill customers and is calculated for each customer using a trip-generation methodology to estimate the average impact a customer has on the transportation system (“trip generation”). A “trip” is defined as the one-way travel from a starting point to a destination. For example, going to work in the morning is one trip; coming home at night is one trip. Different types of customers would have different average daily trips (i.e., a dentist office generates fewer trips than a fast-food restaurant, on average).

Per the Municipal Code, the fee is adjusted annually in January. The new fee is determined by the average price in Oregon of a gallon of regular grade gasoline for the previous twelve months, using data published by the Oil Price Information Service. The new monthly fee for a single family customer is either the average price of a gallon of gasoline or \$2.75, whichever is greater. If the single family rate changes as a result of this process, the per-trip fee for the other customer groups is adjusted proportionally.

The current fee for a single family customer is \$3.55. The average price of gasoline for calendar year 2015 is \$2.69. As this is less than \$2.75, the floor established by ordinance, the new single family customer rate will be \$2.75, a reduction of \$0.80 per month or about 22.5%. The rate for all other customer groups will be decreased by the same percentage.

The Transit Operations Fee for a single family customer since the fee’s inception has been:

	<u>Rate</u>	<u>Increase/(Decrease) From Previous Year</u>
2011	\$2.75	
2012	\$3.73	35.60%
2013	\$3.80	1.90%
2014	\$3.63	(4.50%)
2015	\$3.55	(2.17%)
2016	\$2.75	(22.54%)

Budget Impact:

The revenue generated by the Transit Operations Fee in FY 14-15 was about \$1.2 million. The new, lower fee is anticipated to generate about \$155,000 less revenue for the 12 months beginning February 2016.

TO: City Council for January 19, 2016 meeting
FROM: Carla Holzworth, City Recorder *CH*
DATE: January 12, 2016
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
SUBJECT: Voting for Planning Commissioners



Action Requested:

Staff recommends Council vote to fill two Planning Commission vacancies.

Discussion:

On January 7, Council interviewed four candidates to fill two mid-term Planning Commission vacancies that will expire on June 30, 2016. Dan Brown, Paul Harding, Susan Morre, and Larry Weymouth participated in the interviews. Beth Young withdrew from the process and Mike Wells canceled his interview.

Voting at Tuesday's meeting will be on paper ballots at your place. Each ballot will have your name on it. There will be several columns – use the first column for the first vote. If subsequent votes are taken, the ballot will be returned to you and you will use subsequent columns.

A vote for a person is indicated by you placing a mark in the box beside the individual's name. No mark means no vote; no Councilor is required to vote for any of the candidates interviewed. If there is no majority vote for any candidate, Councilors may discuss and/or consider changing votes to get to a majority, based on each Councilor's preferences. For example, if several candidates have 3-4 votes, the Councilors may want to consider voting again to see if a majority can be achieved.

If the two positions are not filled, staff will advertise again and seek additional candidates.

Budget Impact:

None.

RESOLUTION 2016-_____**A RESOLUTION WELCOMING ALL PEOPLE OF GOODWILL FROM ALL RELIGIONS AND ALL CULTURES**

Minutes of the _____, Corvallis City Council meeting, continued.

A resolution submitted by Councilor Glassmire.

WHEREAS, our City Charter affirms that “Corvallis is a community that honors diversity and diverse interests, and aspires to be free of prejudice, bigotry, and hate”; and

WHEREAS, recent shooting incidents, at Umpqua Community College in Roseburg, in Paris France, and in San Bernardino, California have made many Oregonians afraid for their safety; and

WHEREAS, we recognize that diverse cultures and different religions generally affirm life, but are also susceptible to interpretations teaching fear and prejudice; and

WHEREAS, much recent public dialogue in the United States has stressed fear of the Muslim religion and its followers; and

WHEREAS, fear and prejudice provide fertile ground for an “us versus them” mindset; and

WHEREAS, “us versus them” makes further fear and violence likely on all sides; and

WHEREAS, to reduce fear and to promote understanding, we must acknowledge our common humanity; and

WHEREAS, to reduce fear and to promote understanding, we must acknowledge our differences; and

WHEREAS, to reduce fear and to promote understanding, we must act on those acknowledgements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the City welcomes people of good will from all religions and all cultures; and

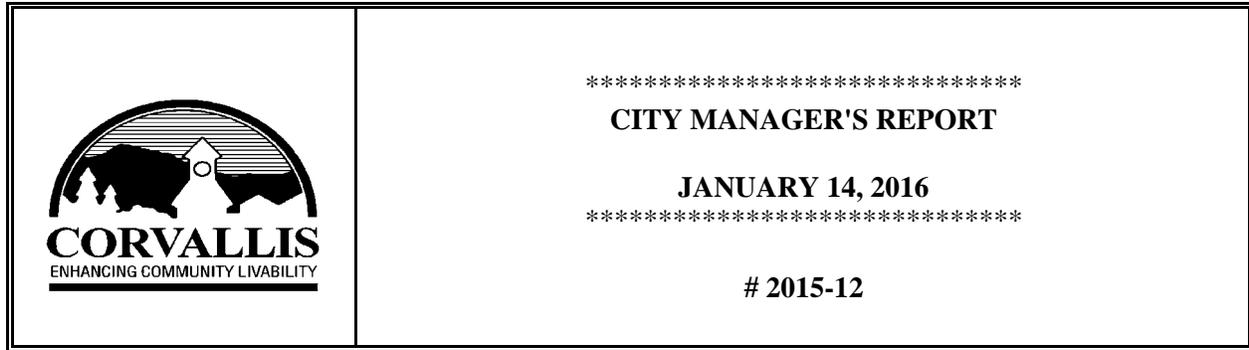
BE IT FURTHER RESOLVED THAT the City of Corvallis particularly affirms its welcome for Muslims; and

BE IT FURTHER RESOLVED THAT the City of Corvallis encourages civic institutions to sponsor programs promoting dialogue and inter-cultural understanding; and

BE IT FURTHER RESOLVED THAT the City of Corvallis invites governments in other places to join in this call to promote dialogue and inter-cultural understanding.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.



REPORTING PERIOD: DECEMBER 2015

I. ORGANIZATIONAL HIGHLIGHTS

- Six finalists were selected to interview for the Community Development Director position. Interviews will be conducted February 4.

II. MAYOR'S DIARY

I have engaged in the following activities, in addition to meeting and corresponding with constituents and individual councilors and presiding at twice-monthly City Council meetings, and multiple meetings with Council leadership and the Goals Task Force Chairs.

Speaking Engagements

- Remarks at the National Homeless Persons' Memorial Event
- State of the City update at the Kiwanis Sunrisers membership meeting.

Other Mayor Duties

- Represented City at several Oregon Cascades West Council of Governments (OCWCOG) meetings, including Senior Services Foundation Board, OCWCOG Board and Executive Committee.
- Attended OSU Advantage Accelerator graduation event.

Meetings of Note

- Met with Benton County Commissioner Schuster and others on Homeless Oversight Committee business.
- Meetings with various community members one-on-one to discuss community topics, especially homeless services.
- Meet with leadership of newly formed Linn-Benton Community College Veterans Club.
- Met with State Senator Gelsler and State Representative Rayfield to discuss the City's legislative priorities.

Appointments

- Greg Little – Arts and Culture Advisory Board
- Cloud Davidson – Downtown Advisory Board
- Karen Clevering – Library Advisory Board

- Kim Patten – Corvallis School District 509J representative to Parks, Natural Areas, and Recreation Advisory Board
- Councilor Baker and Public Works Director Steckel – Cascades West Area Commission on Transportation

Proclamations

- Proclamation of National Homeless Persons' Memorial Day – December 21, 2015

III. PUBLIC INVOLVEMENT OPPORTUNITIES

A. Opportunities During the Month

- The Climate Action Task Force met on December 15.
- Public Works Transportation Division staff attended and assisted with planning "Connecting The Dots," a two-part workshop promoting the connection between Health and Transportation, held at Oregon State University's (OSU) LaSells Stewart Center December 8 and 9.

B. Opportunities During the Next Month

- The Climate Action Task Force will meet on January 26 in the Madison Avenue Meeting Room at 5:00 pm.

IV. CITY MANAGER'S OFFICE

A. Department Highlights

- Received one notice of a tort claim; information is available for review in the City Recorder's office.
- The Economic Development Officer made four first-time visits to traded-sector businesses and had 26 follow-up visits. In addition, she had 23 resource partner visits and attended five community events.
- The Economic Development Manager had one new expansion visit and followed up with 13 expansion leads.
- The Economic Development Office is coordinating logistics for the following events:
 - Monthly Willamette Innovators Network Board Meetings and "pub-talks"
 - Willamette Angel Conference event planning and due diligence meetings

V. COMMUNITY DEVELOPMENT

A. Department Highlights

- Development Services Division staff processed 29 residential and 22 non-residential plan reviews for proposed construction projects and conducted 1,196 construction inspections.
- Development Services Division Staff opened eight new Code Compliance cases as a result of citizen complaints; two cases were resolved through enforcement, five are under investigation or enforcement, and one was closed following a determination that no violation existed.

- Of the 270 plumbing, mechanical, and electrical permits issued in December, 130 (49 percent) were issued online. During 2015, 1,870 ePermits were issued online, saving contractors as many trips to City Hall.
- Planning Division staff received six land use applications, including four Historic Preservation Permits, one Lot Development Option, and one Major Replat.
- Planning Division staff issued decisions on two land use applications, including a Property Line Adjustment on SW Country Club Drive and a Planning Commission decision on the Planned Development application for the Kings Boulevard Extension.
- Planning Division staff continued work with ECONorthwest on the City's Urbanization Study (Buildable Land Inventory/Housing Needs Analysis/Economic Opportunities Analysis), including receipt and review of a draft of the final report. Planning Division staff are continuing work on the Historic Preservation Plan and the Vision and Action Plan. Additionally, staff are preparing materials for Planning Commission and ultimately City Council review of a Comprehensive Plan Amendment to capture changes recommended as part of the OSU-Related Plan Review Task Force. Finally, Planning Division staff hired a new Associate Planner to fill a recent vacancy.
- In December the Housing and Neighborhood Services (HNS) Code Compliance Program received four complaints regarding Corvallis Municipal Code issues. Three Land Development Code-related cases and four Municipal Code-related cases were closed during December. In addition, contacts involving six issues covered by the Rental Housing Code (RHC) and eight rental issues not covered by the RHC were received. Callers were advised of their need to communicate directly with their landlord prior to filing a RHC complaint with the City; none of those callers has yet followed up with the City. Calls received through the City's Rental Housing Program reported 37 issues of a non-habitability nature.
- HNS Division staff continued in a support role for the City's Housing Development Task Force, providing background information about several policy and program options the group might consider recommending for City Council adoption.
- HNS staff initiated a Community Development Block Grant-funded project to rehabilitate two confidential domestic violence shelters owned and operated by Center Against Rape and Domestic Violence.

B. Other

- An environmental assessment required in order to commit HOME Investment Partnerships Program (HOME) funding to a Benton Habitat for Humanity project was successfully completed. A Finding of No Significant Impact and Request for Release of Funds will be published in January with the expectation of HUD's approval by early-February.

VI. FINANCE

A. Department Highlights

- Payroll staff assisted Human Resources staff with casual employee handbook issuance and updates related to new sick leave benefits, as well as inputting and processing all open enrollment healthcare changes for employees.
- Budget staff supported one Sustainable Budget Task Force meeting with updates on revenue/expense forecast gaps and Public Employee Retirement System exposures.

- Financial planning staff worked with financial advisor to purchase several investments within guidelines to address property tax inflows exceeding Local Government Investment Pool maximums allowed.
- Risk management submitted final worksheets to Barker Uerlings for risk management allocations for Fiscal Year 2016-2017.
- MIS staff met with four operational departments to discuss their technology plans for the upcoming fiscal year.
- The MIS Manager completed the MIS strategic plan study analysis and developed a plan for execution for the first year.

VII. FIRE

A. Department Highlights

Operational

Response Activity – December 2015	City	Non-City	Total
Fires	5	1	6
Overpressure/Rupture	1	0	1
Requests for Ambulance	319	97	416
Rescue (Quick Response Team)	126	14	140
Hazardous Condition	6	4	10
Service Requests	63	8	71
Good Intent	34	24	58
False Calls	34	1	35
Other	0	0	0
TOTAL RESPONSES OVERALL	588	149	737

B. Other

- Contract negotiations with the Corvallis Rural Fire Protection District are in progress and will likely continue into 2016. There are some core value differences, and it will take some time to reach consensus. Their contract payments have funded a smaller percentage of the Fire Department's budget over time.
- A surplus fire engine was sold to Sumner Fire for \$7,500.

VIII. LIBRARY

A. Department Highlights

- Administration staff continued reviewing meeting room reservation and event scheduling software. Localist, a product that was demonstrated to staff and management team in November, was eliminated as not meeting our needs and being too expensive.
- Two candidates for the Adult and Youth Services Division Manager position came to the Library for interviews. After serious evaluation and discussion, Management Team made the decision to not fill the position at this time.
- In-person visits on Sundays have increased enough this winter to make it one of the busiest days of the week on a per-hour basis. Sunday edged out Saturdays in November by about 20 people per hour.

- Circulation Division is training several new substitutes, some of whom will also work in the branches.
- The check for the Ready to Read Grant for 2015-16 was received. This year's award is \$9,520.
- Librarian Kristy Kemper Hodge visited Cheldelin Middle School twice to present booktalks to a newly formed book/library club that meets during lunch. Fifty-five middle school students attended the two lunchtime meetings!
- Early Literacy Coordinator Peik-Kuan Lim hosted a Family Literacy Night for Old Mill Center at the Library, where participants ate pizza, received library cards, listened to a bilingual storytime by Librarian Ruth Rose Hennessey, and expanded their early literacy knowledge. Sixty-five participants attended, including many English as a second language patrons.
- The Philomath Community Library hosted Fancy Schmancy Day with the Philomath Police Department. Philomath Elementary School second graders were invited to dress up and enjoy a storytime and hot chocolate. There were more than 100 participants.
- Over Winter Break, another successful Minecraft program was held in Corvallis. We are looking to expand this program to other locations.

B. Other

- Friends of the Library held their annual Holiday Book Sale. It was very successful and brought in about \$4,500.

IX. PARKS AND RECREATION

A. Department Highlights

- December at The Majestic was a busy end to our fall season! We kicked off with a community dance concert combining the talents of four local dance studios and more than 100 students! Over two performances, we generated \$6,000 in revenue while giving our community two hours of dance in every variety from our talented local performers.
- Majestic Theatre then ran eight performances over two weekends of The Best Christmas Story Ever, a non-musical holiday show starring 27 adorable local youth and 16 adults. The production generated \$26,874 with attendance over 75 percent for the run!
- Majestic Theatre began its Winter Donation campaign and, between December 10th and 31st, received over \$17,000 in donations towards our Winter Campaign goal of \$50,000 - A bit under one-half of the goal in three weeks!
- Majestic Theatre ended December with a wonderful sold-out Reader's Theatre performance of the play "The Last Romance"! The Theatre will be a little quiet for the first two weeks of January, while staff prepares for the spring season; however, with more than 30 events and performances schedule from January through June, it will be another great season at Majestic Theatre!
- Osborn Aquatic Center hosted the Oregon Senior Open December 4 through 6, with 476 participants.
- Parents' Night Out continues to be a success, with 33 participants on December 11.
- The four local swim teams increased their practice times over Winter Break. The indoor and outdoor lap pools were heavily utilized and helped keep youth active during Winter Break.

X. POLICE

A. Department Highlights

Officers investigated 2,103 incidents this month. Following are the highlights:

- Officers responded to a report of multiple alcohol overdoses at Phi Delta Theta fraternity. A total of 39 Minor in Possession citations were issued. The new president and old president were each charged, and the fraternity itself was charged with 39 counts of Hosting and Furnishing Alcohol to Minors.
- A woman stole a life-like toy gun from Fred Meyer and removed the orange tip from the gun while walking to the Law Enforcement Building. She ambushed an officer in his patrol car as he was preparing to leave the building; kicked the car, shouting 'shoot me' at the officer. She eventually dropped the toy gun and was taken into custody without further incident. She was taken to the hospital on a mental hold and cited for Theft, Attempted Criminal Mischief, Menacing, and Interfering with Police.
- A man was involved in an altercation during a party where he assaulted a resident. The man pulled a loaded revolver from his waistband and pointed the gun at patrons of the party and put the barrel of the revolver to the back of the resident's head. The man was charged with Unlawful Use of a Weapon, Possession of a Firearm, and several misdemeanors.
- Detectives continue to investigate the Jones 5 Auto fraud case and numerous sex abuse/assault cases.
- The Forensic Computer Examiner performed 16 examinations on various types of devices.
- Community Livability Officers (CLO) participated in three search warrants and participated in TAP 9 with Oregon Liquor Control Commission, in which five businesses were cited for furnishing alcohol to minors.
- School Resource Officer (SRO) Stauder conducted one intervention with a student and two home visits with the Truancy Officer, as well as consulting with the Corvallis School District 509J office on two legal issues and attended seven meetings.
- Evidence staff received 710 items; an additional 566 items were returned, purged, or permanently transferred
- Records staff processed 1,176 police reports, entered 399 traffic citations, and performed 200 background checks. Staff generated 143 incident reports – 26 percent of the total reports taken during this reporting period.
- Staff received 63 incident reports via Coplogic, saving an estimated \$3,150 in officer time costs.

9-1-1 Center Calls for Service

The Corvallis Regional Communications Center dispatched 3,407 calls for police, fire, and medical assistance this month as follows:

POLICE		FIRE AND MEDICAL	
Corvallis Police	2,103	Corvallis Fire/Ambulance	585
Benton County Sheriff	570	Other Fire/Medical	69
Philomath Police	80		
TOTAL	2,753	TOTAL	654

B. Other

- K9 Officer Hackstedt deployed Max twice and completed 9.5 hours of training.
- K9 Officer Parrish deployed Bolt six times and completed 28 hours of training.
- Records Specialist Doig attended Front Desk Security and Safety training in Eugene.
- Officers Teeter and McPartlin and the detective division completed P-Card training with Finance Department staff.
- Officers Seney and Thomas received their Intermediate Certificates.

C. Community Policing Advisory Committee/Department Stakeholder Meeting:

- December Activity: With the holiday season, no meetings were held during December.
- Coming Soon/Future: During January, Community Policing Advisory Committee is scheduled to meet with Community Outreach, Inc., staff and clients to receive perspectives and feedback. The group will seek to meet at the Native American Long house on OSU's campus during February to receive perspective and feedback about policing services.

XI. PUBLIC WORKS

A. Department Highlights

- Buildings and Grounds Division staff replaced more than 400 lights/fixtures with new Light Emitting Diode (LED) technology at the Library. This project will reduce annual maintenance and electricity costs.
- Buildings and Grounds Division staff coordinated replacement of two drinking fountains (one at the Library and one at Public Works) with water bottle filling stations, making it easier to fill reusable containers.
- Sustainability staff contracted with a consultant to complete a peer review of the Corvallis community and organizational greenhouse gas inventories.
- The Fall Leaf Collection Program ended December 18. Additional street sweeping was completed on unimproved streets and to clean streets in the off-campus area near OSU's campus that typically have parked cars when school is in session.
- Corvallis Transit System ridership for the second-quarter of Fiscal Year 2015-2016 was 295,780 – a six-percent decrease over second-quarter ridership last year.
- The Wastewater Collections/Surface Water Management workgroup spent 132.5 hours responding to 49 calls for flooding issues during December. Crews were also placed on emergency standby shifts for responses generated after business hours.

XII. MISCELLANEOUS

- Attached is the City Attorney's Office Report to the City Council for December.



Mark W. Shepard, P.E.
City Manager



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

**CITY ATTORNEY'S OFFICE
 REPORT TO CITY COUNCIL: HIGHLIGHTS**

December 2015

The following are highlights of the City Attorney's Office activities in December 2015:

1. Appearance at hearing in in the *State ex rel. The Healing Center v. City of Corvallis, et al.*, mandamus action; preparation of general judgment quashing alternative writ of mandamus.
2. Meetings with City Manager and Police Department regarding illegal camping lawsuit.
3. Correspondence and preparation of settlement documents in GPA1/Timberhill code violation matter.
4. Meetings with Planning Department regarding Kings Blvd. extension appeal.
5. Meetings regarding OSU Master Plan.
6. Meetings with Police Department regarding civil matters relating to automobile dealership.

Ongoing/Future Matters:

1. Representation of the City before the Supreme Court in *Group B, LLC v. City of Corvallis* (City's appeal of Court of Appeals' decision on appeal of LUBA's Coronado Tract B decision), and before the Benton County Circuit Court in the *State ex rel. The Healing Center v. City of Corvallis, et al.*, mandamus action and the *Corvallis v. Pi Kappa Phi* municipal court appeal.
2. Enforcement actions re: code violations (building, rental housing, land development code).
3. Continued work on public records requests.
4. Meetings with City staff for, and assistance in, preparing findings for land use decisions.
5. Enforcement of City ordinances and prosecution of offenses in Corvallis Municipal Court.
6. Continued work on revisions to CMC 5.03 and other policy matters.
7. Follow-up work on GPA1, LLC, code violation matters; assistance to CIS defense attorney in *GPA 1, LLC, v. City* case in the Benton County Circuit Court to ensure compliance with Settlement Agreement.

City Council Goals 2015-2016

Sustainable Budget

The Council will continue to manage a long-term sustainable budget including the consideration of possible new or expanded revenue sources. An inventory of known infrastructure and unmet program needs, including public safety, will be compiled and prioritized by December of 2015. By September 2015, possible new or expanded revenue sources will be identified that could fund these program and infrastructure needs. By September 2016 the Council will create and begin implementing a long-term revenue plan.

Completed through December 31, 2015:

- The City Council accepted the scope of work for the Sustainable Budget Task Force (SBTF).
- The SBTF has been meeting twice each month and has heard overviews of revenues, expenditures, and unfunded financial liabilities. The SBTF has also heard about operations in the General, Street, 9-1-1, and Community Development Revolving Funds.
- In December the SBTF continued to discuss the projected gap between revenues and expenditures, PERS rate increase impacts, and revenue alternatives, along with how to obtain community member input on the City's financial future.

Next Steps:

- The SBTF will meet in February and continue discussions about public outreach and start examining operations in other funds.

Costs incurred to date:

Costs Through December 31, 2015		
	Staff Hours	Cost
Incurring this quarter	314.25	\$19,564
Incurring in prior periods	867.25	48,251
Total costs to date.	1,181.50	\$67,815

City Council Goals 2015-2016

Housing Development

The City will analyze policy and programmatic tools suggested by the 2014 ECONorthwest Housing Policy Options Study, including funding/resource requirements, and by December 2016, select and implement strategies to facilitate creation of additional transitional, low-income, and workforce housing. In addition, the City will develop strategies to sustain or increase service levels in order to continue the programs currently in place to build and maintain affordable housing.

Completed through December 31, 2015:

- A survey of comparator Oregon cities and western U.S. university cities comparable to Corvallis was completed and evaluated. The results show that Corvallis is doing as much or more for housing development than most of the comparators; a few ideas from other communities will be explored in more depth.
- Realtor Lee Eckroth of Town and Country Realty and developer Mike Goodrich of Legend Homes attended a November Task Force meeting to share their ideas about housing development in Corvallis and what the City could do to facilitate additional development.
- The Task Force has begun discussing potential policy concepts and identifying the review criteria they will apply as they consider recommendation to forward to the City Council.

Next Steps:

- In January the Task Force will continue evaluating housing development policies, and will develop questions they would like answered during upcoming public engagement efforts that will be conducted for the 2040 Vision and Action Plan development process.
- A final presentation on innovative housing development policy incentives has been scheduled for the Task Force’s January 27 meeting. Eli Spevak, a Portland developer of innovative housing concepts will attend to present his ideas.
- In February or early March Task Force members will participate in one or more Vision and Action Plan community engagement efforts.

Costs incurred to date:

Costs Through December 31, 2015		
	Staff Hours	Cost
Incurred this quarter	85.50	\$6,908
Incurred in prior periods	102.50	7,206
Total costs to date.	188.00	\$14,114

City Council Goals 2015-2016

Economic Vitality

The City will develop a comprehensive strategy utilizing institutional partnerships (e.g., OSU, Samaritan Health Services (SHS)), government entities, and community groups, to (1) increase access to family wage jobs, (2) strengthen the path from innovation to manufacturing, (3) identify methods of encouraging the success of locally owned businesses, and (4) improve Corvallis as an economically resilient community. Modify the Economic Development Office (EDO) role and the Economic Development Advisory Board's (EDAB) charge by December 2015 to implement this goal.

Completed through December 31, 2015:

- The Economic Development Advisory Board developed and updated its comprehensive strategy, adopted by Council on February 17, 2015. It addresses the four points in the Economic Vitality goal. Staff continues to implement the goal in their daily work, and report monthly on progress. The following indicates progress toward this goal in the first quarter:
 - Meetings with OSU – 10
 - Meetings with government entities – 12
 - Meetings with community groups – 75
 - The four points in the goal were further addressed with the following activity:

Assisted with	Q2
Start-up	0
Start-up Follow-up visits	3
Expansion	2
Expansion Follow-up visits	26
Retention	0
Retention Follow-up visits	0
Recruitment	1
Recruitment Follow-up visits	1
Economic Development Officer visits (1st time)	11
Economic Development Officer visits (Follow-up)	60

Next Steps:

- The EDAB past chair and Economic Development Manager met with the City Council in Work Session. The Council said, for the most part, that the EDAB and EDO staff was meeting the intent of the goal, and to continue implementing the ED Strategy. Input from the Vision/Action public outreach efforts will be considered for inclusion in updates to the comprehensive strategy.

Costs incurred to date:

The Economic Development Office is able to implement this goal within the adopted budget. No additional costs have been identified.

City Council Goals 2015-2016

Costs Through September 30, 2015*		
	Staff Hours	Cost
Incurred this quarter	0	\$2,500
Incurred in prior periods	1	2,542
Total costs to date.	1	\$5,042

*Hours and costs include the LBCC Small Business Development contract and related Staff Assistant time spent on the contract.

City Council Goals 2015-2016

OSU/City Relations

By the end of 2016, the City will have a renewed relationship with Oregon State University (OSU), including the following:

- Implement a new intergovernmental agreement by July 2015 in order to identify opportunities and implement solutions to problems.
- Monitor, mitigate, and reduce negative community impacts related to OSU development, including implementing land use strategies and/or contractual arrangements as appropriate.
- Review and update all assumptions and policies as appropriate in the Corvallis Comprehensive Plan and Land Development Code (LDC) relating to OSU development and the OSU District Plan by December 2016. Include strategies to monitor the OSU District Plan and the LDC to assure compliance and enable modification as conditions change.

Completed through December 31, 2015:

- The Interim Parking Development Agreement was used for the OSU project to expand the Valley Football Center.
- The OSU-Related Comprehensive Plan Review Task Force (PRTF) completed its charge in late September and forwarded recommendations to the City Council. The City Council considered the recommendations in a work session on November 12. On December 7, the City Council authorized City staff to begin work on amendments to the Comprehensive Plan, which will be reviewed first by the Planning Commission, then will be considered for adoption by the City Council.
- On December 21, the City Manager discussed a framework for the City/OSU Intergovernmental Agreement (IGA) with the City Council. The Council agreed that the City Manager should proceed with drafting the IGA.

Next Steps:

- Planning Commission review of the Comprehensive Plan Amendment package is anticipated in February or March of 2016, with City Council consideration to follow.
- Land Development Code (LDC) Amendments are anticipated to follow adoption of the Comprehensive Plan Amendments. Additionally, OSU is eager to submit an application to update the OSU Master Plan. The details of how the LDC amendments and Master Plan submittal will be coordinated have yet to be worked out.
- In the interim, City staff will continue to meet regularly with OSU staff to discuss issues to be addressed in the OSU Master Plan update and/or LDC amendment process.

City Council Goals 2015-2016

Costs incurred to date:

The Planning Division is able to implement this goal within the adopted budget. No additional costs have been identified.

Costs Through December 31, 2015		
	Staff Hours	Cost
Incurring this quarter	52.50	\$3,751
Incurring in prior periods	344.00	26,815
Total costs to date.	396.50	\$30,566

City Council Goals 2015-2016

Climate Action

Over the next two years, take bold action to address climate change by (1) supporting the energy conservation efforts of the Corvallis Georgetown University Energy Prize team, and (2) adopting and beginning to implement a comprehensive, long-term climate action plan that will significantly reduce Corvallis' greenhouse gas emissions and foster Corvallis' resilience to the effects of climate change.

Completed through December 31, 2015:

- The Climate Action Task Force (CATF) held three meetings during the quarter where Task Force members approved a detailed Project Approach, Work Plan and Timeline, developed Climate Action Plan Goals, and agreed to a Content Outline for the Climate Action Plan document.
- Staff executed a contract for a peer review of the Corvallis community and organizational greenhouse gas inventories and published a Request for Proposals (RFP) for Climate Action Plan consultant support.

Next Steps:

- Complete education and outreach efforts for the CATF Task Team and Reviewers.
- Establish a preliminary greenhouse gas reduction target.
- Develop background, issue summaries and evaluation criteria followed by compiling objectives/actions for the Climate Action Plan document.

Costs incurred to date:

Costs Through December 31, 2015		
	Staff Hours	Cost
Incurring this quarter	167.25	\$25,457
Incurring in prior periods	113.00	12,327
Total costs to date.	280.25	\$37,784

City Council Goals 2015-2016

Vision and Action Plan for Corvallis

Using an engaged community process, create a new Corvallis Vision and Action Plan 2040 by December 2016. The resulting plan will include an aspirational vision, an action plan for the City and community partners that is achievable and measurable using a livability index, and a method for regular evaluation and necessary revision. The Vision and Action Plan will be the foundation for necessary work on other City plans.

Completed through December 31, 2015:

- Selected and executed a contract with the project consultant, HDR, and launched the Vision and Action Plan project with the VAP Task Force.
- The consultant conducted individual and small group interviews to identify community goals, focus areas, interested parties, community partners and future project stakeholders.
- Council adopted a resolution to transition the Task Force into an expanded Vision Action Steering Committee.
- Staff coordinated with the consultant to draft a project communication and outreach plan and organize a Steering Committee kick-off meeting.

Next Steps:

- Hold a January 21, 2016 Steering Committee meeting to review the VAP project framework, schedule and process; discuss next steps (public workshops, volunteer training, focused outreach, etc.).
- Hold community outreach workshops and other outreach events; develop and promote an online survey and other outreach tools.
- Work with other Council Goal Task Forces to coordinate information and outreach strategies and opportunities.

Costs incurred to date:

Staff Costs:

Costs Through December 31, 2015		
	Staff Hours	Cost
Incurring this quarter	329.50	\$24,909
Incurring in prior periods	395.75	24,149
Total costs to date.	725.25	\$49,058

TO: City Council for January 19, 2016 meeting
FROM: Mark W. Shepard, P.E., City Manager *MWS*
DATE: January 12, 2016
SUBJECT: Community Relations Advisory Group Membership



Action Requested:

Staff recommends Council consider the attached request from the Community Relations Advisory Group, submitted via Jonathan Stoll, to add an additional member.

Discussion:

As discussed in Mr. Stoll's request, Community Relations Advisory Group members voted unanimously to recommend adding one representative from OSU's Unified Greek Council, bringing the total number of members from 15 to 16.

If Council is supportive of the request, staff will bring to the February 1 Council meeting an ordinance to amend Municipal Code Chapter 1.16, Boards and Commissions.

Budget Impact:

None.



Corvallis Community Relations
Office of the Dean of Student Life

Oregon State University, B066 Kerr Administration Building, Corvallis, Oregon 97331-2133
Phone 541-737-8606 | Fax 541-737-9160 | <http://studentlife.oregonstate.edu/ccr>

1/12/2016

Mark Sheppard
Corvallis City Manager
Corvallis, OR 97330

Dear Corvallis City Council,

On January 11, 2016 the Community Relations Advisory Group (CRAG) voted unanimously to recommend that the Corvallis City Council add one (1) representative from the Oregon State University's Unified Greek Council (UGC) to serve on the CRAG. While the vote was unanimous there was discussion concerning equitable representation of members affiliated with Corvallis and Oregon State University. During public comment, a community member suggested that additional representation from Oregon State University should be accompanied by additional representation from Corvallis community members. The committee was uncertain as to whether having 15 members on the CRAG was of any particular significance and determined that the Corvallis City Council might ultimately determine whether representation from UGC would unbalance CRAG membership or upset any reasoning that may have led to a membership of 15 members.

The recommended appointment will increase CRAG membership from 15 to 16 members, providing a balance of community and university representation (8 representatives affiliated with Oregon State University, 8 representatives affiliated with Corvallis community, business and government). Furthermore, UGC representation will provide CRAG with membership that provides a more equitable representation of Greek Life and the diversity of Oregon State University student interests and perspectives. UGC is a fusion of culturally rich and distinct Greek Letter Organizations at OSU, including but not limited to those focused on the celebration of race, ethnicity, nationality, career and professional advancement and sexual orientation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Stoll", written over a faint, circular watermark or stamp.

Jonathan Stoll
Co-Chair, Community Relations Advisory Group
Director, Corvallis Community Relations

Proposed CRAG Membership

OSU affiliation		Corvallis affiliation	
1	OSU Office of Corvallis Community Relations	9	Corvallis Chamber of Commerce
2	Center for Fraternity and Sorority Life	10	Corvallis Police Department
3	OSU Student Health Services	11	Corvallis Rental Property Management Group
4	OSU Faculty Senate	12	Corvallis neighborhood representative
5	Panhellenic Council*	13	Corvallis neighborhood representative
6	Associated Students, Oregon State University*	14	Corvallis neighborhood representative
7	Interfraternity Council*	15	City of Corvallis
8	United Greek Council * °	16	Linn-Benton Community College

* OSU Student

° proposed representation

**ADMINISTRATIVE SERVICES COMMITTEE
SCHEDULED ITEMS
2016
Updated January 14, 2016**

Note: Future items listed below may move to another meeting date, depending on workload issues and other factors.

MEETING DATE	AGENDA ITEM
January 20	No meeting
February 3	<ul style="list-style-type: none"> • Visit Corvallis Second Quarter Report • Downtown Corvallis Association Economic Improvement District First Quarter Report
February 17	<ul style="list-style-type: none"> • Downtown Corvallis Association Economic Improvement District Second Quarter Report • Parks and Recreation Cost Recovery Report • Majestic Theatre Second Quarter Report
March 9	<ul style="list-style-type: none"> • City Operating Second Quarter Report • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 5.02, "Public Safety and Constitutional Rights" • 5.03, "A Family-Friendly Community" • 1.01, "Charges for Copying of City Material" • 3.01, "Appointment of Acting City Manager" • 3.04, "Separation Policy"
March 23	<ul style="list-style-type: none"> • Ambulance Rate Review • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 2.09, "Council Orientation" • 10.01-10.10, "Financial Policies"
April 6	•
April 20	•
May 4	<ul style="list-style-type: none"> • Third Quarter Reports: <ul style="list-style-type: none"> • City Operating • Downtown Corvallis Association Economic Improvement District • Majestic Theatre • Visit Corvallis
May 18	•
June 8	•
June 22	<ul style="list-style-type: none"> • Republic Services Annual Report • Council Policy Review and Recommendation <ul style="list-style-type: none"> • 1.09, "Public Access Television"
July 6	•
July 20	•
August 3	<ul style="list-style-type: none"> • Advisory Board Annual Reports: <ul style="list-style-type: none"> • Budget Commission • Economic Development Advisory Board
August 17	<ul style="list-style-type: none"> • Fourth Quarter Reports: <ul style="list-style-type: none"> • City Operating • Downtown Corvallis Association Economic Improvement District • Majestic Theatre • Visit Corvallis
September 7	•
September 21	•
October 5	<ul style="list-style-type: none"> • Council Policy Review and Recommendation: <ul style="list-style-type: none"> • 1.06, "Guidelines for Use of the City Logo"

MEETING DATE	AGENDA ITEM
October 19	<ul style="list-style-type: none"> • Utility Rate Annual Review
November 9	<ul style="list-style-type: none"> • Council Policy Review and Recommendation: <ul style="list-style-type: none"> • 2.03, "Expense Reimbursement" • First Quarter Reports: <ul style="list-style-type: none"> • City Operating • Downtown Corvallis Association Economic Improvement District • Majestic Theatre • Visit Corvallis
November 23	<ul style="list-style-type: none"> •
December 7	<ul style="list-style-type: none"> • Comprehensive Annual Financial Report • Council Policy Review and Recommendation: <ul style="list-style-type: none"> • 1.05, "Miscellaneous Property Ownership"
December 21	<ul style="list-style-type: none"> •

ASC PENDING ITEMS

- Council Policy Reviews and Recommendations:
 - 2.08, "Council Liaison Roles"
 - 2.10, "Use of E-mail by Mayor and Council"
- Economic Development Policy on Tourism
- Multi-Family Residential Tax Incentive Program for Downtown Area
- Municipal Code Review:
 - Chapter 4.01, "Solid Waste Regulations"

Regular Meeting Date and Location:

Wednesday of Council week, 1:00 pm – Madison Avenue Meeting Room

**HUMAN SERVICES COMMITTEE
SCHEDULED ITEMS
2016
Updated January 14, 2016**

***Note: Future items listed below may move to another meeting date,
depending on workload issues and other factors.***

MEETING DATE	AGENDA ITEM
January 19	No meeting
February 2	
February 16	<ul style="list-style-type: none"> • FY 2016-17 Social Services Priorities and Calendar
March 8	<ul style="list-style-type: none"> • The Arts Center Annual Report
March 22	<ul style="list-style-type: none"> • FY 2015-16 United Way of Benton and Lincoln Counties Semi-Annual Report
April 5	<ul style="list-style-type: none"> • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> 1.02, "Liquor Licenses Approval Procedures" 4.09, "Guidelines for Free Use of Park Facilities" 6.05, "Social Service Funding"
April 19	<ul style="list-style-type: none"> • Council Policy Review and Recommendation <ul style="list-style-type: none"> 6.05, "Social Service Funding," continued
May 3	<ul style="list-style-type: none"> • Liquor Licenses Annual Renewals
May 17	<ul style="list-style-type: none"> • FY 2016-17 Social Services Allocation Recommendations
June 7	<ul style="list-style-type: none"> •
June 21	<ul style="list-style-type: none"> •
July 5	<ul style="list-style-type: none"> • Corvallis Farmers' Market Annual Report • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> 4.15, "Use of Computer Lab Equipment and Public Internet Access at Chintimini Senior Center" 5.04, "Hate/Bias Violence"
July 19	<ul style="list-style-type: none"> •
August 2	<ul style="list-style-type: none"> • Advisory Board Annual Reports: <ul style="list-style-type: none"> • Arts and Culture Advisory Board • Parks, Natural Areas, and Recreation Advisory Board • Community Relations Advisory Group • Housing and Community Development Advisory Board
August 16	<ul style="list-style-type: none"> • Advisory Board Annual Reports <ul style="list-style-type: none"> • Library Advisory Board • Community Police Review Advisory Board • King Legacy Advisory Board • Community Involvement and Diversity Advisory Board
September 6	<ul style="list-style-type: none"> • FY 2015-16 Social Services Annual Report
September 20	<ul style="list-style-type: none"> • Rental Housing Program Annual Report
October 4	<ul style="list-style-type: none"> •
October 18	<ul style="list-style-type: none"> •
November 8	<ul style="list-style-type: none"> • Council Policy Review and Recommendation: <ul style="list-style-type: none"> 4.05, "Library Meeting Room Policy"
November 22	<ul style="list-style-type: none"> • Municipal Code Review: <ul style="list-style-type: none"> Chapter 9.02, "Corvallis Livability Code"
December 6	<ul style="list-style-type: none"> • FY 2017-18 Social Services Priorities and Calendar
December 20	<ul style="list-style-type: none"> •

HSC PENDING ITEMS

- Senior Center Conceptual Plan

Regular Meeting Date and Location:

Tuesday of Council week, 2:00 pm – Madison Avenue Meeting Room

**URBAN SERVICES COMMITTEE
SCHEDULED ITEMS
2016
Updated January 14, 2016**

*Note: Future items listed below may move to another meeting date,
depending on workload issues and other factors.*

MEETING DATE	AGENDA ITEM
January 19	No meeting due to MLK holiday (1/18 Council meeting moves to 1/19)
February 2	<ul style="list-style-type: none"> • Transit Department Advisory Committee six-month check-in • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 7.09, "Traffic Control Devices; Cost of" • 7.10, "Water Line Replacement"
February 16	<ul style="list-style-type: none"> • No meeting due to Presidents' Day holiday (2/15 Council meeting moves to 2/16)
March 8	<ul style="list-style-type: none"> • Transportation System Plan Update • Council Policy Review and Recommendation <ul style="list-style-type: none"> • 8.01, "Watershed Easement Considerations" • 7.16, "Guidelines for Donations of Land and/or Improvements for Parks as an Offset to Systems Development Charges for Parks" • Systems Development Charges Annual Review
March 22	•
April 5	<ul style="list-style-type: none"> • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 1.10, "Advertising on Corvallis Transit System Buses" • 1.12, "Community Sustainability" • 7.04, "Building Permits Where Public Improvements are not Completed and Accepted by the City of Corvallis" • 7.05, "Capital Improvement Program" • 7.06, "Engineering and Administrative Cost for Assessment Projects" • 7.12, "Integrated Vegetation and Pest Management (IVPM) Program" • 9.02, "Dirt on Streets"
April 19	•
May 3	•
May 17	•
June 7	• Transportation System Plan Update
June 21	•
July 5	• No meeting due to July 4 holiday (7/4 Council meeting moves to 7/5)
July 19	•
August 2	<ul style="list-style-type: none"> • Advisory Board Annual Reports <ul style="list-style-type: none"> • Airport Advisory Board • Bicycle and Pedestrian Advisory Board • Watershed Management Advisory Board
August 16	<ul style="list-style-type: none"> • Advisory Board Annual Reports <ul style="list-style-type: none"> • Downtown Advisory Board • Historic Resources Commission • Planning Commission
September 6	• No meeting due to Labor Day holiday (9/5 Council meeting moves to 9/6)
September 20	• Transportation System Plan Update
October 4	•
October 18	•
November 8	•
November 22	•

MEETING DATE	AGENDA ITEM
December 6	• Transportation System Plan Update
December 20	•

USC PENDING ITEMS

- Cannabis Operations on City-owned Property
- Multimodal Transportation Advisory Board (2017)
- Parking Planning
- Vegetation Management and Fire Protection – Regulatory and Policy issues

Regular Meeting Date and Location:

Tuesday of Council week, 5:00 pm - Madison Avenue Meeting Room

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES
January 4, 2016**

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Executive Session 1. Status of pending litigation Page 4	Yes		
Consent Agenda Pages 4-5			<ul style="list-style-type: none"> • Amended Consent Agenda <u>passed U</u>
Items Removed from Consent Agenda 1. Council minutes – December 21, 2015 Page 5			<ul style="list-style-type: none"> • Approved minutes as corrected <u>passed 6 to 0</u>
Other Related Matters 1. Pioneer Telephone Cooperative nonexclusive franchise Page 5			<ul style="list-style-type: none"> • ORDINANCE 2016-01 <u>passed U</u>
Mayor's Reports 1. Council Goals Task Force Chairs meeting January 12, 2016 Page 6	Yes		
Council Reports 1. Climate Action Task Force (Baker) 2. Sustainable Budget Task Force (Brauner) 3. Vision and Action Plan Steering Committee (York) Page 6	Yes Yes Yes		
Public Hearing 1. Appeal of an application to extend Kings Boulevard (PLD15-000003) Pages 6-13	Yes		

Glossary of Terms

U Unanimous

**CITY OF CORVALLIS
COUNCIL MINUTES
January 4, 2016**

Mayor Traber read a statement, based upon Oregon law regarding executive sessions. The statement indicated that only representatives of the news media, designated staff, and other Council-designated persons were allowed to attend the executive session. News media representatives were directed not to report on any executive session discussions, except to state the general subject of the discussion, as previously announced. No decisions would be made during the executive session. He reminded Council members and staff that the confidential executive session discussions belong to the Council as a body and should only be disclosed if the Council, as a body, approved disclosure. He suggested that any Council or staff member who may not be able to maintain the Council's confidences should leave the meeting room.

Council entered executive session at 5:30 pm under ORS 192.660(2)(h) (status of pending litigation or litigation likely to be filed) and adjourned at 6:14 pm.

PRESENT: Mayor Traber; Councilors Baker (5:34 pm), Beilstein, Brauner, Bull (5:34 pm), Glassmire, Hann, Hirsch, Hogg, York

I. CALL TO ORDER

The regular meeting of the City Council of the City of Corvallis, Oregon was called to order at 6:30 pm on January 4, 2016 at the LaSells Stewart Center, 875 SW 26th Street, Corvallis, Oregon, with Mayor Traber presiding.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: Mayor Traber; Councilors Baker, Beilstein, Brauner, Bull, Glassmire, Hann, Hirsch, Hogg, York

IV. PROCLAMATION/PRESENTATION/RECOGNITION – None

V. VISITORS' PROPOSITIONS – None

VI. CONSENT AGENDA

Councilor Glassmire requested removing the December 21, 2015 Council minutes from the Consent Agenda (Item A.1.)

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

A. Reading of Minutes

2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)

- a. Arts and Culture Advisory Board – November 18, 2015
- b. King Legacy Advisory Board – November 16, 2015
- c. Library Advisory Board – September 2, October 7, and November 4, 2015

- d. Watershed Management Advisory Board – December 2, 2015
- B. Announcement of appointments to the Vision and Action Plan Steering Committee
- C. Announcement of appointments to Parks, Natural Areas, and Recreation Advisory Board (Curtin, Hill)
- D. Schedule an Executive Session immediately following the January 19, 2016 Council meeting under ORS 192.660(2) (h) (status of pending litigation or litigation likely to be filed)

The motion passed unanimously.

VII. ITEMS REMOVED FROM CONSENT AGENDA

- A. Reading of Minutes
 - 1. City Council Meeting – December 21, 2015

Councilor Glassmire said the summary page incorrectly reflected that Resolution 2015-35 passed unanimously, when it had passed five to one.

In response to Councilor Glassmire's statement, City Manager Shepard clarified that the Corvallis Community Access Television (CCAT) Channel 29 equipment itemized in the application to Benton County for a Public, Education, and Government funding donation was requested by CCAT representatives.

Councilors Glassmire and Hirsch, respectively, moved and seconded to approve the December 21, 2015 Council minutes as corrected. The motion passed 6 to 0, with Councilors Hann, Brauner, and Hogg abstaining, as they did not attend the December 21 meeting.

VIII. UNFINISHED BUSINESS – None.

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

- A. Other Related Matters
 - 1. An ordinance granting to Pioneer Telephone Cooperative a nonexclusive franchise for the provision of telecommunications services within the City of Corvallis, and stating an effective date.

City Attorney Brewer read the ordinance.

ORDINANCE 2016-01 passed unanimously.

X. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

Mayor Traber said the Council Goals Task Force Chairs would meet on January 12. Discussion would focus on coordination of public outreach among the various task forces.

B. Council Reports

1. Climate Action Task Force (CATF)

Councilor Baker said the next CATF meeting was scheduled for January 26 and a preliminary greenhouse gas reduction target would be discussed. The item was for information only.

2. Housing Development Task Force (HDTF)

Nothing was reported.

3. Sustainable Budget Task Force (SBTF)

Councilor Brauner said in February, the SBTF would begin reviewing non-General Fund program budgets. The item was for information only.

4. Vision and Action Plan Steering Committee (VAPSC)

Councilor York said the next VAPSC meeting was scheduled for January 21. Discussion items were expected to include review of a draft Communication and Outreach Plan, and the application and process to fill the remaining positions on the VAPSC. The item was for information only.

5. Other Council Reports – None

C. Staff Reports – None

Mayor Traber recessed the meeting from 6:45 pm to 7:31 pm.

XII. PUBLIC HEARINGS

A. A public hearing to consider appeal of an application to extend Kings Boulevard (PLD15-000003)

Items at Mayor and Councilors' places included Additional Written Testimony included in Associate Planner Amiton's January 4, 2016 memorandum (Attachment A); an opinion from Green and Markely, P.C. concerning the Special Warranty Deed as attached to a December 31, 2015 email from Lyle Hutchens (Attachment B); and an Applicant Hearing Letter to City Council from Devco Engineering dated December 30, 2015 (Attachment C).

Mayor Traber announced a written request was received to hold the record open for an additional seven days.

Declarations of conflicts of interest consistent with the City Council's interpretation of LDC Section 1.1.60, as determined at the November 18, 2013, City Council meeting: Mayor Traber said he lived in the subject area and within the Timber Ridge Neighborhood Association neighborhood. He stated that he could render a fair and impartial decision if called upon to vote in the matter. Ward 8 Councilor Hann said he lived in the Timberhill area, and could render a fair and impartial decision.

Declaration of ex parte contacts: Councilor Baker was contacted by a constituent who had a question about the NW Kings Boulevard (Kings) extension public hearing process; only the process was discussed, not the matter itself. Councilor Hann said several emails related to the subject were sent to him, but he did not read them.

Declaration of site visits: Councilors Brauner, Hann, York, Baker, and Beilstein declared making site visits.

Rebuttal of disclosures: None

Objections on jurisdictional grounds: None

Staff overview: Mr. Amiton provided a PowerPoint presentation (Attachment D).

Appellant presentation: Lyle Hutchens from Devco Engineering provided the appellant's presentation (Attachment E).

Council questions of appellant: In response to Councilor Beilstein's inquiry, Mr. Hutchens said modification to Condition #12 was to provide a significant Vegetation Management Plan (VMP) in accordance with Land Development Code (LDC) Section 4.12.50. The appellant's concern was that the application was for a specific public infrastructure improvement, of which all of the area included in the application was required to develop the improvement. Therefore, all of the land would need to be cleared in order to construct the improvements. The appellant was uncertain if staff believed the VMP was needed to assure protection of vegetation at the limits of the work area and attempted to draft language that would reflect such.

In response to Councilor Bull's inquiries, Mr. Hutchens said the appellant was seeking Council's direction on how the subject property could be developed if Kings was not to be extended. He agreed the application before the Council was not to decide whether Kings could be extended. The appellant did not jointly submit a development application because it did not have sufficient time within the 120-day requirement to separately submit a Detailed Development Plan.

In response to Councilor Hirsch's inquiries, Mr. Hutchens said the appellant was seeking certainty about the location and elevation of Kings so it could submit development applications that fit within that infrastructure. Mr. Hutchens confirmed the City paid no fee for the land; it was gifted to the City by GPA1, LLC; and the City could do with the land as it pleased, including using it for park, trail, or open space uses.

In response to Councilor Hann's inquiry, Mr. Hutchens said the property and fee interest had already been conveyed to the City; the title and right-of-way dedications were included in the Council meeting packet. Mr. Hutchens believed the compensating benefit to the City would be in compliance with long-range plans that anticipated Kings as an arterial street to serve the buildable lands in North Corvallis and the buildable lands inventory. He said the route was deemed to be the least disruptive to natural resources.

In response to Councilor York's inquiry about why the northern end of the proposed route was aligned over a stream bed, Mr. Hutchens said in addition to minimizing the grade, it also related to how NW 29th Street could be connected to Kings.

In response to Councilor Hirsch's inquiries, Mr. Hutchens did not believe GPA1, LLC would grant a correcting deed that indicated the grantor conveyed the fee interest of the land to the City with no express or implied conditions. A title report had already been submitted showing the City had an enforceable and usable title to the land as described in the deed. GPA1, LLC did not contract with the City to apply to develop the deeded land.

In response to Councilor Baker's inquiry, Mr. Hutchens said the 82-foot wide dedicated right-of-way encompassed sidewalks, curbs, planter sections, and street sections. Beyond it were slope easements that would be granted to the City to serve as catch points for the earth-work necessary to construct street sections to the required grade. There would be no other impacts beyond the slope easements and right-of-way under the current application.

Staff Report: Mr. Amiton provided the full staff report via a PowerPoint presentation (Attachment F).

Council questions of staff:

In response to Councilor York's inquiry, Development Review Engineer Reese confirmed that Condition #4, which specified approvals prior to construction, and Condition #5, which specified what must occur concurrent with construction, were tied together.

In response to Councilor Bull's inquiry regarding needed housing, Mr. Amiton said previous residential development approvals were deemed as likely needed housing; however, the application before the Council only related to a stand-alone roadway with no associated development.

Public Testimony

Testimony in Favor: None.

Testimony in Opposition:

Daniel Stotter (*Tamina Toray, Sheri Woods, Stanton Nelson, Ann Chauarrin, and Lindsay Seif ceded their testimony time to Mr. Stotter.*) Mr. Stotter, attorney for the Northwest Alliance Corvallis, said the application contained significant data gaps and had not met the necessary burden. It did not address why the road should be built, what needs were being served, what type of road would be appropriate, whether the road was needed now or several years from now, and the context for any development on the subject property. The unanswered questions were a concern for both the Planning Commission and the

neighbors. He believed the Council should consider the application in whole to make an informed decision. He referred to the applicable criteria outlined in LDC Section 2.5.40.04, noting sufficient information was not provided for Criteria #14 regarding significant vegetation protection; minimum assured development area; and riparian and wetland protection. In addition, transportation impacts were not specified, such as the number of trips or types of trips to be expected. He said the declaration by Robert Wood that discussed the amount of money spent was irrelevant because it did not relate to approval criteria. Inclusion of the HUB application was not appropriate because it had been withdrawn. He said the argument that the "needed housing" statute applied was not relevant because the application for the road did not include an associated development. He agreed all of the approval criteria should be specifically addressed. He said the Council only had to identify one reason the appellant did not meet approval criteria to deny the appeal. He believed there were several deficiencies in the application and it would be prudent to specify all of them. He said the City's long-range plans do not negate the requirement for specific Detailed Development Plan reviews.

Shannon Thompson, a relative of the family who originally owned the subject property, said her family never wanted a road through the area. Instead, they wanted the property to be protected by the City.

Justin Brice, who recently moved to Corvallis, hoped the property could remain as a natural, open space.

Laura Lahm Evenson, representing the League of Women Voters, spoke from prepared testimony (Attachment G). In response to Councilor Hann's inquiry, Ms. Lahm Evenson confirmed the LWV did not oppose the extension of Kings as outlined in the City's Transportation Plan; however, it did oppose the application that was presented to the Council.

Cathy Neumann (*Victorio Chauauriu, Sharon Ziminski, Richard Williams, Pamela Swafford, Tim Hubley, and Tom Giebuttowic ceded their testimony time to Ms. Neumann.*) Ms. Neumann read from testimony prepared by Curtis Wright (Attachment H).

Judi Sanders agreed with the points made by previous speakers. She added that simply extending Kings because it has been in historical planning documents was not a valid reason to do so. Public hearings were conducted to ensure that historical plans still made sense. In addition, much of the area was prairie, which was one of the most rapidly disappearing ecosystems. She said potentially significant flora was in the subject area and the Oregon Flora Project indicated that reports outlining plants of significance were available. In response to Councilor Baker's inquiry, Ms. Sanders was concerned about bifurcating the prairie with a road, as prairies needed uninterrupted areas to function.

Bruce Encke read from prepared testimony (Attachment I).

Vanessa Blackstone (*David Froman, Camille Hall, Sheridan McCarthy, Patricia Wickman, and Carol Schafer ceded their testimony time to Ms. Blackstone.*) Ms. Blackstone, President of the Timber Ridge Neighborhood Association, spoke from a PowerPoint presentation (Attachment J). In response to Councilor Hann's inquiry, Ms. Blackstone recalled that the Kings extension was proposed as a three-lane road; however, the North Corvallis Area Plan (NCAP) indicated it should be a two-lane road to

minimize impacts to natural features. Both the NCAP and the City's Transportation Plan showed the extension as an approximate alignment and subsequent plans emphasized the need to minimize impacts to natural features, which the proposed alignment does not do. She said the Timber Ridge Neighborhood Association did not oppose extending Kings; however, it opposed the application that was presented to the Council.

Mary Frances Campana spoke from prepared testimony (Attachment K).

Marie Wilson (*Jim Wilson, Nancy Vidal, Dan Minuskin, and Sandy Bell ceded their testimony time to Ms. Wilson*). Ms. Wilson spoke from prepared testimony (Attachment L). In response to Councilor Hann's inquiry, Ms. Wilson said she did not find any compensating benefits, given the road's proposed alignment. It appeared a different alignment was possible to avoid natural features issues and a Detailed Development Plan needed to be submitted concurrent with the road extension proposal. She did not believe the alignment could be justified, given the current geographical area and what could not be further developed due to existing densities and services that had already been extended.

Mayor Traber recessed the meeting from 9:40 to 9:50 pm.

Mark Blackstone read from prepared testimony on behalf of Marilyn Koenitzer (Attachment M).

Sarah Nemanic (*Lisa Toney and Michel Toney ceded their testimony time to Ms. Nemanic*). Ms. Nemanic said the appellant had not conducted noise studies, noting the site was an elevated, open area, where sound carries farther than noises generated by a typical residential street, and the unique shape of the site was like a natural amphitheatre. She and her neighbors were concerned that sound would travel through the neighborhood, as well as down through the city. She noted that a new Transportation Plan was expected to be completed in 2017 and it would be prudent to see what it recommended. She said the encroachment into natural features was against the LDC and granting a variance for the road alignment would disregard the work of those who were involved in the 2009 Natural Features Inventory project. She was also concerned about the fault line located in the area.

Matthew Betts (*Becki Goslow, Stan Hanen, Sue Hanen, and Dave Chancey ceded their time to Mr. Betts*.) Mr. Betts spoke from a prepared presentation (Attachment N). In response to Councilor Baker's inquiry, Mr. Betts said it was possible to study the ecological impacts of building a road through the area. He said the auditory impact of a road was carried to a distance three to four times its width. Animals communicate through sound, so their breeding success could be disrupted.

Molly Megraw (*Stefano Guerra, Jagdi Giegultonia, Pam Stewart, and Ruth Johns ceded their testimony time to Ms. Megraw*.) Ms. Megraw spoke from prepared testimony (Attachment O).

Bob Eshta questioned why the north end of the road alignment would be proposed to go through the middle of the riparian system. He said a lot of time and effort had been spent on the issue without a clear understanding of how the area would be developed.

Neutral Testimony:

Keith Schlesinger, Reflective Consultation, proposed an alternative system for participating in the Kings extension public process (Attachment P).

Appellant Rebuttal:

Mr. Hutches said, in response to Councilor Hirsch's earlier inquiries, that the warranty deed that was included with the application states in part, "...does hereby dedicate by special warranty deed unto the City of Corvallis for road, pedestrian, drainage, and utility purposes."

Mr. Kloos, attorney for GPA1, LLC, said the deed to the City was for right-of-way and utility purposes. It was invited by the City, given to the City, and accepted by the City Manager. He said staff suggested the City did not own the road; however, a review by a title company concluded that the City was the owner. He said his client had a right to develop its residential property and a road was needed. He said it would not be rational for his client to develop an arterial road instead of a local road; however, his client had no choice. He said the proposed alignment was logical, as City staff accepted it after several studies. He challenged that a Detailed Development Plan for the site was necessary to determine where to locate the road. As an arterial road, the extension was intended to serve the entire area, not just the development site. He acknowledged that development would generate additional traffic; however, that amount was known by City staff as the site had a minimum density requirement. In response to Councilor Bull's inquiry, Mr. Kloos said the application did not request approval to build a road. Rather, it requested a location and a design for the road. The road, when approved, would be built by a different company when the adjacent property was developed. Mr. Hutches said City staff indicated the Planning Commission and City Council could change the location of the road with any development proposal. The appellant was seeking to understand where the road would be located.

Sur-rebuttals:

Mr. Stotter said City staff should be asked whether the assertions made by Mr. Kloos were accurate. He found it difficult to believe the appellant was stuck with an arterial road in the context of a Planned Development. He opined that Mr. Kloos had misrepresented the legal realities of the decision before the Council.

Ms. Blackstone said the LDC permitted density transfers and zone changes; therefore, the appellant's point about minimum densities was a false argument. She questioned why the appellant would enter into a deed agreement prior to a public process that would affect the deed agreement.

Request for Continuance: None

Request to hold the record open:

As Mayor Traber noted earlier in the meeting, a request was received to hold the record open for an additional seven days.

The appellant did not waive his right to submit additional written argument after the seven day period.

Mayor Traber announced deliberations would be held at the Tuesday, January 19, 2016 City Council meeting; final documentation was due to staff by 5:00 pm on Monday, January 11, 2016; final written argument from the appellant was due no later than 8:00 am on Tuesday, January 19 due to the January 18 holiday.

Questions of Staff

Councilor Bull asked about the legal relationship between the Comprehensive Plan and the North Corvallis Area Plan (NCAP); how closely an application must hold to the Transportation Plan; and if alternatives for the proposed road were only considered inside the right-of-way as it was currently configured, or whether proposed alignments would go outside of it. She also asked whether retention facilities were located outside or inside riparian easement areas. If they were located inside the areas, she wanted to know the justification for doing so and whether it was contrary to the LDC.

Councilor Hogg asked about flexibility to reduce the size of the road, whether the City or the developer would pay for the road, how much it would cost to build the road, and what budget the expense would come from. He also wanted to know who would be responsible if property was damaged during road construction, whether there were safety concerns related to exceeding the maximum slope design standards, whether the road needed to be built to meet seismic code standards, and whether noise studies were needed.

Councilor Hann asked about the cost to maintain the road, whether the road had been established as a priority for development of infrastructure in the current Capital Improvement Plan or Transportation Plan, and when construction of the road was originally anticipated in those Plans. He asked staff for feedback about his understanding that a compensating benefit should not be something that was already required. In his view, merely building the road did not appear to be an adequate benefit to the public or the neighborhood.

Councilor Hirsch asked whether there had been an environmental impact study, especially in relation to the amount of proposed impervious surface, and how rainwater would be handled.

Councilor Beilstein asked whether the appellant's requested modifications to Condition #12 were adequate; whether the Planned Development, which was created in 1996, was constrained by the 2006 Natural Features Inventory; whether the proposed road alignment was optimized to reduce impacts to natural features or whether it was designed to maximize the developable area; and how much responsibility the City had in selecting that proposed alignment.

Councilor York asked about the consequences if the Council chose to review the application in-part to include what the transportation system would look like with NW 29th Street completed and with NW Lester Avenue connected.

Councilor Baker asked whether impacts were evaluated outside of the right-of-way and whether mitigation of the impacts was focused on more than just the alignment. His

understanding was the alignment was proposed to minimize impacts of building the road; however, there would still be impacts and he wanted to know how those would be mitigated.

XIII. POSSIBLE RECESS TO EXECUTIVE SESSION – None

XIII. ADJOURNMENT

The meeting adjourned at 10:55 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER



MEMORANDUM

Date: January 4, 2016

To: City Council

From: Rian Amiton, Associate Planner – Planning Division

Re: Kings Boulevard Extension (PLD15-00003)
Additional Written Testimony

This memorandum includes copies of written testimony received by the Planning Division between December 30, 2015 at 5pm and January 4, 2015 at 5pm

CURTIS WRIGHT
3325 NW POPPY DRIVE, CORVALLIS, OR 97330

January 3, 2016

Mayor and City Council
City of Corvallis
501 SW Madison Ave.
Corvallis, OR 97330

RE: Appeal of Planning Commission denial of PLD15-00003

Mr. Mayor and Councilors:

It was 1996. Fast Company magazine proclaimed Netscape Navigator the winner of the browser wars. Fortune said no one, not even Yahoo, can catch AltaVista in online search. Time Magazine declared Apple has no future. Tech guru Bob Metcalfe insisted the Internet will catastrophically collapse this year.

It's now 2016. Things look a lot different 20 years on. Aren't you glad you didn't bet your money, and stake your future well-being on those projections of two decades ago?

It was 1996 when Corvallis' Transportation Plan was done. It projected we'd be a city of 60,000 by the year 2010. That the Crescent Valley area was destined to be wall-to-wall housing, and that, in large part, is why we needed to extend Kings Boulevard up and over and through the Timberhill Natural Open Area.

It's now 2016. Things look a lot different 20 years on. Our city isn't growing at anywhere the kind of pace projected back then. And housing in the Crescent Valley area has grown in a whole different direction, with far fewer homes, on far, far larger lots. So why are we betting our tax dollars and staking the future well-being of a significant part of Corvallis on those projections of two decades ago?

The staff report says the proposed extension of Kings Boulevard is an important connection to a complete system. But it goes nowhere. It connects to nothing. The staff report says no traffic impact studies or other community impact studies are needed because this road generates no new trips. Then why do we need this road now? Somewhere in Corvallis there is surely a bright, young child reading this circular writing and saying, "It's just like the Emperor has no clothes."

The staff report says the city engineer says this routing of the Kings Boulevard extension is the best route possible. That it's not a problem that the road will be built on unstable ground, over numerous streams, on a steep hillside, across known earthquake faults. Not to disrespect our city engineer, but I'm sure another engineer said much the same thing in support of the Highway 20 rerouting that is costing we taxpayers hundreds of millions of dollars in rebuild costs. Who's to say our well-intentioned city engineer isn't wrong, as was the well-intentioned Highway 20 engineer? But if our city engineer is wrong, we do know who will pay for it: the taxpayers of Corvallis. Why are we in such an all-fired rush to put ourselves at such risk?

The only way this extension of Kings Boulevard can be allowed is with variances to code, exceptions to rules, and waivers of applicable laws. As one of our Planning Commissioners noted in denying this application, what's the point of having a land development code if we keep granting variances to it?

If you do nothing else between now and the night of your deliberations, I respectfully request you do two things: First, please thoroughly read and thoughtfully consider the oral and written testimony of all the citizens of Corvallis, and especially that from Vanessa Blackstone. Second, please go up to the site, and walk the proposed route. You'll find it's clearly marked by stakes

and red flags. (How that happened with a "Stop Work Order" in place is another matter.) When you do these two things, I'm confident you'll come to the right conclusion for Corvallis.

One of the best idioms for getting things done right is "Don't put the cart before the horse."

In this particular instance, it is even more appropriate to say "Don't put the road before the cart before the horse."

Deny the appeal.

Sincerely,

A handwritten signature in black ink, appearing to be "Curtis Wright". The signature is stylized with a large, sweeping initial "C" and a long horizontal line extending to the right.

Curtis Wright

TRNA Testimony on PLD15-0003

TO: City Council

RE: Appeal of PLD15-00003

FROM: Timber Ridge Neighborhood Association

DATE: January 3, 2016

Timber Ridge Neighborhood Association (TRNA) is composed of 142 homeowners in an established Timberhill neighborhood adjacent to the property in proposed plan PLD15-00003: Kings Boulevard Extension through Timberhill Taxlot 3500 (Kings Extension). Kings Extension has far too many negative impacts to be considered a viable route, and the appellant has left too many questions unanswered. We urge the City Council to deny the appeal. There are many reasons to deny this appeal, some of which are outlined below. Here are the highlights:

- Incomplete plan
- Alignment does not comply with at least 6 City of Corvallis plans
- Degrades Dixon Creek
- Obliterates riparian corridors and wetlands
- Road is dangerous
- Burden to taxpayers

Kings Extension is a major capital project that will forever alter Corvallis. It will impact not only our neighborhood, but all of the residents downstream and everyone that looks up at the hillside. Kings Extension will not fix any traffic problems, nor will it greatly benefit the City.

Incomplete Plan

Previously, City Staff recommended denial of two land use actions submitted by the appellant: the Hub (PLD14-00007) and Subdivision (SUB14-00004). Staff determined the plans to be incomplete, and rather than waive the 120-day time limit as suggested by the City, the appellants chose to withdraw the plans a mere 2.5 hours before the Public Hearing in the face of strong community opposition. Kings Extension is a manipulative attempt to circumvent the issues with the withdrawn plans.

Alignment assessment fails to consider true alternatives

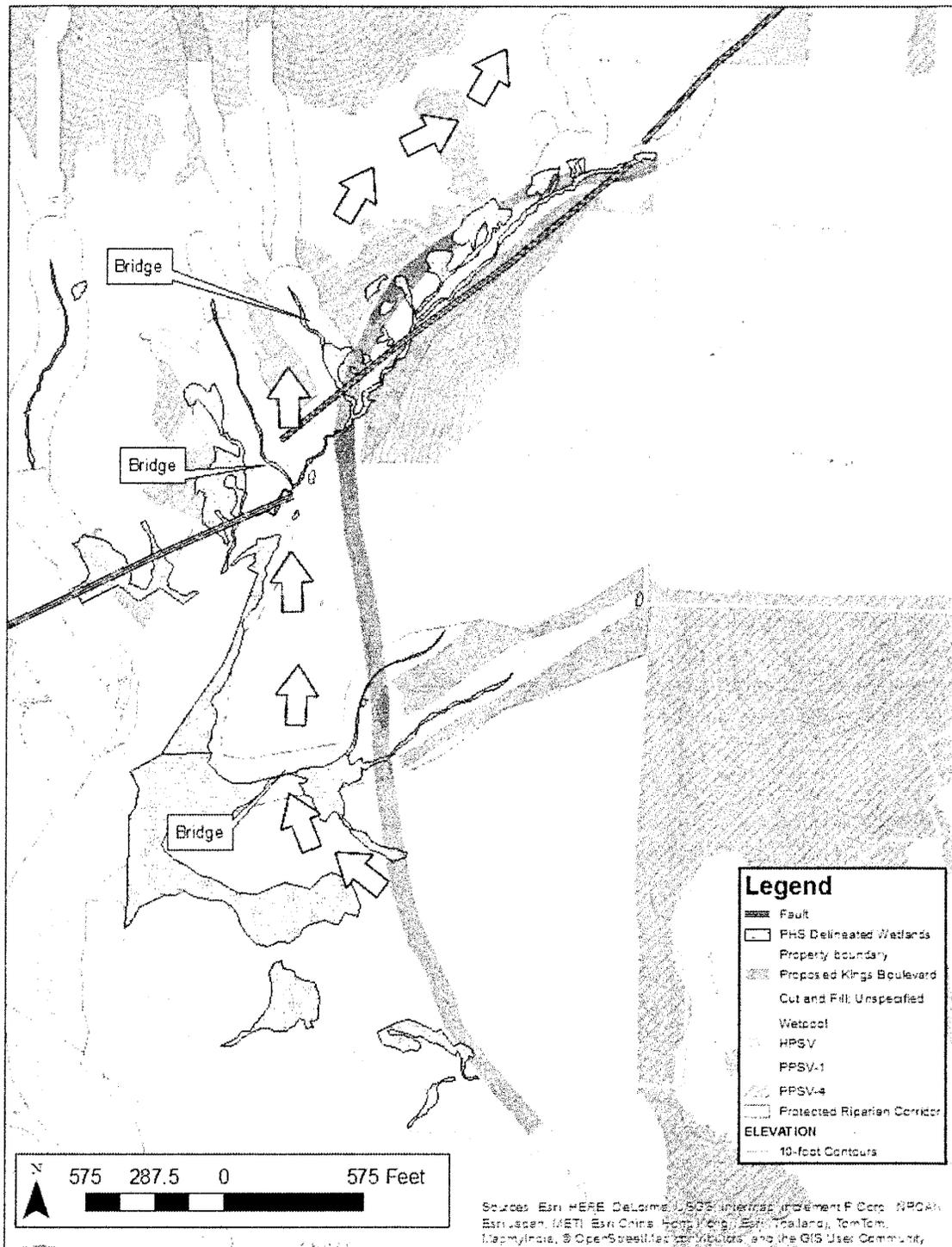
Kings Extension purports to consider alternatives; however, all roadway options are within the same property, and it lacks a "no build" alternative. The alternatives cannot claim to minimize impacts to natural features, wetlands, and riparian corridors when alignments that utilize adjacent properties. The alternatives fail to meet Land Development Code (LDC) 1.6. In fact, a quick look at the property reveals at least one option that minimizes riparian and vegetation removal and would better fulfill LCD 4.11.50.04.b (Figure 1).

Additional plans exist, but are not presented

The appellant claims that the LDC applicable criteria do not apply because no development is associated with Kings Extension. This is a flat-out falsehood, and any search of the Corvallis Gazette-Times will show otherwise. The LDC exists to ensure that facilities and services are developed in accordance with the Comprehensive Plan (CP). There are at minimum three residential plans by the appellant that are awaiting submission to the City. The appellants state in their application (PLD15-00003 History and Introduction page 1) that Kings Extension is submitted to comply with City Staff comments related to the Hub and Subdivision (PLD14-00007 and SUB14-00004), and the applicants have been publically quoted

TRNA Testimony on PLD15-0003

Figure 1. Kings Extension Alternative including off-property option



TRNA Testimony on PLD15-0003

that the Hub will be resubmitted in 2016. Attachment “U” Kings Extension illustrates a very dense build out that will certainly affect what Kings Boulevard should accommodate, including traffic studies. In addition, according to City Staff, Kings Extension will call for changes to the 29th street improvements and extensions. How can this plan be considered complete, the requested variances be granted, and the impacts to natural features be determined as “necessary” when Kings Extension will dictate future developments but does not address the impacts those developments will have?

Additional Land Use Approvals are needed to justify this Plan

The City Staff recommended Conditions of Approval require the appellant submit additional land use applications that are subject to discretionary decision and involve public hearings. This does not promote efficient use of land, Staff time, . It also does not provide the appellant with reasonable assurances of approval. Stating that additional land use applications that will include public water and sewer lines, additional road extensions and connections as part of residential development DDPs, and franchise utilities will is effectively saying this plan is incomplete, and as such this appeal should be denied.

Conditions of Approval (Staff Report 11.15.15) include DDPs relating to public utilities, infrastructure, and 29th street extension. These require public hearings, and will result in a tremendous waste of effort that does not allow comprehensive urban planning. Given the appellant’s history of large but empty planning documents, this will mean 1000+ page DDPs for the City and the public to review. It means at least 120 days of public hearing cycles for each DDP, in addition to appeals. TRNA encourages the appellant to submit a complete plan for the entire property that addresses all of the City Staff concerns as well as those in the remainder of this testimony. We suggest that this new proposed plan include phasing of development from south (closest to the City and existing services) to north in a way that allows for the northern portions of the site with high value natural resources to be placed into parkland per the Timberhill Conceptual Plan (TCP), should that become feasible.

Kings Extension fails to comply with other plans

Kings Extension fails to comply with numerous City planning documents as well as the State. The appellant alleges that Kings Extension meets Corvallis plans; however, it does not meet any of Corvallis plans without City waiver, exception, or variance. Kings Extension fails to comply with the following:

- Transportation Plan (1996) 3.40.20b
- Vision Statement 2020 (1998)
- Comprehensive Plan (2002)
- North Corvallis Area Plan (2003)
- City of Corvallis ESA (2004)
- Corvallis Area Metropolitan Transportation Plan (2012)
- City of Corvallis Healthy Streets, Healthy Streams (2012)
- Oregon Statewide Transportation Strategy (2014)
- Land Development Code (2015)

Transportation Plan

The 1996 Transportation Plan (TSP) 3.40.20b identifies an approximate alignment for Kings Extension. However, the TSP was adopted prior to the natural hazards and natural features inventories, and the

TRNA Testimony on PLD15-0003

TSP does not value them. The TSP is being updated, and will be finished in 2017. Kings Extension is an arterial road that 20 years ago was planned to connect Walnut and Lester. For such a large capital project requiring long-term taxpayer funds, it is incredibly short-sighted to approve a detailed development plan that does not fulfill a valid needs assessment. Not only that, but other, more recent documents clearly spell out the value of natural features. The need for Kings Extension was carried through into the Comprehensive Plan (CP) and the North Corvallis Area Plan (NCAP), both of which are more recent. However, the appellant and City staff doggedly leech onto the 1996 TSP as though it is some sort of holy grail. This is absurd planning more in keeping with the 1930's when filling wetlands and planting Scotch broom were the "in" things to do. We know better than this.

Vision Statement 2020

The Corvallis 2020 Vision Statement, adopted in 1998, envisions our city nestled in a beautiful natural setting, with distinctive open space, natural features and protected habitats. It states:

- We value the beauty of our surroundings: the hills, valleys, forests, streams, rivers, and clean air.
- We value living in a city that is in harmony with these natural beauties, and seek to build for the future with this in mind.
- Corvallis recognizes the connection between development patterns and impacts on the environment.
- Careful design ensures that development minimizes impacts on plant communities, wildlife habitat, and scenic areas, as well as enhances the sense of place and community character.

Kings Extension does not fit the bill of careful design, or minimizing impacts.

Comprehensive Plan

The CP notes "the transportation system shall be planned and developed in a manner which contributes to community livability, recognizes and respects the characteristics of natural features, and minimizes the negative effects on abutting land uses" (CP 11.2.1). The CP goes on to mention protection of natural features many times, and this Plan violates them, including:

- Natural features and areas determined to be significant shall be preserved, or have their losses mitigated, and/or reclaimed (CP 4.2.2) *This Plan does not mitigate or reclaim any natural features that are lost.*
- Development on hillsides shall not endanger life and property nor land and aquatic resources determined to be environmentally significant (CP 4.6.2). *This Plan endangers land and aquatic resources determined by the City to be environmentally significant.*
- Tree canopy sufficient to maintain the visual appearance of a tree-covered hill shall be preserved on Timberhill Ridge. A trail corridor south from IV Hill to Timberhill Ridge, consistent with the trails network plan, shall be established with development of Timberhill, and at the time of preparing design studies for construction of any streets located between IV Hill and Timberhill Ridge (CP 4.6.15). *This Plan removes trees from the hill without determining where tree preservation will occur to remain in compliance with the CP. The appellant is clearly not committed to keeping a trail corridor*
- Negative impacts on habitat and migration corridors for birds, wildlife, aquatic life, and on open space and the recreation qualities of significant drainage ways shall be minimized (CP 4.10.9).

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This Plan selects an alignment within a single property, and does not consider alternatives that would minimize the impacts to wildlife, open space, recreation, and drainage ways.

- As roadway and intersection alignments are developed to establish the transportation network envisioned in the North Corvallis Area Plan, careful consideration shall be given to natural features such as floodplains, riparian areas, and wetlands, minimizing negative impacts to these features to the greatest extent practicable, while continuing to address the multi-modal transportation needs of the area (CP 13.13.21). *As above, this plan does not carefully consider natural features.*
- As public facilities are designed and constructed, factors to be evaluated shall include, but not be limited to:
 1. Risk to the environment of a specific design, such as impacts resulting from construction/installation, and impacts from operational situations (infiltration, inflow, line surcharge, or pump failure). *This is not adequately addressed in the Plan.*
 2. Impacts on developable land including ultimate cost of residential and commercial projects and timely availability of developable land. *This is not adequately addressed in the Plan.*
 3. Opportunities for co-location of public facilities. *This is not adequately addressed in the Plan.*
 4. An analysis of the costs/benefits associated with a facility's design, addressing elements such as installation, operation, resource mitigation, need for redundancy (CP 13.13.32). *This is not adequately addressed in the plan.*

North Corvallis Area Plan

One would assume that the most recent approved planning document should be guiding this plan, yet the appellant and City Staff are basing the entire plan on the 1996 Transportation Plan (TSP) rather than the more recent North Corvallis Area Plan (NCAP). NCAP identifies Kings Extension with a generalized alignment based on the TSP, but further stipulates that it should be a two-lane road due to steep terrain and significant drainages; this guideline minimizes the impact on natural features (NCAP Exhibit B-6). This Plan does not comply with that build out.

The NCAP assumed that "extension of urban services, including sanitary sewer service, will be development driven, responding to specific development proposals and successful contiguous annexation to the City of Corvallis (NCAP page 2)." Kings Extension is extending City services (and maintenance costs) without concurrent development.

The NCAP (Section 1.4, 5.1.2, and 7.4) states that "The NCAP transportation system, including proposed street extensions and trail locations, will be primarily development driven. The exact location of the transportation system shall be fixed by site-specific development proposals as they are presented to the governmental agency having jurisdiction." Yet, even though we know development plans are waiting in the wings, this road extension is proposed as a stand-alone project that certainly isn't a stand-alone development.

Oregon Statewide Transportation Strategy (STS)

STS was approved in March 2013, well after City of Corvallis approved the appellant's planning documents. As such, existing plans calling for Kings Extension do not take into consideration the STS or resultant guidelines to comply with SB1059 to reduce greenhouse gas emissions. Corvallis Area

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Metropolitan Planning Organization (CAMPO) has engaged with the STS, and signed an Intergovernmental Agreement with ODOT to assess Corvallis. The appellant has provided no information related to the STS. Was CAMPO even consulted on this plan by the appellant or City staff?

Corvallis Area Metropolitan Transportation Plan: Destination 2035

The Corvallis Area Metropolitan Transportation Plan (CAMTP) was adopted in 2006 and updated in 2012. It is this plan that serves to meet the State's Transportation Planning Rule (OAR660-012). CAMPT states that Kings Extension to Lester will be financed with System Development Charges, and as such will be completed concurrently with neighboring development (CAMTP IX-4).

Land Development Code

Unlike previously submitted and withdrawn land use applications relevant to this property, the appellant repeatedly states that LDC codes do not apply. The reason so many LDC codes are determined "not applicable" to this Plan are because there is no development associated with it, and the LDC was not designed to address such an anomalous development attempt.

Even so, Kings Extension requires a variance – that means it does not meet the LDC. City Staff arbitrarily determined that another variance (slope of road) is waived; the proposed 8% slope does not meet the LDC without this City waiver.

There are two avenues that allow encroachments into protected natural features and natural hazards: meeting Minimum Assured Development Area (MADA), and by discretion of the City Engineer. The LDC states "Encroachments shall be allowed only to the minimum extent necessary to achieve" MADA, LDC 4.11.50.04.a) and that "all unconstrained lands shall be used before encroachments occur (LDC 4.11.50.04.b)." The appellant has provided no MADA calculations. The encroachments into protected vegetation and riparian areas cannot be approved. *Plan the property, don't piecemeal it.*

LDC 4.14.70 allows encroachments if deemed necessary for a functional system. The City Engineer determined that encroachment into natural features is necessary to "maintain a functional system." Well, a "functional system" currently exists, and without this arguably arbitrary waiver, the plan fails to meet the LDC. The City Engineer also determined Kings Extension provides the least impact to significant vegetation and riparian corridors. However, all three alternative alignments are isolated to the subject property. How can such a narrow view truly minimize impacts to natural features?

Road alignment is not justified

The most important questions when determining any type of facility planning are:

- 1) Do we need it?
- 2) How big?
- 3) Where is the best location for least ecological impact?

Do we need it?

The appellant has not adequately answered this question. Both the appellant and City staff state that Kings Extension will not generate any new traffic, because no new development is proposed. Extending the road will not generate new vehicle trips. If there are no new vehicle trips, we do not need a new road at this time.

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City Staff stated that the NCAP supports the appellant’s plan. We disagree. NCAP estimates a population of 24,000 in the Urban Fringe (NCAP Exhibit B-4) *over the next 80 years* (NCAP 7.1.1). That means the Urban Fringe would reach maximum capacity in 2083. In essence, the City will be maintaining a roadway, utility system, and stormwater features for decades before the expected use would justify the presence of the road. To translate: TAXPAYERS will be maintaining a roadway, utility system, and stormwater features for decades.

NCAP 7.2.2 states that public/private partnerships to provide essential public services are a long-term implementation strategy, beginning in 2020 through build-out, and that earlier implementation may occur should the *community* choose to do so (NCAP 7.1.1). It is 2015, not 2020, and it is fairly obvious through testimony received in opposition that the *community* is not choosing early implementation.

Do we really need an arterial road connection? The 20-year old transportation plan calls for one, but its needs assessment is both outdated and flawed. NCAP seriously overestimated residential density at 3.2 dwellings per acre. The Urban Fringe has already been divided into parcels smaller than 6 acres. Many of these parcels can’t be subdivided because they are already developed. Even if the area is annexed by the City, the expected density is unlikely to materialize. Highland Dell Estates, Highland Park, and Cascade View, to name a few, are at a lower density than planned. Commercial development also is at a lower density, including the Fitness Center on 99, 99 and Granger, and the Church on Highland. NCAP estimated the number of dwellings to be 14,000, but when accounting for reduced development it will be closer to 10,800 in all of North Corvallis! Kings Extension will service only a fraction of these dwellings.

The service area for Kings Extension is riddled with development constraints such as slopes, landslides, significant vegetation, wetlands, and riparian areas. (Figure 2). When you take the 11,000 dwellings and remove areas in natural hazards and natural features, we can expect a mere 6830 dwellings. If a public citizen can hazard a guess at changed need then surely the appellant can do similar.

Indeed, the Corvallis census data do not support the build out that NCAP predicted. With current population estimates and the present growth rate of 1%, Corvallis may have a population of 58,334 by 2020 (Table 1). Maybe.

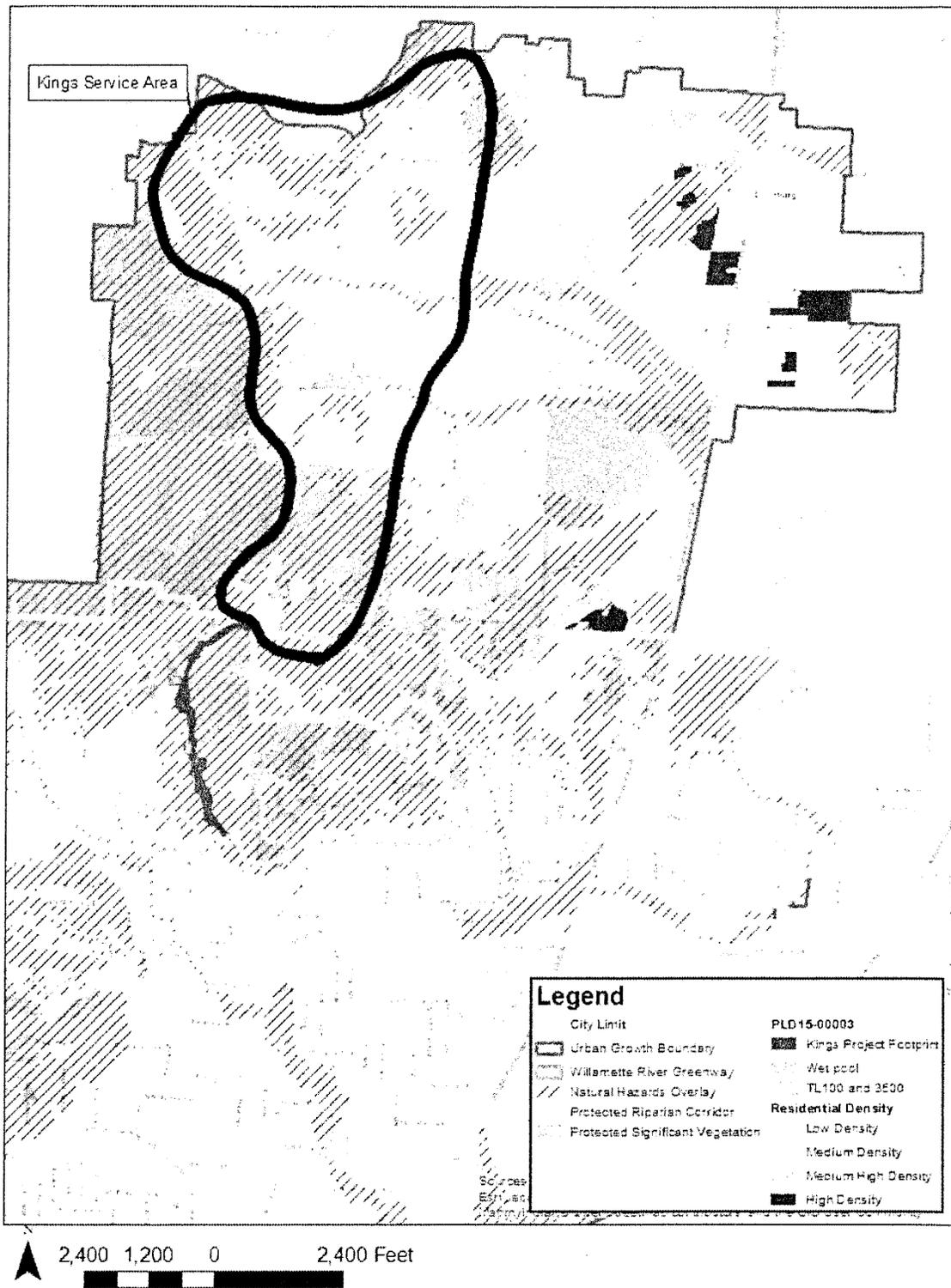
Table 1. Corvallis Population Estimates

	2000	2010	2014	2020
<i>City of Corvallis population</i>	48,581	54,462	54,953	58,334
<i>OSU population</i>	14,924	19,150	24,158	25,644
<i>City of Corvallis permanent residents</i>	33,657	35,312	30,795	32,690

* Estimated with stable 1% growth rate from 2014 through 2020

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Figure 2. Zoning and Service of Kings Extension



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How big?

During public hearing, City staff cited the need for progressive development in order to serve Corvallis' future expansion into the Urban Growth Boundary. If progressive development is so critical, should it not consider new information? NCAP states that it should (NCAP 5.1.0). To develop a road that is accurately sized and built for realistic growth, we need an updated traffic study. A NEW transportation plan will be released in 2017 that may or may not determine a need for Kings Extension. It could be similar, as an arterial street, or the more realistic lesser level of service that a collector road can provide. It may be even more appropriate as a multi-modal path that provides alternative transit to Highland Drive, which currently lacks sidewalks. Why push for an old alignment that is likely to overbuild something that we do not need?

What is the best location with least ecological impact?

To answer this question, we must consider the natural features that would be forever changed by Kings Extension. These impacts are not merely acres directly disturbed, but also include the downstream components of Dixon Creek, water quality, wildlife connectivity, aesthetic of the viewshed throughout the City, and rarity and replacement of the botanical community.

Ecological Considerations of Kings Extension

Dixon Creek

A river begins at its headwaters. What happens there affects the aquatic life downstream. The wetlands and riparian channels impacted by Kings Extension are the headwaters of the east fork of Dixon Creek, which begins in the City of Corvallis and flows into the Willamette River. Dixon Creek has been a focus for restoration throughout Corvallis by a myriad of groups, including Jackson School, Benton County Soil and Water Conservation District, Corvallis Sustainability Coalition, and private land owners. Dixon Creek affects our water supply and the water quality of the Willamette. Older studies of Dixon Creek reveal high sediment levels, transports chemicals, *E. coli* presence, and exotic weed species (NRPS 2004). Temperature sampling also revealed 20% of samples were hotter than 68 degrees during summer's low flow (Maser 1999), which is bad enough to kill fish in Dixon Creek and the Willamette.

What would we lose if we approved all this pavement? Impervious surfaces already cover a significant portion of Dixon's watershed (NRCS 2004), with roads parallel to the creek and road crossings fragmenting the habitat. In fact, the City's Salmon Response Plan (NRCS 2004) states that "...80% of the riparian area in the watershed is developed." Riparian corridors exist (Figure 4) to trap sediment, reduce erosion, filter toxins from the water, intercept run-off and keep flooding at bay by temporarily slowing and holding water out of drainages. Streamside plants keep water cool, which in turn helps regulate the temperature of native fish species. Although the headwaters themselves do not likely contain fish due to passage problems, cutthroat trout and dace are known in the lower reaches of Dixon Creek, and during flood stage Dixon Creek acts as a refugia for threatened Chinook (NRCS 2004).

The north part of this alignment is placed directly in mature riparian forest and even in the riparian channel, which will obliterate it (Figure 4 and Figure 7). The meandering path of Dixon Creek is already constrained, resulting in increased erosion and scour, flooding, poor water quality, and impacts to wildlife. The headwaters of the east fork are the only portion of Dixon left functioning in a relatively natural state. What's left of the natural values of this creek will suffer under King's Extension (Figure 8). We will lose trees and shade, which causes water temperature to go up. We will see increased chemical

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pollutants from impervious surfaces, and more long-term erosion. With erosion comes higher risk of landslides. Kings Extension will degrade Dixon Creek, undermining the City's efforts at restoration and water quality improvement. This is in direct conflict with the City of Corvallis Salmon Response Plan and the Healthy Streets, Healthy Streams plan. These plans emphasize the importance of maintaining water quality in Dixon Creek. Simply put, it is irresponsible to further degrade this system

Fish

The appellant assumes that no fish are present; however, they have not surveyed the flowing streams for fish. Cutthroat trout are present in lower portions of Dixon Creek, and Pacific lamprey are very likely to be present (CBI 2003). Lamprey ammocoetes require silty substrate, where they burrow for up to seven years before emerging and migrating out to sea. They are therefore not easily observed without appropriate survey methods, and adults can traverse fish barriers by suctioning with their mouths, making them able to go places salmonids cannot. Dace were observed in the stream up to 29th street for the 2000 Stormwater Plan, which shows that fish passage challenges at box culverts from the confluence of Dixon Creek and the Willamette to at least 29th Street allow passage at some points during the right water flow (NRI 2004).

If no fish use the headwaters, the water quality and temperature greatly affect fish in Dixon Creek downstream. In 1995, sampling by Benton County on Dixon Creek revealed that areas where riparian vegetation had been removed or altered to allow sunlight penetration had temperatures lethal to cutthroat trout. Removing riparian vegetation in a headwater will raise the overall temperature of the creek. This has not been addressed adequately by the appellant.

Willamette Valley Oregon White Oak Savanna is imperiled

Kings Extension involves removal of 307 Oregon white oaks ranging from 6-61 inches in diameter at breast height; one of them is pictured in Figure 5. Oregon white oak savanna is one of the most imperiled ecosystem in the entire USA – 95% of this habitat is gone. It was once the dominant tree in the Valley, and the pieces of the Oregon White Oak forests are but shadows of their former form. Even the loss of small numbers of oak can have a profound effect on the 250-plus species of wildlife breeding in the Willamette Valley. Oaks make up an important biological community, and about 500 other species of plants live among those oaks.

Most oaks in the Valley are 100+ years old, with very few younger generation trees. The oaks on this property, however, range from young to quite old heritage oaks, and represent not only an older generation oaks that are hundreds of years old, but also mid-range trees in their 40s and even young trees that are maybe two decades old. This age diversity means the Oregon white oak habitat on this property is even more rare and valued. These trees are why we have so much wildlife and botanical diversity in North Corvallis. We recommend that any plan minimize removal of Oregon white oak. Oregon white oak savanna function at large scales – 40+ acres of continuous habitat. Breaking this continuity with a road drastically reduces the regional function of the habitat.

Impacts to Natural Features not justified

The LDC standards strive to minimize or avoid impacts to natural features. Encroachment into acknowledged natural features areas may be allowed for the construction of transportation and utility infrastructure when it is deemed necessary by the City Engineer to maintain a functional system. This

TRNA Testimony on PLD15-0003

decision is not intended to be completely discretionary, and the LDC, City Transportation and Utility Master Plans, and other adopted City plans shall guide the City Engineer's determination (LDC Sections 4.12.70 and 4.13.50.b.2). It is convenient for the appellant that the alignment paves over the edge of the natural features overlay rather than sticking to unconstrained areas. The City Engineer determined that the impacts associated with Kings Extension are necessary. We disagree completely. The alignment was limited to one property and undervalues the importance of natural features on this hillside.

Natural Features not adequately evaluated by City Staff

The City staff who attended the hearing were well versed in their own fields. However, we note that no natural resource experts were present, noted in staff reports, or otherwise included in alternative development. Apart from the public hearing process, there has been no professional insight on the damage to natural features. When looking at the natural resource and hazards inventories, it is obvious that for Kings to be extended in compliance with the LDC, it should swing further west across the bottom portion of TL3500 and move off property on the north (Figure 3). Other alignments that extend off property and meet LDC were not considered.

In addition, the arborist report submits that many Oregon white oak, especially the larger ones, are in poor condition. This is incorrect. Oregon white oak branches die off seasonally as part of their natural growth habit. Dead limbs are common. Oregon white oak survive for decades, if not hundreds of years, with rot inside the trunks. In more urban areas, many of these dead limbs are pruned off for safety reasons, but in other areas, these dead limbs become wildlife food and habitat. To an urban arborist, this may appear "decadent" and be labeled as poor condition. To an experienced forester or ecologist, however, this is simply how all Oregon white oaks grow. Young oaks throughout TRNA's neighborhood also experience these dead limbs and dead crowns, and are not creating any imminent hazards to the neighborhood. Unless an Oregon white oak is determined to be in immediate threat of failure, in a place that can cause property damage, its removal is unwarranted. A hazard tree is defined as "a tree with an identifiable structural defect or other condition that predisposes it or part of it to failure and will potentially injure people or cause property damage in the event of its failure (OPRD #Nat.030)." A target is "the person, structure, or object that can be hit by a falling tree or part of a tree (OPRD #Nat0.30). For examples of hazard tree identification, see Oregon Parks and Recreation Department's Hazard Tree Management Policy #NAT.030 (Attached).

The quality of tree maps submitted are unacceptable. The resolution is so poor that it is impossible to link the information in the tree inventory table with the maps. A map should truly show just what this plan is removing rather than hiding it with barely visible graphics. TRNA encourages the Council to walk the alternative which is clearly marked with pink-graffiti trees to gain a thorough understanding of what Kings Extension is impacting..

Viewshed

Vision 2020 and NCAP cite this hillside as part of the viewshed of the City, where trees and aesthetics are to be preserved. PLD15-00003 does not adequately address how the viewshed will be maintained. A large number of trees are slated for removal; omission of this component of the visual elements (LDC 2.5.3) does not meet the applicable review criteria.

Figure 3. Kings Extension and Natural Features

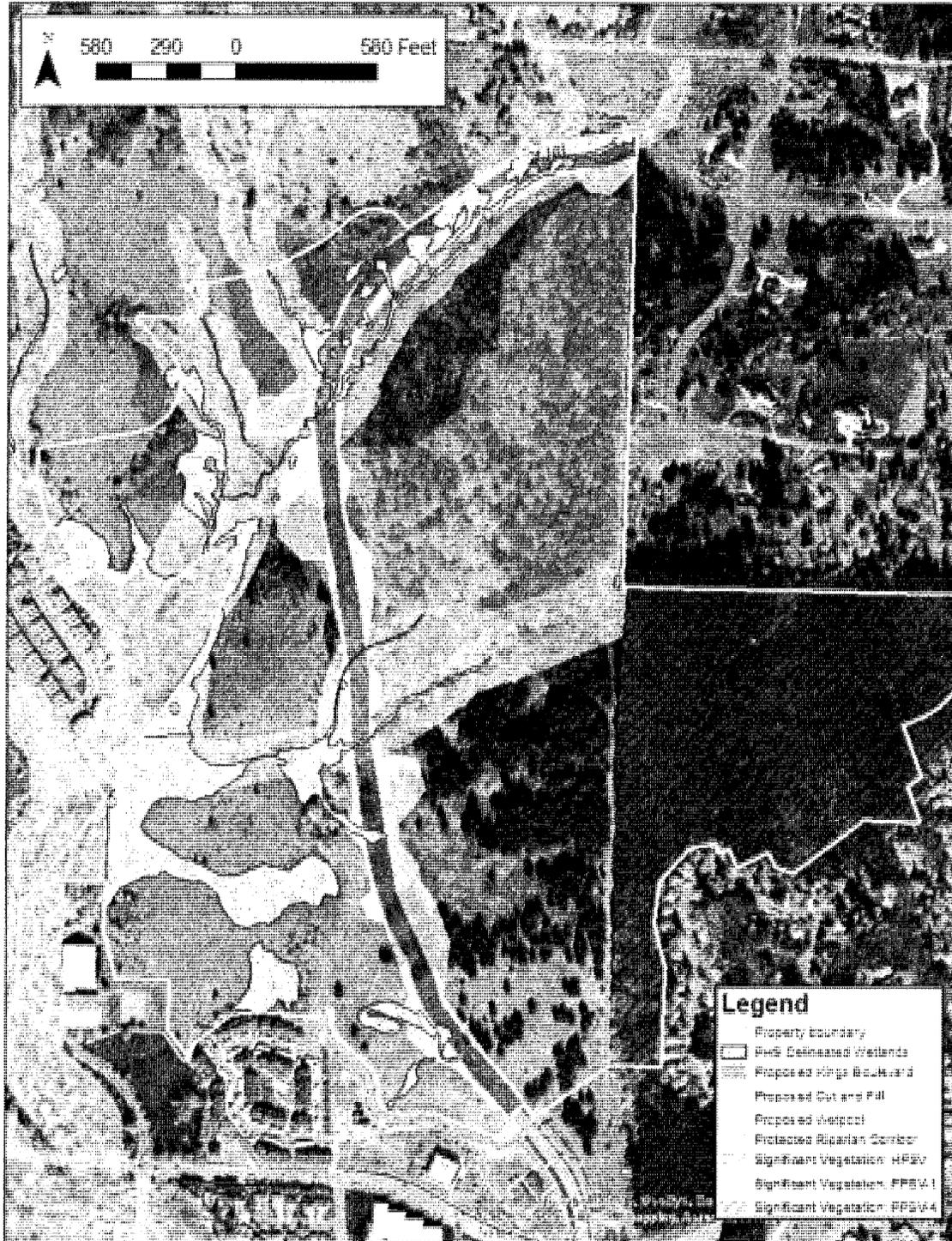


Figure 4. Healthy stream channel will be obliterated

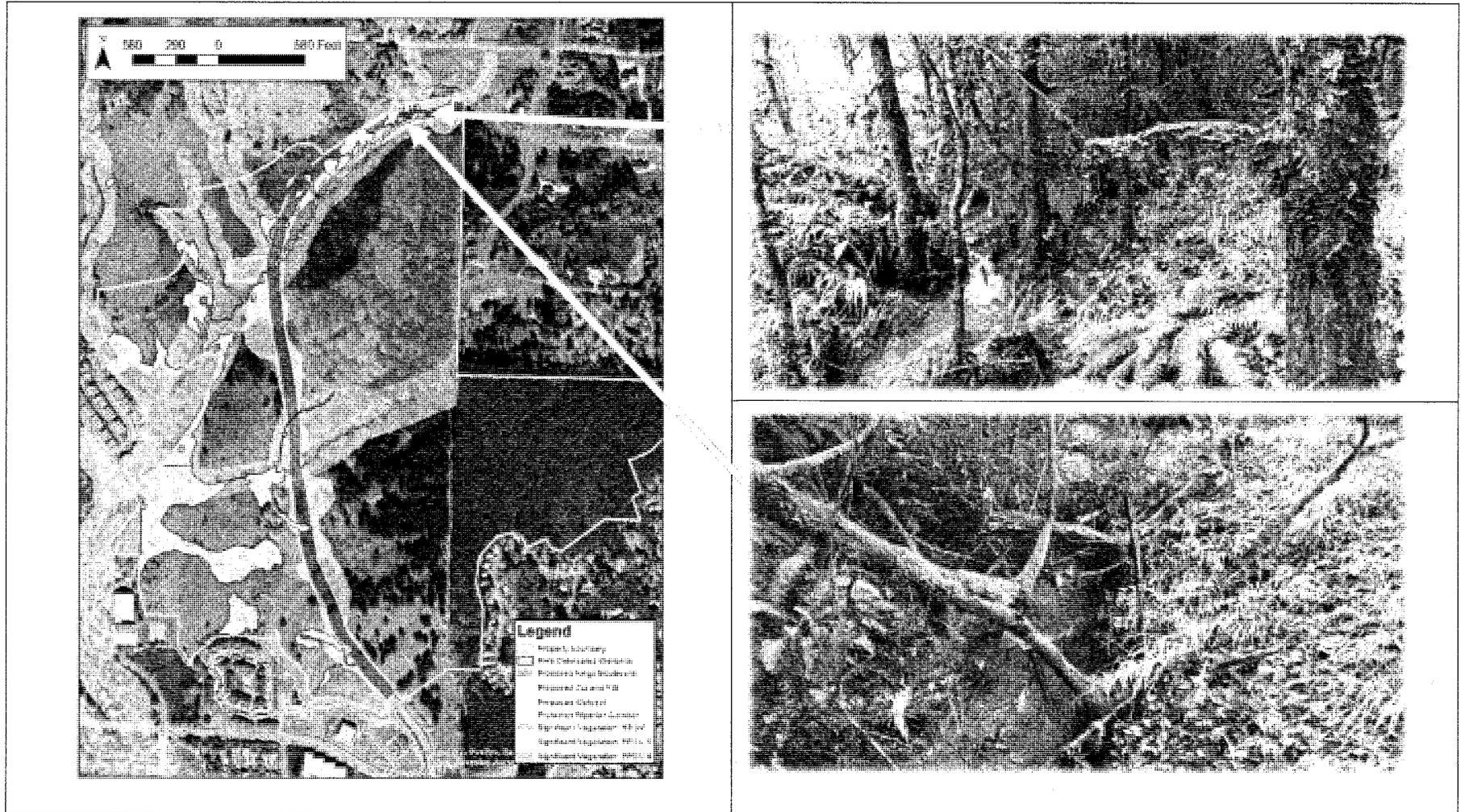


Figure 5. Large Oregon white oak to be removed

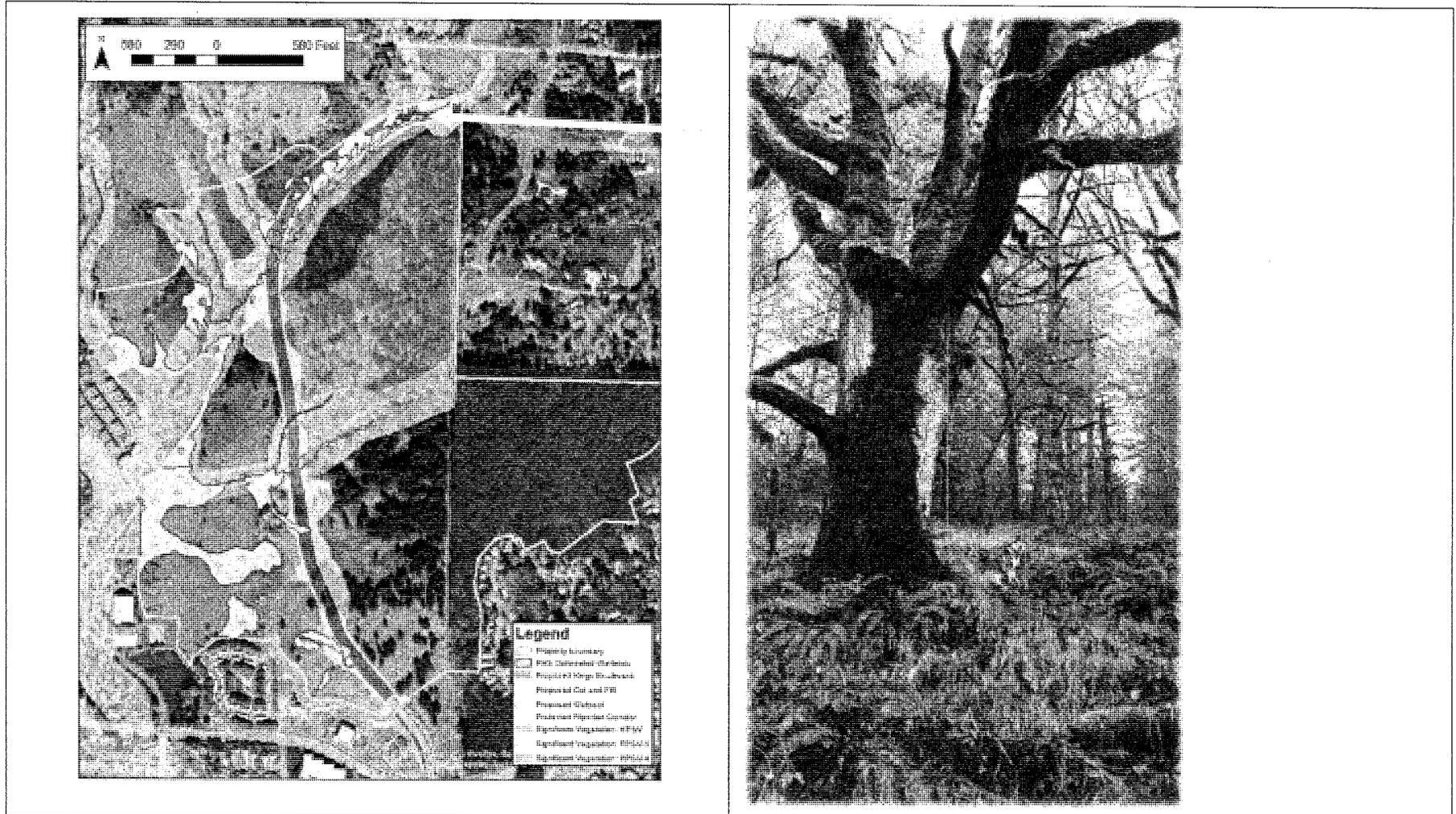


Figure 7. Stream channel and wet pool location

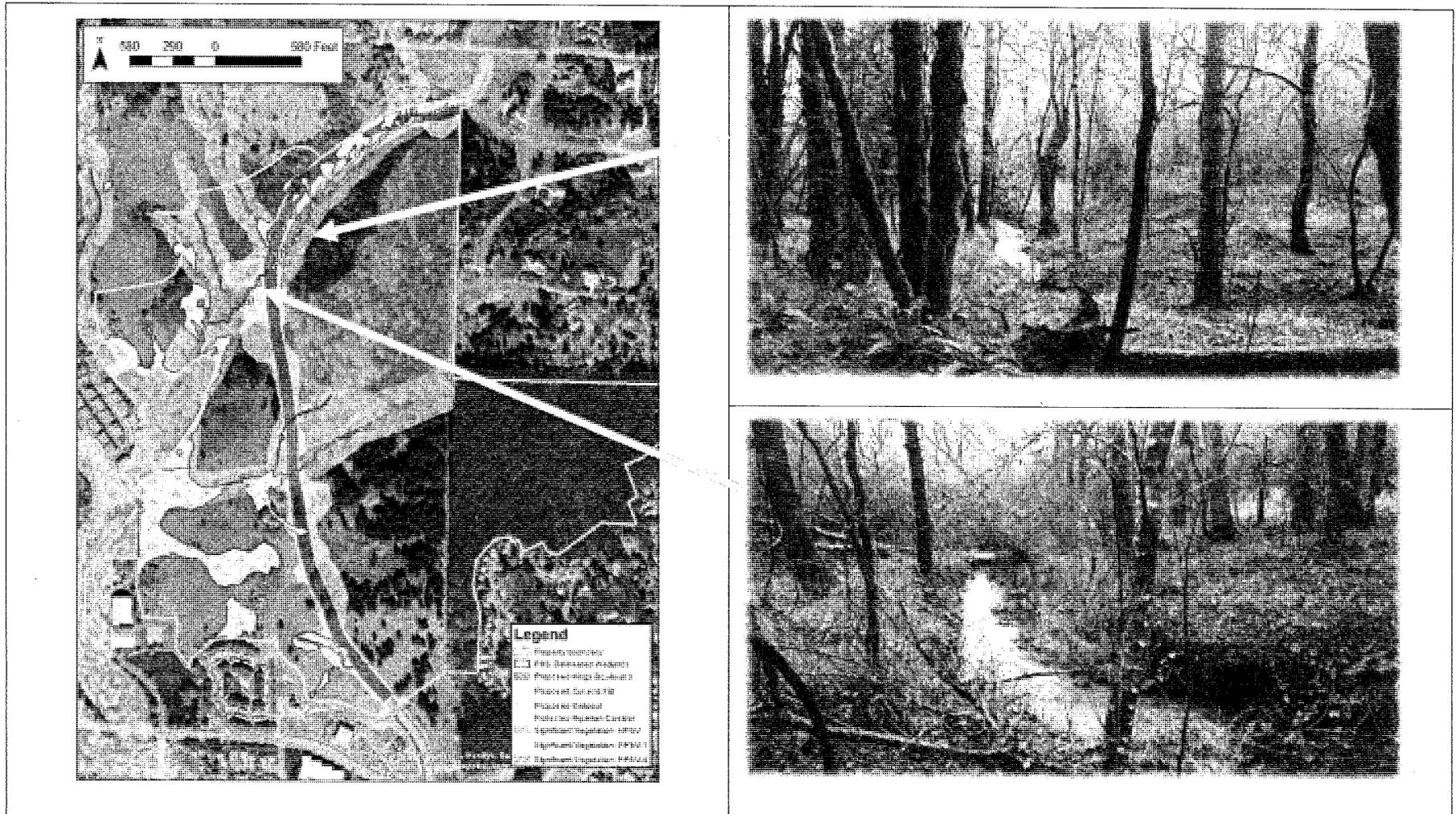
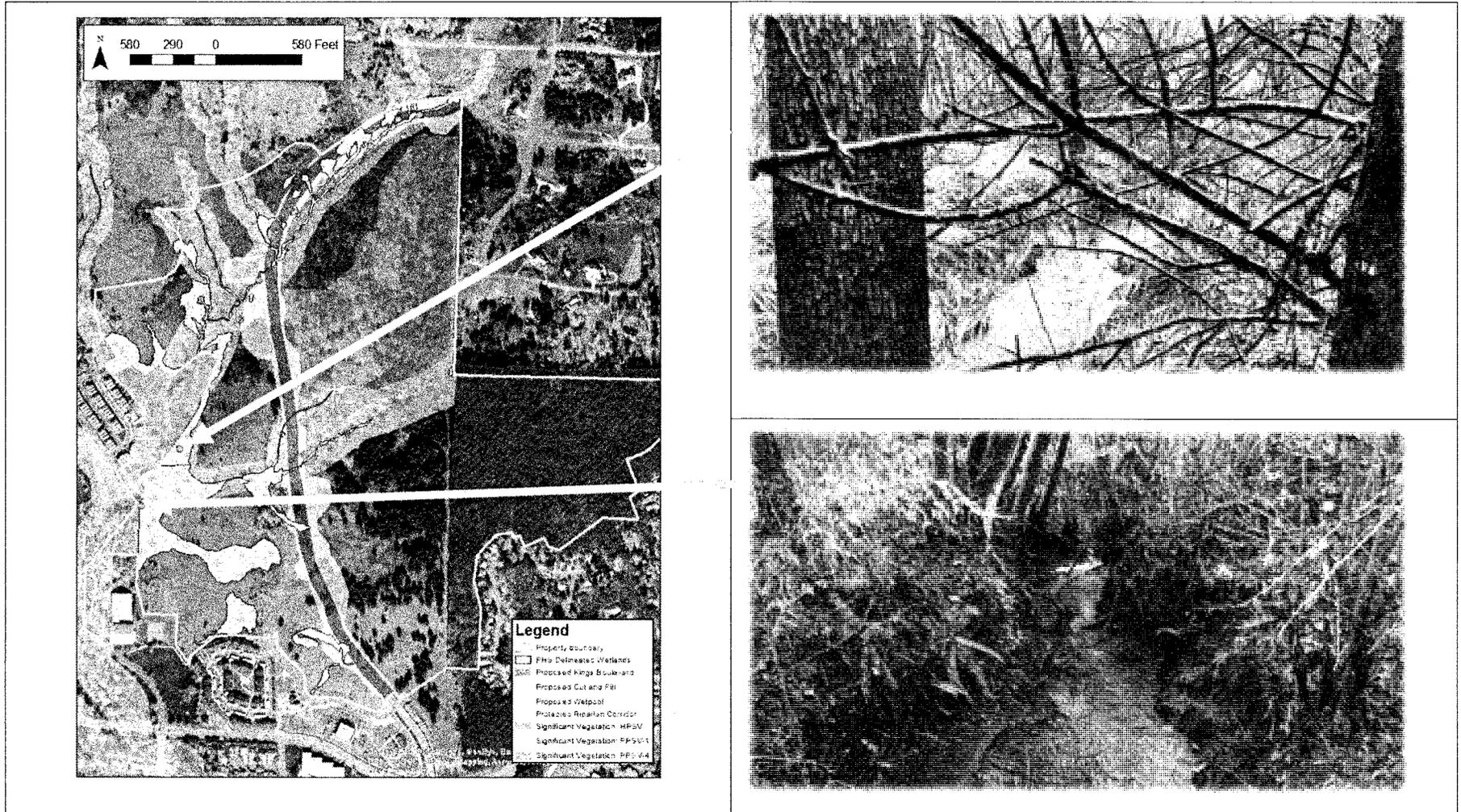


Figure 8. Dixon Creek on City property. This stream segment will be negatively impacted by Kings Extension



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Removal of Significant Vegetation is against code

This Plan calls for removal and grading of significant vegetation. LDC dictates that development will be limited to portions of properties outside of Highly Protected Significant Vegetation (HPSV) and Partially Protected Significant Vegetation-1 (PPSV-1) areas, except to the extent allowed by MADA (LDC 4.12.60.1.a.1 and 4.12.60.1.b.1). Kings Extension contains no MADA, and the alignment is within protected vegetation throughout the entire northern portion of the site (Figure 3). The “functional system” argument is nothing but a straw man; no development is proposed, and there is no need for extension of services.

Stormwater retention does not meet code

Stormwater retention basins are proposed WITHIN existing riparian areas (Figure 7). This does not meet LDC 4.13.50.b.1, which states “...detention or retention facilities shall be located outside the 10-year Floodplain or the riparian easement area, whichever is greater.” This means that heavy machinery must enter protected riparian corridors, remove vegetation, reshape the landscape and slope, all of which will irrevocably damage the land and the habitat outside of the basin itself, and attempt to replace mature riparian vegetation with cuttings.

LDC states that “...grading excavation, and placement of fill, are prohibited” within protected Riparian corridors and riparian-related areas (4.13.50.b), and that “...improvement required with Development shall be applied to minimize the impact to the subject area (LDC 4.13.50.b2). Kings Extension is not a “minimizing” action. It will obliterate riparian areas and wetlands. Figure 3 shows the alignment overlaid with the wetlands delineated by the appellant as well as the City’s natural features overlay. The northern half of the alignment hits every wetland that is marked, annihilates the stream channel, and places wet pools in functioning riparian corridors. It would be in greater compliance with LDC 4.13 to locate the basins in a way that enhances riparian corridors rather than replaces them.

In addition, Kings Extension does not contain adequate information that the proposed stormwater retention features comply with LDC 4.13.70.01b.1, which states “The drainage ways within the City are intended to function as a wholistic natural system that includes both Fish-bearing Streams and other Streams whose flow is recognized to have direct impacts on these Fish-bearing Streams.” Apart from water drainage capacities, the plan is silent on the issue of water quality.

Placement of wet pools in undevelopable riparian areas also frees up more developable land, a sneaky way circumvent natural features for future developments. The appellant seeks to allow future expansion of these wet pools to address needs of future developments. If that should happen, the public will have no recourse and no input. The City will be responsible for maintaining the pools: will the water flow out at the right temperature? Will a deep pool increase mosquitoes and the attendant vector-borne illnesses, or require pesticides? Who pays for all this? Who pays for sediment removal?

Traffic

Road Alignment to Complete Kings is Hazardous

Let’s not create another “Highway 20.” The Transportation Systems Plan survey of Corvallis residents listed “make transportation safe and reliable” as the number 1 ranked investment priority. The long-term safety of this road slope that exceeds the LDC and a variance to increase cut and fill is questionable at best.

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City Staff indicate the “dead end” of King’s aligns with a County-held easement across private property to construct a connection to Lester Avenue. This alignment involves a sharp 90-degree turn that may not be in keeping with LDC code. Since this portion of the road is not included in this plan, however, it’s not possible to adequately assess the road alignment’s compliance with the LDC . It is short sighted to plan an arterial road in piecemeal fashion, and invites problems akin to Coronado Tract B.

Hazards and Grading

Steeply sloped areas are considered hazards in the LDC. include slopes equal to or greater than 15% (LDC 4.14.50.2) along with Hillside Development standards in areas with slopes of 10% or greater. The Plan illustrates only slopes exceeding 35%. LDC 4.14.50.06.b states that streets “...maybe located on the specified slope area (35%) only if it can be shown that passage through the steeply sloped area is the only viable route available to afford access to the developable portion of a property.” This has not been shown in this Plan, because the alignment is limited to the property.

The Benton County Multijurisdictional Natural Hazards Mitigation Plan (https://www.co.benton.or.us/sites/default/files/fileattachments/sheriff039s_office/page/2934/benton_county_nhmp_090110_for_web.pdf) states “Transportation networks, systems for power transmission, and critical facilities such as hospitals and police stations are all vital to the functioning of the region. Due to the fundamental role that infrastructure plays both pre-and post-disaster, it deserves special attention in the context of creating more resilient communities (Benton County page 2-11).” The Mitigation Plan addresses many hazards, including some that are relevant to this Plan: earthquakes, flooding, and landslides. None of these topics is adequately addressed in the Plan.

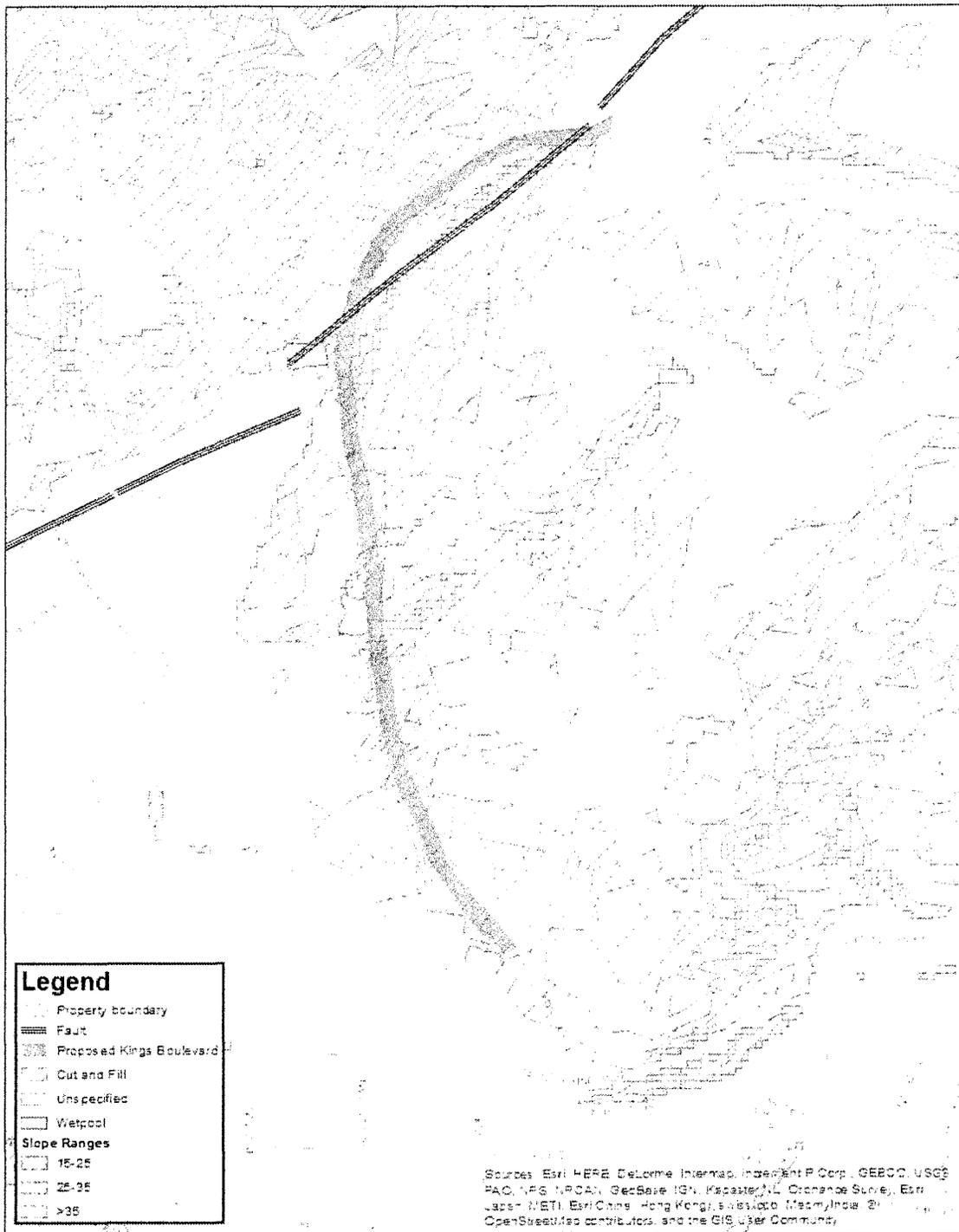
The CP states “developments shall not be planned or located in known areas of natural hazards without appropriate safeguards (CP 4.7.1). Taxlot 3500 has slopes in excess of 35%, and most of the property is over 15%. There is also a known fault line. None of these hazards is adequately addressed in the Plan.

The Geotechnical study states the fault crosses the road but doesn’t offer an engineering solution; rather, it says to rebuild roadway and utilities if an earthquake occurs. Translated to modern slang, *Sorry, not sorry*. When there is regional attention on addressing mitigation of earthquake impacts, “rebuild it” is a poor solution. If this road is constructed and an earthquake occurs it will take City funds to repair an unnecessary road with unnecessary utilities to serve a non-existent population. What about the disruption of service and the impact of a ruptured natural gas line? When would this road realistically be repaired, given that there are other higher priority roads, bridges, and services that will need to be repaired first? Will existing neighbors just need to “deal” with a broken system that didn’t even attempt to meet earthquake safety standards? This fails to comply with CP 4.7.1.

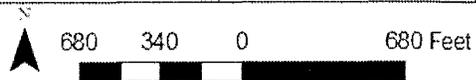
The geotechnical study also states “conventional methods” will be used, but does not specify what those are. Previous methods have utilized explosives for excavation in the hard rock beneath the surface, and this has caused damage to surrounding homes. Given the hillside is already prone to slides, with slopes in excess of 35%, what is the risk of landslide to existing homes and on the remainder of the property?

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Figure 9. Kings Extension and Slopes



Slopes and Faultline on Taxlot 3500 overlaid with PLD15-0003



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Kings Extension requests a variance to increase the cut and fill requirements allowed by LDC standard (LDC 4.14.70.04c.1). This is 8 acres of cut and fill, with a cut bank of 17 feet vertical height and 21 feet vertical height of fill dumped onto the hillside. That is more than a two-story house – what will that look like in context with the developments that will come along later? How will that impact MADA of the site? Will additional encroachments into natural features be needed as a result of this Plan in order to meet MADA once development plans for housing are proposed? Staff concurs with the variance, stating that it is needed to accommodate the least impact to natural resources despite a lackadaisical approach to alternatives.

Utilities and Services

There are many unknowns regarding utilities and services in this plan. The water level services connect to the second and third water level service areas. Existing water pressure at the top of the second level is only at 30 psi. Translation: reduced water pressure for a number of residents in the area. How further reduction of water pressure to current residents would be mitigated on the second water level service area is not addressed by City staff or the appellant.

In addition, the Plan alignment results in a dead-end road 750 feet from Lester Avenue, which creates a situation similar to a recent issue for Beit Am. Any development will require a sprinkler system for fire suppression (Staff Report page 37), which will result in a patchwork of annexation and extension of City Services.

City Parks and Recreation required to fund construction

The City Park system is an ambitious program that reflects the values of Corvallis residents. But like most parks systems, the budget is stretched thin. Kings Extension is vague on funding details; however, people familiar with the City operations have stated that part of the road construction will come from Parks' budget, which has no System Development Charges to access. That means it comes off the top, and that comes directly from the taxpayers. TRNA does not support the funding of this road's construction, nor the reduction of Corvallis Park's services that will be necessary for the portion of this road to be built. We ask the Council to look long and hard at the financials related to this project.

Compensatory Benefits are Weak

Compensatory benefits are required in order to grant a variance to LDC. City staff identified the benefit as "...accomplished a Transportation Plan priority while limiting negative impacts to natural features and natural hazards to the greatest extent practicable (Staff Report 11.18.15). That's it. Calling Kings Extension a priority is a stretch at best; and the City residents are supposed to simply accept that damages to our water, wildlife, and wetlands is A-OK because we get to pay for a road that doesn't link anything?

Conclusion

We are strongly opposed to this plan, even with considerations of approval. The plan requests variances from code, and does not adhere to the vision and intent of Corvallis land use. In fact, Corvallis code makes denial of the appeal a simple matter. Kings Extension fails to meet the following criteria:

TRNA Testimony on PLD15-0003

- The Plan is incomplete (LDC 2.5.2) and does not meet criteria for approval (LDC 2.5.40.04.2, 2.5.40.04.4, 2.5.40.04.9, 2.5.40.04.14)
- Kings Extension does not comply with existing plans (CP 4.2.2, 4.6.2, 4.7.1, 4.10.9, 11.2.1, 13.13.21, 13.13.32; NCAP 1.4, 5.1.0, 5.1.2, 7.1.1, 7.4; LDC 2.5.2, 4.11.50, 4.12.70, 4.13.50.b, 4.14.50.6b, 4.14.50.2, 4.14.70)
- Impacts to natural features are not justified and do not meet criteria for approval (LDC 4.0.130.b.1, LDC 4.11.50.04.a, 4.11.50.04.b, 4.12.70 and 4.13.50.b.2, 4.14.70)
- The road is dangerous - hazards have not been adequately addressed (LDC 4.14.50.2 and 4.14.50.06.b)

It is clear Kings Extension is lacking many details for a large capital project that will forever alter Corvallis. The "Development Related Concerns" of the City Staff Report mentions many problems with this Plan, including a proposed dead-end that will require special Corvallis Fire Department approval, and an active Stop Work Order that prohibits all development. This proposed plan is a shell, missing vital components.

Due to all of the reasons discussed in this report, TRNA urges the Council to uphold the Planning Commission and deny the appeal of PLD15-00003. TRNA encourages a complete multi-phased plan for the entire property. We also suggest that any new proposed plan include phasing of development from south to the north in a way that allows for the northern portions of the site with high value natural resources to be placed into parkland, should that become feasible, and for Kings Boulevard to be extended in phases, determined by the needs of the surrounding area.

Thank you for your time and attention,

A handwritten signature in black ink, appearing to read "Vanessa Blackstone", with a long horizontal line extending to the right.

Vanessa Blackstone
President, Timber Ridge Neighborhood Association

Selected References

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STOTTER & ASSOCIATES LLC

Attorneys at Law

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(541) 738-2601 (Tel)
dstotter@qwestoffice.net

January 4, 2016

Corvallis City Council
c/o City of Corvallis Planning Division
P.O. Box 1083
Corvallis, OR 97339

Re: Appeal Hearing On Planning Commission Decision
(Application for Kings Blvd Extension - PLD 15-00003)

Dear Corvallis City Council,

I am writing on behalf of my clients, the Northwest Alliance Corvallis ("NWAC"), and pursuant to ORS 197.763(6)(a), respectfully request that the City Council allow the record to remain open in the above referenced land use matter, to allow my clients, and other members of the public, to present additional evidence, arguments and testimony in response to the new information that is expected to be presented at the January 4, 2016 public hearing.

Thank you in advance for your assistance.

Respectfully,

/s/ Daniel J. Stotter
Daniel J. Stotter
Attorney at Law

TO: Members of the Corvallis City Council

RE: PLD15-00003

I am opposed to the proposed plan PLD15-00003 Kings Boulevard Extension through Timberhill Taxlot 3500 (Plan). I have the following specific concerns about this plan.

1. Responsible Development Planning in Corvallis is Key to Our Economic Vitality

- Corvallis currently has an **unquantified but highly impactful advantage** that allows it to maintain **strong economic vitality** despite some of the challenges faced by small towns in relatively rural geographical regions.
- This unique advantage comes from responsible urban planning **consistent with the Corvallis 2020 Vision Statement**, including respect for our sensitive natural areas that surround our town.
- Our **University** as well as our **Corvallis businesses** rely on being able to attract and retain highly qualified personnel that come to our community based on the unique natural setting, despite the fact that salaries for comparable positions are much higher in other regions.
- We also have a small but growing tourism industry that relies on a well-planned community that relies on **respect for our natural features**.
- We **cannot afford** to let **poorly planned piecemeal development** remove this advantage.
- **The Timberhill meadow natural area** is a very unique space within this vital realm—it is part of our highly visible green border on the north of town.
- If development is to occur in this area, it is extremely important that it **be responsibly planned** development that is consistent with the 2020 Vision Statement.

The **positive economic impact of sound planning is enormous** but often remains unquantified—however, there are a few examples including results from the Delaware Valley Regional Planning Commission study in 2010. Most importantly, the report concludes that **incorporating appropriate open space into developed areas is economically vital to communities**. In particular,

- Open space adds **\$16.3 billion** to the value of southeastern Pennsylvania’s housing stock
- By filtering the water, cleaning the air, and controlling flooding, the region’s open space saves **\$132.5 million** each year.
- **Every household** in the region saves **\$392 per year** by having open space available for hiking, biking, and other recreational pursuits.

These are results we **just can’t afford to ignore** in our Corvallis community.

2. PLD15-00003 Extending Kings Blvd through Timberhill Meadow Does Not Represent Responsible Planning

- Timberhill meadow is not in my backyard or in view of it, nor will my meager property value over 1/2 mile away be affected by this decision; yet I care deeply about my community, and as a

resident I do have a strong **long-term interest in the economic vitality of Corvallis** that good planning brings.

- I became concerned when shortly after moving here, the natural area that I had walked through many times a week was subjected to a vegetation clear-cut by GPA1 partially under the guise of "homeless camps", yet I had **not ever seen any homeless people** on the property over the preceding 6-month period.
- Hoping for positive change, I went with an open mind to the GPA1 'community' meeting and observed the many **open-minded citizens** there to discuss the planned development.
- The developer presented a plan that was **overtly disrespectful of the North Corvallis Area Plan of 2003**, which states that careful consideration shall be given to natural features such as floodplains, riparian areas, and wetlands, minimizing negative impacts to these features to the greatest extent practicable.
- The Corvallis citizens present were respectful and asked very reasonable questions about the development plans presented, including questions about why complete clear cutting was necessary and how this would impact water runoff. The **developer** answered in a way that was **highly disrespectful of citizens**, ignoring their concerns and stating repeatedly that in effect the plan necessary to maximize profitable development density.
- The most memorable moment was when the developer stated explicitly that the owners "had a right to a return on their investment". This simply isn't true for any individual or corporation, no matter how wealthy! Rather, land owners have an ***opportunity*** for a return on a purchase *if they act responsibly*.
- **Responsible development is possible**, but it is **often incompatible with "make-a-big-quick-buck" development** when it surrounds sensitive natural features. If such an incompatibility is present, this does not mean that a municipality is obligated to grant exceptions to allow irresponsible development simply because this type of development maximizes profits for the developers.
- The citizens of our community bear the long-term cost of irresponsible planning-- especially planning that is **disrespectful of sensitive natural features**, and that creates **unevaluated risks** in the event of an earthquake, landslide risks, and increased risks for flooding.
- Upon attending the Planning Commission meeting, I personally came to understand that in the face of thousands of pages of documents, limited resources for evaluation, and aggressive threats of lawsuits, city officials may feel bullied in the name of "codes" into accepting **senseless piecemeal development** that is disrespectful of our community and of the North Corvallis Area Plan of 2003 and the Corvallis 2020 Vision Statement.
- **I ask the Corvallis City Council to insist on sensible, holistic planning that is respectful of our environment, our actual transportation needs, and of course our long-term economic interests.** You have a well-founded legal right to do so! Please deny the appeal for the Kings Ext through Timberhill Meadow.

Thank you,

Molly Megraw

Amiton, Rian

From: James Lenihan [james.lenihan@comcast.net]
Sent: Monday, January 04, 2016 8:01 AM
To: mayorandcitycouncil@council.corvallisoregon.gov
Cc: Amiton, Rian
Subject: Appeal of Kings Blvd extension

I concur with written testimony supporting the denial of PLD15-00003. I especially direct your attention to written testimony submitted by Vanessa Blackstone, President of the Timber Ridge Neighborhood Association, of which I am a member.

James Lenihan
2994 NW 13th Place
Corvallis, OR 97330

Corvallis City Council
Kings Blvd Extension
Jan 04, 2016

Dear City Council, Thank you for your work and review time, research, questions and considerations in deliberation.

I favor support of PC decision and use of existing Timberhill PD designation to evaluate this request using an in whole evaluation process, involving the original PD.

In part evaluation method appears to provide no limit to missing detail to what will be allowed to occur, when row location is given to the applicant. There is no need/development driven link, for this ROW and this is not proven in the application.

Is the selected option right of way (row) the exact same row location as was mapped in 1996 City Transportation Plan? TSP 3.40.20b

In 1996 Kings Blvd may have been placed as a four land highway? So, may have been penciled in on USGS quadrangle map per this width of construction at the time, looking just at slopes. So is orientation if it is the preferred option, is a relic of that transportation plan and not responsibly placed for the current land owner interested in using a ROW to continue to plan to develop the entire valley.

The applicant does not offer any mitigation plans for the loss of ROW natural features.

Applicant may still need to mitigate for loss of natural features and erosion to tax lot 3500, 100 and 600 from tree removal, log dragging, brush removal, possibly application of herbicides. Division of State Lands Letter of Concurrence for wetland delineation WD2014-0015 The Hub does not mention Stop Work Order. Consulting firm PHS in their Introduction for an area wetland delineation noted site disturbance of: remove weedy species such as blackberries. The consulting Delineator may not offer a professional opinion of how the site had changed for their evaluation, or there is no space in the evaluation form for OTHER details about their testing or offer valid professional observation of land use change in relation to wetland quality for example: what is missing from the study points?

Delineation was undertaken after site was disturbed, so could be invalid based on elimination of area botany over an estimated 80% of tax lot 3500 and 600.

Area was never bulldozed, so only grazed by Brandis Family and contains high, to very high percent cover and variety of native species. Applicant offers City no mitigation for land use modification without a permit. Erosion may have increased here due to vegetation removal. In this application applicant is stating that all Oregon White Oak are able to be cut. In this row selection approx. 300 Oregon white oak are noted to be in the row, perhaps.

In all the Kings blvd options the number of trees should also be noted as it is impossible to calculate from staff report on line the total number of all trees to be eliminated with each row selection.

What mitigation is required of the landowner or the City of Corvallis as the owner of the Right of Way selected for the total number and basal area of live tree's to be cut?

The trees to be removed also may NOT included in the two city owned storm water facility and one applicant storm water facility. The applicant is given the go ahead to construct and expand in the future, six catchment and drainage pools in Dixon Creek.

So, vegetation here in Dixon Creek corridor, which is not just x feet wide, but varies, in width, is riparian, so must be highly significant, and should be included in the evaluation process. How many trees will be cut for the three drainage facility?

Additionally, Grading is noted for the pending six pool areas to exceeds 8% again, and this is not discussed in variance agreement by the City Engineer for the selected Option as ROW location for Kings that I can make out anyway.

Forester's report notes all Oregon white oak will be taken down, and are unsafe due to dead parts.

City Forester has no concurrence to this evaluation and recommendation which alarmingly for such an area, appears to be focused on oak removal in the valley.

The staff report applicant tree info is poorly presented, hard to read and they do not share count trees by location on spread sheets.

I assume there are an estimated 300 Oregon white oak in the selected right of way which will be cut and an undisclosed number of other woody species which will be cut. What do all the other options show in relation to total tree removal figures?

The total number of trees to be cut is large, and the total area of woody tree habitat to be taken off out of the valley is a very large habitat surface area.

Removing one 300 year old Oregon White Oak, should trigger concern, and environmentally creates possibly a need to ask the developer or the City for replacement of these trees. Or develop a trade for reduction in amount of trees cut on the parcels in exchange for allowing the developer or the City to cut that many Oregon white oak and other species to equal 300, plus trees to be cut.

I hear no discussion about this as a significant aspect of granting the Kings blvd right of way and other permit driven only, roadway they will build to construct Kings. CP 4.2.2 Natural Features Loss Mitigation If the selected Row for Kings, does not need to be evaluated under MADA because it is City Row so MADA is not applicable, nor is the location of Kings originally applicable to the landscape it was drawn into.

PC Staff Report page 19 "The City Engineer has reviewed the proposed storm water facilities as well as the alternatives and has deemed the impact to the natural features necessary for a functional storm water drainage system per LDC Section 4.13.50.b.2."

Table 1-A - 'Proposed Kings Blvd Extension Summary of Impacts to Natural Hazards and Natural Features as Mapped by the City of Corvallis Based on Alternative Locations and Variance to Arterial Street Centerline Slope'

located in the PC Staff Report Page 17 in footnote area below Table 1-A

"NOTE: the above quantities do not include storm water related facilities which may be outside the limits of the impact areas stated above: See Table 2 for a summary of impacts by alternate storm water related facilities.

Table 2 which summarizes impacts by alternative storm water related facilities was not included in

Staff Report to PC.”

A development relative concern: Does the “NOTE” discussion shared above, refer to the proposed three storm water pool and drop storm water drainage facilities planned for the selected row?

How often are row for storm water placed off site onto City property? Who else has this done inside the City and is this developer the first?

PC Staff Report notes drainage facilities will be on Applicants property located outside the row. One facility may be on applicants land, two to the north are on City property in Riparian corridor.

“ 2.5.60.02 -Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification

a. The factors identified here describe the thresholds that separate a Minor Planned Development Modification from a Major Planned Development Modification

14. Change to any aspect of the Plan involving Natural Resources and/or Natural Hazards governed by Chapter 2.11 -Floodplain Development Permit, Chapter 4.5 – Floodplain Provisions, Chapter 4.13-4.11 – Minimum Assured Development Area, Significant Vegetation, Chapter 4.13 – Riparian Corridor and Wetlands, and Chapter 4.14 – Landslide Hazard and Hillside Development. Therefore, approval of the roadway and storm water facilities will require a Major Planned Development Modification per LDC Section 2.5.60.02.a.14 above.”

Did Geotechnical Evaluation show how the grade and build of Kings Blvd would remain stable where it crosses two times mapped area of Corvallis Fault?

We assume there are just two physically determined through site soil evaluation locations of Corvallis Fault system here but in fact, scattered over the entire area here up to foothills, which are the geomorphologic reason for the foot hills, and hills in Timberhill.

Can the City Engineering Dept. show how Kings Blvd and all the other ROWs would fair during earthquakes? Could the 8% grade areas destabilize and slide downslope if they are located in rotting basalt sandstone lenses which are possibly not laying flat under the ROW, but tipping at an angle.

If there are earth movement and homes get buried who pays for this loss, and rehabilitation of the ROW and or all other ROW as connectors to Kings? The headwater valley area of this creek in Timberhill contains wider flatter topography, which may be landslide materials, which have moved downslope and eroded to level over time with meandering of drainage, off forested steep valley sides here.

What occurs at Highland Dell, and from Lester Avenue to Highland should this be part of this discussion?

If Lester is the main artery into north Corvallis, how is the intersection at Highland Blvd. Changed and paid for? Possibly off tax lot 3500 the applicant has to complete other processes, like land purchase or condemnation in order to connect traffic volume to Lester and Highland?

If so the location is not evaluated for natural features, wetland, riparian areas so may be the route which

has the maximum amount of natural features and or is the route which incorporates the least amount of private land.

For the options of “kings blvd” only - ROW we should see them all, and see what they all do to the landscape, how much is public and how much is private land...

Staff worked with Devco and from all the options, chose the presented three orientation. How is the applicant noting how physical connection to 29th are aligned in all the alternatives, and is the selected option the one with 100% alignment to 29th?

The public hopefully will be able to participate in review of twenty ninth. Or not page 35 PC Staff Report

“2. Right of Way Dedication- If additional right of way is required to construct the proposed improvements, additional right of way shall be dedicated. An environmental assessment for all land to be dedicated shall be completed in accordance with LDC Section 4.0.100.g”

Possibly developer is able to ask City Permit Dept. for access via other proposed row and eliminated the public review process.

“4. Approval Required Prior to Construction– Prior to construction of NW Kings Blvd the following shall be approved through applicable land use application processes:

A) The horizontal and vertical alignment as well as grading and storm water mitigation for NW 29th Street.” page 35 PC Staff Report

How much of 29th will be in City Park property-Chip Ross Park/IV Hill and associated View Shed as a gateway view to Corvallis, and significant hillside?

Option 2 and 3A appear to be exactly the same in physical location, overlapping the two maps in space, there are the same, so may in fact, not provide alternate location from north to south in TL 3500. So should not be part of other routes if they only differ by grade or slope angle.

The selected option may use the fewest private property acres and two run off catchment basins are not on private land.

In looking at grading total, drainage facilities have not been calculated into the total and staff report note there are slopes of over 8% needed.

PC Staff Report page 19 “The City Engineer has reviewed the proposed storm water facilities as well as the alternatives and has deemed the impact to the natural features necessary for a functional storm water drainage system per LDC Section 4.13.50.b.2.”

For extension of this ROW into Highland Dell how do these needed connections and build-out of future connectors to Lester Avenue for Kings figure into this application?

Does this application give the green light to all other ROW associated with this application, which are all buried utilities?

Will this application involve future build of all connector streets to connect to Kings?

For lot line adjustment city processed for this developer__

LLA09-0001 applicant did not provide enough natural features information but the City granted three lot line changes, how do these changes related to road alignment as there are no maps in staff report

LLA09-001 in the PC Staff Report which clearly outline exactly how tax lot 3500 increased by 210.51 acres, tax lot 600 increased by 17.01 acres and tax lot 100 increased by 10.18 acres.

Are these confirmed adjustments made in 2009 specific to future Right of Way locations for Silk tassel, 29th and Kings Blvd?

Why did the applicant pursue these adjustments?

Does Dixon Creek have any listed total maximum daily load(TMDL) for temperature/bacteria/sediment? With temperature data collected by the City for the 2004 ESA evaluation, did this data show increased temperatures? Technical Data Collecting Evaluations for Dixon Creek over time found water quality and clarity problems.

How do City owned and operated storm water facilities with this ROW function to keep Dixon Creek East Fork and Middle Fork in normal range for increased temperature, sedimentation, road runoff chemical out wash, deicer, herbicides, oil, asphalt deterioration petroleum products, oil, gas, degreasers, engine additives, asbestos. How is Dixon Creek East and Middle Fork benefiting by locating drainage facility within the riparian zone? How much more would it cost the City to locate drainage facility outside the Riparian Corridor of East and Middle fork of Dixon Creek? Can we see this discussion?

If these headwater drainages go dry in summer, how has the developer treated subsurface flows with this request? These basalt rich headwater valley areas store water, and release it to the watershed at subsurface as well as via overland flows, in channel flows. An area spring will be destroyed, how is this mitigated? Who lives in this spring area, this has not been evaluated and rare amphibian species could be using this water source.

I assume the applicant would pay for the storm water drainage facility on their land and then dedicate their drainage facility back to the City Public Works after it succeeds to operate for a set time period, or upon final build out, and expansion of the private and the two public ally owned storm drainage facilities. The Three dedicated storm facilities could be conditioned to meet all the area's drainage needs with x percent total surface harding, and valley wide, sealing off of x percent native earth which functions to support groundwater recharge at surface and subsurface.

Wetlands which remain but that are unmaintained, cut up, bisected, filled, may continue to filter and until they are eroded, provide physical buffering for increase in explosive/rapid erosive flows from valley wide hardening, extensive tree and vegetation removal across the entire area, in fill will unidentified erosion grass seed mix, installation of to code nonnative trees and other non native invasive landscaping plants which contribute nothing to local, native area insects and pollinators.

if all three ROW drainage facility are City owned? How is the City mitigating for the loss of these Riparian areas and for future expansion of City owned drainage facility to except increased development in tax lot 3500, 600 and 100?

PC Staff Report page 19 "The City Engineer has reviewed the proposed storm water facilities as well as the alternatives and has deemed the impact to the natural features necessary for a functional storm water drainage system per LDC Section 4.13.50.b.2."

For noise, the entire area is a valley so will reflect noise across any plan that bisects this basin. The LDC has no language to guide development to reduce or control noise.

Amiton, Rian

From: Mayor (External Website Publishing)
Sent: Monday, January 04, 2016 11:47 AM
To: Amiton, Rian
Subject: Fwd: kings boulevard extension

More for the record.
Biff

Disclaimer: This e-mail message may be a public record of the City of Corvallis. The contents may be subject to public disclosure under Oregon Public Records Law and subject to the State of Oregon Records Retention Schedules. (OAR:166.200.0200-405)

From: "Carole de Glanville" <cdeglanville49@comcast.net>
To: mayorandcitycouncil@cityofcorvallis.org
Sent: Monday, January 4, 2016 11:37:52 AM
Subject: kings boulevard extension

Dear City Council Members,

Please do not approve the Kings boulevard extension. It makes no sense to us to even consider it when we do not even know what purpose it would be serving.

Thank you,

Carole and Brian de Glanville

cdeglanville@yahoo.com

541-754-7237

12/28/2015

GM II

Rec'd from V. Blackstone
1/3/2016

Gmail - Re: Kings Blvd Appeal

Vanessa Blackstone <timberidgecorvallis@gmail.com>

Re: Kings Blvd Appeal

1 message

Wed, Dec 23, 2015 at 6:33 AM

To: Vanessa Blackstone <timberidgecorvallis@gmail.com>

Timing couldn't be worse. I'm sure that's by design. I did manage to find some time to dig a little into this lever that the developer's lawyer, Bill Kloos, used to persuade LUBA and the Court of Appeals to rule in his favor. That lever being this 'needed housing' statute. I did find that there are adequate exceptions available to the city attorney. The reason I'm writing you is that ours should have been a "slam dunk" case for us. Could it be that the city attorney is that incompetent? Or, as I fear, the game is rigged? The memorandum that David Coulombe wrote, Dec 5th, clearly indicates that LUBA and the Court of Appeals must defer to the local City Council on interpretation of the local land development code. Makes sense, so I checked and sure enough, it's true. But in our case, they ignored all that saying instead that this needed housing statute takes precedence. After reading through it, it clearly has exceptions that should have worked in our favor. So either Jim Brewer purposely avoided it, or didn't know about it. Either way, we, the citizens were not well represented.

Here are the exceptions: [Link](#)

On Tue, Dec 22, 2015 at 3:56 PM, Vanessa Blackstone <timberidgecorvallis@gmail.com> wrote:

The City Council will be holding a *de novo* hearing on the appeal of the Kings Boulevard Extension PLD15-00003. A *de novo* hearing means all new testimony with an all new staff report. While the City Council may read previously submitted testimony that went to the Planning Commission, it will be in your better interest to submit new testimony that takes into account the Planning Commission's decision as well as answers to questions provided to the Commission. (Find them here: [City Attorney Answers](#) and [City Staff Answers](#)).

Please consider oral testimony to compliment your written testimony; if you do not wish to speak your presence in and of itself speaks to our elected officials.

When: January 4 2016 7:30 PM

Where: La Sells Stewart Center, Austin Auditorium

875 NW 26th Street

Corvallis, OR

Vanessa Blackstone

President

Timber Ridge Neighborhood Association

timberidgecorvallis.wordpress.com

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



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

CITY ATTORNEY'S OFFICE
MEMORANDUM

December 1, 2015

To: Planning Commission DC

From: David Coulombe

RE: Commissioner's Questions; Principles of Interpretation

Issues: 1) Does the proposed Detailed Development Plan Modification Application itself constitute work on the site, which would be in violation of the Stop Work Order? 2) Can this application be considered in whole, or in part?

Discussion: The Commission's questions implicate consideration for principles of interpretation. Accordingly, before responding to the questions, I'll remind you of the basic framework for construing local land use regulations. First, and foremost, Oregon law expressly requires that Oregon Appellate Courts and LUBA defer to the City Council's interpretation of the City's comprehensive plan and land development code provisions. This deference, however, does not extend to the Planning Commission directly. Nevertheless, the City Council will likely consider the Planning Commission's interpretation if a matter of interpretation of local code reaches the Council on appeal. Second, the Commission should note that City ordinances are presumed valid. The latest Supreme Court consideration of the relevant state law requiring LUBA and a reviewing court to defer to a local government's interpretation of its own land use regulations, can be summed up as bulleted below:

- the City Council's interpretation must be plausible; and
- it must not be inconsistent with the express language of the provision(s) at issue; and
- it must not be inconsistent with the purposes or policies underpinning them.

Planning Commission
December 1, 2015
Page 2

When harmonizing competing text or choosing between conflicting text, the interpretation of local ordinances need not be what LUBA, a reviewing court, an applicant or an opponent believes is the best interpretation. After considering the plain language, its context and apparent purpose, the Council's ultimate interpretation need only be plausible. With those interpretive principles in mind, let's turn to each question.

1. Does the application for this detailed development plan itself constitute work on the site in violation of the Stop Work Order – and if so, is that a basis for the Planning Commission to deny the application?

The short answer is: unlikely. It is important to note that the Community Development Director ("Director") is tasked with administration and enforcement of the Land Development Code. LDC 1.3.10. The Director has allowed fire management activities (mowing) on some portions of the site, even though that activity arguably makes a material change in appearance. To my knowledge, the Director has not construed the filing of an application to constitute prohibited work or development. In short, the administration and enforcement of the Stop Work Order is within the authority of the Director.

In exercising your authority under CMC 1.16.235(6)f. to conduct hearings and make findings of fact, you would have to find a review criterion that applies. Then you would have to interpret that code provision to require denial based on its plain language, context and apparent purpose. In my review of the written testimony, I did not find an opponent to argue that any review criteria applied. Rather, testimony argued that the application constituted development as defined in LDC 1.16 and was thus prohibited by the Stop Work Order. As discussed above, administration of the Stop Work Order is delegated to the Director. Accordingly, unless you can identify an applicable review criterion, the filing of the application would not require denial on the grounds of prohibited onsite development.

2. Can this proposal for a modification of a detailed development plan be considered in whole or in part? The short answer is yes. When reviewing a major planned development modification, LDC 2.5.60.03c. provides in full:

Planning Commission
December 1, 2015
Page 3

Upon finding that the petition is reasonable and valid, the Planning Commission may consider the redesign in whole or in part of any Detailed Development Plan.

The City Council has construed the above language to mean that the hearing's body can review a major modification of a planned development in whole or in part. In a recent land use case considering this code provision, the City Council applied the provision and explained: "The City Council finds it reasonable to apply an 'in whole' approach to evaluating the proposed modification to the Detailed Development Plan and Conceptual Development Plan, in part, because the site is part of and relates to development approvals based upon conditions of approval." Whether evaluation of this application may reasonably be limited to the right-of-way area proposed for modification, without consideration of any prior development approvals, conditions of approval or other considerations, is within the Planning Commission's discretion.

Conclusion: The Director is authorized to administer and enforce the land development code provisions. The Stop Work Order is an exercise of that authority. The Director has not determined the filing of a land use application to constitute prohibited development. The City Council has construed and applied LDC 2.5.60.03c in the context of a major modification to a detailed development plan to allow for an "in whole" review. Accordingly, the Planning Commission may, but is not required to, consider the proposed modification in whole.

Amiton, Rian

From: Vanessa Blackstone [timberidgecorvallis@gmail.com]
Sent: Monday, January 04, 2016 9:29 AM
To: mayorandcitycouncil@council.corvallisoregon.gov
Cc: Amiton, Rian
Subject: Request to hold the record open

I respectfully request to hold the record open on the appeal of Kings Extension PLD15-00003 for an additional 7 days.

With the weather today there may be low attendance, and leaving the record open will allow time for those that would have given oral presentation to submit their comments.

Thank you,

Vanessa Blackstone
President
Timber Ridge Neighborhood Association
timberidgecorvallis.wordpress.com

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

Amiton, Rian

From: daleyl@peak.org
Sent: Monday, January 04, 2016 4:18 PM
To: Amiton, Rian
Subject: Re: Corvallis City Council for January 4th 2016 Meeting on Kings Boulevard extension

Re: Corvallis City Council for January 4th 2016 Meeting on Kings Boulevard extension

To: Corvallis Planning Commission
rian.amiton@corvallisoregon.gov
Re: Extension of Kings Blvd.

January 4th 2016

Apparently this developer will not take no for an answer. So let me repeat my objections to this absurd and harmful development. Perhaps the City Council should evaluate its legal liabilities were this project be completed and the very predictable damage to private property occurs.

i) If the project and its related development are completed traffic problems on Kings Blvd will make that traffic route far more congested and thus, much less usable. Kings Blvd is a narrow two lane route. When a city bus stops to pick up or drop off passengers, traffic in its direction must cross the central divider at a cautionary slow speed. If those 800 students expected to be housed in the proposed new development use public transport that would require many more extra buses on routes along Kings Blvd. If the students were to use their own vehicles, as well as generating additional parking problems, the additional traffic would make Kings essentially impassible during rush hours.

ii) Were the students to use bicycles when the weather permits, these same congested conditions would be such that frequent accidents could be expected. Even now when moving the buses crowd, and when stopped block, the bike lanes and the more timid or prudent students ride on the side-walks.

iii) Traffic along streets that cross Kings Blvd, especially along Garfield where a left turn is already very difficult and where parents and caregivers take their children to school, would be very severely obstructed. A traffic light would need to be installed and further slow traffic.

iv) Both the Kings Blvd extension and, to an even greater extent, the proposed subdivision would increase the already excessive run off into Dixon Creek. This additional excess water will once again flood the houses adjacent to that water way, nullifying the improvements already made along this water way.

v) The esthetics that the beauty of that hillside area, which we all enjoy, will be greatly diminished and our lives will be less from that.

vi) Will the City of Corvallis be legally responsible for all damage from this disastrous project.

Since the proposed subdivision is of principle benefit to the University, perhaps it should be built in the area it will service.

Sincerely

Page 13-ap

Laurence Daley
1850 NW Arthur Circle
Corvallis, Oregon 97330

Lyle Hutchens

From: Amiton, Rian <Rian.Amiton@corvallisoregon.gov>
Sent: Thursday, December 31, 2015 9:58 AM
To: Lyle Hutchens
Cc: Young, Kevin
Subject: RE: Kings Blvd. Extension PLD15-00003

Will do. Thanks.

Rian

From: Lyle Hutchens [mailto:lyle@devcoengineering.com]
Sent: Thursday, December 31, 2015 9:21 AM
To: Amiton, Rian
Cc: Young, Kevin
Subject: Kings Blvd. Extension PLD15-00003

Good Morning Rian. In our December 15, 2015 submittal material we included a title report for the Kings Blvd. right of way (pdf pages 1458 thru 1476). As supplemental information to that title report, please include in the record for this application the attached legal memorandum, which discusses the ownership of the dedicated right of way. We will bring copies for the councilors to the meeting Monday evening. Thank you.

Lyle E. Hutchens
Devco Engineering, Inc.
office: 541.757.8991
fax: 541.757.9885
address: 245 NE Conifer Blvd., Corvallis, OR 97330
mail: P.O. Box 1211 Corvallis, OR 97339
email: lyle@devcoengineering.com



Disclaimer: This e-mail message may be a public record of the City of Corvallis. The contents may be subject to public disclosure under Oregon Public Records Law and subject to the State of Oregon Records Retention Schedules. (OAR:166.200.0200-405)



GREENE & MARKLEY, P.C.

ATTORNEYS

1515 SW FIFTH AVENUE, SUITE 600
PORTLAND, OREGON 97201-5492

TELEPHONE: (503) 295-2668

FACSIMILE: (503) 224-8434

E-MAIL: email@greenemarkley.com

Charles.markley@greenemarkley.com

October 28, 2015

Mr. Charles F. Kingsley
202 NW 6th Street
Corvallis, Oregon 97330
541-754-6320

SENT BY EMAIL ONLY chuck@commercialassociates.org

Re: GPA 1 LLC – City of Corvallis (Kings Boulevard)

Dear Chuck:

This office represents GPA 1 LLC.

You have asked us for our opinion concerning the March 4, 2014, Special Warranty Deed - Right of Way Dedication, in which GPA is the grantor and the City of Corvallis is the grantee (the “Deed”). That Deed was accepted by the City on March 13, 2014, and recorded March 28, 2014, as Instrument No. 2014-517836.

It is our opinion that the Deed conveys fee title to the described property to the City, and that GPA retains no rights (except as a member of the public) to the property.

It has always been the law in Oregon that a deed transfers a full alienation of the entire interest in a property that the grantor can convey. *Miller v. Miller*, 17 Or 423 (1889). Oregon statutes reaffirm this rule by stating that the deed conveys “the entire interest” of the grantor. ORS 93.850(2)(a) (warranty deed), made applicable to special warranty deeds per ORS 93.855(2).

A “dedication” is a conveyance by the owner to a public body for a public use. *Harris v. City of St. Helens*, 72 Or 377 (1914). Where property has been dedicated by the owner and accepted by the city, the result is that the owner has permanently abandoned

GREENE & MARKLEY, P.C.

Mr. Charles F. Kingsley

October 28, 2015

Page 2

the property to the specific public use. *Portland Ry, L&P Co. V. Oregon City*, 85 Or 574, 582 (1917). In other words, the grantor retains no real property rights in the dedicated property. Specifically, the grantor (GPA in this case) does not retain the right of possession or the right to place improvements on the property.

You have directed us to the City's letter of October 21, 2015. In that letter the City states:

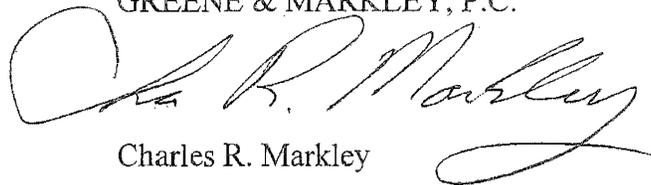
"The 'Special Warranty Deed - Right of Way Dedication' *** dedicates a right-of-way to the City for 'road, pedestrian, drainage, and utility purposes'. However, it does not transfer the fee simple ownership rights to the City. As such, staff has determined that a City signature as Owner is not necessary or appropriate."

It is our opinion that the City is wrong in expressing that statement. GPA, as grantor of the Deed, retained no real property ownership rights of any kind. The City may do with the property as it will in respect to the dedication, without the consent of GPA.

For the above reasons, it is our opinion that the Deed concluded GPA's interest in the property. Accordingly, the "owner" is the City. No signature of GPA should ever be required in connection with the property.

Very truly yours,

GREENE & MARKLEY, P.C.



Charles R. Markley



**Ticor Title Company of Oregon
PRELIMINARY REPORT**

In response to the application for a policy of title insurance referenced herein Ticor Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Nebraska corporation.

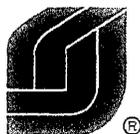
Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned





Ticor Title Company of Oregon

1433 SW 6th Avenue, Portland, OR 97201
 (503)336-9125 FAX (503)469-4199

PRELIMINARY REPORT

TITLE OFFICER: Chris Owen

ORDER NO.: 471815045551-TTMIDWIL18

CUSTOMER NO.:

TO: Ticor Title Company of Oregon
 Attn: Cheryl Summers
 400 SW 4th Street Ste 100
 Corvallis, OR 97333

OWNER/SELLER: Of Record

BUYER/BORROWER: TBD

PROPERTY ADDRESS: Kings Boulevard
 Corvallis, Oregon 97339

EFFECTIVE DATE: November 11, 2015, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
Owner's Standard		

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

City of Corvallis

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF CORVALLIS IN THE COUNTY OF BENTON, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

Located in all quarters of Section 22, Township 12 South, Range 5 West of the Willamette Meridian, City of Corvallis, Benton County, Oregon.

Beginning at a point at the intersection of the Westerly and Northerly right-of-way lines of NW Kings Boulevard which bears North 57° 08' 38" West 491.86 feet from the Northeast corner of the James L. Mulkey Donation Land Claim No. 63; thence leaving said right-of-way line of NW Kings Boulevard North 40° 01' 39" West 155.38 feet to a point; thence North 41° 14' 06" West 287.38 feet to a point; thence along the arc of a 541.00 foot radius curve to the right 233.77 feet (the long chord of which bears North 28° 51' 22" West 231.95 feet) to a point; thence along the arc of a 559.00 foot radius curve to the left 108.19 feet (the long chord of which bears North 22° 01' 19" West 108.02 feet) to a point; thence North

PRELIMINARY REPORT
(Continued)

Order No.: 471815045551-TTMIDWIL18

27° 33' 59" West 202.44 feet to a point; thence along the arc of a 541.00 foot curve to the right 111.74 feet (the long chord of which bears North 21° 38' 57" West 111.55 feet) to a point; thence along the arc of a 4263.73 foot radius curve to the right 763.89 feet (the long chord of which bears North 10° 35' 58" West 762.87 feet) to a point; thence along the arc of a 4959.00 foot radius curve to the left 767.22 feet (the long chord of which bears North 09° 53' 56" West 766.45 feet) to a point; thence along the arc of a 841.00 foot radius curve to the right 114.76 feet (the long chord of which bears North 10° 25' 19" West 114.67 feet) to a point; thence North 06° 30' 46" West 243.96 feet to a point; thence along the arc of a 1041.00 foot radius curve to the right 1074.30 feet (the long chord of which bears North 23° 03' 05" East 1027.26 feet) to a point; thence North 52° 36' 57" East 256.79 feet to a point; thence along the arc of a 691.00 foot radius curve to the right 443.06 feet (the long chord of which bears North 70° 59' 03" East 435.51 feet) to a point; thence along the arc of a 459.00 foot radius curve to the left 254.43 feet (the long chord of which bears North 73° 28' 23" East 251.19 feet) to a point on the Northerly property line of Parcel 8 of Partition Plat 2007-33 (a Partition Plat of record in Benton County); thence along the Northerly line North 89° 34' 44" East 22.81 feet to the Northeast corner of said Parcel 8, said point also being on the Westerly line of Lot 5 of "HIGHLAND DELL ESTATES" (a Subdivision of Record in Benton County); thence along said Westerly line of Lot 5 South 00° 25' 16" East 81.80 feet to a point; thence leaving said Westerly line of Lot 5 along the arc of a 541.00 foot radius non-tangential curve to the right 275.89 feet (the long chord of which bears South 74° 44' 36" West 272.91 feet) to a point; thence along the arc of a 609.00 foot radius curve to the left 390.48 feet (the long chord of which bears South 70° 59' 03" West 383.83 feet) to a point; thence South 52° 36' 57" West 256.79 feet to a point; thence along the arc of a 959.00 foot radius curve to the left 989.68 feet (the long chord of which bears South 23° 03' 05" West 946.34 feet) to a point; thence South 06° 30' 46" East 243.96 feet to a point; thence along the arc of a 759.00 foot radius curve to the left 103.57 feet (the long chord of which bears South 10° 25' 19" East 103.49 feet) to a point; thence along the arc of a 5041.00 foot radius curve to the right 779.91 feet (the long chord of which bears South 09° 53' 56" East 779.13 feet) to a point; thence along the arc of a 4181.73 foot radius curve to the left 749.20 feet (the long chord of which bears South 10° 35' 58" East 748.20 feet) to a point; thence along the arc of a 459.00 foot curve to the left 94.81 feet (the long chord of which bears South 21° 38' 57"; East 94.64 feet) to a point; thence South 27° 33' 59" East 202.44 feet to a point; thence along the arc of a 641.00 foot radius curve to the right 124.06 feet (the long chord of which bears South 22° 01' 19" East 123.87 feet) to a point; thence along the arc of a 459.00 foot radius curve to the left 198.33 feet (the long chord of which bears South 28° 51' 22" East 196.79 feet) to a point; thence South 41° 14' 06" East 287.38 feet to a point; thence South 41° 38' 08" East 155.34 feet to a point at the intersection of the Northerly and Easterly right-of-way line of the aforementioned NW Kings Boulevard; thence along the Northerly right-of-way line of said NW Kings Boulevard South 48° 45' 45" West 86.36 feet to the point of beginning.

The basis of bearings for the above described dedication is from Partition Plat PP2007-033, a Partition Plat of record in Benton County, Oregon.

Order No.: 471815045551-TTMIDWIL1

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. The subject property is under public, charitable, fraternal, or religious organization ownership and is exempt from ad valorem taxation. Any change in ownership prior to delivery of the assessment roll may result in tax liability.

Tax Account No.: Kings Boulevard

The Benton County tax assessor's map does not list a tax account number or map and tax lot number for the herein described property.

7. Rights of the public to any portion of the Land lying within the area commonly known as Kings Boulevard.
8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Benton-Lincoln Electric Cooperative, Inc.
 Purpose: As mentioned in said easement
 Recording Date: January 6, 1961
 Recording No: Book 176, page 46
 Affects: Reference is hereby made to said document for full particulars

Order No.: 471815045551-TTMIDWIL1

9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Corvallis
Purpose: water pipeline
Recording Date: February 22, 1979
Recording No: M-1654-79
Affects: Reference is hereby made to said document for full particulars

The above easement interest may have merged with the dedication of Kings Boulevard

10. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Corvallis
Purpose: water pipeline
Recording Date: February 22, 1979
Recording No: M-1655-79
Affects: Reference is hereby made to said document for full particulars

The above easement interest may have merged with the dedication of Kings Boulevard

11. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat;

Purpose: Utility
Affects: As delineated on Partition Plat No. 2007-033

12. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

13. If requested to issue an extended coverage ALTA loan policy, the following matters must be addressed:

- a) The rights of tenants holding under unrecorded leases or tenancies
- b) Any facts which would be disclosed by an accurate survey of the Land
- c) Matters disclosed by a statement as to parties in possession and as to any construction, alterations or repairs to the Land within the last 75 days. The Company must be notified in the event that any funds are to be used for construction, alterations or repairs.

ADDITIONAL REQUIREMENTS/NOTES:

- A. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.
- B. Note: The only conveyance(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:

Grantor: GPA1, LLC, an Oregon Limited Liability Company
Grantee: City of Corvallis
Recording Date: March 28, 2014
Recording No: 2014-517836

Order No.: 471815045551-TTMIDWIL1

- C. Note: The name(s) of the proposed insured(s) furnished with this application for title insurance is/are:

No names were furnished with the application. Please provide the name(s) of the buyers as soon as possible.
- D. Note: Please send any documents for recording to the following address:
Ticor Title Company
Attn: Recorder
1433 SW 6th Ave.
Portland, OR. 97201

Please email your release to the following email address: salemrecording@titlegroup.fntg.com
- E. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.
- F. For many real estate transactions, Federal law requires that a settlement statement show the allocation of title insurance charges between title insurer and title insurance agent. For the transaction that is the subject of this report, the allocation is as follows:

Ticor Title Company of Oregon (agent): 88%
Chicago Title Insurance Company, a Nebraska corporation (insurer): 12%
- G. Recording Charge (Per Document) is the following:

County	First Page	Each Additional Page
Marion	\$46.00	\$5.00
Benton	\$68.00	\$5.00
Polk	\$51.00	\$5.00
Linn	\$65.00	\$5.00
Yamhill	\$41.00	\$5.00

Note: When possible the company will record electronically. An additional charge of \$5.00 applies to each document that is recorded electronically.
- H. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA policy unless removed prior to issuance.
- I. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.
- J. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy;
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

SCHEDULE B- GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy;
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

SCHEDULE B- GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

Exhibit One (11/07)

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**FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE**

Fidelity National Financial, Inc. and its majority-owned subsidiary companies providing real estate- and loan-related services (collectively, “FNF”, “our” or “we”) respect and are committed to protecting your privacy. This Privacy Notice lets you know how and for what purposes your Personal Information (as defined herein) is being collected, processed and used by FNF. We pledge that we will take reasonable steps to ensure that your Personal Information will only be used in ways that are in compliance with this Privacy Notice. The provision of this Privacy Notice to you does not create any express or implied relationship, or create any express or implied duty or other obligation, between Fidelity National Financial, Inc. and you. See also **No Representations or Warranties** below.

This Privacy Notice is only in effect for any generic information and Personal Information collected and/or owned by FNF, including collection through any FNF website and any online features, services and/or programs offered by FNF (collectively, the “Website”). This Privacy Notice is not applicable to any other web pages, mobile applications, social media sites, email lists, generic information or Personal Information collected and/or owned by any entity other than FNF.

How Information is Collected

The types of personal information FNF collects may include, among other things (collectively, “Personal Information”): (1) contact information (e.g., name, address, phone number, email address); (2) demographic information (e.g., date of birth, gender marital status); (3) Internet protocol (or IP) address or device ID/UDID; (4) social security number (SSN), student ID (SIN), driver’s license, passport, and other government ID numbers; (5) financial account information; and (6) information related to offenses or criminal convictions.

In the course of our business, we may collect Personal Information about you from the following sources:

- Applications or other forms we receive from you or your authorized representative;
- Information we receive from you through the Website;
- Information about your transactions with or services performed by us, our affiliates, or others; and
- From consumer or other reporting agencies and public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others.

Additional Ways Information is Collected Through the Website

Browser Log Files. Our servers automatically log each visitor to the Website and collect and record certain information about each visitor. This information may include IP address, browser language, browser type, operating system, domain names, browsing history (including time spent at a domain, time and date of your visit), referring/exit web pages and URLs, and number of clicks. The domain name and IP address reveal nothing personal about the user other than the IP address from which the user has accessed the Website.

Cookies. From time to time, FNF or other third parties may send a “cookie” to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer’s hard drive and that can be re-sent to the serving website on subsequent visits. A cookie, by itself, cannot read other data from your hard disk or read other cookie files already on your computer. A cookie, by itself, does not damage your system. We, our advertisers and other third parties may use cookies to identify and keep track of, among other things, those areas of the Website and third party websites that you have visited in the past in order to enhance your next visit to the Website. You can choose whether or not to accept cookies by changing the settings of your Internet browser,

but some functionality of the Website may be impaired or not function as intended. See the **Third Party Opt Out** section below.

Web Beacons. Some of our web pages and electronic communications may contain images, which may or may not be visible to you, known as Web Beacons (sometimes referred to as “clear gifs”). Web Beacons collect only limited information that includes a cookie number; time and date of a page view; and a description of the page on which the Web Beacon resides. We may also carry Web Beacons placed by third party advertisers. These Web Beacons do not carry any Personal Information and are only used to track usage of the Website and activities associated with the Website. See the **Third Party Opt Out** section below.

Unique Identifier. We may assign you a unique internal identifier to help keep track of your future visits. We may use this information to gather aggregate demographic information about our visitors, and we may use it to personalize the information you see on the Website and some of the electronic communications you receive from us. We keep this information for our internal use, and this information is not shared with others.

Third Party Opt Out. Although we do not presently, in the future we may allow third-party companies to serve advertisements and/or collect certain anonymous information when you visit the Website. These companies may use non-personally identifiable information (e.g., click stream information, browser type, time and date, subject of advertisements clicked or scrolled over) during your visits to the Website in order to provide advertisements about products and services likely to be of greater interest to you. These companies typically use a cookie or third party Web Beacon to collect this information, as further described above. Through these technologies, the third party may have access to and use non-personalized information about your online usage activity.

You can opt-out of certain online behavioral services through any one of the ways described below. After you opt-out, you may continue to receive advertisements, but those advertisements will no longer be as relevant to you.

- You can opt-out via the Network Advertising Initiative industry opt-out at <http://www.networkadvertising.org/>.
- You can opt-out via the Consumer Choice Page at www.aboutads.info.
- For those in the U.K., you can opt-out via the IAB UK’s industry opt-out at www.youronlinechoices.com.
- You can configure your web browser (Chrome, Firefox, Internet Explorer, Safari, etc.) to delete and/or control the use of cookies.

More information can be found in the Help system of your browser. Note: If you opt-out as described above, you should not delete your cookies. If you delete your cookies, you will need to opt-out again.

Use of Personal Information

Information collected by FNF is used for three main purposes:

- To provide products and services to you or one or more third party service providers (collectively, “Third Parties”) who are obtaining services on your behalf or in connection with a transaction involving you.
- To improve our products and services that we perform for you or for Third Parties.
- To communicate with you and to inform you about FNF’s, FNF’s affiliates and third parties’ products and services.

Privacy Notice
Effective: May 1, 2015

When Information Is Disclosed By FNF

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- o To agents, brokers, representatives, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- o To third-party contractors or service providers who provide services or perform marketing services or other functions on our behalf;
- o To law enforcement or other governmental authority in connection with an investigation, or civil or criminal subpoenas or court orders; and/or
- o To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

In addition to the other times when we might disclose information about you, we might also disclose information when required by law or in the good-faith belief that such disclosure is necessary to: (1) comply with a legal process or applicable laws; (2) enforce this Privacy Notice; (3) respond to claims that any materials, documents, images, graphics, logos, designs, audio, video and any other information provided by you violates the rights of third parties; or (4) protect the rights, property or personal safety of FNF, its users or the public.

We maintain reasonable safeguards to keep the Personal Information that is disclosed to us secure. We provide Personal Information and non-Personal Information to our subsidiaries, affiliated companies, and other businesses or persons for the purposes of processing such information on our behalf and promoting the services of our trusted business partners, some or all of which may store your information on servers outside of the United States. We require that these parties agree to process such information in compliance with our Privacy Notice or in a similar, industry-standard manner, and we use reasonable efforts to limit their use of such information and to use other appropriate confidentiality and security measures. The use of your information by one of our trusted business partners may be subject to that party's own Privacy Notice. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

We also reserve the right to disclose Personal Information and/or non-Personal Information to take precautions against liability, investigate and defend against any third-party claims or allegations, assist government enforcement agencies, protect the security or integrity of the Website, and protect the rights, property, or personal safety of FNF, our users or others.

We reserve the right to transfer your Personal Information, as well as any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets. We also cannot make any representations regarding the use or transfer of your Personal Information or other information that we may have in the event of our bankruptcy, reorganization, insolvency, receivership or an assignment for the benefit of creditors, and you expressly agree and consent to the use and/or transfer of your Personal Information or other information in connection with a sale or transfer of some or all of our assets in any of the above described proceedings. Furthermore, we cannot and will not be responsible for any breach of security by any third parties or for any actions of any third parties that receive any of the information that is disclosed to us.

Information From Children

We do not collect Personal Information from any person that we know to be under the age of thirteen (13). Specifically, the Website is not intended or designed to attract children under the age of thirteen (13). You affirm that you are either more than 18 years of age, or an emancipated minor, or

Privacy Notice
Effective: May 1, 2015

possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in this Privacy Notice, and to abide by and comply with this Privacy Notice. In any case, you affirm that you are over the age of 13, as **THE WEBSITE IS NOT INTENDED FOR CHILDREN UNDER 13 THAT ARE UNACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN.**

Parents should be aware that FNF's Privacy Notice will govern our use of Personal Information, but also that information that is voluntarily given by children - or others - in email exchanges, bulletin boards or the like may be used by other parties to generate unsolicited communications. FNF encourages all parents to instruct their children in the safe and responsible use of their Personal Information while using the Internet.

Privacy Outside the Website

The Website may contain various links to other websites, including links to various third party service providers. FNF is not and cannot be responsible for the privacy practices or the content of any of those other websites. Other than under agreements with certain reputable organizations and companies, and except for third party service providers whose services either we use or you voluntarily elect to utilize, we do not share any of the Personal Information that you provide to us with any of the websites to which the Website links, although we may share aggregate, non-Personal Information with those other third parties. Please check with those websites in order to determine their privacy policies and your rights under them.

European Union Users

If you are a citizen of the European Union, please note that we may transfer your Personal Information outside the European Union for use for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information, you consent to both our collection and such transfer of your Personal Information in accordance with this Privacy Notice.

Choices With Your Personal Information

Whether you submit Personal Information to FNF is entirely up to you. You may decide not to submit Personal Information, in which case FNF may not be able to provide certain services or products to you.

You may choose to prevent FNF from disclosing or using your Personal Information under certain circumstances ("opt out"). You may opt out of any disclosure or use of your Personal Information for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization by notifying us by one of the methods at the end of this Privacy Notice. Furthermore, even where your Personal Information is to be disclosed and used in accordance with the stated purposes in this Privacy Notice, you may elect to opt out of such disclosure to and use by a third party that is not acting as an agent of FNF. As described above, there are some uses from which you cannot opt-out.

Please note that opting out of the disclosure and use of your Personal Information as a prospective employee may prevent you from being hired as an employee by FNF to the extent that provision of your Personal Information is required to apply for an open position.

If FNF collects Personal Information from you, such information will not be disclosed or used by FNF for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization unless you affirmatively consent to such disclosure and use.

You may opt out of online behavioral advertising by following the instructions set forth above under the above section "Additional Ways That Information Is Collected Through the Website," subsection "Third Party Opt Out."

Access and Correction

To access your Personal Information in the possession of FNF and correct inaccuracies of that information in our records, please contact us in the

manner specified at the end of this Privacy Notice. We ask individuals to identify themselves and the information requested to be accessed and amended before processing such requests, and we may decline to process requests in limited circumstances as permitted by applicable privacy legislation.

Your California Privacy Rights

Under California's "Shine the Light" law, California residents who provide certain personally identifiable information in connection with obtaining products or services for personal, family or household use are entitled to request and obtain from us once a calendar year information about the customer information we shared, if any, with other businesses for their own direct marketing uses. If applicable, this information would include the categories of customer information and the names and addresses of those businesses with which we shared customer information for the immediately prior calendar year (e.g., requests made in 2015 will receive information regarding 2014 sharing activities).

To obtain this information on behalf of FNF, please send an email message to privacy@fnf.com with "Request for California Privacy Information" in the subject line and in the body of your message. We will provide the requested information to you at your email address in response.

Please be aware that not all information sharing is covered by the "Shine the Light" requirements and only information on covered sharing will be included in our response.

Additionally, because we may collect your Personal Information from time to time, California's Online Privacy Protection Act requires us to disclose how we respond to "do not track" requests and other similar mechanisms. Currently, our policy is that we do not recognize "do not track" requests from Internet browsers and similar devices.

FNF Compliance with California Online Privacy Protection Act

For some websites which FNF or one of its companies owns, such as the Customer CareNet ("CCN"), FNF is acting as a third party service provider to a mortgage loan servicer. In those instances, we may collect certain information on behalf of that mortgage loan servicer for fulfilling a service to that mortgage loan servicer. For example, you may access CCN to complete a transaction with your mortgage loan servicer. During this transaction, the information which we may collect on behalf of the mortgage loan servicer is as follows:

- First and Last Name
- Property Address
- User Name
- Password
- Loan Number
- Social Security Number - masked upon entry
- Email Address
- Three Security Questions and Answers
- IP Address

The information you submit is then transferred to your mortgage loan servicer by way of CCN.

The mortgage loan servicer is responsible for taking action or making changes to any consumer information submitted through this website. For example, if you believe that your payment or user information is incorrect, you must contact your mortgage loan servicer.

CCN does not share consumer information with third parties, other than those with which the mortgage loan servicer has contracted to interface with the CCN application.

All sections of the FNF Privacy Notice apply to your interaction with CCN, except for the sections titled Choices with Your Personal Information and Access and Correction. If you have questions regarding the choices you have with regard to your personal information or how to access or correct your personal information, you should contact your mortgage loan servicer.

No Representations or Warranties

By providing this Privacy Notice, Fidelity National Financial, Inc. does not make any representations or warranties whatsoever concerning any products or services provided to you by its majority-owned subsidiaries. In addition, you also expressly agree that your use of the Website is at your own risk. Any services provided to you by Fidelity National Financial, Inc. and/or the Website are provided "as is" and "as available" for your use, without representations or warranties of any kind, either express or implied, unless such warranties are legally incapable of exclusion. Fidelity National Financial, Inc. makes no representations or warranties that any services provided to you by it or the Website, or any services offered in connection with the Website are or will remain uninterrupted or error-free, that defects will be corrected, or that the web pages on or accessed through the Website, or the servers used in connection with the Website, are or will remain free from any viruses, worms, time bombs, drop dead devices, Trojan horses or other harmful components. Any liability of Fidelity National Financial, Inc. and your exclusive remedy with respect to the use of any product or service provided by Fidelity National Financial, Inc. including on or accessed through the Website, will be the re-performance of such service found to be inadequate.

Your Consent To This Privacy Notice

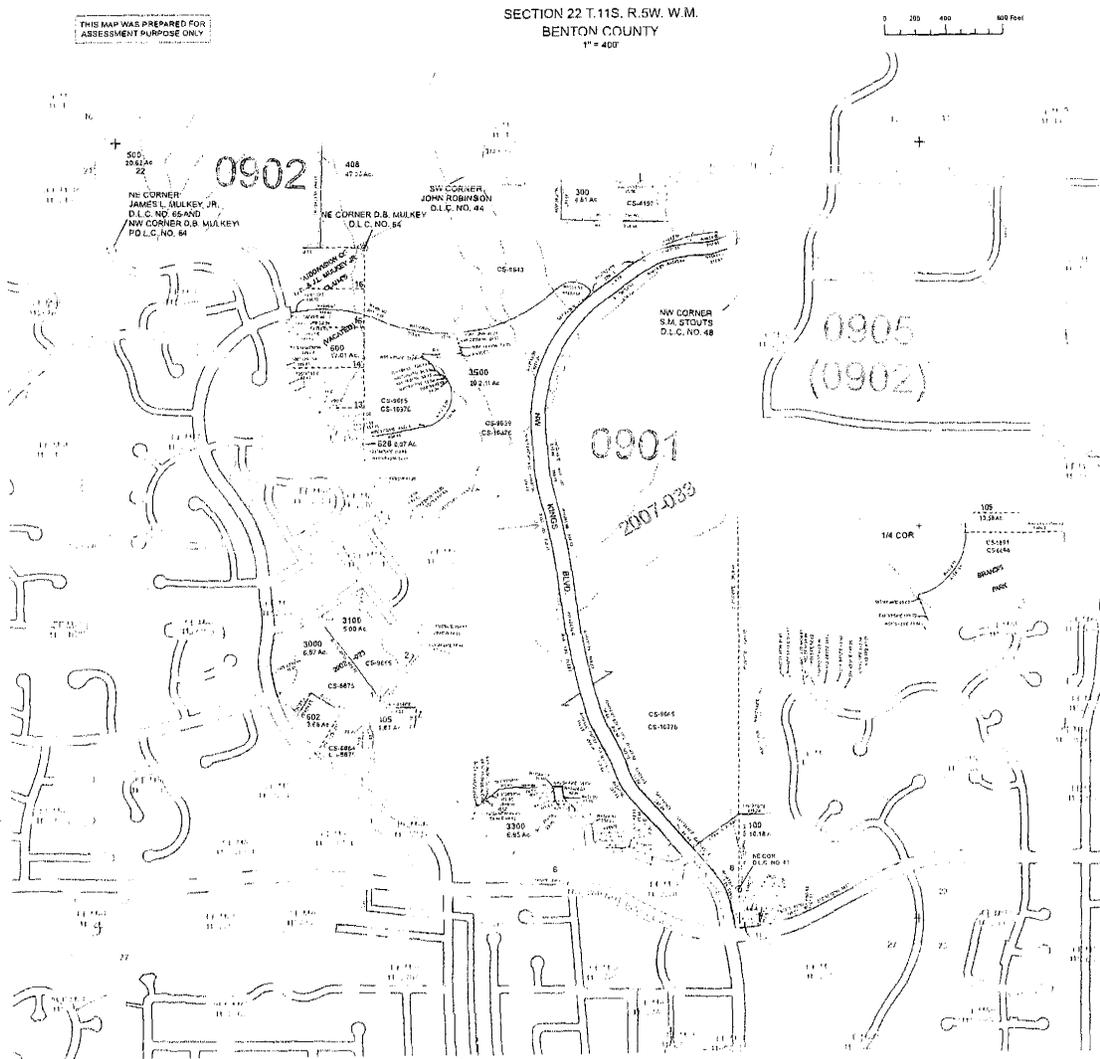
By submitting Personal Information to FNF, you consent to the collection and use of information by us as specified above or as we otherwise see fit, in compliance with this Privacy Notice, unless you inform us otherwise by means of the procedure identified below. If we decide to change this Privacy Notice, we will make an effort to post those changes on the Website. Each time we collect information from you following any amendment of this Privacy Notice will signify your assent to and acceptance of its revised terms for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you may submit in any manner that we may choose without notice or compensation to you.

If you have additional questions or comments, please let us know by sending your comments or requests to:

Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, Florida 32204
Attn: Chief Privacy Officer
(888) 934-3354
privacy@fnf.com

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EFFECTIVE AS OF: MAY 1, 2015



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SECTION 22 T.11S. R.5W. W.M.
BENTON COUNTY
MO. 1" = 400'

0 200 400 800 Feet

11522

REV: 04-22-2014
 CANCELLED:
 409
 701.1
 3001 THRU 3504
 101 THRU 154
 405
 400 THRU 404
 603 THRU 627
 600 THRU 2000
 190
 703A1
 3400
 407
 700A1
 705
 106 THRU 154
 3200
 200 THRU 202
 001

11522

Recordation Requested By:
City of Corvallis
ATT: Dev. Review Engineering
PO Box 1083
Corvallis, OR 97339

After recording return to:
City of Corvallis-Engineering
Development Review
Linda Stevens

Send Tax Statement To:
Not Applicable

BENTON COUNTY, OREGON 2014-517836
DE-WD
Cnt=1 Stn=41 COUNTER1 03/28/2014 11:44:32 AM
\$40.00 \$11.00 \$22.00 \$10.00 \$20.00 \$103.00



James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.

James V. Morales - County Clerk



SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED- RIGHT OF WAY DEDICATION
(Metes and Bounds Conveyance)

KNOW ALL MEN BY THESE PRESENTS THAT GPAI, LLC (Grantor), an Oregon Limited Liability Company, does hereby dedicate by special warranty unto the City of Corvallis for road, pedestrian, drainage, and utility purposes, on, over, across, under, along, and within that tract of land in Benton County, State of Oregon, more particularly described as follows:

SEE EXHIBITS "A" (2 pages) AND "A-1", "A-2", "A-3", and "A-4" AS ATTACHED

The grantor hereby covenants that Grantor is the owner in fee simple and the property is free of all liens and encumbrances, it has good and legal right to grant its right to the above described, and Grantor will pay all taxes and assessments due and owing on the property up to, but not after the date of the dedication.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND Page 1 of 2 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 4th day of March 2014.

Granted By: GPA1, LLC

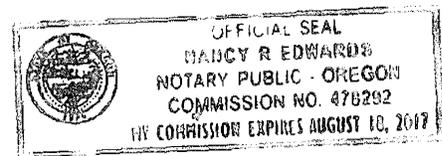
[Signature]
Robert Wood, Manager

State of Oregon) ss
County of Benton)

On this date, March 4th, 2014, ROBERT WOOD did personally appear the above named Robert Wood and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me: Nancy Edwards

Printed Name: Nancy R. Edwards
Notary Public of Oregon
My commission Expires: 08-18-2017/License 478292



ACCEPTED BY:
CITY OF CORVALLIS

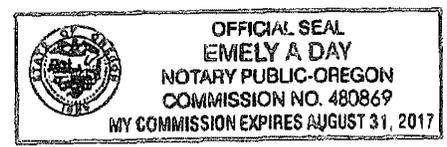
[Signature]
James Patterson, City Manager

State of Oregon) ss
County of Benton)

Personally appeared the above named James Patterson and acknowledged that he is the City Manager of the City of Corvallis, Oregon and he accepted the foregoing instrument on behalf of the City of Corvallis by authority of its City Council. Before me this 13th day of March 2014.

Before me: Emely A Day

Printed Name: Emely A Day
Notary Public of Oregon
My commission Expires: 08-31-2017



Approved as to Form:

[Signature] 3/12/14
City Attorney Date

EXHIBIT A

Description for a Dedication of Public Right-of-Way For the Extension of NW Kings Boulevard

Located in all quarters of Section 22, Township 12 South, Range 5 West of the Willamette Meridian, City of Corvallis, Benton County, Oregon.

Beginning at a point at the intersection of the westerly and northerly right-of-way lines of NW Kings Boulevard which bears North 57°08'38" West 491.86 feet from the Northeast corner of the James L. Mulkey Donation Land Claim No. 63; thence leaving said right-of-way line of NW Kings Boulevard North 40°01'39" West 155.38 feet to a point; thence North 41°14'06" West 287.38 feet to a point; thence along the arc of a 541.00 foot radius curve to the right 233.77 feet (the long chord of which bears North 28°51'22" West 231.95 feet) to a point; thence along the arc of a 559.00 foot radius curve to the left 108.19 feet (the long chord of which bears North 22°01'19" West 108.02 feet) to a point; thence North 27°33'59" West 202.44 feet to a point; thence along the arc of a 541.00 foot curve to the right 111.74 feet (the long chord of which bears North 21°38'57" West 111.55 feet) to a point; thence along the arc of a 4263.73 foot radius curve to the right 763.89 feet (the long chord of which bears North 10°35'58" West 762.87 feet) to a point; thence along the arc of a 4959.00 foot radius curve to the left 767.22 feet (the long chord of which bears North 09°53'56" West 766.45 feet) to a point; thence along the arc of a 841.00 foot radius curve to the right 114.76 feet (the long chord of which bears North 10°25'19" West 114.67 feet) to a point; thence North 06°30'46" West 243.96 feet to a point; thence along the arc of a 1041.00 foot radius curve to the right 1074.30 feet (the long chord of which bears North 23°03'05" East 1027.26 feet) to a point; thence North 52°36'57" East 256.79 feet to a point; thence along the arc of a 691.00 foot radius curve to the right 443.06 feet (the long chord of which bears North 70°59'03" East 435.51 feet) to a point; thence along the arc of a 459.00 foot radius curve to the left 254.43 feet (the long chord of which bears North 73°28'23" East 251.19 feet) to a point on the northerly property line of Parcel 8 of Partition Plat 2007-33 (a Partition Plat of record in Benton County); thence along the northerly line North 89°34'44" East 22.81 feet to the northeast corner of said Parcel 8, said point also being on the westerly line of Lot 5 of "Highland Dell Estates" (a Subdivision of Record in Benton County); thence along said westerly line of Lot 5 South 00°25'16" East 81.80 feet to a point; thence leaving said westerly line of Lot 5 along the arc of a 541.00 foot radius non-tangential curve to the right 275.89 feet (the long chord of which bears South 74°44'36" West 272.91 feet) to a point; thence along the arc of a 609.00 foot radius curve to the left 390.48 feet (the long chord of which bears South 70°59'03" West 383.83 feet) to a point; thence South 52°36'57" West 256.79 feet to a point; thence along the arc of a 959.00 foot radius curve to the left 989.68 feet (the long chord of which bears South 23°03'05" West 946.34 feet) to a point; thence South 06°30'46" East 243.96 feet to a point; thence along the arc of a 759.00 foot radius curve to the left 103.57 feet (the long chord of which bears South 10°25'19" East 103.49 feet) to a point; thence along the arc of a 5041.00 foot radius curve to the right 779.91 feet (the long chord of which bears South 09°53'56" East 779.13 feet) to a point; thence along the arc of a 4181.73 foot radius curve to the left 749.20 feet (the long chord of which bears South 10°35'58" East 748.20 feet) to a point; thence along the arc of a 459.00 foot curve to the left 94.81 feet (the long chord of which bears South 21°38'57" East 94.64 feet) to a point; thence South 27°33'59" East 202.44 feet to a point; thence along the arc of a 641.00 foot radius curve to the right 124.06 feet (the long chord of which bears South 22°01'19" East 123.87 feet) to a point; thence along the arc of a 459.00 foot radius curve to the left

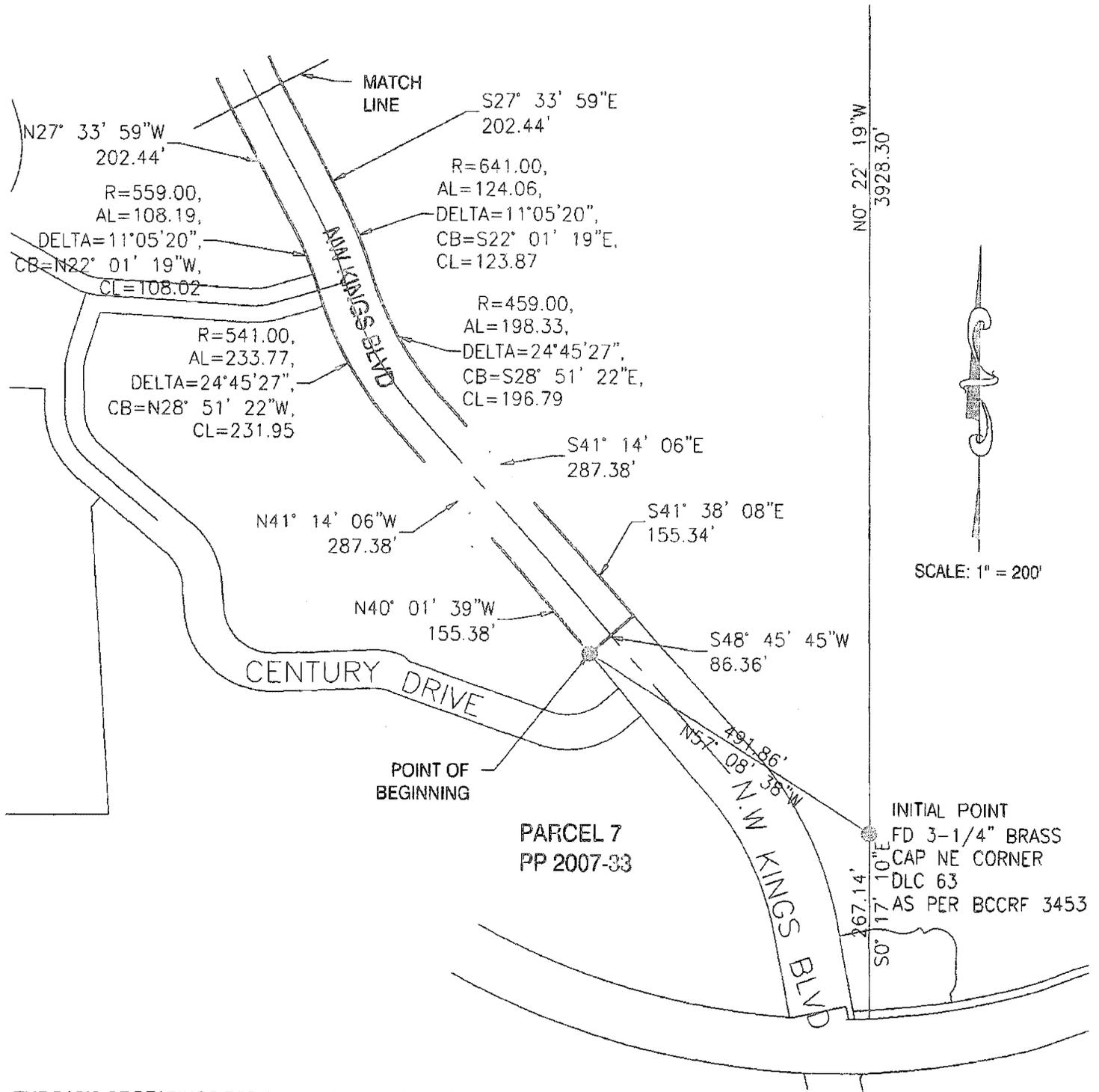
- 198.33 feet (the long chord of which bears South 28°51'22" East 196.79 feet) to a point; thence South 41°14'06" East 287.38 feet to a point; thence South 41°38'08" East 155.34 feet to a point at the intersection of the northerly and easterly right-of-way line of the aforementioned NW Kings Boulevard; thence along the northerly right-of-way line of said NW Kings Boulevard South 48°45'45" West 86.36 feet to the POINT OF BEGINNING as shown on EXHIBITS A-1, A-2, A-3, and A-4.

Containing 9.32 acres, more or less.

The basis of bearings for the above described dedication is from Partition Plat PP2007-033, a Partition Plat of record in Benton County, Oregon.

EXHIBIT A-1

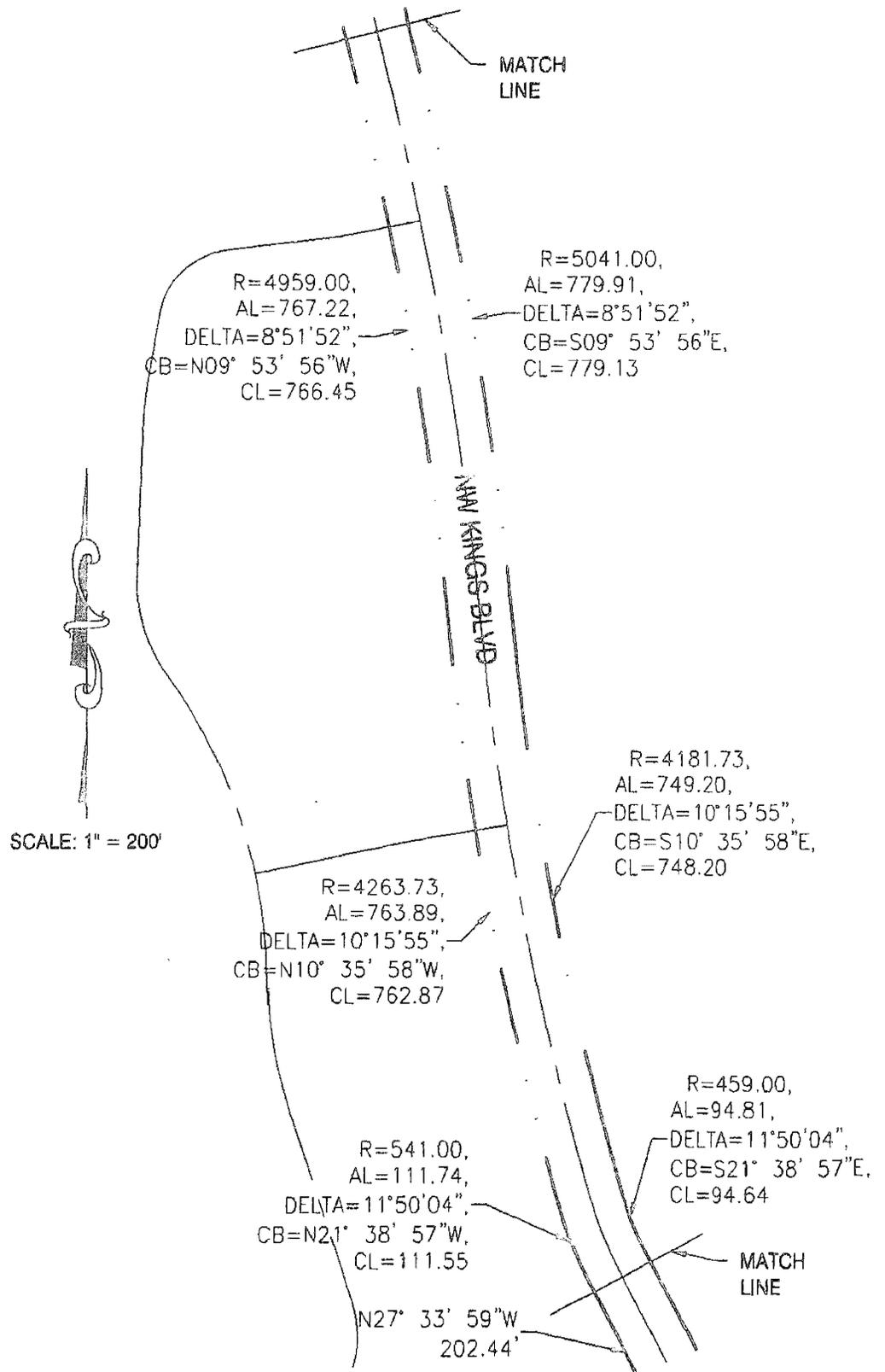
SKETCH OF A RIGHT-OF-WAY DEDICATION FOR NW KINGS BOULEVARD



THE BASIS OF BEARINGS FOR THIS SKETCH IS PARTITION PLAT 2007-33, A PARTITION PLAT OF RECORD OF BENTON COUNTY, OREGON

EXHIBIT A-2

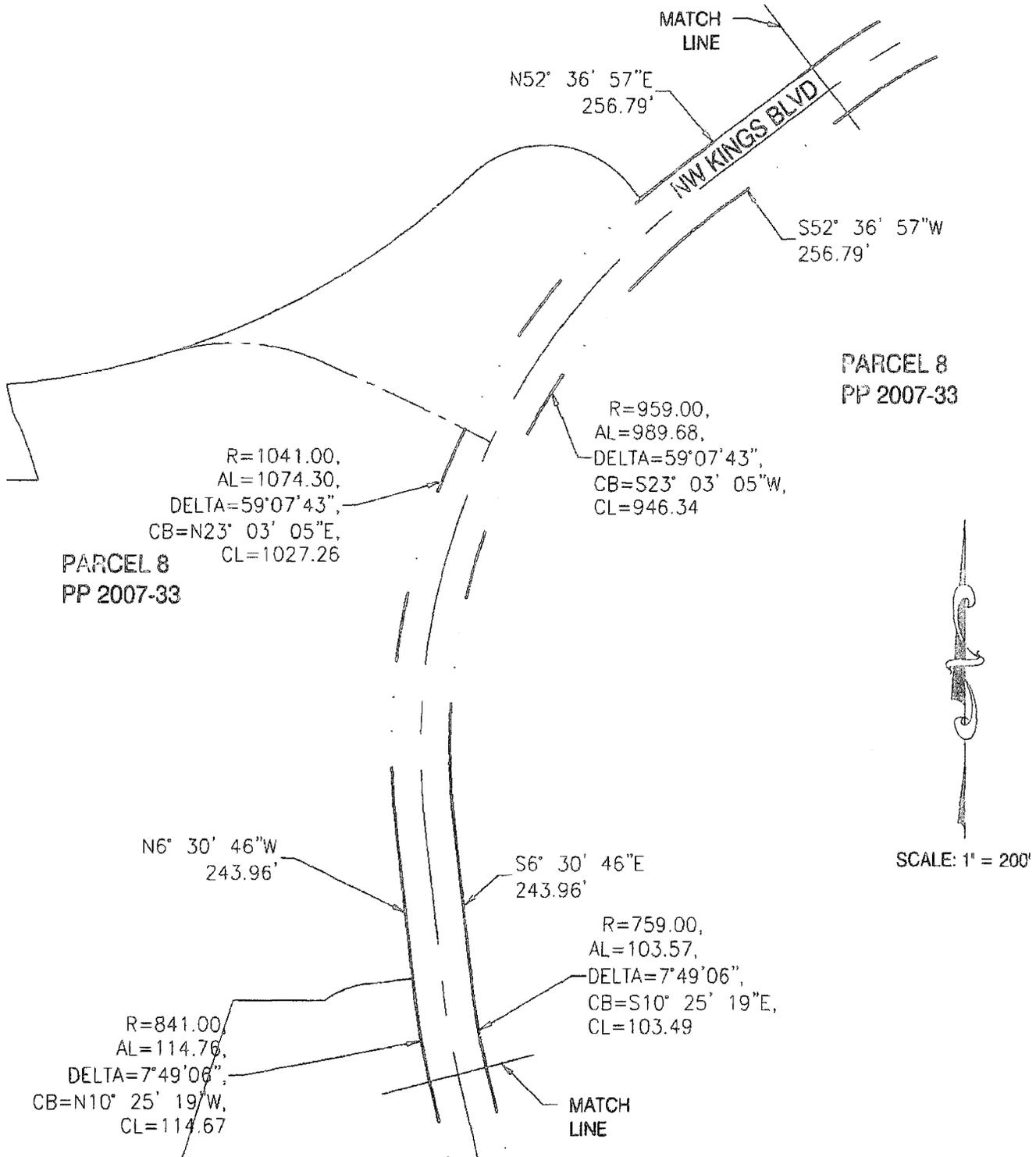
SKETCH OF A RIGHT-OF-WAY DEDICATION FOR NW KINGS BOULEVARD



THE BASIS OF BEARINGS FOR THIS SKETCH IS PARTITION PLAT 2007-33,
A PARTITION PLAT OF RECORD OF BENTON COUNTY, OREGON

EXHIBIT A-3

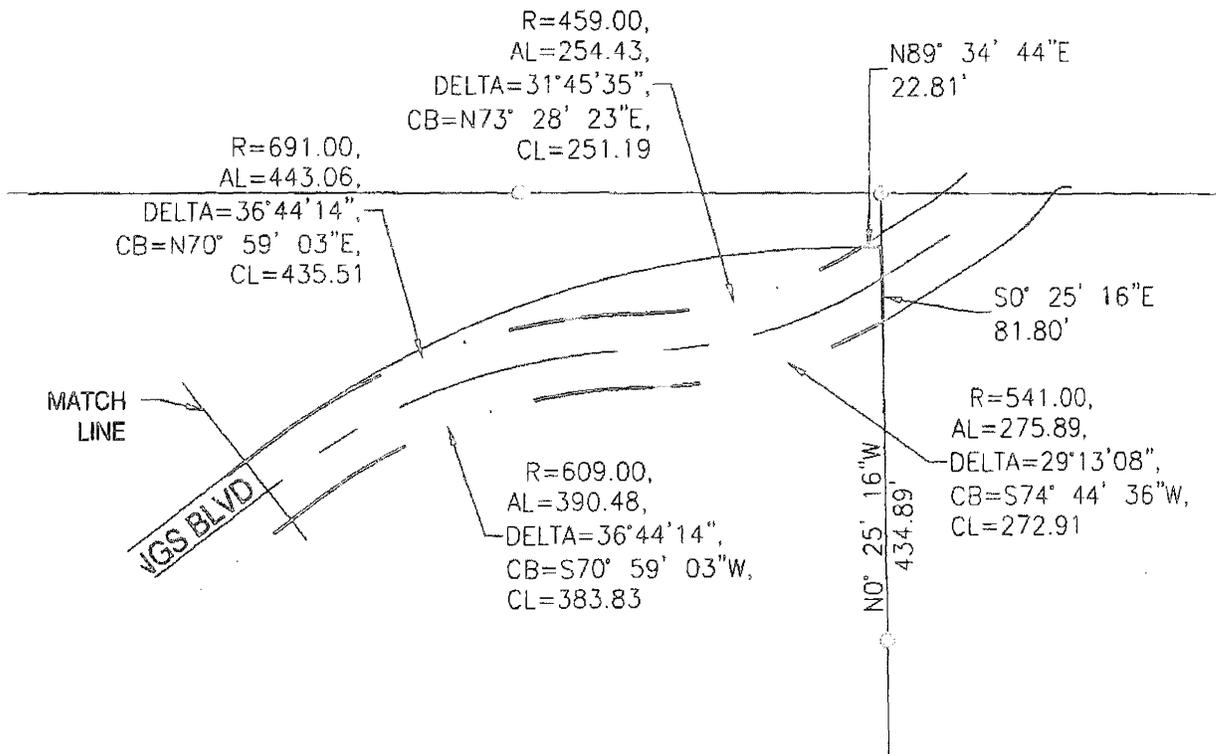
SKETCH OF A RIGHT-OF-WAY DEDICATION FOR NW KINGS BOULEVARD



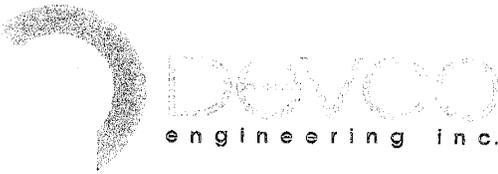
THE BASIS OF BEARINGS FOR THIS SKETCH IS PARTITION PLAT 2007-33, A PARTITION PLAT OF RECORD OF BENTON COUNTY, OREGON

EXHIBIT A-4

SKETCH OF A RIGHT-OF-WAY DEDICATION FOR NW KINGS BOULEVARD



SCALE: 1" = 200'



245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

30 December 2015

City Council
The City of Corvallis
P.O. Box 1083
Corvallis, OR 97339-1083

SUBJECT: Kings Boulevard Extension, PLD15-00003
Applicant Hearing Letter to City Council

Dear Councilors:

Please accept this letter into the record of this application as a response to the December 28 Staff Report to the City Council.

The Applicant appreciates the supportive Staff report for this Application. We provide these comments for additional context.

The Staff Report correctly summarizes, at page 1, that this as an application for approval of the location and design of the arterial street and related facilities, including grading that exceeds code standards. This is not a proposal to construct the street; that will be the subject of future applications.

On December 15 we submitted the Declaration of Rob Wood, Manager of the Applicant, explaining the background for this application. We attach a copy of that here, for easy reference. Following we make a few points of clarification in response to the Staff Report.

At Exhibit C page 3 para 2, the Staff characterizes our position as erroneously saying the Director demanded this DDP for the street prior to filing any application for residential development. We want to clarify that we understood the Director as saying residential development could not be approved without a DDP for the Kings Boulevard, which means this application could be filed prior to or in conjunction with residential development. The Director's request for a street DDP is reflected in several communications from the City, including:

1. "After looking at the LDC and speaking with the City Engineer and City Attorney, it was determined that a Detailed Development Plan process will be necessary to vary from those standards, and to set the alignment of those streets and conduct grading activities for the construction of the streets and detention facilities that are outside of the public right-of-way." Email from S. Johnson to DEVCO (Feb. 17, 2015)
2. "Staff have also concluded that, in order to review the proposed street alignments and variations to applicable LDC standards associated with the location and construction of

City Council
City of Corvallis
30 December 2015
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proposed streets, a Detailed Development Plan is required." Staff Report for Subdivision (March 25, 2015) at 20.

GPA1, LLC has applied for the road DDP first, in advance of the residential proposal, because the City has explained that it could move the Kings Boulevard to a different location during the DDP review. As the City Engineer explained in his June 12 Memo to Planner Amiton, "the final alignment would need to be decided in a public hearing process."

As the Rob Wood Declaration explains, at Paragraph 15, planning for the residential development is very expensive, and that land use planning requires knowing for sure where the street will be. As Paragraph 13 of the Wood Declaration explains, the withdrawn applications cost GPA1, LLC more than \$200,000 to prepare, and that expense would be wasted if the location of the Kings Boulevard were to change. The street location must be firm in order to ensure that each lot can be developed with the minimum density while also preserving the Goal 5 resources.

The staff is recommending 12 conditions be placed on this approval. Only #12 is new. The Owner is generally okay with the first eleven conditions, subject to some clarifications, which were also stated to the Commission.

Condition 2: Right-of-Way Dedication: This condition should be clarified to explain that any future dedications of additional right-of-way need to be justified as consistent with federal takings law. This proceeding is a planning exercise, not a request for development approval; hence, it is not a basis for exactions. This condition should not be read as requiring future dedications.

Condition 6: Sidewalks: Redundant as the plans submitted for approval with this Application comply with referenced standard.

Condition 7: Storm Water Detention: Redundant as the plans submitted for approval with this Application comply with referenced standard.

Condition 8: Storm Water Quality: Redundant as the plans submitted for approval with this Application comply with referenced standard.

Condition 9: Street Lights: Redundant as the plans submitted for approval with this Application comply with referenced standard.

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Condition 12: Significant Vegetation Management Plan: The proposed new condition is:

"Significant Vegetation Management Plan – Prior to issuance of PIPC permits for roadway construction through areas with Significant Vegetation, the applicant shall submit a Significant Vegetation Management Plan for City review and approval in order to mitigate impacts to Significant Vegetation, consistent with the requirements of LDC Section 4.12.50.a."

This requires approval of a Significant Vegetation Management Plan (SVMP) prior to permits for street construction. There are two problems with this condition. The street cannot be constructed consistent with the standards for getting a SVMP approval. The SVMP standards limit where development may occur. LDC 4.12.50.a.1. Certain vegetation must be preserved. LDC 4.12.50.a.2. A 70% tree canopy must be preserved. LDC 4.12.50.a.3. See also LDC 4.12.50.b. to n. SVMPs must provide for "retention of non-conifer vegetative species." LDC 4.12.90.b. and c. They must meet standards for vegetation management activities. LDC 4.12.90.e. In summary, approval of a SVMP requires preserving vegetation, while building the Kings Boulevard is the antithesis of meeting those standards. Put differently, including this condition ensures future conflict when it comes time to actually build this road. This condition should be deleted or modified. When it is time to build the street, neighbors will point to this condition and say that it prevents building Kings Boulevard because the SVMP provisions cannot be met.

The Applicant suggests the following new wording for Condition No. 12:

"Significant Vegetation Management Plan – Prior to issuance of PIPC permits for Kings Boulevard and related storm water facilities construction through areas with significant vegetation, the Applicant shall submit a Significant Vegetation Management Plan (SVMP) for City review and approval. The SVMP will designate the significant vegetation to be cleared and grubbed with this construction. This SVMP will also designate protection measures for significant vegetation, located along the designated construction limits, to be protected during this construction. The SVMP shall be prepared in accordance with Section 4.12.90, except that no vegetation enhancement; no reforestation; and generally no mitigation shall be required; no canopy coverage calculations shall be required; and, no additional information regarding PPSV-4 areas shall be required. Mitigation shall only be required if vegetation that is designated in the SVMP to be protected is adversely impacted by the construction. This SVMP shall be prepared under the supervision of a "registered arborist".

City Council
City of Corvallis
30 December 2015
Page 4 of 4

Sincerely,



Lyle E. Hutchens
Project Manager

LEH/nre

cc: Rob Wood, GPA1 LLC

Enclosure: ◦ Declaration of Rob Wood, Manager, GPA1 LLC (Dec. 23, 2015)
◦ Email Exchange, 17 February 2015 through 27 February 2015, concerning Kings Boulevard grading

23 December 2015

Mr. Rian Amiton
Associate Planner
Community Development
Planning Division
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339-1083

SUBJECT: Kings Boulevard Extension; PLD15-00003
Declaration of Rob Wood, Manager of GPA1 LLC

Dear Rian:

I, Rob Wood, am the Manager of GPA1 LLC and Forest Heights, LLC ("Owners"), and I make this Declaration in support of the Owners' application for city land use approvals to locate and design the extension of Kings Blvd through Owners' property

1. The Owners' Property is about 222 acres (the "Property"), in the City of Corvallis, on the Buildable Land Inventory, planned and zoned for residential use, and having a Planned Development overlay zone.
2. Owners will develop the Property with residential uses consistent with the plan designations, base zoning, and overlay zones. Owners recognize that the development process for this site will be long and expensive, given the level of opposition by some of the neighbors. However, the City has already made the ultimate policy choice that this site is intended for development at the minimum residential densities or greater, and the City has vouched to the State that the site is intended to be used for that purpose. The Owners have the staying power to see this through.
3. This is the Owners' second attempt to obtain development approval for the Property. The first application was withdrawn on April 1, 2015, after the City staff recommended that the Owners include a Detailed Development Plan (DDP) for the location of the Kings Blvd right-of-way ("ROW") extension through the Property or face negative staff recommendations (See #12 and #14 below). Because the Owners do not own the Kings Blvd ROW, the Owners did not agree with the City that the Owners should be required by then City to process a DDP for the proposed Kings Blvd.

Mr. Rian Amiton
Associate Planner
23 December 2015
Page 2

4. The location of the Kings Blvd extension will determine the exact footprint of the development area because the City transportation plan shows the proposed road as generally bisecting the Property
5. Beginning in 2013, the Owners worked with City Public Works staff to determine the City's preference for the exact location for the Kings Blvd ROW. This involved engineering, design, and survey work to enable the City to pick the best of several alternative routes, considering all variables important to the City staff. City engineering staff determined, on December 30, 2013, that the City wanted dedication only of the ROW for the Kings Blvd extension, with the dedication for the future 29th Street to be done at the time of development. On March 28, 2014, by Instrument 2014-517836, the Owners conveyed to the City, in fee simple, the ROW needed to build the road in the City's preferred alignment and to the City's specifications. The deeded ROW totals about 9.32 acres. The City Manager accepted the ROW deed on March 13, 2014.
6. The cost to the Owners for the planning, general design, engineering, surveying, site testing, alternatives analysis, and legal work associated with ROW planning and dedication to City was about \$24,887.07.
7. With the ROW for the Kings Blvd extension fixed and owned by the City, the Owners completed their planning for the Property.
8. Owners' 2014 land use applications sought City approval for a subdivision with 10 large lots and four tracts; each of the large lots could be the subject of its own Detailed Development Plan in the future, consistent with the PD overlay. The intention was that the Kings Blvd extension through the Property would be developed in the City's ROW in conjunction with future development of residential uses on the adjacent large subdivision lot.
9. Owners entered into a Purchase and Sale Agreement with Core Campus for one of the proposed subdivision lots, proposed Lot 15, containing about 31 acres, for construction of The Hub, a 240-unit student housing complex. Planning for The Hub development was done at the same time as planning for the large lot subdivision, with the understanding that The Hub application would be processed at the same time as the Owners' application for the large lot subdivision.
10. The subdivision application was filed on October 14, 2014. The associated application for The Hub was filed on November 14, 2014 and resubmitted on February 3, 2015. These were processed together by the City. The file numbers were: SUB 14-00004; PLD 14-00007. The combined application was titled by the City: "Major Conceptual Plan Modification, The Hub Planned Development (Detailed Development Plan) and Major Conceptual Development Plan Modification."

Mr. Rian Amilton
Associate Planner
23 December 2015
Page 3

11. After filing, the Owners responded to several requests for supplemental completeness review information. The Owners deemed the application complete on February 3, 2015. On February 17, 2015, staff informed the Owners that the City Attorney had advised that a Detailed Development Plan would be needed to "set the alignment" of the Kings Blvd extension as well as for the grading of the street and related detention facilities. A 93 page Staff Report to the Planning Commission was issued on March 25, 2015. The Staff Report at page 18 restated the need for the Owners to submit an application for a Detailed Development Plan to approve an alignment and design for the Kings Blvd ROW, notwithstanding the fact that the City had previously accepted a deed from the Owners for the extension ROW.
12. The Owners offered to put the pending applications on hold, file the requested DDP for the proposed Kings Blvd extension, and then have both applications proceed simultaneously through the City together. The Community Development Director refused to put the applications on hold without a blanket waiver of the 120-day statutory timeline. The alternatives posed by the Director were to continue to the hearing with a negative recommendation, or withdraw the pending applications and resubmit later. The Owners and Core Campus withdrew the pending applications on April 1, 2015.
13. The cost to the Owners for the planning, City application fees general design, engineering, surveying, site testing, storm water alternatives analysis, and legal work associated with the withdrawn Owners' applications was about \$204,815.28. It is important to note that these costs to the Owners do not include most of the costs to Core Campus for the same kind of work involved in preparing the application for the The Hub development proposal on the proposed Lot 15.
14. Following withdrawal of the application, the Community Development Director restated that a DDP was needed for the Kings Blvd extension because the City had discretion to require the proposed ROW to be located elsewhere than in the ROW previously deeded to the City.
15. It is necessary to have the road location fixed before doing the site planning for the Property, for two reasons. First, as the cost figures above show preparing the subdivision plan is very expensive, and much of that work would be wasted if the City were to change the road location, as it has said it may. Second, the location of the road sets the parameters for code compliance for the large subdivision lots; each proposed subdivision lot must prove up on the minimum required density while protecting the Goal 5 resources on the site. Changing the road location changes the calculations for each lot. Put differently, the road location is a major independent variable in the site planning process; the large subdivision lots are dependent variables.

Mr. Rich Amilton
Associate Planner
23 December 2015
Page 4

16. The Owners began work on the DDP for the Kings Blvd extension in April of 2015, while maintaining that the Owners are not required to file a DDP for land that they do not own. The application for the road DDP was filed on May 13, 2015. After several responses to completeness review information requests, the Owners deemed the application complete on September 28, 2015. The Planning Commission denied the application on December 3. The Owners appealed that denial to the City Council. This Declaration is made in support of that appeal.
17. The cost to the Owners for the planning, City application fees, general design, engineering, surveying, site testing, alternatives analysis, and legal work associated with the DDP application for the Kings Blvd ROW, up to the date of the appeal of the Planning Commission denial, has been about \$94,429.66.

I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT

Dated: December 23, 2015.

Robert Wood
Manager
GPA1, LLC and Forest Heights, LLC

From: [Bill Kings](mailto:Bill.Kings)
To: [Bill Kings](mailto:Bill.Kings)
Subject: FW: Timberhill Subdivision and Street Grading LDC Variations
Date: Monday, December 28, 2015 1:12:27 PM

From: Young, Kevin [<mailto:Kevin.Young@corvallisoregon.gov>]
Sent: Friday, February 27, 2015 5:06 PM
To: Lyle Hutchens; Johnson, Sarah
Subject: RE: Timberhill Subdivision and Street Grading LDC Variations

Lyle,

I'm not going to be able to respond to all the issues you raise below, but I think I can provide a summary of our position. What I recall is that at some point in the last few years your clients brought forward a proposal to dedicate right of way for the alignment of Kings Blvd. Public Works staff evaluated the proposal and determined that building a road through this alignment was technically possible. City staff determined that it would be acceptable to accept the right-of-way, but cautioned that there are a variety of factors to be considered in the location of the future roadway including roadway design requirements, topography, drainage, hydrology, and protected natural features. We indicated in accepting the right-of-way that there was no guarantee that decision-makers wouldn't require the right of way to be moved for one reason or another.

I can say that we have communicated that the determination of right-of-way alignments would need to be considered through the Planned Development process, not just to your client, but also to the prior owners of the property. You should not interpret this message as an indication that we would not ultimately support the proposed street alignments, but what we are saying is that a public process will be necessary to consider that question. We are aware of the provisions in LDC Section 4.0.60.k, but the City Engineer is not willing to make that determination outside of the public process.

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

From: Lyle Hutchens [<mailto:lyle@devscoengineering.com>]
Sent: Friday, February 20, 2015 3:38 PM
To: Johnson, Sarah
Cc: Young, Kevin
Subject: FW: Timberhill Subdivision and Street Grading LDC Variations

Hi Sarah

Thank you for your email below.

If I can summarize it briefly, we believe the collective advice from the city staff is that the applicant needs to get city approval for grading, exceeding the 8' cut/fill standard of LDC 4.14, that will be needed for the extensions of Kings Blvd., 29th St, and Shooting Star Drive on the applicant's

property and that a DDP application is needed to do that, so as to have a vehicle to afford the relief needed from the grading standards. Presumably the city has given the same advice to the applicant for the adjacent property to the NW (TL 600), who will have to dedicate the leg of the extension of 29th Street from its current stub (Would you please forward us a copy of your completeness review advice on this issue from the current application for development on TL 600?)

Kings Blvd., 29th Street, and Shooting Star Drive.

Kings Blvd ROW: This ROW has been deeded to the City in an alignment selected by the City from one of several alternative alignment designs prepared by the owner. See "Special Warranty Deed – Right of Way Dedication, Instrument 2014-517836, Recorded March 28, 2014, and included as an Appendix to our subdivision application materials. The City accepted this deed in writing on the face of the deed, and shortly thereafter by City Council action on its consent calendar. GPA1 LLC is no longer the owner of the Kings Blvd ROW. Under the LDC the "Property Owner" is the one who applies for a DDP, if one is needed. LDC 2.5.10.a. says:

"The Procedures of this Chapter are Applicable When

1. A property owner requests a Conceptual and/or Detailed Development Plan concurrent with a specific project review;"

Thus, if a DDP is really needed to build Kings Blvd. on the city's chosen alignment, then the DDP needs to be filed by the City. Further, if a DDP was deemed to be required, what would be the subject of the DDP? The only substantive issues that could be discussed are perhaps the width of paving and grade. Width of paving for the Kings Blvd extension has long ago been established by the streets transportation system plan designation and LDC standards. The grade of the proposed street was considered by the City Engineer when the Kings Blvd ROW deed was delivered by its previous property owner and accepted by the City.

That said, it is not at all clear to the applicant why the City believes a DDP is needed. Initially, under the definitions in the code, the property described in the Kings dedication deed to the City is now a "Right-of Way" for a "Street." Definitions in LDC 1.6 include:

Right-of-Way - Public travel route dedicated for vehicular, bicycle, or pedestrian use. Can and often does contain public and franchise utilities.

Streets - Designated in the City of Corvallis Transportation Plan as outlined in "a," through "h," below. See also Chapter 4.0 Improvements Required with Development.

a. Arterial Highways - These consist of state highways, which are the primary gateways into Corvallis and carry nearly all vehicles entering, leaving, or passing through the Corvallis area. The ORE 34/US 20 corridor is designated a Statewide Highway on the National Highway System (NHS) and is a key corridor between I-5 and the Oregon coast.

b. Arterial Streets - These connect the state highways, linking major commercial, residential, industrial, and institutional areas. Arterial Streets are critical to the Corvallis street network because they generally serve the highest traffic volumes.

and longest trips. Access control is critical on these facilities to ensure safe and efficient operation.

There are two important qualities of streets: First, they do not carry any zoning designation. LDC 1.2.90.02 says:

1.2.90.02 Interpretation of Zone Boundaries

Zone boundaries shown on the Official Zoning Map shall be located as described in the ordinance or order establishing and amending such zone boundaries.

Public streets and highways shall not be zoned, nor shall private streets be zoned unless specifically included within a particular zone. If uncertainty exists as to the boundaries of the zones, and the uncertainty is not resolved by the ordinance or orders that establish and amend such boundaries, the following rules shall apply:

Thus, if the City needs a DDP to build a street within City owned ROW, the alignment of which ROW the city previously accepted when the City Manager noted acceptance on the face of the deed, and which action was subsequently ratified by the City Council, it would be applying for a DDP for an unzoned strip of land.

Second, and more importantly, we think, the code gives the City Engineer authority to authorize building streets at grades steeper than the default grading limitations in the code. LDC 4.0.60.k. says:

k. Location, grades, alignments, and widths for all public and private streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided that the safety and capacity of the street network is not adversely effected. The following standards shall apply:

Note that the code affords this authority to the City Engineer without qualification that the City get a DDP approval in connection with the City Engineer's exercise of his authority.

Furthermore, the City Engineer has already determined, whether formally or informally, that exceeding the default grade slope limitation is OK in this instance because the City Engineer selected the route that was ultimately dedicated to the City and accepted by the city. The City Engineer determined that the current alignment, contained within the deeded ROW was the preferred alignment, and with that comes the determination that the grade is OK, as the City Engineer may determine under the code language above.

29th Street and Shooting Star Drive: The City has previously determined the alignment for the first segment of the 29th Street extension in the context of the pending DDP application for the adjacent property. The alignment for the balance of 29th Street and for Shooting Star Drive will be determined by the City in the context of our subdivision application. (It is important to note that

after those sections of ROW are dedicated to the City, the street alignments will be determined and the area within the dedicated ROW will carry no zoning designation.) However, in the context of this subdivision application, the City Engineer, in consultation with other City staff will be able to determine the desired alignment of both. If need be the City Engineer will exercise his authority under LDC 4.0.60.k. to decide whether an exception from the default grading limitation is the appropriate policy choice to implement the Transportation Plan concerning the proposed street extensions.

Finally, as you know, none of the portion of proposed 29th Street lying on the applicant's property and much of the upper reaches of proposed Kings Blvd are planned to be constructed with the HUB DDP. The section of 29th street lying west of the applicant's property will (presumably) be constructed at the time the adjacent land is developed, as required by the code at LDC 4.0.20.a. Development of the portion of proposed 29th Street lying on the applicant's property as well as the upper reaches of proposed Kings Blvd will be constructed in conjunction with DDPs filed to develop the adjacent large lots requested to be established through the applicant's pending subdivision application.

Lyle E. Hutchens
Devco Engineering, Inc.
POB 1211 (Mail)
245 NE Conifer Boulevard (FedEx/UPS)
Corvallis, OR 97339-1211
www.devcoengineering.com (website)

☎ : 541.757.8991 | 📞 : 541.757.9885 | ✉ : lyle@devcoengineering.com

From: Johnson, Sarah [<mailto:Sarah.Johnson@corvallisoregon.gov>]
Sent: Tuesday, February 17, 2015 5:15 PM
To: Lyle Hutchens
Cc: Nancy Edwards
Subject: Timberhill Subdivision and Street Grading LDC Variations

Lyle,

Staff had a discussion today with respect to the Timberhill Subdivision request, and the variations to grading standards and street grade standards needed to construct 29th Street and Kings Blvd. After looking at the LDC and speaking with the City Engineer and City Attorney, it was determined that a Detailed Development Plan process will be necessary to vary from those standards, and to set the alignment of those streets and conduct grading activities for the construction of the streets and detention facilities that are outside of the public right-of-way. Staff have determined that an application could be made for a Conceptual and Detailed Development Plan, which would essentially fold the Major Modification to the Timberhill CDP into the new application for the DDP to go with the Subdivision.

With respect to fees for the land use cases for the Timberhill Subdivision and the Hub, they would be as follows:

Timberhill

Conceptual and Detailed Development Plan – \$8,328 plus \$50 per lot (x 10) = \$8,828.00

Subdivision Application - \$6,368.00

Timberhill Total - \$15,196 (minus \$1,000 deposit) = \$14,196.00

The Hub

Major Modification to the CDP - \$7,347

Detailed Development Plan - \$7,838

The Hub Total - \$15,185 (minus \$1,000 deposit) = \$14,185

The applicant should understand that the Conceptual and Detailed Development Plan application would/will constitute a new application, and assuming that they would wish to run that application concurrent with the rest of the considerations for the site, the 120 day clock would reset at the time of that submittal, and staff would make a determination on the Planning commission public hearing date at that time.

If you have any questions about this or need further information, please feel free to contact me.

sej

Sarah E. Johnson

Associate Planner

City of Corvallis

541-766-6574

Kings Boulevard Extension
Major PD Modification and Detailed Development
Plan
(PLD15-00003)

City Council
Public Hearing
January 4, 2016

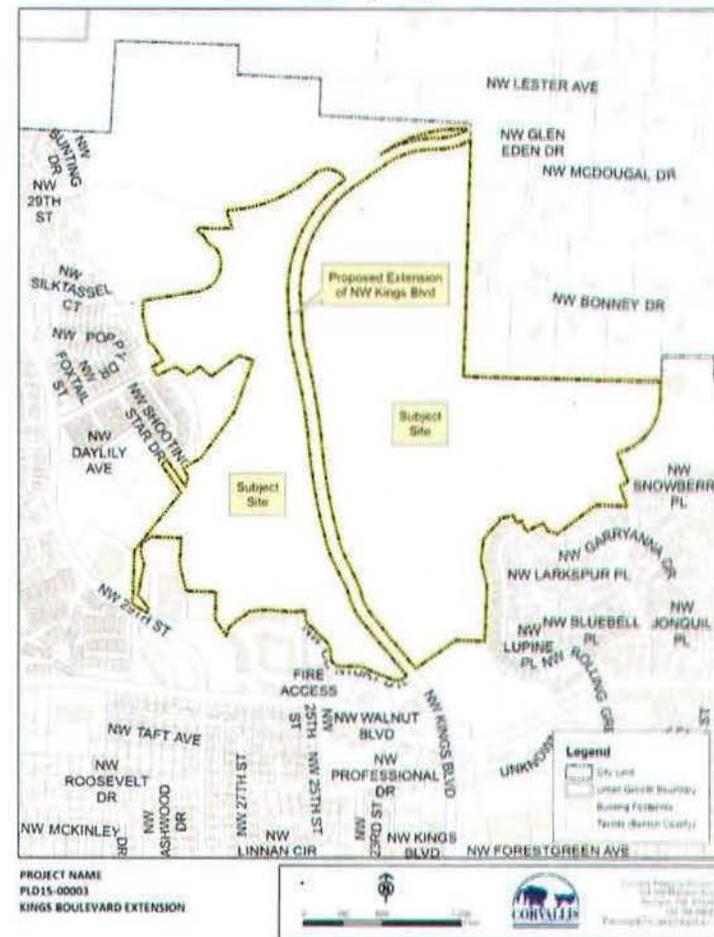
Request

- Approval of a Major Planned Development Modification to a Conceptual Development Plan, and a Detailed Development Plan with one variance. Approval would:
 - Establish location/design of NW Kings Blvd.
 - Establish location/design of associated storm water facilities
 - Grant variance to LDC 4.1 4.70.04.c.1 – Maximum Allowed Cut Depth and Fill Height
- Planning Commission voted to deny; appealed to City Council

Site and Vicinity

- ❑ 202.11 acres
- ❑ 9.32 acres dedicated to City for right of way in 2014
- ❑ Site contains locally protected wetlands, riparian corridors, significant vegetation, and slopes

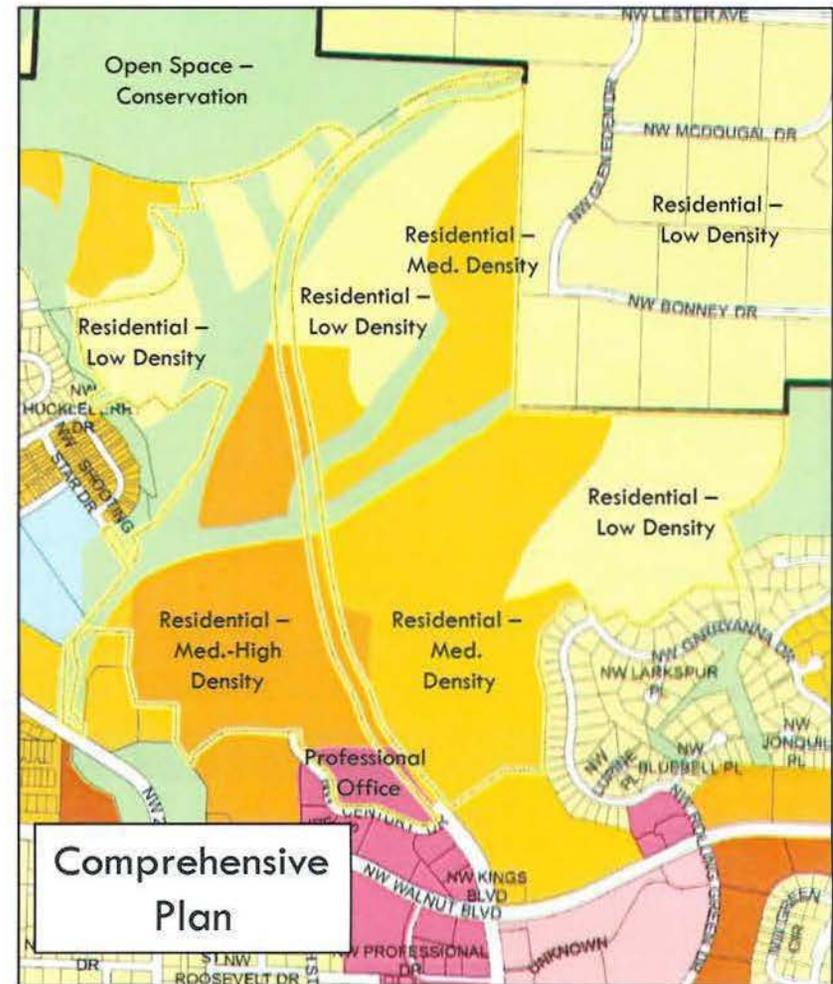
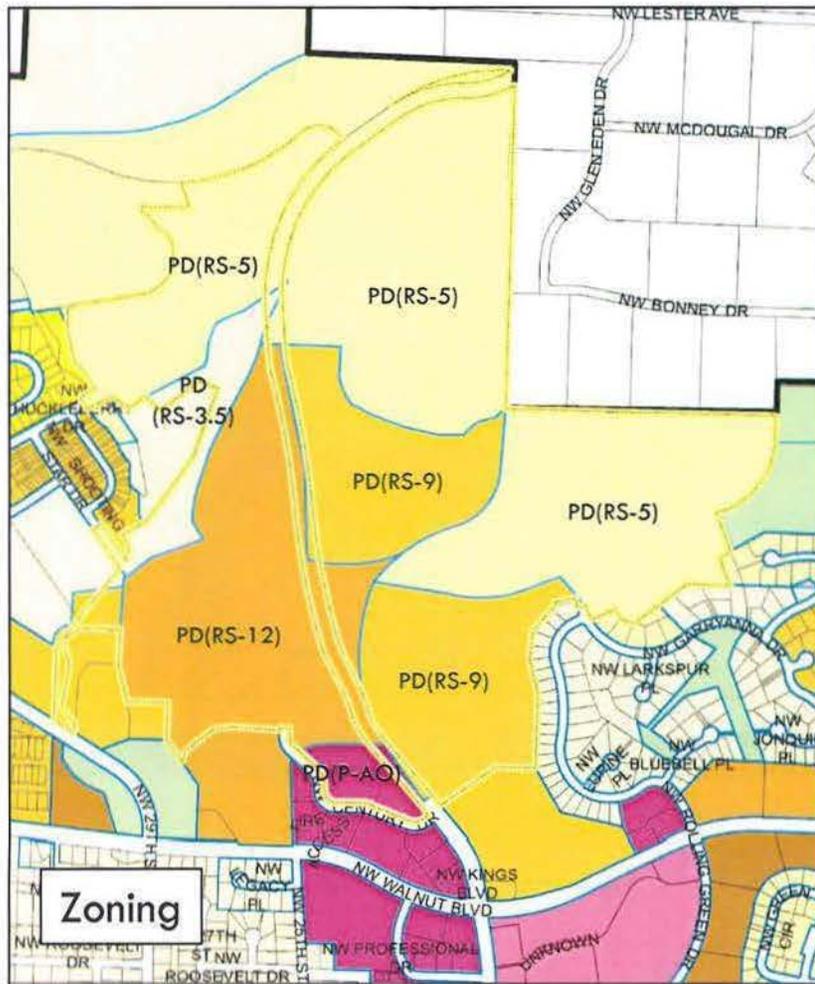
Vicinity Map



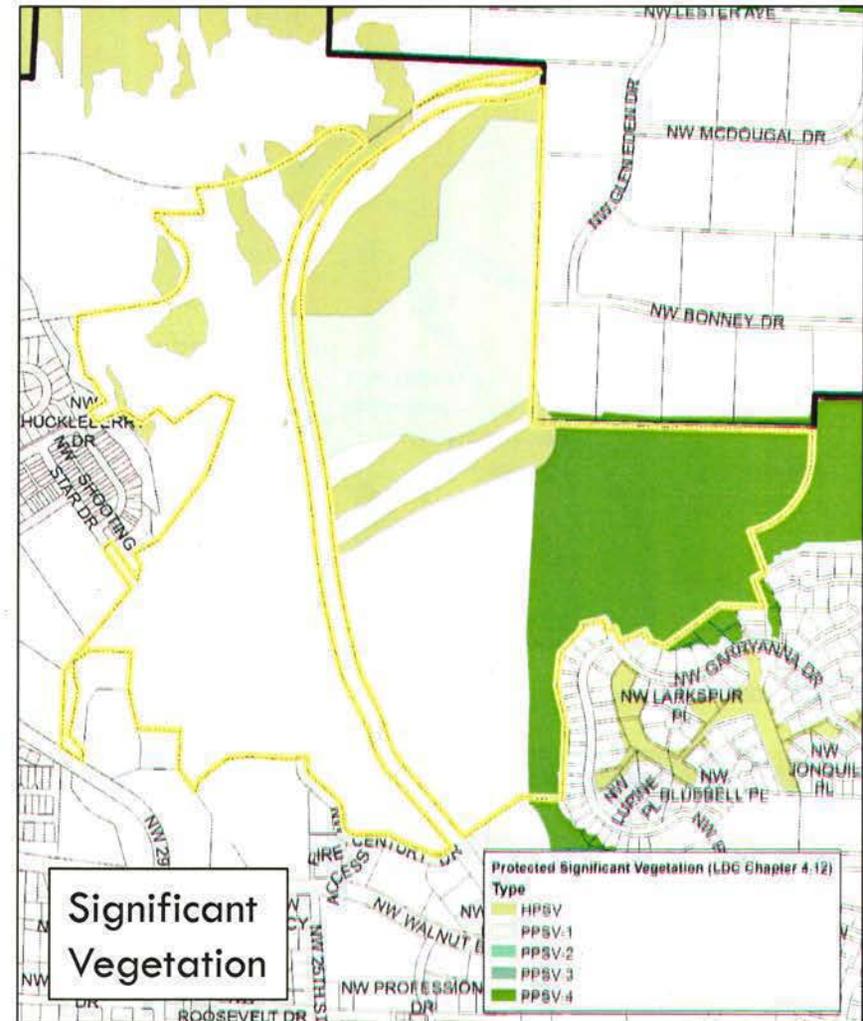
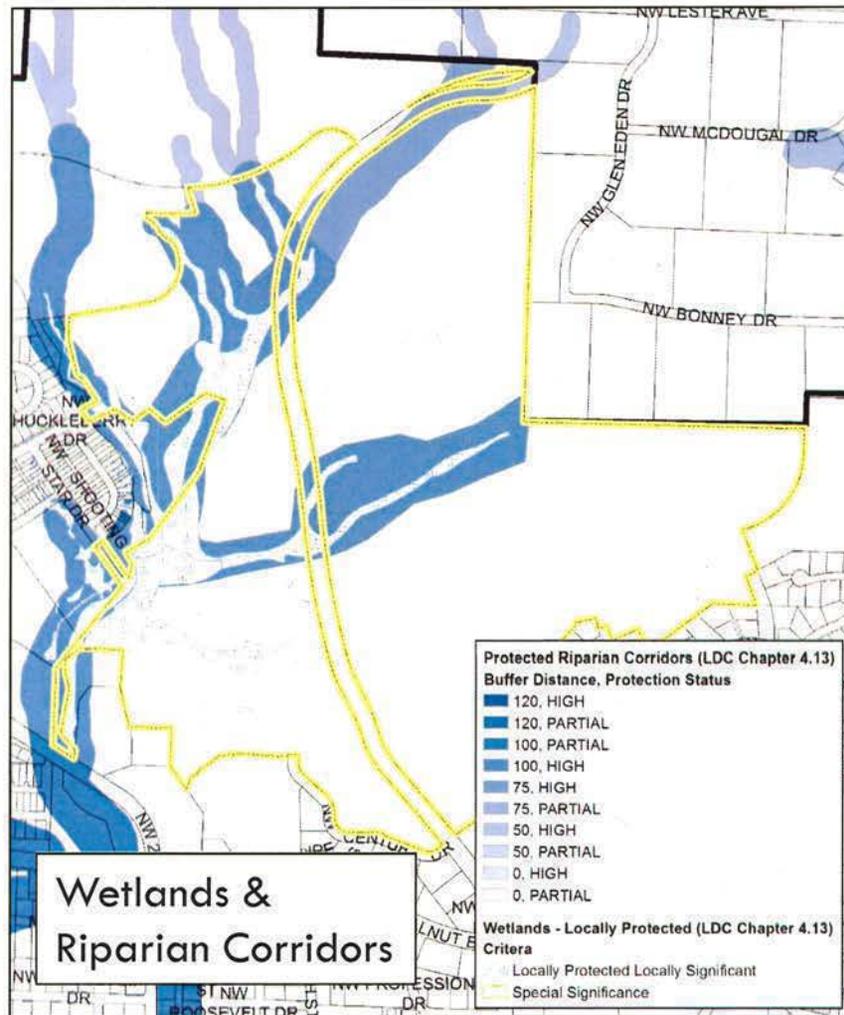
Site Context



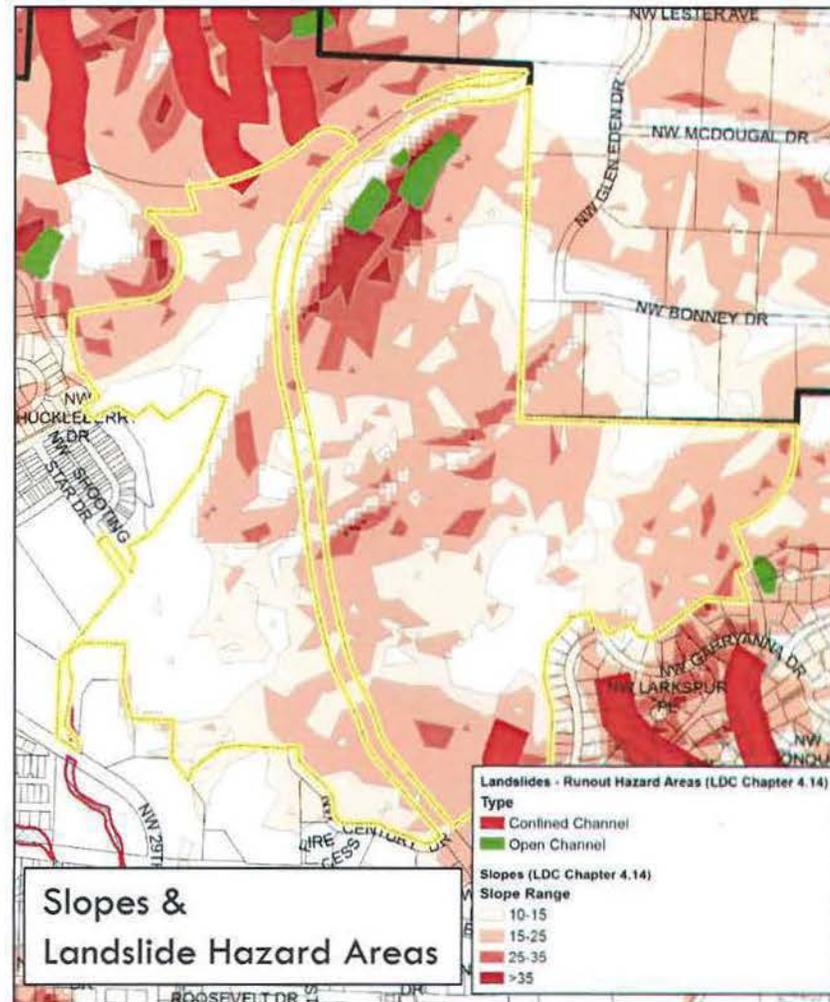
Land Use Designations



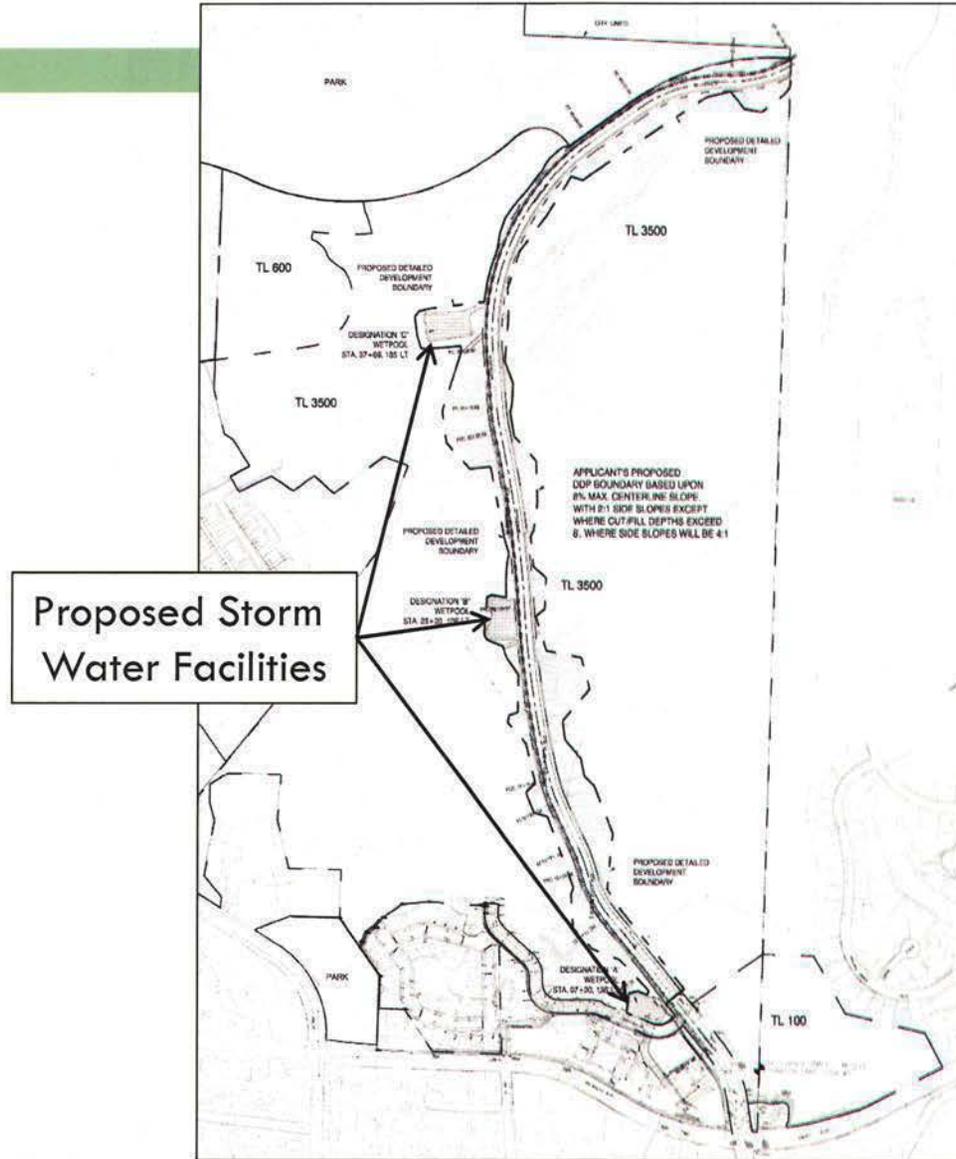
Natural Features



Natural Hazards

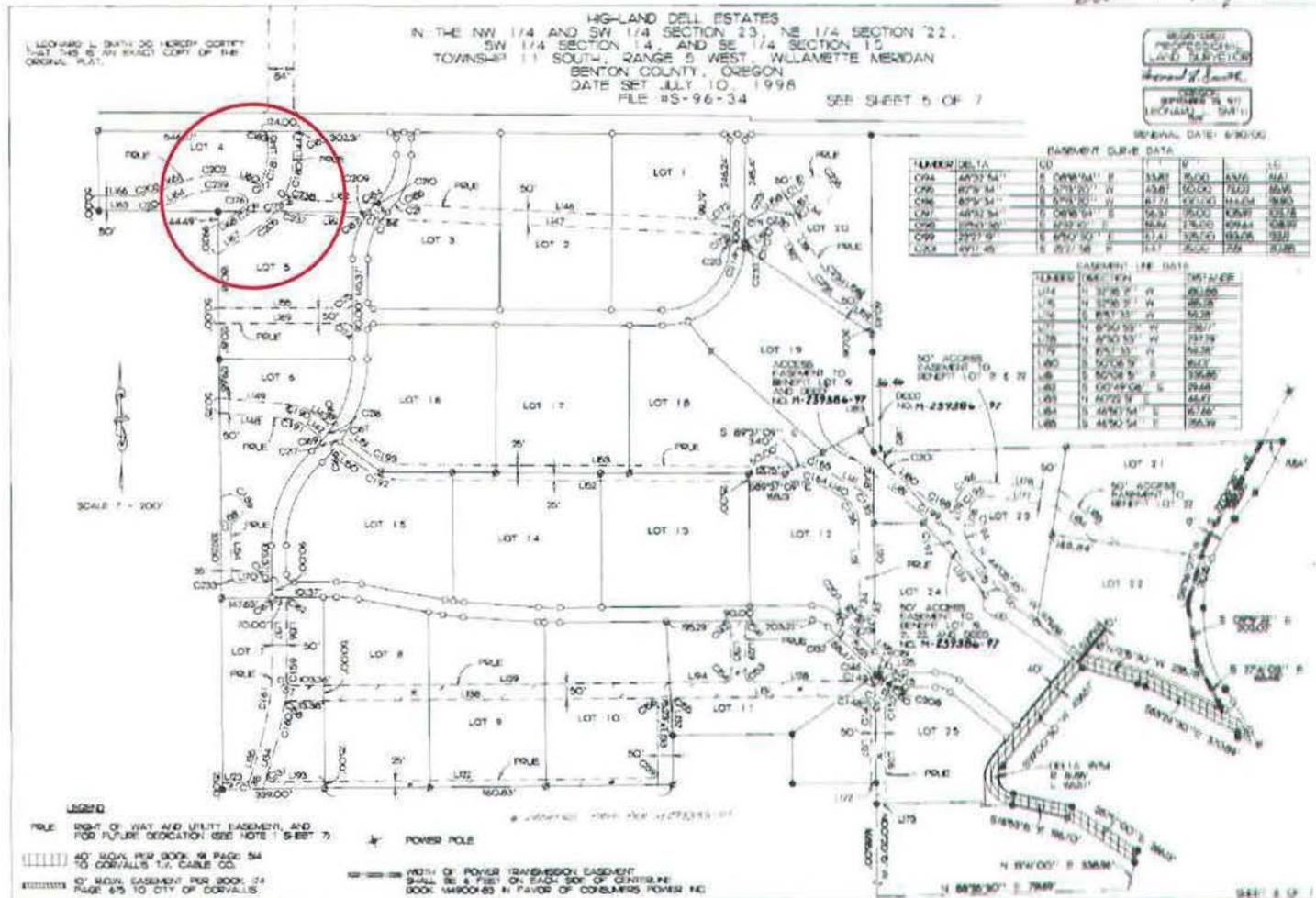


Extent of DDP



“PRUE” Easement Connecting to NW Lester Ave.

Book 9 Page 78



Proposed Cut and Fill $\geq 8'$



Kings Boulevard Extension

PLD15-00003

04 January 2016



Applicant's Handout

Excerpts from the Staff Report:

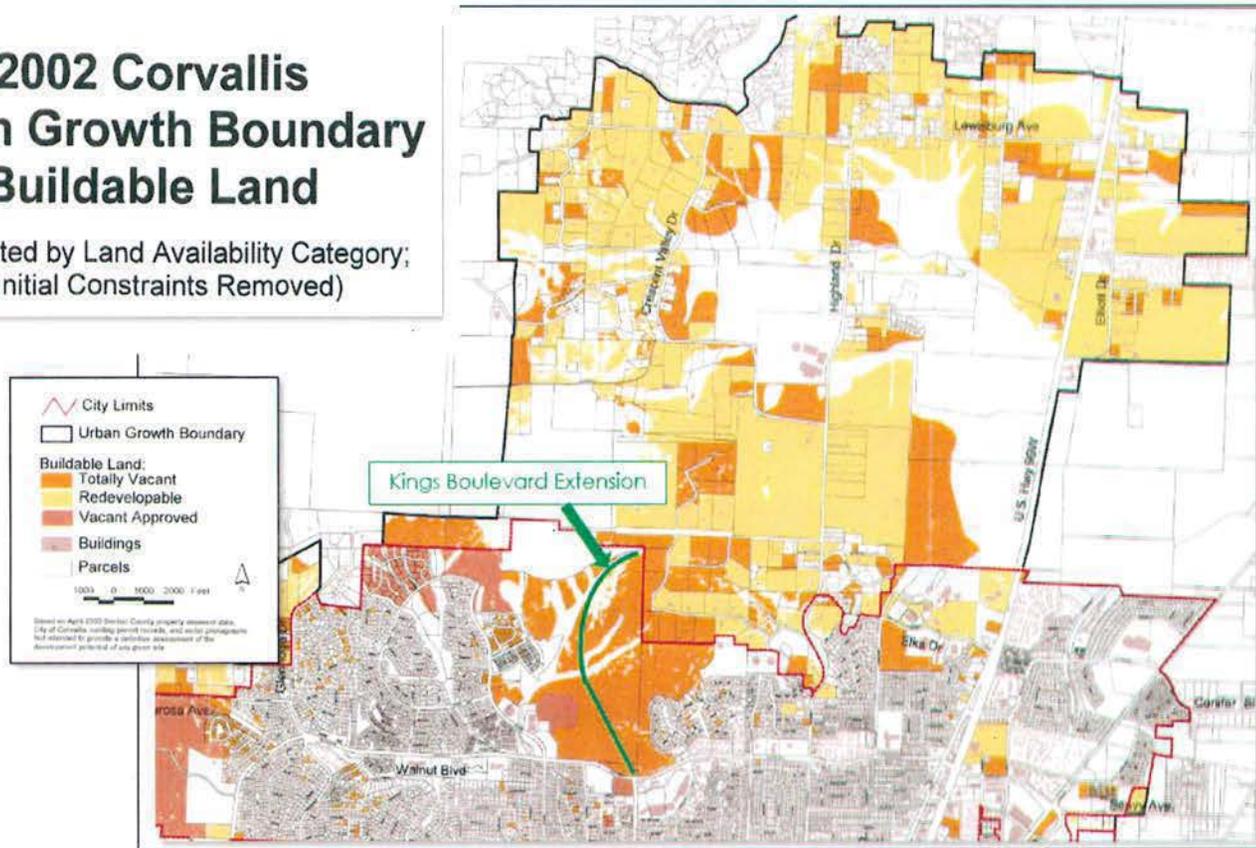
This Application does not include a request for any development aside from the roadway and associated storm water facilities.

The City Engineer has reviewed the proposed profile and acknowledges special circumstances presented by topographical conditions. The City Engineer further concludes that the safety and capacity of the street network would not be adversely affected by a maximum 8% longitudinal slope. With these considerations, the City Engineer has made an exception to allow the maximum 8% longitudinal slopes in accordance with LDC Section 4.0.60.k above. A variance to the slope standard is therefore not required.

As discussed later in the report, the City Engineer has deemed the proposed roadway and utility improvements necessary to maintain functional systems per LDC Sections 4.12.70 and 4.13.50.b.2

2002 Corvallis Urban Growth Boundary Buildable Land

(Depicted by Land Availability Category; Initial Constraints Removed)



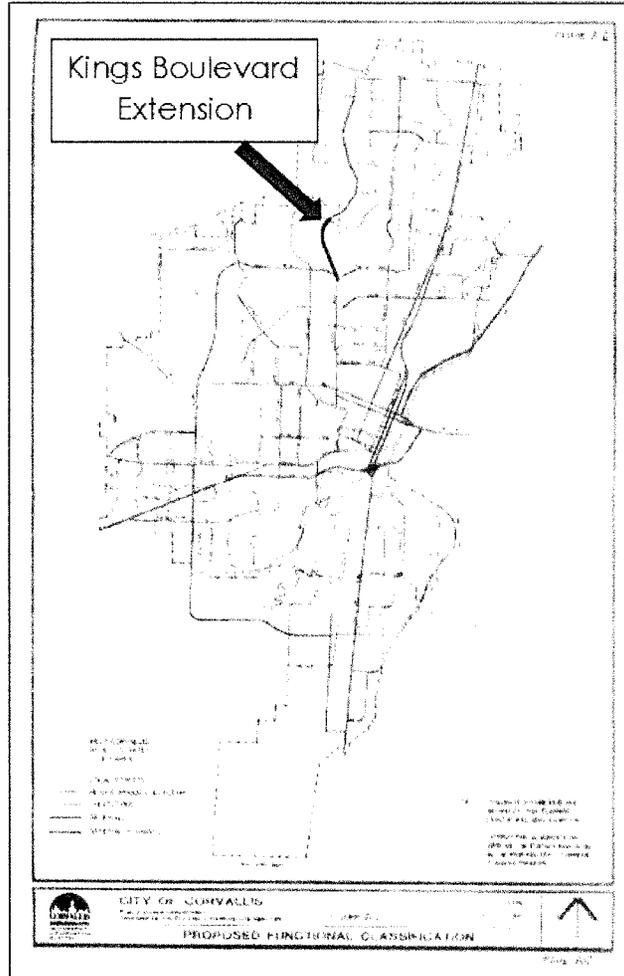
The need for the extension of Kings Boulevard has been reviewed and ratified by extensive public processes and documents which include in part –

1. 1996 City of Corvallis Transportation System Plan (TSP)

In calendar year 1995 and calendar year 1996 the Mayor and City Council held over 8 public workshops, plus a City Council public hearing, gathered significant citizen input, and in 1996 adopted the TSP. Section 3.4.20.a of the TSP includes the following statement.

“To serve the ultimate development of the north Corvallis area within the urban growth boundary, the following major roadway improvements may be needed:

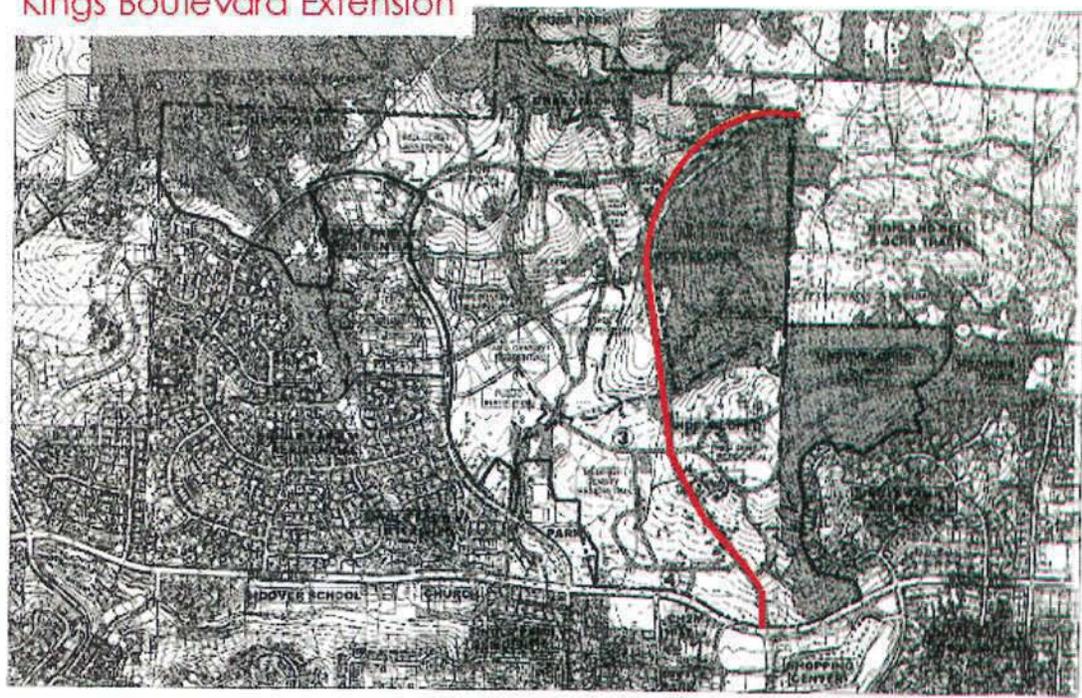
- *Extension of Kings Boulevard to Lewisburg Road*



2. **Timberhill Conceptual Development Plan (CDP), PLD00-00014**

In calendar year 2000 the Timberhill Conceptual Development Plan was approved, this Plan included Tax Lot 3500. The application for this Conceptual Development Plan was heard at both the Planning Commission and City Council hearings (as the Planning Commission decision was appealed). Significant public and neighborhood testimony and input was given at the hearings before these two civic bodies.

Kings Boulevard Extension



TIMBERHILL PROPOSED ROADS AND TRAILS FROM PLD00-00014

ATTACHMENT CDP

3. **North Corvallis Area Plan**
(CPA01-00004) (NCAP)

In calendar year 2002 the Corvallis City Council and the Benton County Board of Commissioners conducted a joint public hearing at which the North Corvallis Area Plan was adopted as a supporting document into the Comprehensive Plan of each entity. This adoption occurred as the result of over 6 public meetings and workshops held by the North Corvallis Citizens Advisory Committee, appointed by the City and County.

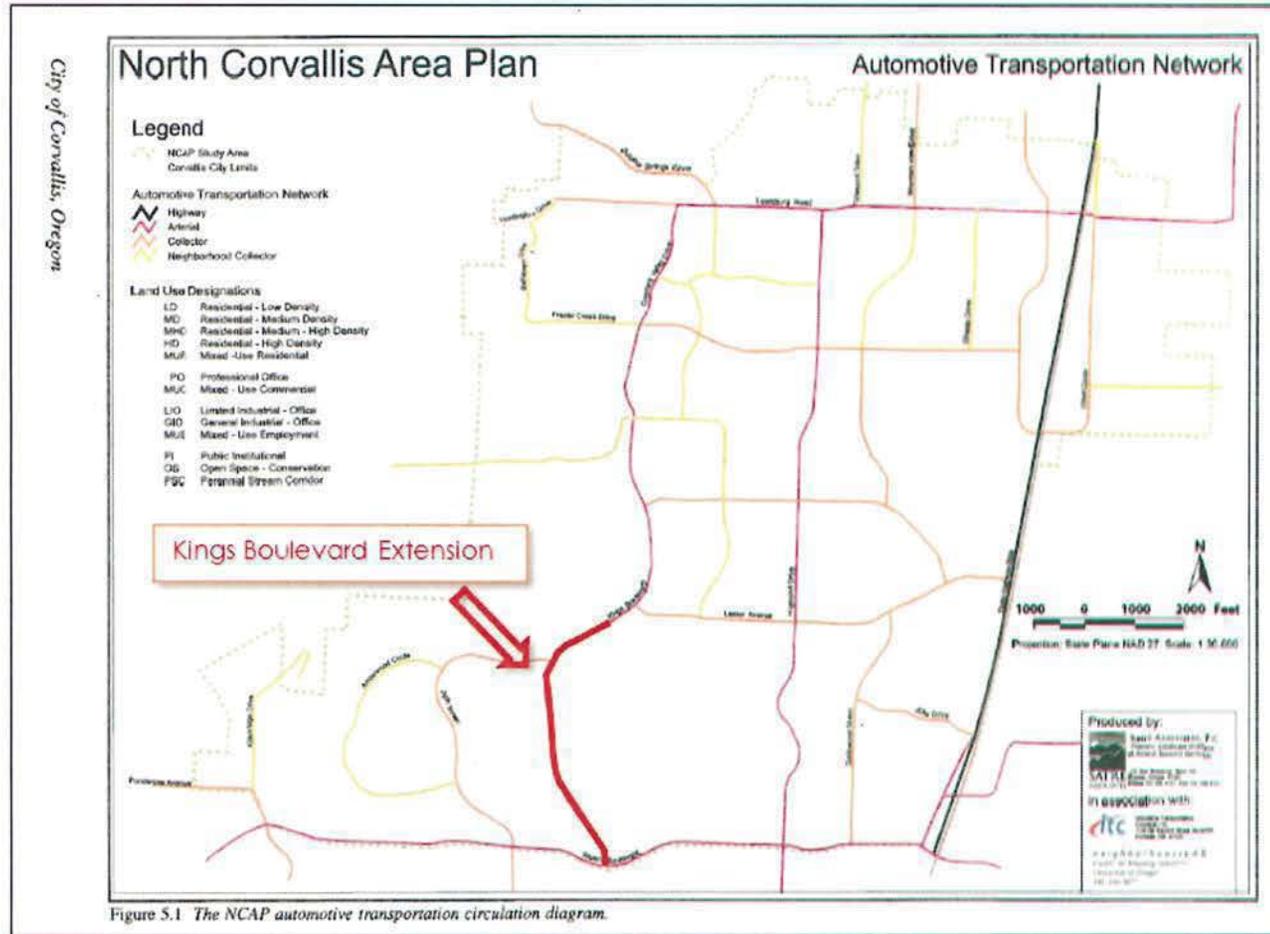
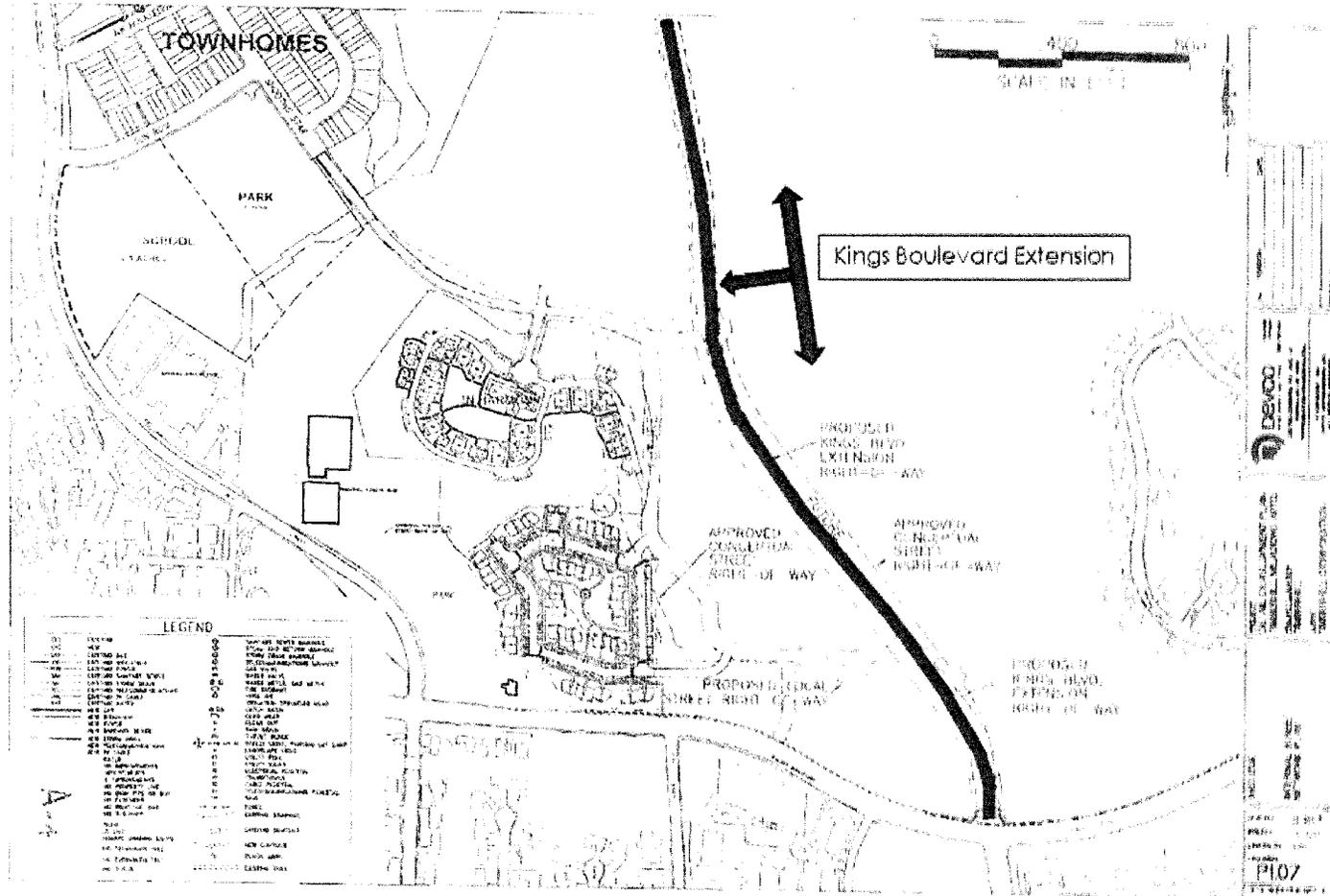


Figure 5.1 The NCAP automotive transportation circulation diagram.

4. **Timberhill Meadows Apartments/Kings Boulevard Extension**
(PLD02-00020, SUB02-00005)

In calendar year 2003 the first portion of the Kings Boulevard extension, through Tax Lot 3500, was approved by the Planning Commission. The Planning Commission received significant public and neighborhood testimony during the hearings before the Planning Commission.



5.

City of Corvallis

LAND DEVELOPMENT CODE

Adopted October 16, 2006
Effective December 31, 2006

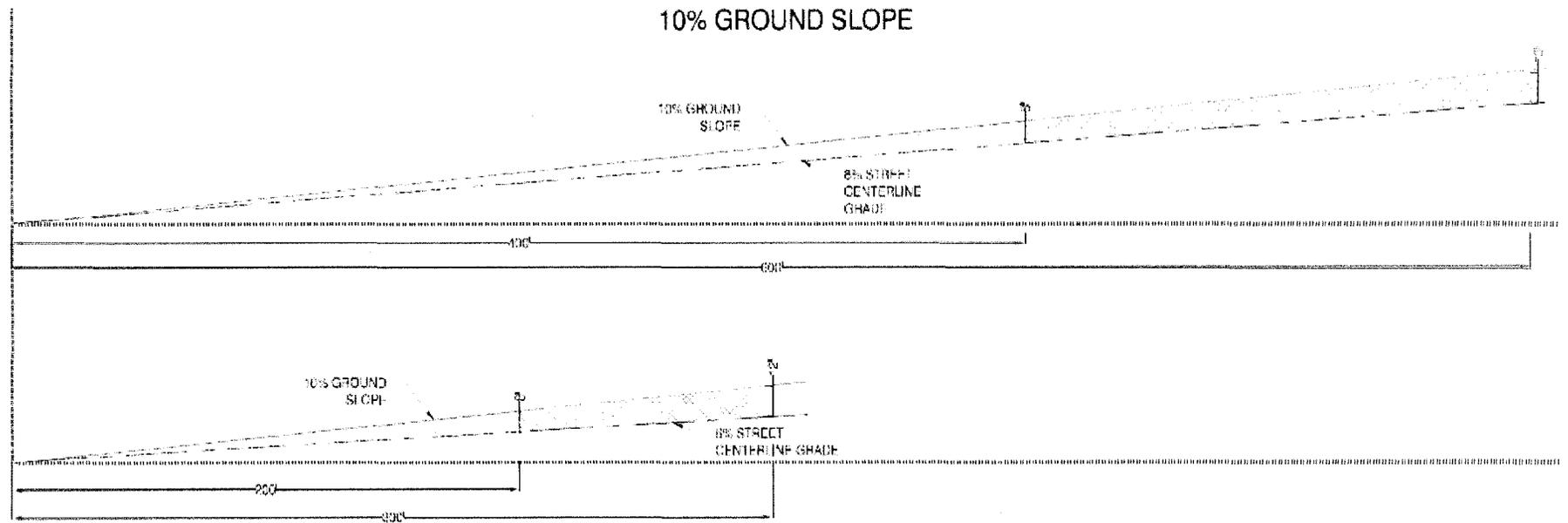
Amended through December 11, 2014

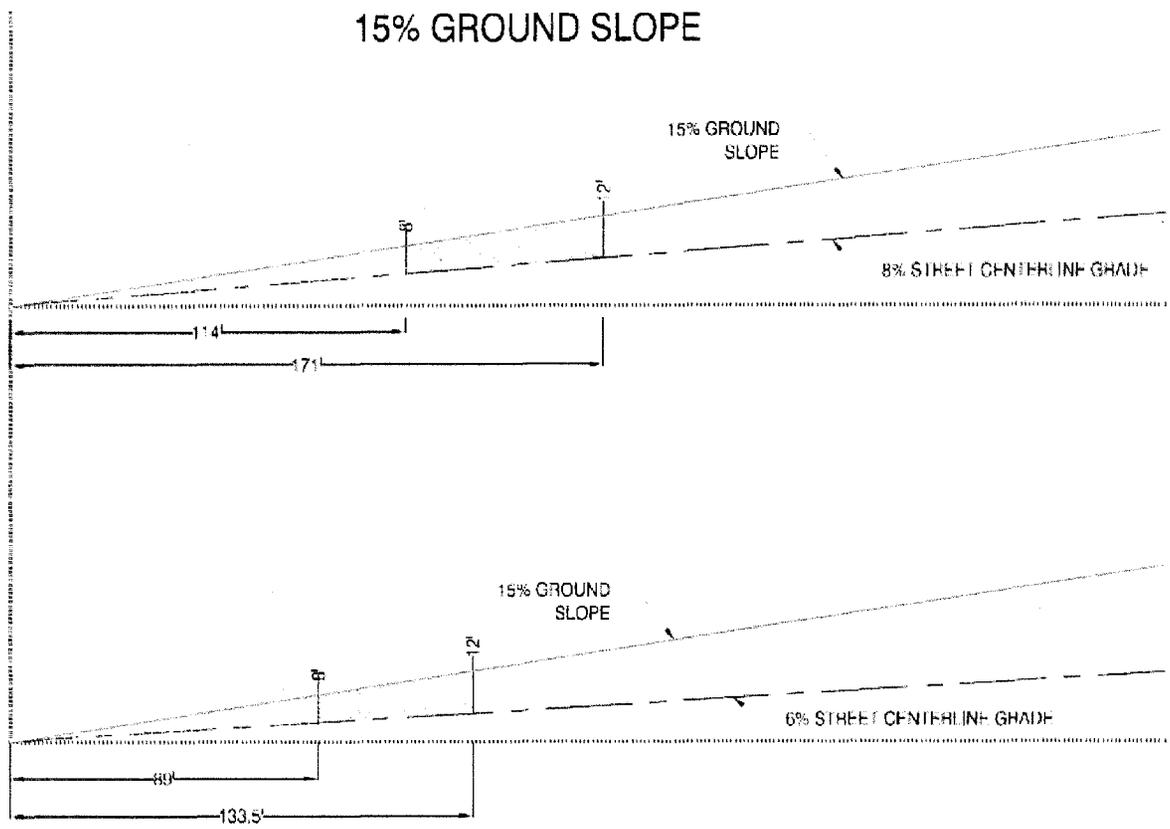
Fourteen (14) text amendments since adoption, all requiring public hearings

Section 4.0.60 – PUBLIC AND PRIVATE STREET REQUIREMENTS

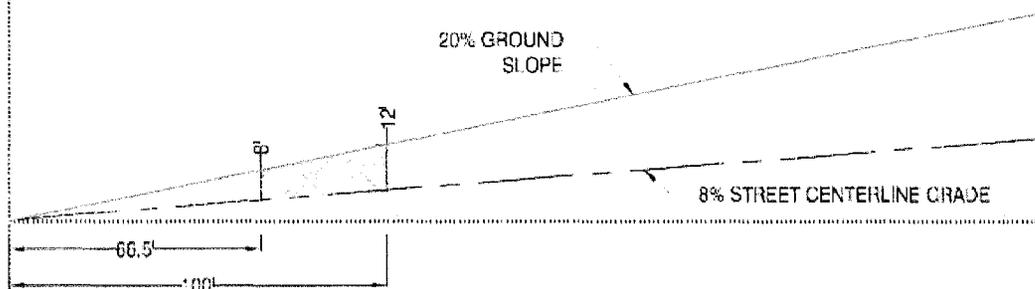
b. Location of new Arterial, Collector, and Neighborhood Collector Streets shall conform to the Corvallis Transportation Plan.

Cut Depth / Fill Height Variance Request

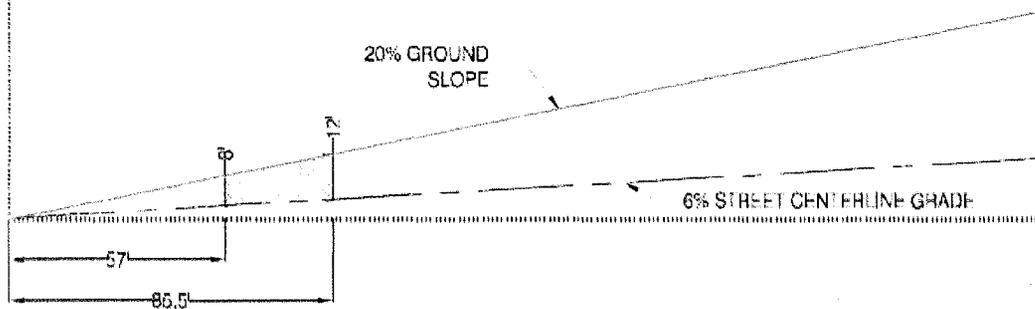


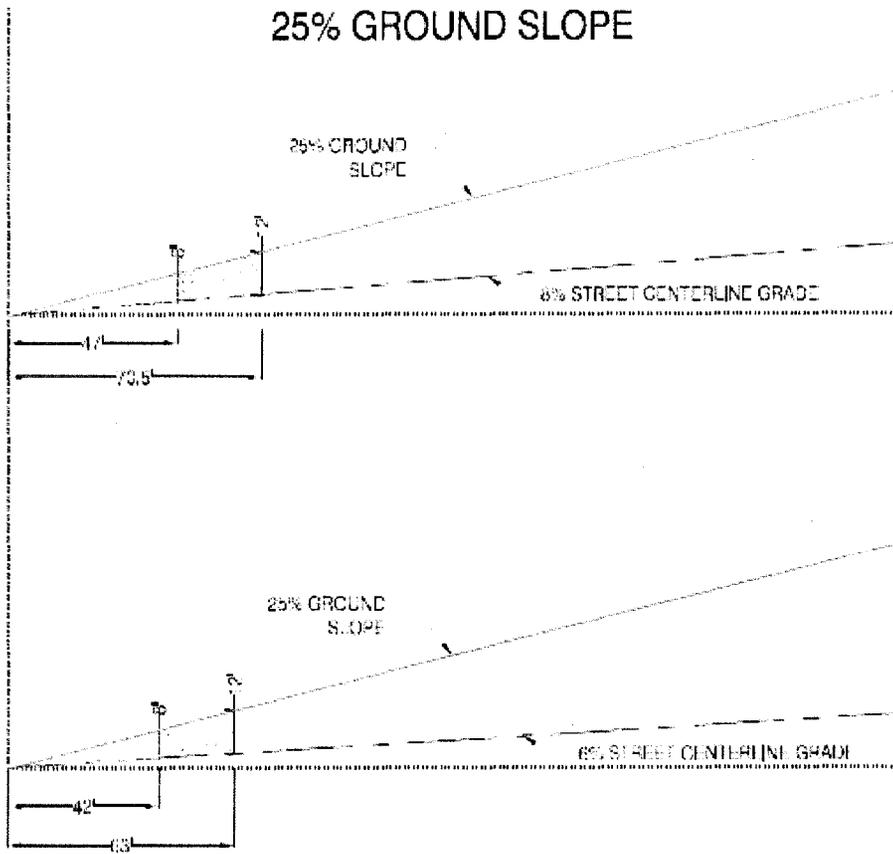


20% GROUND SLOPE



20% GROUND SLOPE





If Kings Boulevard is not to be extended
then what can be developed on
Timberhill Tax Lot 3500?

Background

1968 – Timberhill Master Plan

1968 – 2000 – Various revisions, plans, development approvals

2000 – Timberhill Conceptual Development Plan

- ▣ 2000 – Townhomes at Timberhill
- ▣ 2000 – The Park at Timberhill
- ▣ 2001 – Meadowridge at Timberhill
- ▣ 2002 – Timberhill Meadows Apartments
- ▣ 2006 – Natural Features and Current LDC

2013 – Stop work order

2014 – The Hub application; withdrawn April 2015

Background (cont.)

Extension of NW Kings Blvd through the subject site is shown as a future arterial roadway in:

- Corvallis Transportation Plan (1996)
- Timberhill Conceptual Development Plan (2000)
- North Corvallis Area Plan (2002)

Also described with the site's annexation (1977)

Detailed Development Plan and Major Modification to PD

No previous Detailed Development Plan

Exceeds two thresholds that require a Major Modification:

- ❑ Change involving Natural Features and/or Natural Hazards (LDC 2.5.60.02.a.1 4)
- ❑ New variance request constitutes a modification that increases the amount of variation that was previously approved (LDC 2.5.60.02.c)

Overall Conclusions

The proposed extension of Kings Boulevard is consistent with the City's Comprehensive Plan, the 1996 Transportation Plan, the 2002 North Corvallis Area Plan, and the Timberhill Conceptual Plan, which all find that an arterial roadway through the subject site is required in conjunction with urbanization of this portion of North Corvallis.

In accordance with LDC Sections 4.12.70 and 4.13.50.b.2, the City Engineer has deemed it necessary to impact natural features in order to construct this portion of the master planned facility through the subject site.

Alternatives analyses provided by the Applicant demonstrate that, on balance, the proposed roadway alignment and location of associated storm water facilities minimizes impacts to natural features to the greatest extent practicable.

Overall Conclusions (cont.)

The City Engineer stated that it is not possible to find a feasible alignment for NW Kings Boulevard through this site that would not exceed the LDC cut and fill standards due to the property's topography. Therefore, the City Engineer supports the requested variance from LDC Section 4.14.70.04.c.1 with conditions, in order to extend NW Kings Boulevard with the least impact to natural features.

Proposed conditions sufficiently mitigate concerns about meeting approval criteria, including transportation network connectivity and utility extensions through the site.

The current request is consistent with the Conditions of Approval associated with the Timberhill Conceptual Plan Modification (PLD00-00014; Order No. 2000-101)

Planning Commission Decision

Removed Condition 4

Denied 3-2

In breaking a tie vote and voting to deny the application, the Planning Commission Chair stated that she could not support the application without Condition 4

PC Findings

Finding #1: It is not sufficiently demonstrated that the proposed road alignment is necessary without associated traffic-generating development.

Appellant states this contradicts earlier decisions of the City Engineer; cites TH Conceptual Plan and 2014 ROW acceptance

“In whole” vs. “in part” review

PC Findings

Finding #2: There is insufficient information to determine whether the proposed road alignment best accommodates future site build-out while protecting natural features.

Appellant states this contradicts earlier decisions of the City Engineer

“In whole” vs. “in part” review

PC Findings

Finding #3: Without Condition 4, the application does not sufficiently ensure that adequate public and private services and facilities are provided through the site, consistent with adopted transportation and facility plans and LDC Chapter 4 regulation.

Appellant states that it is within the authority of decision makers to condition approval to ensure LDC compliance

Staff concurs with PC Chair that application is not supportable without Condition 4

Alleged Errors

Procedural mistakes

- ❑ *De novo* hearing renders any procedural issues moot

PD process utilizes discretionary review criteria, which is contrary to the State's needed housing statute (ORS 197.307)

- ❑ No housing is being proposed

Alignment has been unalterably set by previous decisions.

- ❑ ROW acceptance does not negate need for PD review

Staff Recommendation

Approval with recommended Conditions as described in the Staff Report to City Council



LWV Corvallis

PO Box 1679, Corvallis, OR 97339-1679
 541-753-6036 • <http://www.lwv.corvallis.or.us>

Date: January 4, 2016
 To: Mayor Traber and Members of the City Council
 From: Laura Lahm Evenson, President, League of Women Voters of Corvallis
 Re: Support of the Planning Commission Denial of KINGS BOULEVARD EXTENSION
 PLD15-00003

The League of Women Voters Community Planning Position supports:

1. Comprehensive Planning effectively implemented.
2. Protection through identification, regulation and/or preservation of areas of critical concern, such as rare and valuable ecosystems, wetlands, unique scenic and historic areas and significant wildlife habitat.
3. Regulation of natural hazard lands where development could endanger life and property, such as flood plains and areas of unstable geology.

Based on our positions, we cannot support the approval of the KINGS BOULEVARD EXTENSION (PLD15-00003). The application is incomplete. Effective implementation of the Comprehensive Plan requires that the Detailed Development Plan (DDP) is not just for the road but must include the adjoining properties. Without a DDP for all of tax lot 3500, it cannot be determined, among other things, what type of road will be needed to accommodate the traffic generated, if the alignment is appropriate, if the storm water run-off needs are met, or where the linkages to other roads will be. According to the definition of Detailed Development Plan (Section 1.6.30 of the Land Development Code) "...*This type of land development project is comprehensively planned as an entity via a unified site plan and must be based on a previously or concurrently approved Conceptual Development Plan...*" This proposal for only the street and storm water facilities is just a segment of the approved Conceptual Plan.

Another reason to deny this application is because the classification of the proposed street is an arterial. It will seriously encroach on areas of critical concern, i.e. 76,490 square feet of highly protected and partially significant vegetation, and 307,619 square feet of highly and locally protected wetlands (pgs. 36 & 37 of the November 18th Staff Report).

Therefore, the application is inconsistent with Comp Plan Policy 4.6.2, "**Development on hillsides shall not endanger life and property nor land and aquatic resources determined to be environmentally significant**"

The appellant justifies building this arterial because it is indicated on the 1996 Transportation Plan and the North Corvallis Area Plan. Though a street through the area may be needed, we do not know what type of street will be appropriate. Conditions are much different than they were in 1996, and the City's Natural Features Inventory was not in place until 2006. Moreover, there are no development plans submitted for the surrounding areas. Perhaps a less invasive classification of roadway will be appropriate for eventual development.

Finally, detailed mapping of the largest crustal fault in Oregon has been done by OSU Professor Chris Goldfinger. There is evidence that this fault may be located where this development is proposed. According to Goldfinger, there have been no studies to indicate whether this fault is active or to what degree.

The League urges you to support the Planning Commission's opposition to this piecemeal development proposal.

CURTIS WRIGHT
3325 NW POPPY DRIVE, CORVALLIS, OR 97330

January 3, 2016

Mayor and City Council
City of Corvallis
501 SW Madison Ave.
Corvallis, OR 97330

RE: Appeal of Planning Commission denial of PLD15-00003

Mr. Mayor and Councilors:

It was 1996. Fast Company magazine proclaimed Netscape Navigator the winner of the browser wars. Fortune said no one, not even Yahoo, can catch AltaVista in online search. Time Magazine declared Apple has no future. Tech guru Bob Metcalfe insisted the Internet will catastrophically collapse this year.

It's now 2016. Things look a lot different 20 years on. Aren't you glad you didn't bet your money, and stake your future well-being on those projections of two decades ago?

It was 1996 when Corvallis' Transportation Plan was done. It projected we'd be a city of 60,000 by the year 2010. That the Crescent Valley area was destined to be wall-to-wall housing, and that, in large part, is why we needed to extend Kings Boulevard up and over and through the Timberhill Natural Open Area.

It's now 2016. Things look a lot different 20 years on. Our city isn't growing at anywhere the kind of pace projected back then. And housing in the Crescent Valley area has grown in a whole different direction, with far fewer homes, on far, far larger lots. So why are we betting our tax dollars and staking the future well-being of a significant part of Corvallis on those projections of two decades ago?

The staff report says the proposed extension of Kings Boulevard is an important connection to a complete system. But it goes nowhere. It connects to nothing. The staff report says no traffic impact studies or other community impact studies are needed because this road generates no new trips. Then why do we need this road now? Somewhere in Corvallis there is surely a bright, young child reading this circular writing and saying, "It's just like the Emperor has no clothes."

The staff report says the city engineer says this routing of the Kings Boulevard extension is the best route possible. That it's not a problem that the road will be built on unstable ground, over numerous streams, on a steep hillside, across known earthquake faults. Not to disrespect our city engineer, but I'm sure another engineer said much the same thing in support of the Highway 20 rerouting that is costing we taxpayers hundreds of millions of dollars in rebuild costs. Who's to say our well-intentioned city engineer isn't wrong, as was the well-intentioned Highway 20 engineer? But if our city engineer is wrong, we do know who will pay for it: the taxpayers of Corvallis. Why are we in such an all-fired rush to put ourselves at such risk?

The only way this extension of Kings Boulevard can be allowed is with variances to code, exceptions to rules, and waivers of applicable laws. As one of our Planning Commissioners noted in denying this application, what's the point of having a land development code if we keep granting variances to it?

If you do nothing else between now and the night of your deliberations, I respectfully request you do two things: First, please thoroughly read and thoughtfully consider the oral and written testimony of all the citizens of Corvallis, and especially that from Vanessa Blackstone. Second, please go up to the site, and walk the proposed route. You'll find it's clearly marked by stakes

and red flags. (How that happened with a "Stop Work Order" in place is another matter.) When you do these two things, I'm confident you'll come to the right conclusion for Corvallis.

One of the best idioms for getting things done right is "Don't put the cart before the horse."

In this particular instance, it is even more appropriate to say "Don't put the road before the cart before the horse."

Deny the appeal.

Sincerely,

A handwritten signature in black ink, appearing to be "Curtis Wright", with a long horizontal line extending to the right.

Curtis Wright

RE: Kings Boulevard Extension (PLD15-00003)

Bruce Encke

Corvallis, Oregon

Good Evening,

My name is Bruce Encke and I am a member of the Executive Committee of Marys Peak Group, the local Corvallis area group of the Sierra Club. I am here to respectfully advise the Corvallis City Council that Marys Peak Group is opposed to the Kings Boulevard Extension. Our top concerns are as follow:

- This plan does not consider alternatives to minimize the impact to wildlife, open space, recreation and drainage ways in accordance with the Corvallis Comprehensive Plan (CP 4.10.9), the Timberhill Conceptual Plan and the Corvallis 2020 Vision Statement. Also it does not consider the full site in the placement of roadway options to minimize or avoid natural features, wetlands, and riparian corridors as required in the Land Development Code (LDC sections 4.12 and 4.13).
- Also there is concern that land and aquatic resources will be endangered including the unknown impact to Dixon Creek regarding increased erosion and non-point pollution (creating more issues with flooding the flats of Corvallis). (CP 4.2.2)
- The Plan also calls for the disruption of existing riparian areas due to heavy construction including storm water retention basins being built inside riparian areas (LDC section 4.13).
- Lastly included in the Plan is the excessive removal of Oregon White Oaks and the negative impact this will cause to the overall ecosystem in North Corvallis (letter from Lyle Hutchins to Rian Amiton dated 9/28/2015).

Thank you on behalf of Marys Peak Group for the opportunity to express our top concerns and opposition to the proposed Kings Boulevard Extension.

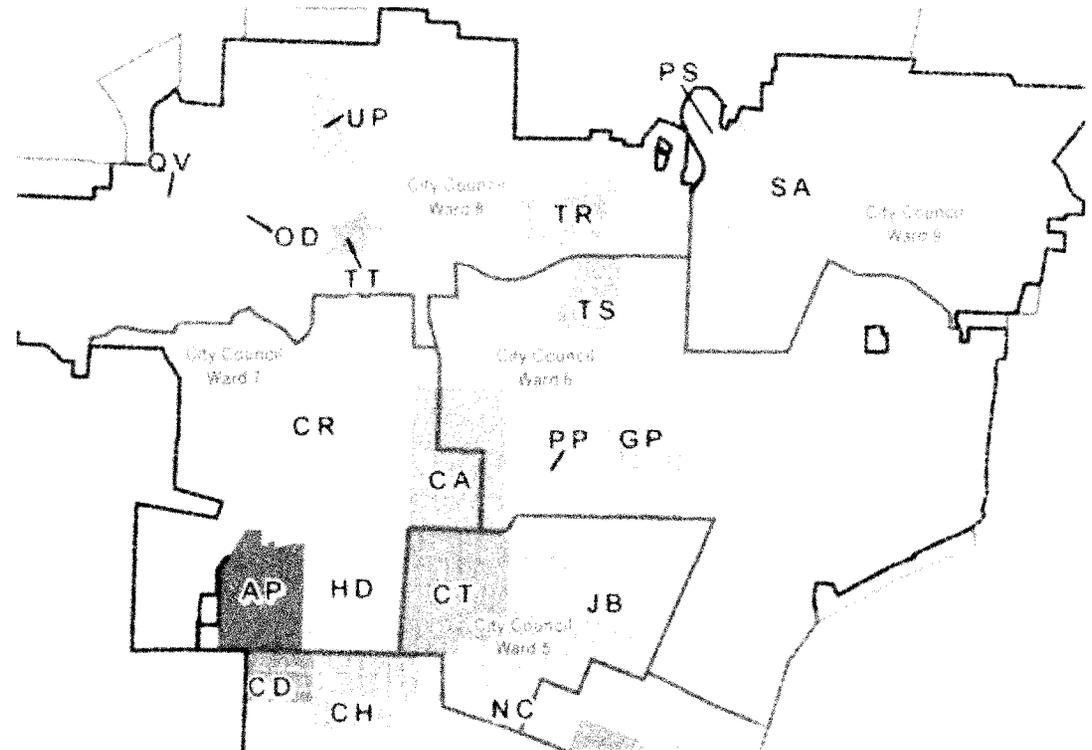
Bruce Encke

Vanessa Blackstone

- Nearly 5 years as a wildlife biologist planning state parks in Oregon
- 3 years as a biological consultant on a 118-mile transmission line, assessing oak habitat and minimizing impacts
- 2 years consulting with housing developers regarding sensitive species on their properties.

TRNA

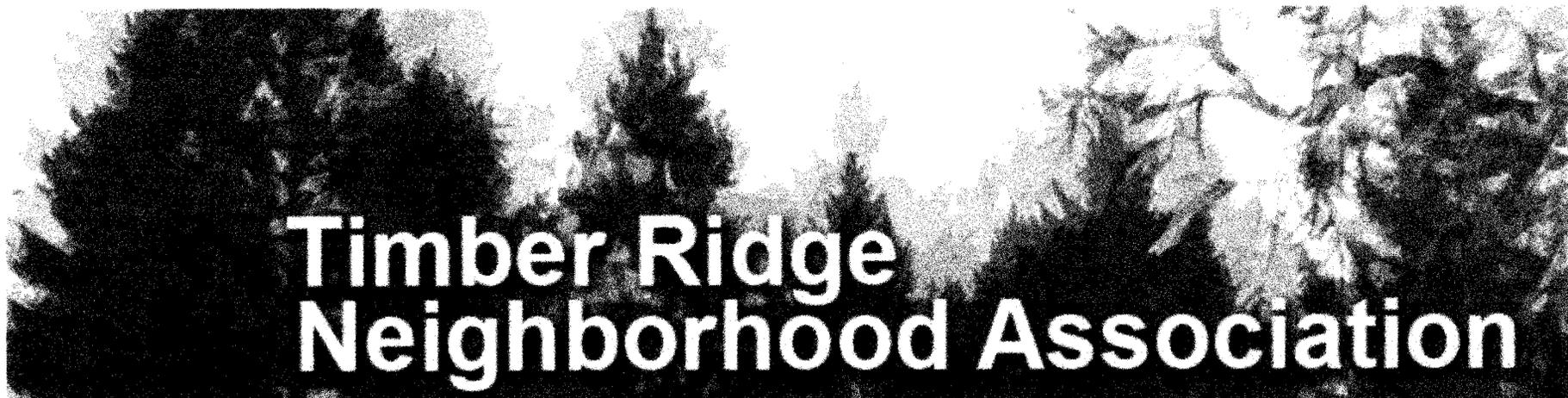
- Timber Ridge Neighborhood Association
 - 142 homes in North Corvallis adjacent to subject property



OPPOSED to Kings Extension

Plan Comprehensive Neighborhoods...

... not roads to nowhere



Opposed to Kings Extension

- Incomplete plan
- Alignment does not comply with at least 6 City of Corvallis plans
- Degrades Dixon Creek
- Obliterates riparian corridors and wetlands
- Road is dangerous
- Burden to taxpayers

Plan fails to meet Criteria

- Despite City staff's assurances, appellant's plan does not comply with either Transportation Plan or North Corvallis Area Plan
- With no justified need, why do taxpayers have to fund this road and the maintenance for it?
- Cart before the horse, planning hasn't been done this way for decades. Archaic planning design builds a road before need is known

Plan fails to meet Criteria

- The Plan is incomplete (LDC 2.5.2) and does not meet criteria for approval (LDC 2.5.40.04.2, 2.5.40.04.4, 2.5.40.04.9, 2.5.40.04.14)
- Kings Extension does not comply with existing plans (CP 4.2.2, 4.6.2, 4.7.1, 4.10.9, 11.2.1, 13.13.21, 13.13.32; NCAP 1.4, 5.1.0, 5.1.2, 7.1.1, 7.4; LDC 2.5.2, 4.11.50, 4.12.70, 4.13.50.b, 4.14.50.6b, 4.14.50.2, 4.14.70)
- Impacts to natural features are not justified and do not meet criteria for approval (LDC 4.0.130.b.1, LDC 4.11.50.04.a, 4.11.50.04.b, 4.12.70 and 4.13.50.b.2, 4.14.70)
- The road is dangerous - hazards have not been adequately addressed (LDC 4.14.50.2 and 4.14.50.06.b)

Failure to Comply

- Vision Statement 2020 (1998)
- Comprehensive Plan (2002)
- North Corvallis Area Plan (2003)
- City of Corvallis Salmon Response Plan (2004)
- Corvallis Area Metropolitan Transportation Plan (2012)
- City of Corvallis Healthy Streets, Healthy Streams (2012)
- Oregon Statewide Transportation Strategy (2014)
- Land Development Code (2015)

Corvallis Vision

- We value the beauty of our surroundings: the hills, valleys, forests, streams, rivers, and clean air.
- We value living in a city that is in harmony with these natural beauties, and seek to build for the future with this in mind.
- Careful design ensures that development minimizes impacts on plant communities, wildlife habitat, and scenic areas, as well as enhances the sense of place and community character.

Fails to meet the CP

- Does not mitigate or reclaim any natural features that are lost (CP 4.2.2)
- Endangers land and aquatic resources determined to be environmentally significant (CP 4.6.2)
- Removes trees from the hill without determining where tree preservation will occur; trail corridor has no commitments (CP 4.6.15)
- Selects an alignment within a single property, does not consider region-wide alternatives to minimize impacts to wildlife, open space, recreation, and drainage ways (CP 4.10.9 and CP 13.13.21)

Fails to meet the CP

- Does not adequately address the following:
 - Risk to the environment of a specific design, such as impacts resulting from construction/installation, and impacts from operational situations (infiltration, inflow, line surcharge, or pump failure).
 - Impacts on developable land including ultimate cost of residential and commercial projects and timely availability of developable land.
 - Opportunities for co-location of public facilities. An analysis of the costs/benefits associated with a facility's design, addressing elements such as installation, operation, resource mitigation, need for redundancy

(CP 13.13.32)

NCAP

- Most recent plan should be guiding document – North Corvallis Area Plan (NCAP)
- Section 5.4: proposes the extension of Kings to Crescent Valley Dr. as an approximate alignment and no larger than a two-lane road
- Kings extension is singularly called out as requiring "special consideration"

NCAP and Kings

- ...provid[ing] essential public services are a long-term implementation strategy, beginning in 2020 (NCAP 7.2.2)
- Earlier implementation may occur should the *community* choose to do so (NCAP 7.1.1)
 - Community is obviously NOT choosing to do so

Fails to comply with LDC

- Appellant repeatedly states that much of the LDC is “not applicable” because there is no associated development
- LDC was not designed to address such an anomalous development attempt
- We disagree that the Code is “not applicable”
- Kings requires a variance and waivers, by definition that means it doesn't meet LDC

Plan fails to meet LDC

- Two avenues for building in natural features
 - Intended to allow site specific flexibility
- Encroachments (into protected natural resources and natural hazards) shall be allowed only to the minimum extent necessary to achieve the Minimum Assured Development Area” (LDC 4.11.50.04.a)
 - *No other development plans, no way to assess MADA*
- “all unconstrained lands shall be used before encroachments occur” (LDC 4.11.50.04.b)

Alternatives Weak

- All alternatives are within this single property
 - Does not consider impact-minimizing routes outside the property
 - Incomplete assessment
 - Hits every wetland on the north part of the property
- That is not achieving the least impacts to natural features

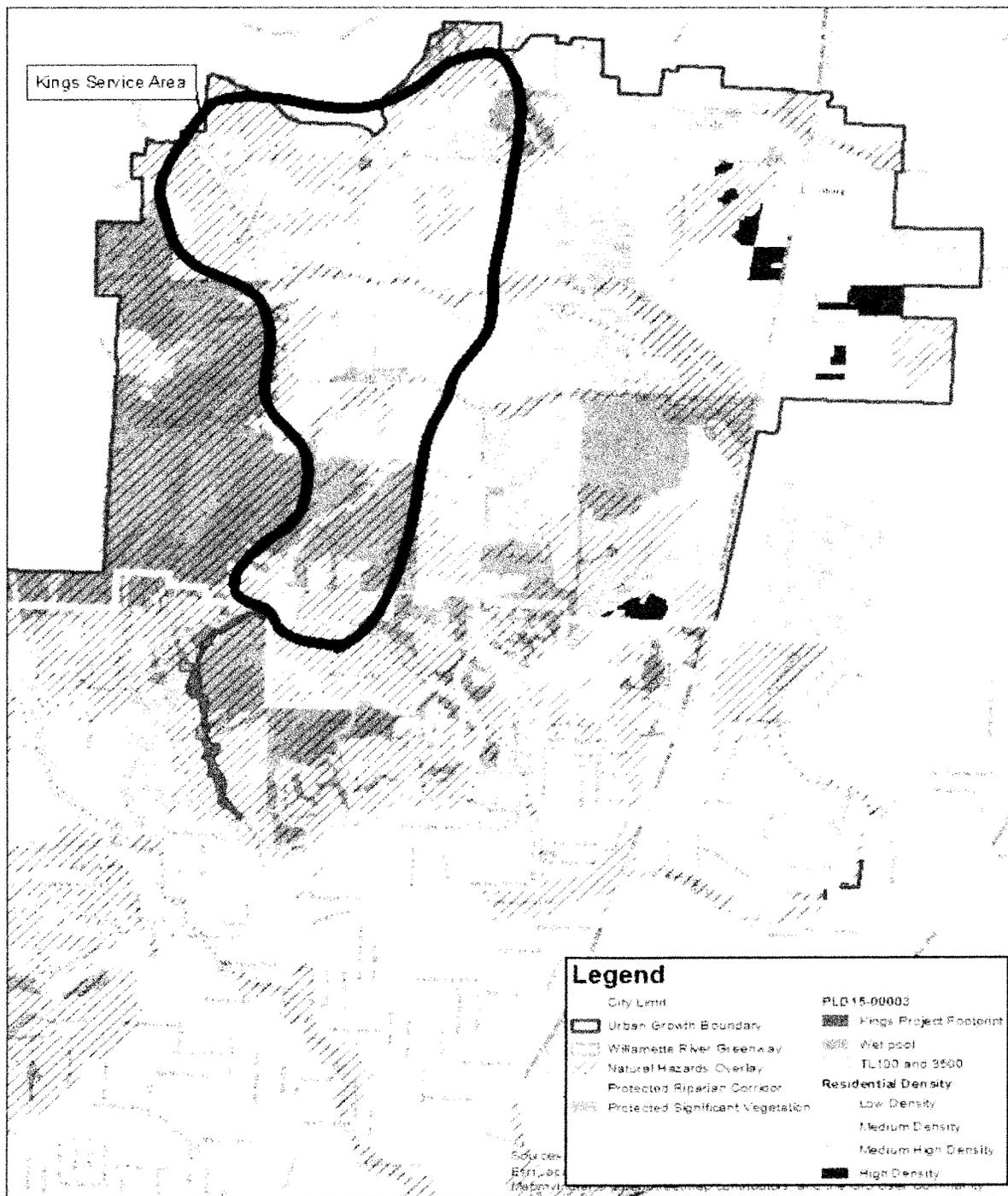
“Functional System”

- LDC 4.14.70 allows encroachments if deemed necessary for a functional system
 - Functional for what? 2083?
 - Arbitrary
- Without planning on the rest of the property the encroachments into protected vegetation and riparian areas cannot be approved.
 - *Plan the property, don't piecemeal it.*

Road not justified

- Capital project:
 - Do we need it?
 - How big should it be?
 - Best location?

- Development in Urban Fringe has not manifested as NCAP expected
 - Development density not matching predicted zoning, will not reach 3.2 dwelling/acre
 - Total 14,000 dwellings



Kings Service Area

Legend

City Limit	PLD 15-00003
Urban Growth Boundary	Kings Project Footprint
Willamette River Greenway	Wet pool
Natural Hazards Overlay	TL100 and 3500
Protected Riparian Corridor	Residential Density
Protected Significant Vegetation	Low Density
	Medium Density
	Medium High Density
	High Density

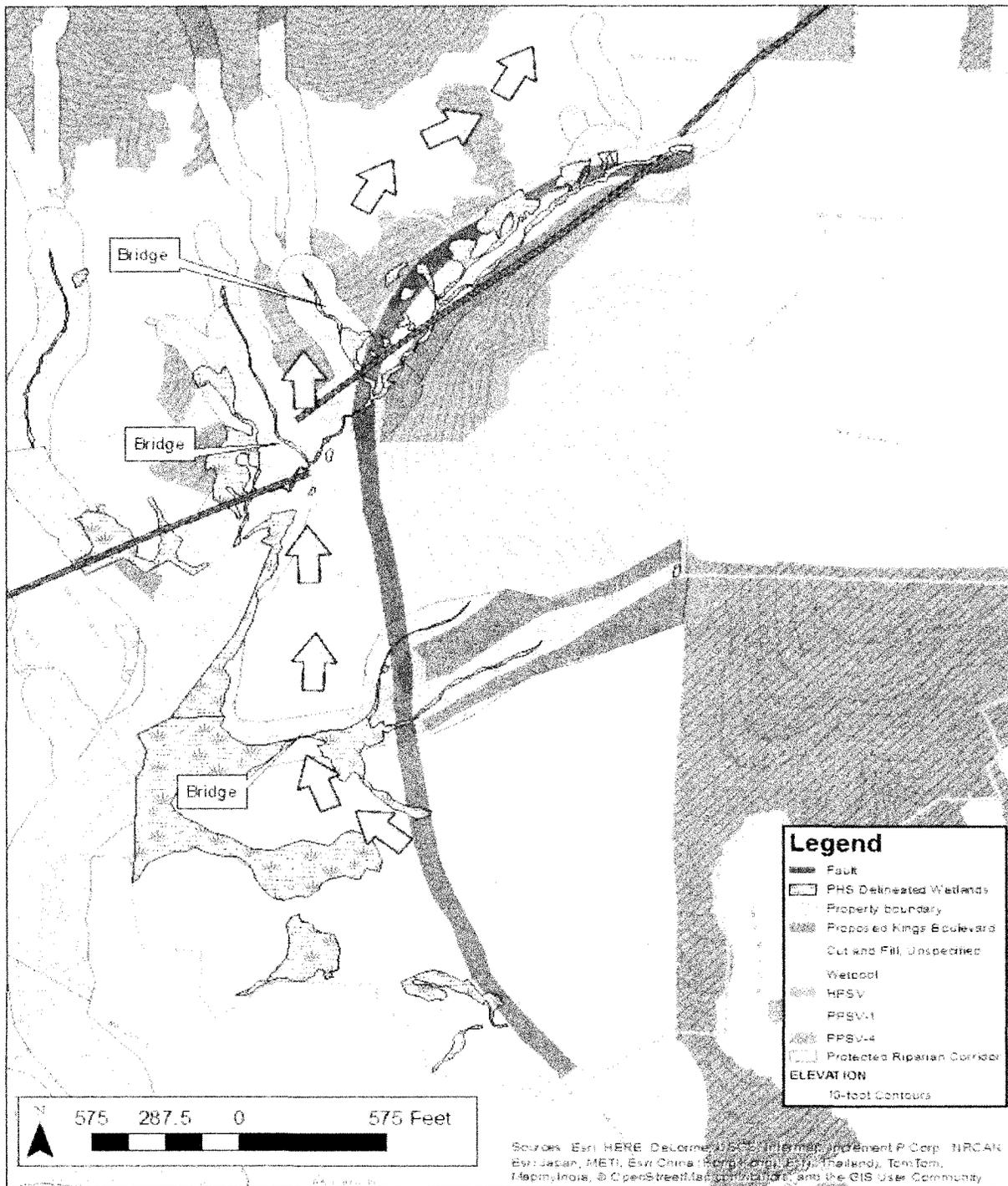


Alignment not justified

- Progressive development is critical to a city's growth
- It should also be *progressive*
 - happening or developing gradually or in stages; proceeding step by step.
 - Advocate improvement rather than maintaining things as they were
- Assess the need: arterial, collector, multi-modal path?

Impacts too many Natural Features

- Degrades Dixon Creek
 - Water quality
 - Flooding risk
 - Erosion
- Obliterates wetlands
 - Walk-thru in written testimony
- Removes significant vegetation
 - Clear-cuts hundreds of oaks, rarest ecosystem in the Valley including heritage oaks



Sources: Esri, HERE, DeLorme, USGS, Intermap, iNGENiUM, P. Corp., NRCAN, Esri, Japan, METI, Esri, China (Beijing), Esri, Thailand, Swisstopo, Mapbox, © OpenStreetMap contributors, and the GIS User Community

Stormwater Basins

- “...detention or retention facilities shall be located outside the 10-year Floodplain or the riparian easement area, whichever is greater.” (LDC 4.0.130.b.1)
 - Riparian easement area = drainage channel +50 feet (LDC 4.13.70.02.d)
 - Not addressed by the appellant
 - No easement discussed in the Plan
 - Two out of three wet pools are IN the riparian corridor

Water impacts ignored

- Dixon Creek already heavily impacted
 - 80% riparian area is already developed
- Reaches where vegetation has been removed are too hot for fish
 - Flows downstream
 - Chinook use Dixon as refugia during floods
- Channelized streams flow faster
 - Increased flooding
 - Increased erosion

Water Impacts Ignored

- “The drainage ways within the City are intended to function as a wholistic natural system that includes both Fish-bearing Streams and other Streams whose flow is recognized to have direct impacts on these Fish-bearing Streams.” (LDC 4.13.70.01b.1)
 - Headwaters of Dixon Creek feed into Willamette
 - Federally threatened and state vulnerable Winter Run Steelhead
 - Federally threatened and state critical Spring Run chinook
 - Not addressed in the Plan

LDC 4.13.50

- “...grading excavation, and placement of fill, are prohibited” within protected Riparian corridors and riparian-related areas” (LDC 4.13.50.b)
- “...improvement required with Development shall be applied to minimize the impact to the subject area” (LDC 4.13.50.b2)

Wet Pools Placement

- Constructing wet pools will require
 - Heavy machinery within protected riparian area
 - Strip out all vegetation surrounding the pool location
 - Major earthwork and slope adjustments that will forever change the area around the wet pool
- Protected riparian area around the wet pools will be obliterated

Significant Vegetation Removal

- Development will be limited to portions of properties outside of Highly Protected Significant Vegetation (HPSV) and Partially Protected Significant Vegetation-I (PPSV-I) areas, except to the extent allowed by **MADA** (LDC 4.12.60.1.a.1 and 4.12.60.1.b.1)
- Interesting alignment parallels perimeter of natural features rather than minimizing impacts
 - Using our Engineer to free up “developable” land?

Road is dangerous

- Steep slopes
 - 8% slope in an ice storm?!
- Fault line
 - *Sorry, not sorry*
- Next “link” to connect Lester a sharp turn – but can’t assess risk since it is not included in Kings Extension

Burden to Taxpayers

- City Parks will have to foot the bill for construction, with no System Development Charges to help them
 - Result = reduced services
- Maintenance will be out of City budget
 - Paying for it even though don't need it for another 20 years?
- Compensating Benefits are weak
 - Accomplishing “a Transportation Plan priority” while limiting impacts to natural features and hazards to the greatest extent practicable

What we really get

- More bills
- Flooding
- Degraded water quality
- Degraded fish habitat
- Centuries-old trees cut up
- Planning akin to the 1930's, when planting Scotch Broom was a good idea.

We know better than this!

Conclusion

- Strongly opposed to plan
- Requires LDC variances and waivers
- Flies in the face of our own Vision and planning documents
- The “functional system” argument is nothing but a straw man; no development is proposed, and there is no need for extension of services.

Deny Appeal – too many unknowns

- Noise
- Traffic
- Emissions
- Flooding
- Water quality
- Current need
- Future need
- Required land approvals
- Utilities
- Connecting roads
- The Hub
- Bona Venture
- RS5

Deny Plan – Create Comprehensive Neighborhood

- Development should be multi- phased in conjunction with adjacent residential developments
 - Natural features impacts are truly minimized
 - Greater efficiency in functional systems
 - Livability is cohesive
 - Applicant is assured of development approvals

Testimony Kings Extension
 Mary Frances Campana
 January 4, 2016

The appealed application contradicts Corvallis planning documents, which state that transportation decisions, including street extensions, are to be considered in the context of development proposals.

Relevant sections:

NW Corvallis Area Plan (2001)

Section 5.1.2

“The NCAP transportation system, including proposed street extensions and trail locations, **will be primarily development driven**”.

Section 7.4

“The NCAP transportation system, including proposed street extensions and trail locations, is conceptual and will be established primarily through review of development proposals. The exact location of the transportation system shall be fixed by site-specific development proposals as they are presented to the governmental agency having jurisdiction.”

Sections 5.3 and 5.4

Describe the current network of streets and the improvements to those streets deemed necessary for development (at least in 2000). Why, of all the streets listed, is the Kings extension being considered at this time? Is there a timetable for street improvement?

**Comprehensive Plan
 North Corvallis Area Policies**

Section 13.13.23

“The NCAP transportation system, including proposed street extensions and trail locations, is conceptual and will be established primarily through review of development proposals. The exact location of the transportation system shall be fixed by site-specific development proposals as they are presented to the governmental agency having jurisdiction.”

The application gives no explanation for why building the extension should be done at this time – it has no anchors to any other activity and there is no development project tied to it. Mr. Amiton confirmed this in the Gazette Times story on Nov. 16.

- it states that traffic studies, for example, are ‘not applicable’ to the application because there is “no traffic generating development proposed with this application”
- How can we know if the proposed extension is appropriate or useful when it is being created in a vacuum? Since there is no other development

Testimony Kings Extension
Mary Frances Campana
January 4, 2016

associated with it, it is impossible to know if the width, length, direction and connectors will actually support future requirements.

- Kings Blvd will be extended, as it has been slated to, when area development is approved. Sections 5.3 and 5.4 of the NCAP describe the current network of streets and the improvements to those streets deemed necessary for development (at least in 2000). Why, of all the streets listed, is the Kings extension being considered at this time? Is there a timetable for street improvement?
- A guiding principle of Corvallis planning documents is the connection between infrastructure creation and development proposals. I request that the Council deny this application and that the appellant be required to 'connect the dots' to a real development proposal before a Kings Extension can be considered.

Mary Frances Campana

Corvallis OR 97330

TO: Mayor and City Council
RE: APPEAL PLD15-00003
From: Marie Wilson
Date: January 4, 2016

We support TRNA's and NWA's request that the Corvallis City Council Deny the Appeal of the Kings Blvd. Extension and Uphold the Corvallis Planning Commission's Denial.

Conventional Excavation

We live on slopes ranging from 15%-35%. Some of our neighbors are on a slide area. The appellant's Geo-Technical report stated, "It will be practical to construct improvements using "conventional construction techniques." Is that the use of explosives? When the Kings Blvd detention pond was excavated using explosives it caused cracks in our sheet rock. GPA1 told me heavy use of explosives will be necessary for excavation of the Timberhill site. Will the City or the Developer be responsible for damages in the neighborhood if they occur? Construction practices have real consequences for us.

Water Service

We live at the top of the second-level water service system, abutting the third-level water system. Our water pressure was in the 50 psi range, it is now 30 psi per City testing. How will the proposed second- and third-level water service affect our existing neighborhood?

Cut and Fill Variance

The requested **Variance** before you **Exceeds Maximum Design Standards** and should be denied. A Planning Commissioner asked if these are established standards, why have they been waived? Answer: the city engineer said it was acceptable without presenting any analytical evidence. Civil Engineers designed the Hwy 20 Eddyville bypass and it failed before project completion due to slides, soil instability, and structure movement. Re-building the Hwy 20 bypass continues to be a formidable and expensive proposition.

This application would increase the amount of variation from LDC code standard. The **Grading** associated with the proposed facilities **Exceeds the Cut and Fill Code. The Geo-technical Report Lists Maximum Cut and Fill and Does Not Propose a Replacement Standard.** A variance request that exceeds the maximum standard should not be approved. Rather, we should rule more stringently on the side of safety and performance. (LDC 4.14.10 Landslide hazards and hillsides—protect human life and property, reduce damage and loss of life).

Appeal PLD15-00003
1-04-2016

pg2

After speaking to an ODOT Regional Office and 1000 Friends of Oregon, I came away with 3 things: 1) it has been decades since Major Roads Drove Development (One of the main reasons Land Development Codes came in to being), 2) it is odd for an Arterial Road application to be without a traffic analysis, and 3) most cities update their transportation plans every four to six years. We have a very able, competent council who can update our transportation plan as new information presents itself (per Comp Plan).

I was an active NCAP participant attending one meeting per week for almost a year. Parameters used for build out to 2020 had X amount of acres and X amount of land parcels in the UGB. A variety of changes have occurred, such as: Zoning Changes in Timberhill from RTC to commercial and Professional office, density changes as well as density transfers. Two to five acre parcels at Highland Dell, Highland Estates, Cascade View, Commercial build out, density changes as well as topographical constraints and the inability to serve the area that exceed third-level water with sewer and water have greatly diminished the original projections. Whether or not NCAP is planned out to 2020 or 2080, the original projections can not materialize. Therefore the **NEED** for the Arterial Road is no longer valid.

In 1996, our 20 years old Corvallis Transportation Plan, could not have taken into account the scientific earthquake studies and seismic code that are now in the fore. Cities and towns have already begun to implement earthquake-practices; even Corvallis has spent a goodly sum on seismic upgrades to City Hall, Fire Station and Library. This strengthens the argument that building an Arterial Road over a Fault line is not prudent. **Per the Geo-tech report (Staff Report Appendix G), the proposed Kings Blvd Extension crosses over a fault line and states "that in the event of minor movement the roadway, embankment and possibly the utilities could be repaired."** That is with minor movement, which the report states there is evidence of. What happens if there is more than minor movement? The Kings Extension is over and adjacent to utilities, including natural gas lines that could rupture. If that weren't bad enough, the close proximity to major transmission lines could be compromised in the event of a natural disaster. A Planning Commissioner asked staff if they considered a different alignment to avoid the fault? Response: we don't know where any other faults might be. We do know, however, where this one is and it is a humdinger! It is The Largest Crustal Fault in Western Oregon. Since the Comp Plan addresses faults as concerns and the City provides the fault's location on a map with significant slopes (Attachment B), the fault should be added to the Hazards Map. **CP 4.6.2** states "development on hillsides **shall not** endanger life and property," and **LDC 4.14.10** says protect human life and property, reduce damage and loss. What is known is that this road has significant slope, site and grade issues and should be denied.

Grades (LDC Section 4.14.70.04c1 -Mass Grading Standards)

Appeal PLD15-00003
1-04-2016

pg3

Natural Hazards

The CP states “developments shall not be planned or located in known areas of natural hazards without appropriate safeguards” (CP 4.7.1), this has not been proven. Steeply sloped areas are treated by the LDC as hazards (LDC 4.14.50.2). Tax-lot 3500 has slopes in excess of 35%, as well as 15-25 and 25-35% (LDC 4.14.50). The applicant proposes to build a road that requires extensive cut and fill and a roadway longitudinal slope greater than code allows (LDC 4.14.70.04c.1, LDC 4.0.60.k.3). The upper sections of the road crosses and runs along the Corvallis fault line compounding the hazards risk, see Attachment A. The Corvallis fault is thought to be the largest crustal fault in western Oregon, “due diligence requires that the City determine if the fault is active” (Bob Yeats (Prof Emeritus OSU, noted earthquake expert and author), Letters To The Editor, Corvallis Gazette-Times, Nov. 20, 2015), see Attachment C.

A variance is requested for the cut-and-fill code and the city engineer waived the longitudinal slope code requirement. Neither should be approved because of the complex nature of the site with its mix of steep slopes, soil conditions, and a fault line. **The variance for the mass grading code is very significant in that it wants to waive the standard 8 ft cut and fill for no extenuating conditions as well as to waive the maximum 12 ft standard for two or more extenuating conditions that don't appear to be justified. The requested cut and fill exceeds both the maximum 12 ft code and the “in no case shall a combination of cut and fill in the same location exceed 16 ft” code. The present design has a maximum cut depth of 16.9 ft and maximum fill height of 21.6 ft. Exceeding code (LDC 4.14.70.04c.1) can be hazardous in that the roadway and embankments can fail due to soil instability and/or earthquakes.**

The applicant has not met CP 4.7.d standard of not building over a fault line, LDC 4.14.70.04c.1 (mass grading), and LDC 4.0.60k.3 (road slope) requirements.

The favored road alignment of the three presented is understandably favorable to the applicant's future development proposals. That does not mean this alignment is the best, safest most ecological, or economically prudent alignment for Corvallis. Staff stated that alignments outside of the existing easement are possible. They need to be considered, and may require less cut and fill, variances, not cross the fault line twice, and have less impact on natural features, livability and safety.

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1-04-2016

pg4

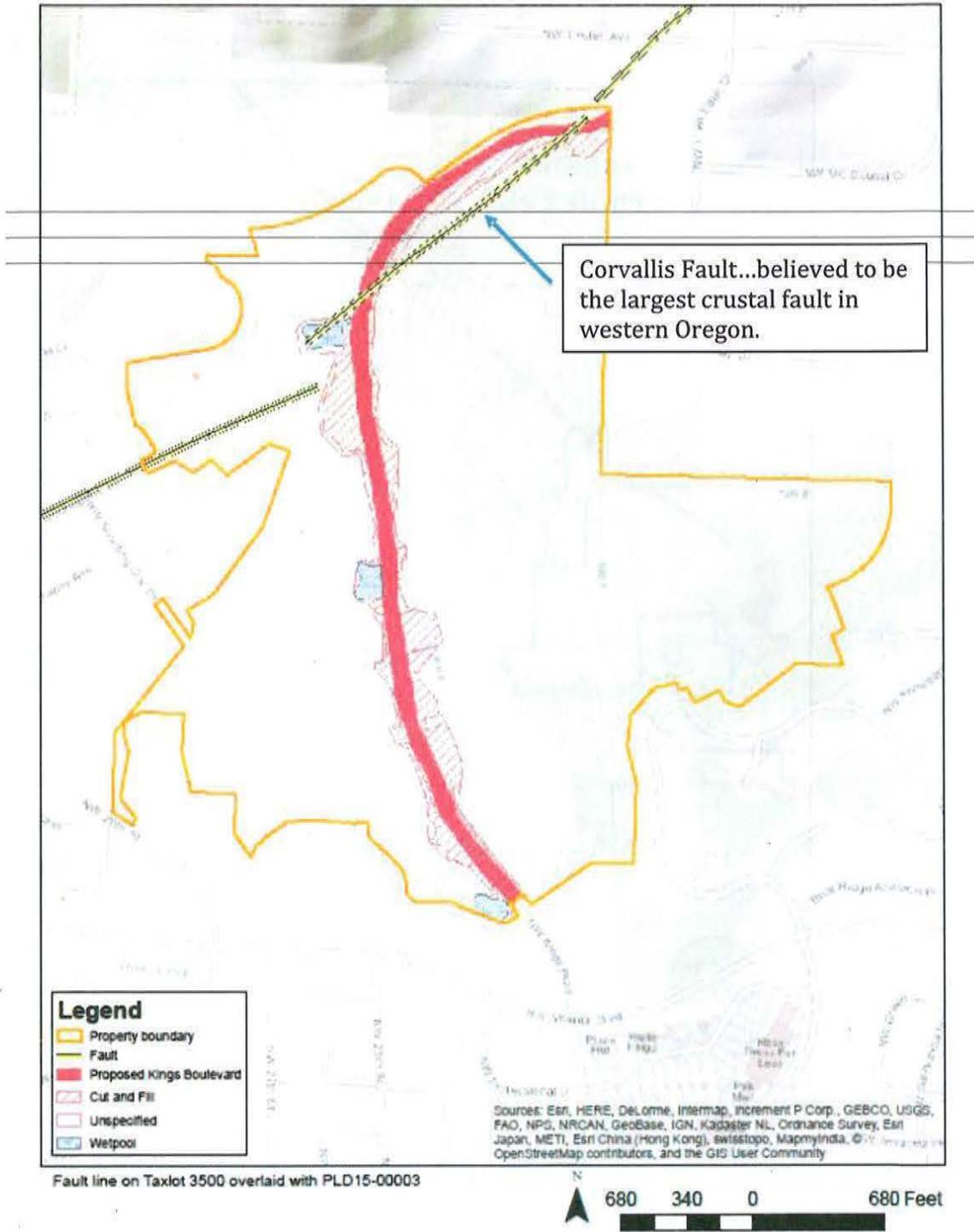
Summary

The requested variance exceeds maximum codes and standards. This is an incomplete application. We can and should do better, I trust this council will leave a legend we can all be proud of. This appeal warrants denial.

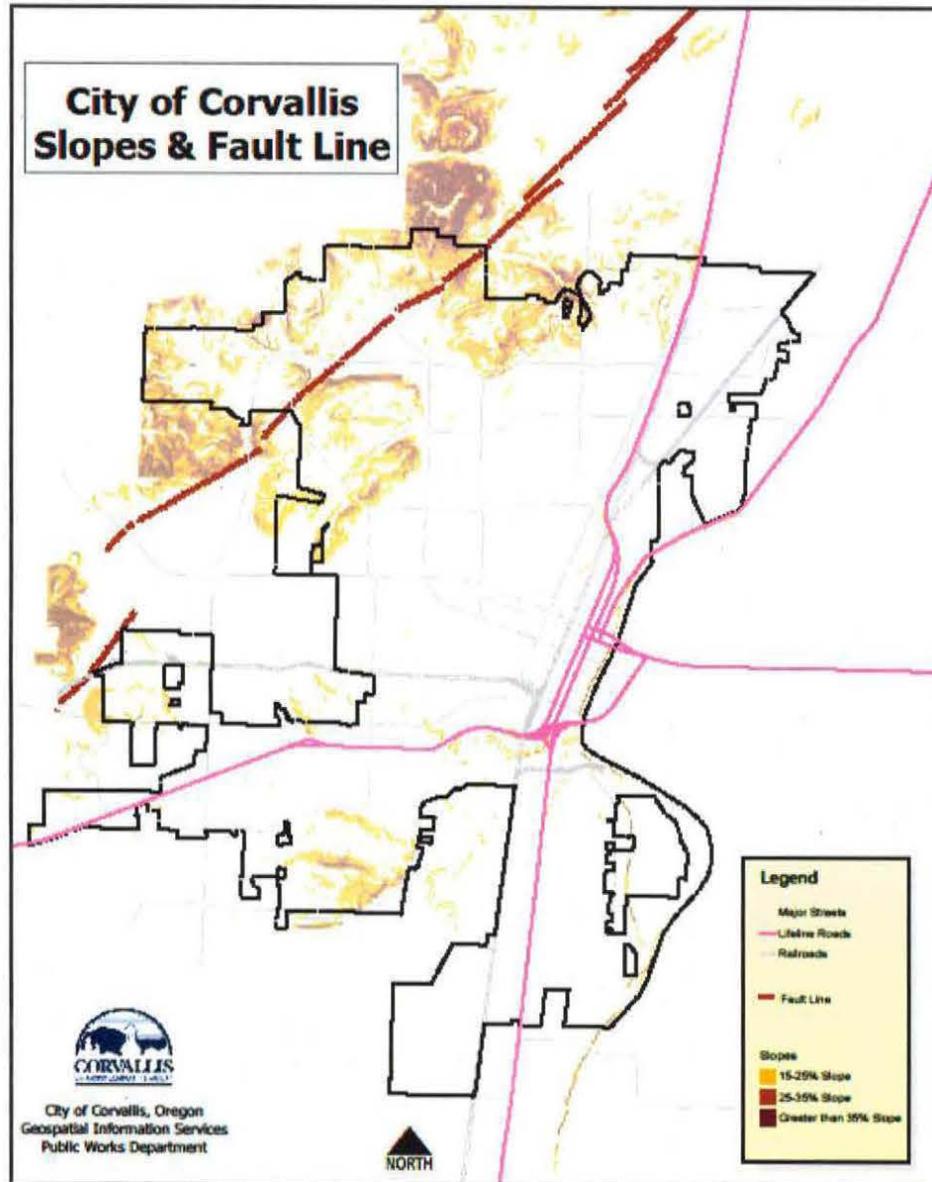
Respectfully,
Marie and Jim Wilson

Attachments:

- A) The Corvallis PLD15-00003 overlay Fault Map***
- B) The City of Corvallis Fault and Slope Map***
- C) Corvallis Gazette-Times, Letter To The Editor, "Development raises fault issues" Bob Yeats(Prof Emeritus OSU), 11/20/15***



Attachment A



Attachment B

Opinion

www.gazettetimes.com

Send letters to the editor:

By mail to the Corvallis Gazette-Times,
P.O. Box 368, Corvallis, OR 97339
By email to opinion@gtconnect.com
By fax to 541-758-9505

Friday, November 20, 2015 **A11**

LETTERS TO THE EDITOR

Development raises fault issues

On Monday, the Gazette-Times ran an article, "A Road Up Timberhill," about a plan to extend Kings Boulevard into the hills north of Walnut. This is apparently in support of a possible future student housing development in this area called The Hub.

This development and the road will probably cross the Corvallis fault, which is thought to be the largest crustal fault in western Oregon.

This fault underlies one of the buildings at Crescent Valley High School, continues southwest beneath the entrance to Chip Ross Park and beneath the Glen Ridge subdivision. The fault is spectacularly exposed in a rock quarry northeast of Philomath, where friction along the fault has produced rock glass, evidence of melting.

The fault was discussed at a noon meeting of the Corvallis City Club on Oct. 12. The fault is well located because of detailed mapping by Chris Goldfinger of Oregon State University, but it has not been determined if it is subject to earthquakes. Although I notified Mayor Biff Traber and the Corvallis city manager about the City Club meeting, no one from the city contacted me about the fault, and the Gazette-Times article about the City Club meeting failed to discuss the fault, although it was featured at that meeting.

Because the road extension and the proposed student housing development must be approved by the city, due diligence requires that the City determine if the fault is active and a generator of large earthquakes. A map of the fault prepared by Peg Peirson many years ago is available through Kevin Higgins of the Benton County Sheriff's Office.

Bob Yeats

Corvallis (Nov. 17)

(The writer is a professor emeritus

at Oregon State University and the author of "Living with Earthquakes in the Pacific Northwest, available for free from the OSU Press at this website: <http://oregonstate.edu/instruct/oe/earthquake/index.html>)

As a ward 1 resident I support the NW Alliance and the Timberridge Association's request that you deny the appeal before you and support the Planning Commission decision.

- 1: It is an incomplete plan
- 2: It violates Comp Plan and LDC codes and standards.
- 3: It is contrary to sound land use planning while jeopardizing our significant features and ecosystem.

Respectfully,
Marilyn Koenitzer

Corvallis, OR 97333



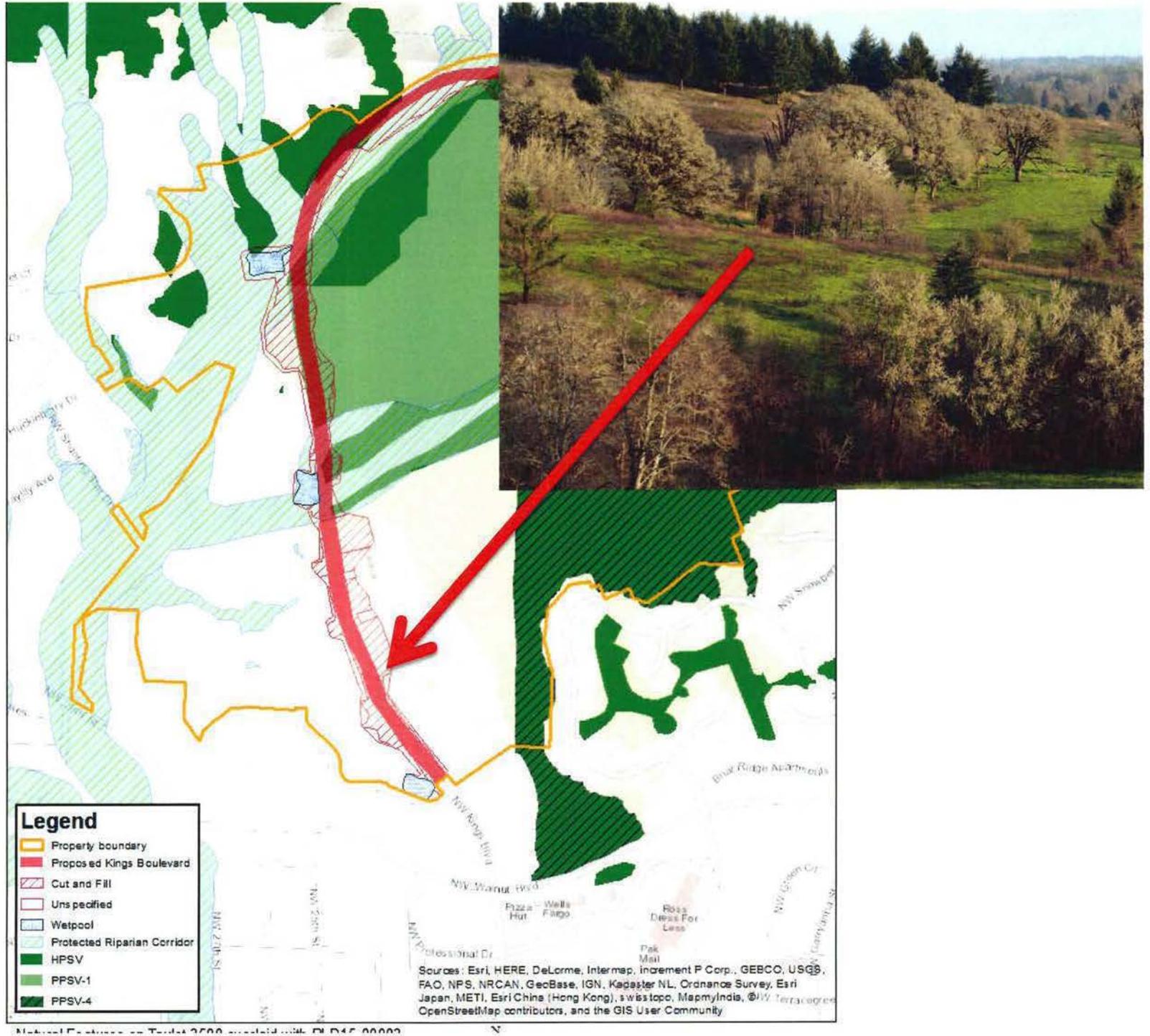
Testimony to Corvallis City Council on proposed on Kings Extension

Matt Betts
Karen DeWolfe
Ava Betts
Miles Betts
Anna Betts

Natural features and Recreation

- “the transportation system shall be planned and developed in a manner which contributes to community livability, recognizes and **respects the characteristics of natural features...**” (Section 11.2.1)
- “Negative impacts on **habitat and migration corridors for birds, wildlife, aquatic life, and on open space and the recreation qualities** of significant drainage ways shall be minimized” (Section 4.10.9).







Habitat Loss and Fragmentation

- <1% of Willamette Valley Oak Savanna remains (WWF 2014)
- Estimates of >300 oak trees cut

Lazuli Bunting



Western Tanager



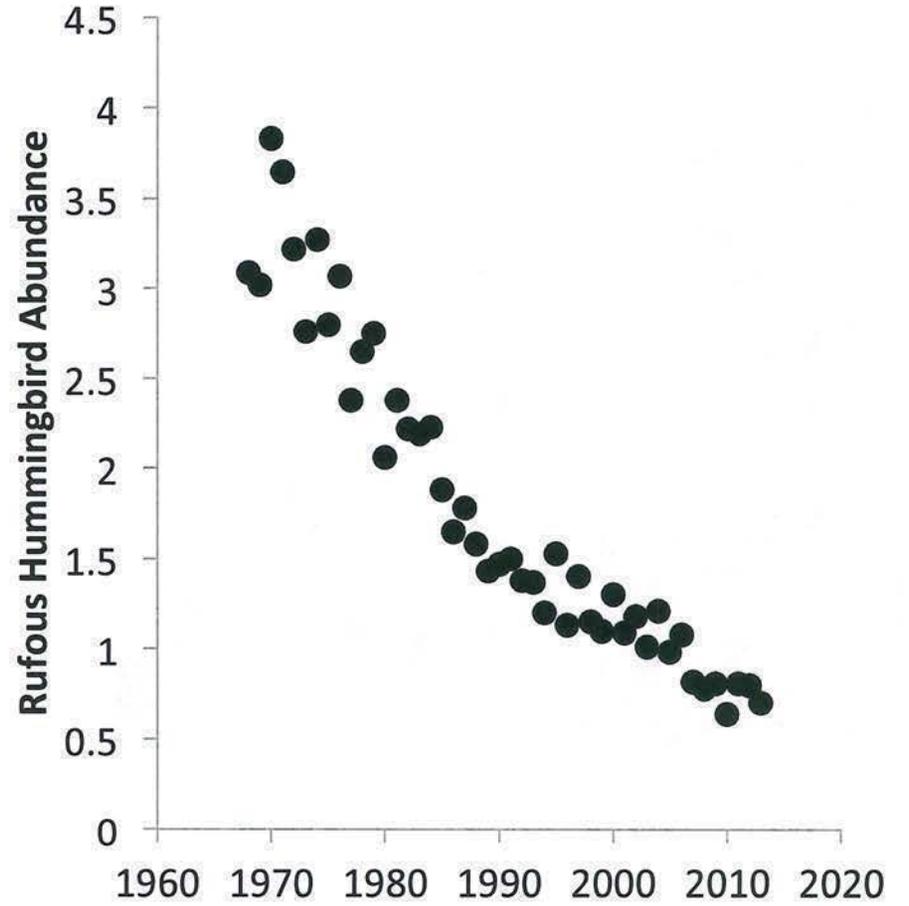
>50 bird species inventoried in the planned area:

Oregon Junco, Black-capped Chickadee, Song Sparrow, Scrub Jay, Spotted Towhee, Red-winged Blackbird, Rufous Hummingbird, Anna's Hummingbird, American Goldfinch, Lesser Goldfinch, Purple Finch, Golden-crowned Sparrow, Northern Flicker, Pine Siskin, Evening Grosbeak, Western Bluebird, Yellow-rumped Warbler, Bushtit, White-crowned Sparrow, Audubon's Warbler, Brewer's Blackbird, California Quail, European Starling, Lazuli Bunting, Mourning Dove, Black-headed Grosbeak, Downy Woodpecker, Brown-headed Cowbird, American Crow, Bewick's Wren, Winter Wren, Stellers Jay, Red-breasted Nuthatch, American Robin, Cooper's Hawk, Turkey Vulture, Chestnut-backed Chickadee, Great-horned Owl, Pigmy Owl, Barred Owl, Orange-crowned Warbler, Swainson's Thrush, Common Yellowthroat, Mountain Chickadee, Golden-crowned Kinglet, Western Tanager

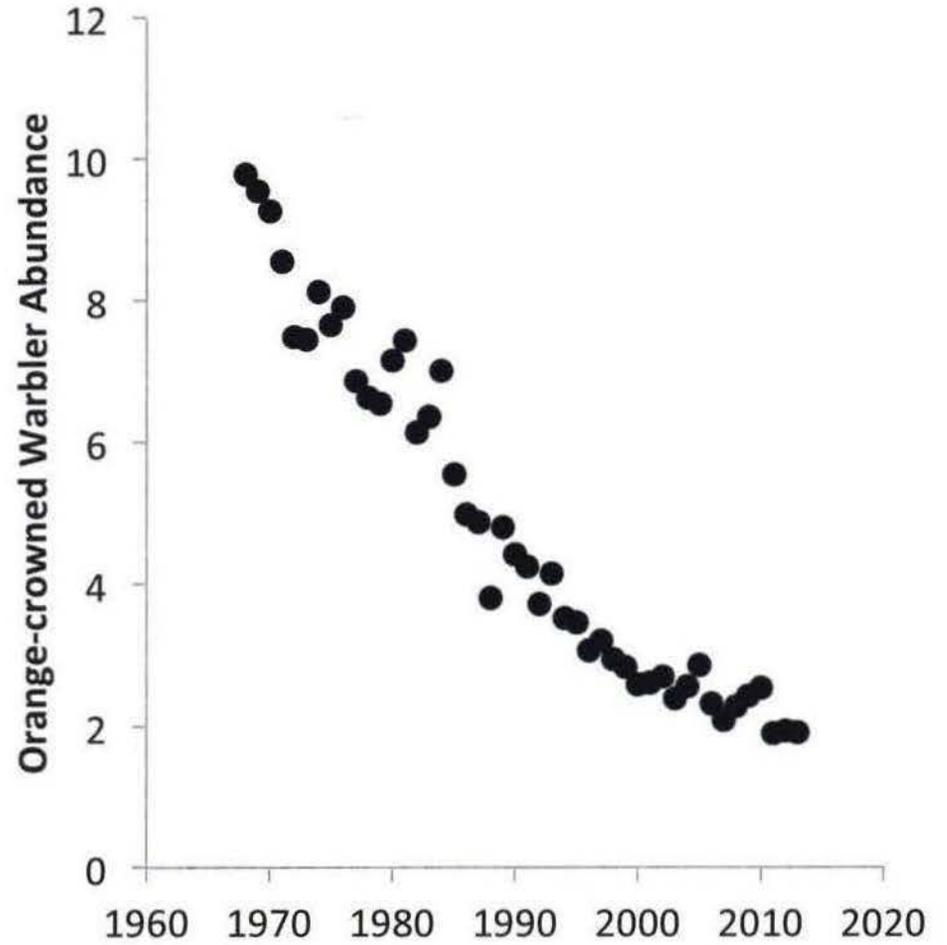
Migratory Bird Treaty Act

<http://www.fws.gov/migratorybirds/regulationspolicies/mbta/mbtintro.html>

Rufous Hummingbird



Orange-crowned Warbler



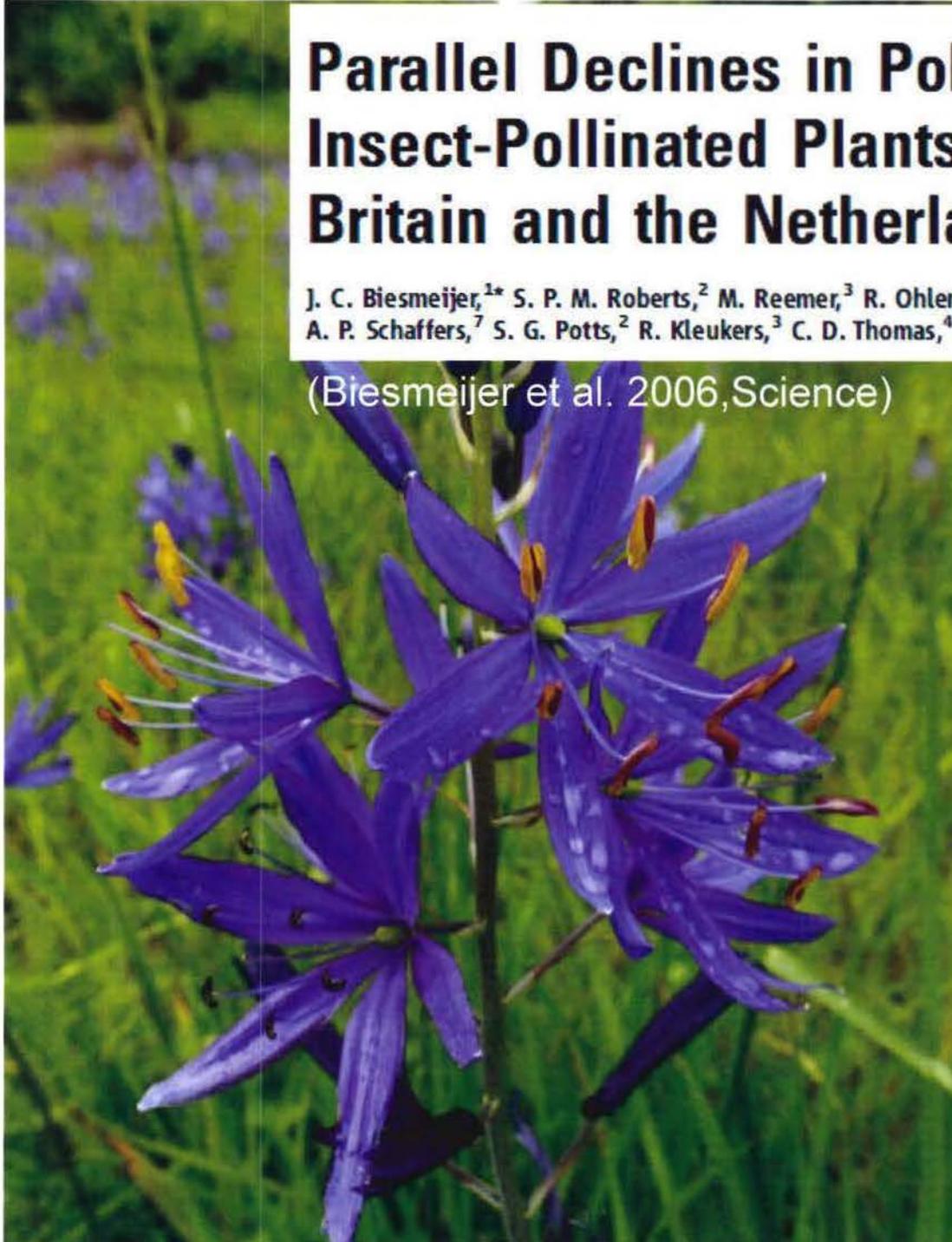
Silvery Blue

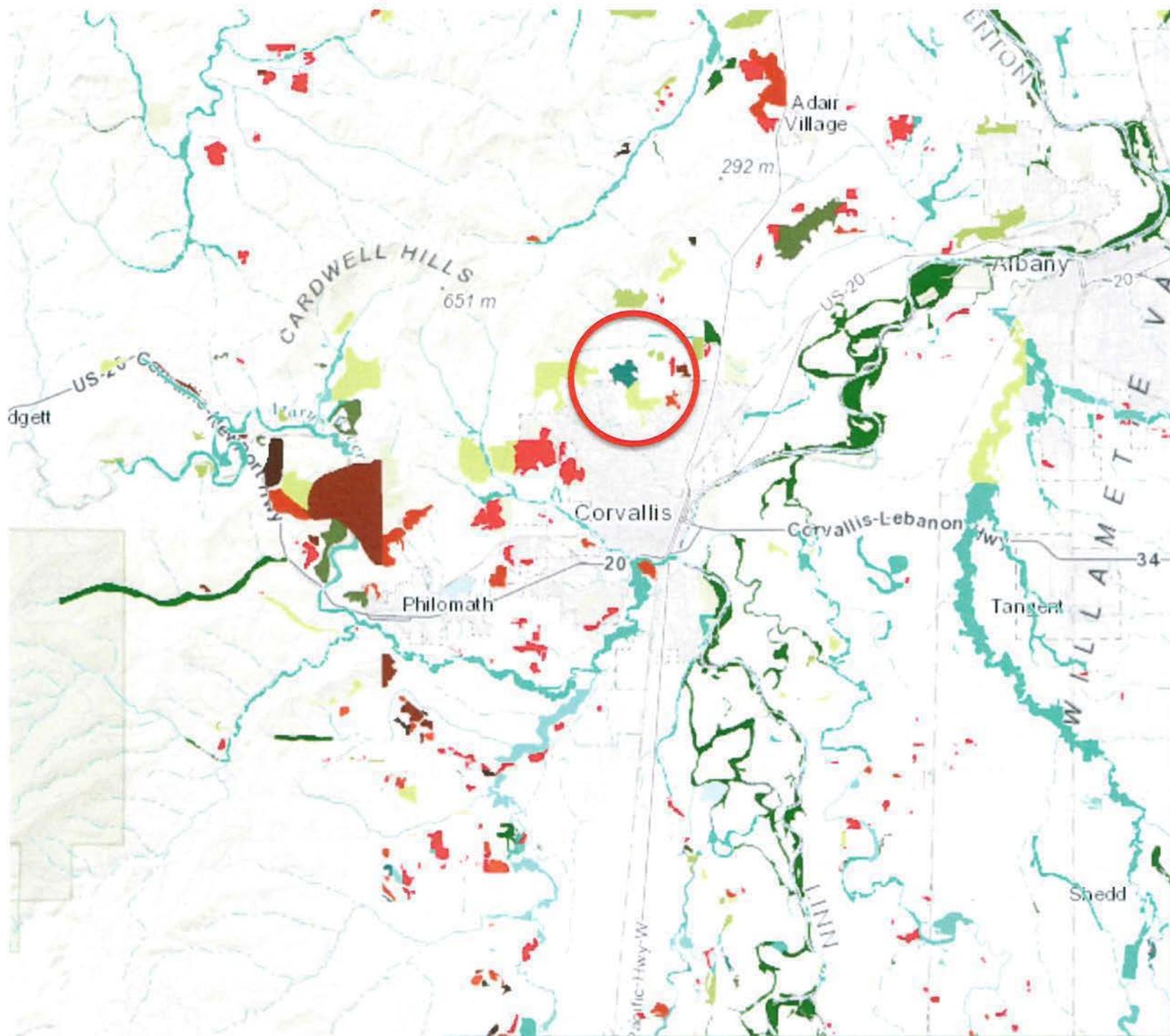


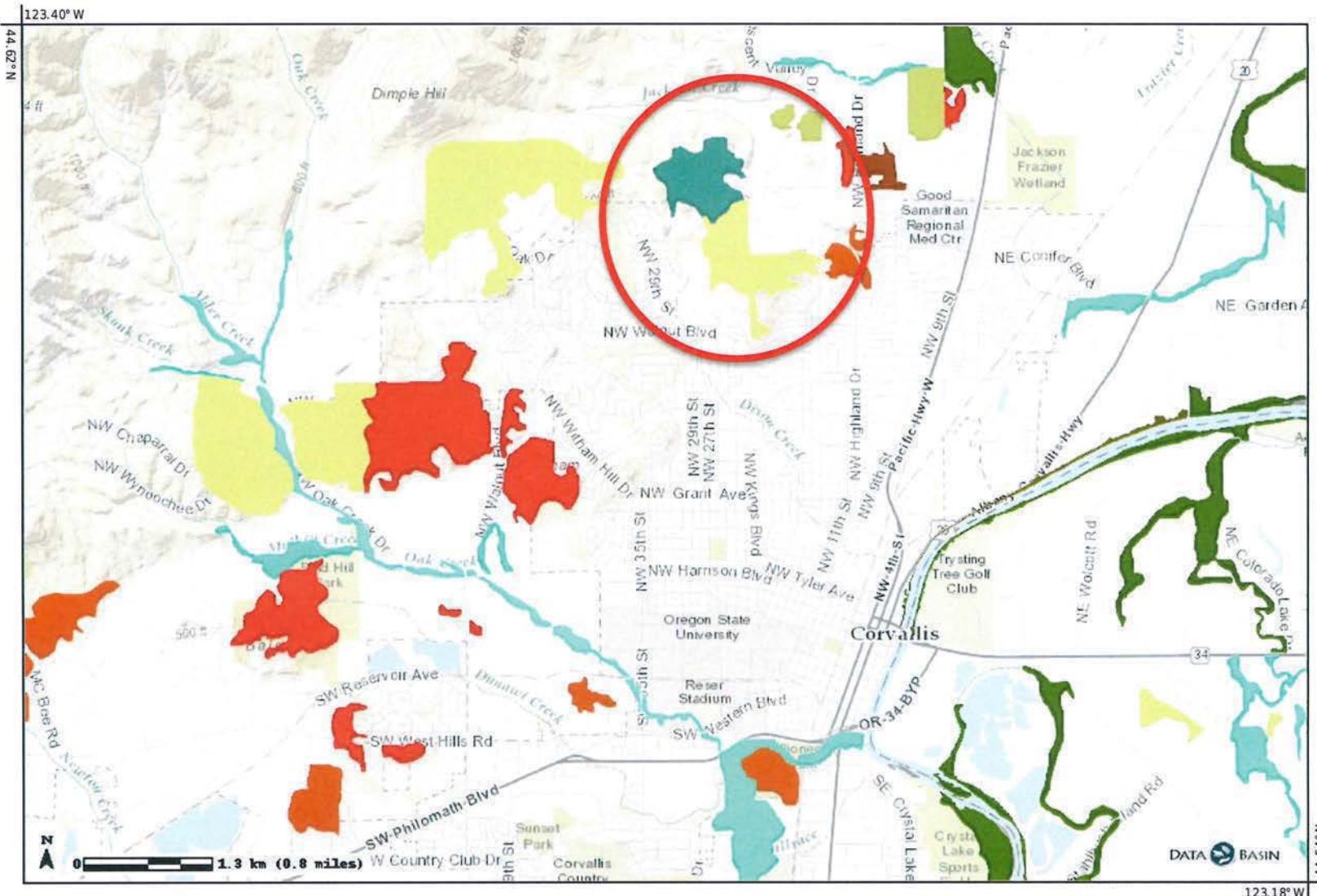
Parallel Declines in Pollinators and Insect-Pollinated Plants in Britain and the Netherlands

J. C. Biesmeijer,^{1*} S. P. M. Roberts,² M. Reemer,³ R. Ohlemüller,⁴ M. Edwards,⁵ T. Peeters,^{3,6}
A. P. Schaffers,⁷ S. G. Potts,² R. Kleukers,³ C. D. Thomas,⁴ J. Settele,⁸ W. E. Kunin¹

(Biesmeijer et al. 2006, Science)







Legend

Willamette Valley Oak Map - LANDSAT Based, Oregon

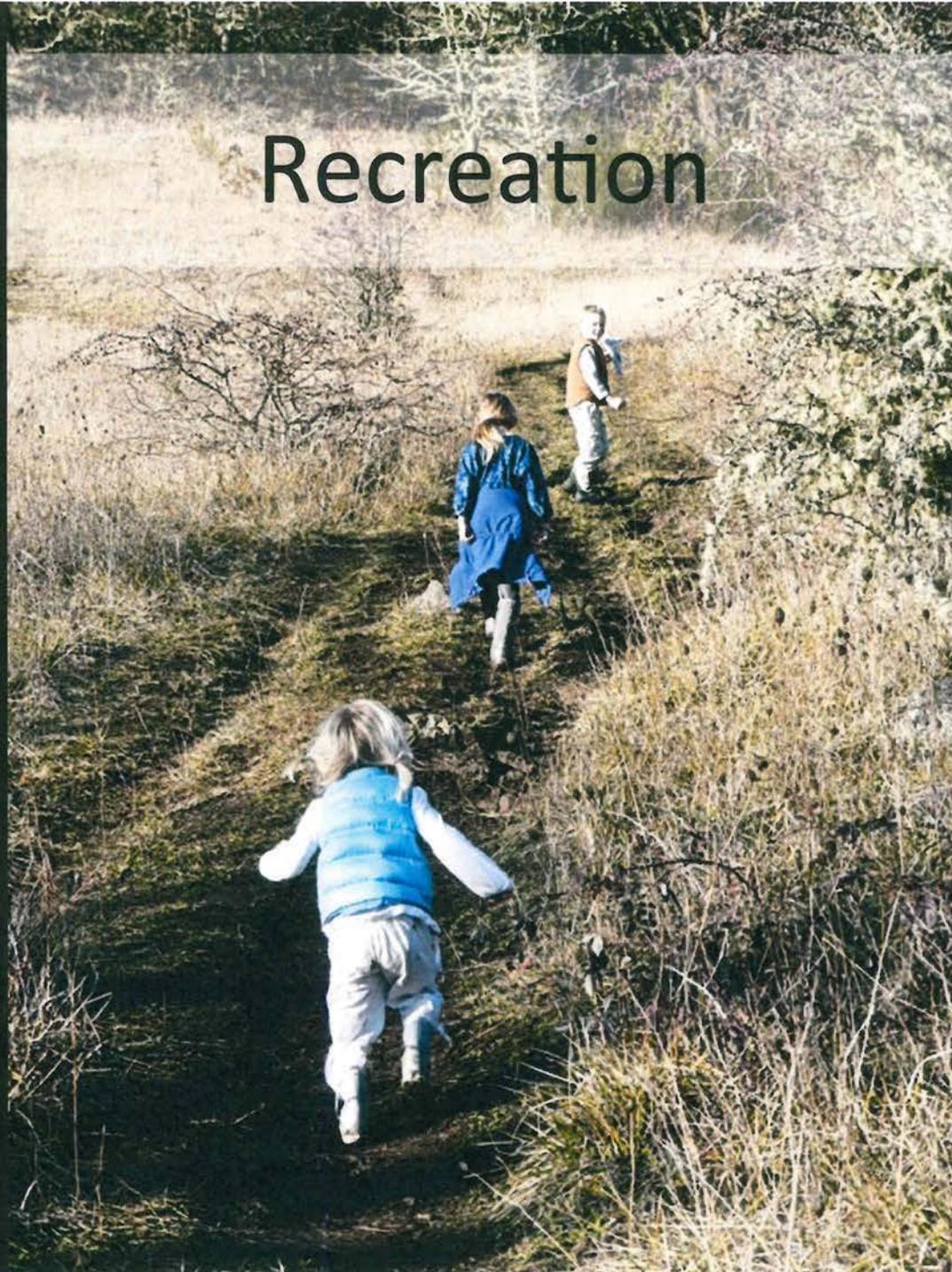
Displaying: VEG

- 1-Oak (>75%)
- 2-Oak/Douglas Fir (50-75% oak)
- 3-Douglas Fir/Oak (25-50% oak)
- 4-Douglas Fir/Oak (<25% oak)
- 5-Oak open/Scattered (<25% oak)
- 6-Oak/Hardwood Riparian (50-75% oak)
- 7-Oak/Hardwood Riparian (25-50% oak)
- 8-Oak/Hardwood Riparian (<25% oak)
- 9-Oak/Madrone (>50% madrone)
- 10-Oak/Madrone (<50% madrone)
- 11-Ponderosa Pine (>75% ppine)
- 12-Ponderosa Pine/Douglas Fir (50-75% ppine)
- 13-Ponderosa Pine/Douglas Fir (25-50%)
- 14-Ponderosa Pine/Douglas Fir (<25% ppine)
- 15-Hardwoods/Oak (50-75% oak)
- 16-Hardwoods/Oak (25-50% oak)
- 17-Hardwoods/Oak (<25% oak)

(continued on next page)



Recreation



Corvallis Vision

- **“a compact, medium-sized city nestled in a beautiful natural setting”**
- **“an environmentally-aware community with distinctive open space and natural features, protected habitats, parks and outdoor recreation”**

Need for *Comprehensive* Planning



- Difficult to assess full impact given that we don't know what the follow-on development will be...

A Note on NIMBY



Molly Megraw

TO: Members of the Corvallis City Council
 RE: PLD15-00003

I am opposed to the proposed plan PLD15-00003 Kings Boulevard Extension through Timberhill Taxlot 3500 (Plan). I have the following specific concerns about this plan.

1. Responsible Development Planning in Corvallis is Key to Our Economic Vitality

- Corvallis currently has an **unquantified but highly impactful advantage** that allows it to maintain **strong economic vitality** despite some of the challenges faced by small towns in relatively rural geographical regions.
- This unique advantage comes from responsible urban planning **consistent with the Corvallis 2020 Vision Statement**, including respect for our sensitive natural areas that surround our town.
- Our **University** as well as our **Corvallis businesses** rely on being able to attract and retain highly qualified personnel that come to our community based on the unique natural setting, despite the fact that salaries for comparable positions are much higher in other regions.
- We also have a small but growing tourism industry that relies on a well-planned community that relies on **respect for our natural features**.
- We **cannot afford** to let **poorly planned piecemeal development** remove this advantage.
- **The Timberhill meadow natural area** is a very unique space within this vital realm—it is part of our highly visible green border on the north of town.
- If development is to occur in this area, it is extremely important that it **be responsibly planned** development that is consistent with the 2020 Vision Statement.

The **positive economic impact of sound planning is enormous** but often remains unquantified—however, there are a few examples including results from the Delaware Valley Regional Planning Commission study in 2010. Most importantly, the report concludes that **incorporating appropriate open space into developed areas is economically vital to communities**. In particular,

- Open space adds **\$16.3 billion** to the value of southeastern Pennsylvania's housing stock
- By filtering the water, cleaning the air, and controlling flooding, the region's open space saves **\$132.5 million** each year.
- **Every household** in the region saves **\$392 per year** by having open space available for hiking, biking, and other recreational pursuits.

These are results we **just can't afford to ignore** in our Corvallis community.

2. PLD15-00003 Extending Kings Blvd through Timberhill Meadow Does Not Represent Responsible Planning

- Timberhill meadow is not in my backyard or in view of it, nor will my meager property value over 1/2 mile away be affected by this decision; yet I care deeply about my community, and as a

resident I do have a strong **long-term interest in the economic vitality of Corvallis** that good planning brings.

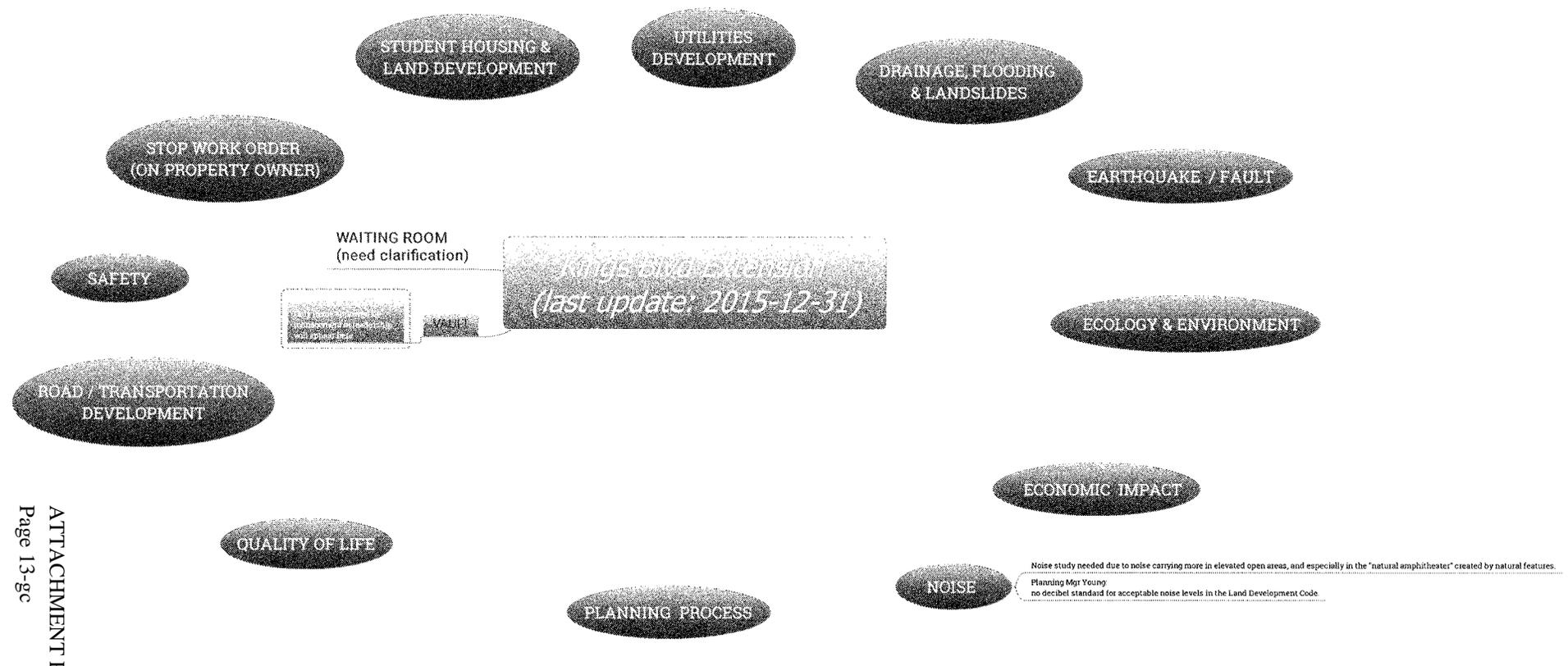
- I became concerned when shortly after moving here, the natural area that I had walked through many times a week was subjected to a vegetation clear-cut by GPA1 partially under the guise of "homeless camps", yet I had **not ever seen any homeless people** on the property over the preceding 6-month period.
- Hoping for positive change, I went with an open mind to the GPA1 'community' meeting and observed the many **open-minded citizens** there to discuss the planned development.
- The developer presented a plan that was **overtly disrespectful of the North Corvallis Area Plan of 2003**, which states that careful consideration shall be given to natural features such as floodplains, riparian areas, and wetlands, minimizing negative impacts to these features to the greatest extent practicable.
- The Corvallis citizens present were respectful and asked very reasonable questions about the development plans presented, including questions about why complete clear cutting was necessary and how this would impact water runoff. The **developer** answered in a way that was **highly disrespectful of citizens**, ignoring their concerns and stating repeatedly that in effect the plan necessary to maximize profitable development density.
- The most memorable moment was when the developer stated explicitly that the owners "had a right to a return on their investment". This simply isn't true for any individual or corporation, no matter how wealthy! Rather, land owners have an ***opportunity*** for a return on a purchase *if they act responsibly*.
- **Responsible development is possible**, but it is **often incompatible with "make-a-big-quick-buck" development** when it surrounds sensitive natural features. If such an incompatibility is present, this does not mean that a municipality is obligated to grant exceptions to allow irresponsible development simply because this type of development maximizes profits for the developers.
- The citizens of our community bear the long-term cost of irresponsible planning-- especially planning that is **disrespectful of sensitive natural features**, and that creates **unevaluated risks** in the event of an earthquake, landslide risks, and increased risks for flooding.
- Upon attending the Planning Commission meeting, I personally came to understand that in the face of thousands of pages of documents, limited resources for evaluation, and aggressive threats of lawsuits, city officials may feel bullied in the name of "codes" into accepting **senseless piecemeal development** that is disrespectful of our community and of the North Corvallis Area Plan of 2003 and the Corvallis 2020 Vision Statement.
- **I ask the Corvallis City Council to insist on sensible, holistic planning that is respectful of our environment, our actual transportation needs, and of course our long-term economic interests.** You have a well-founded legal right to do so! Please deny the appeal for the Kings Ext through Timberhill Meadow.

Thank you,

Molly Megraw

Tinyurl.com/KingsMindmap

Download XMIND computer software:
www.xmind.net/download



ATTACHMENT P
Page 13-gc

By: Kirk Schlesinger
Reflective Consultation

478-235-5296

"Noise" balloon shows how items appear when visible



Reflective Consultation

PLEASE SHARE!

... your ideas, questions, opinions about:

Kings Blvd Extension & Timberhill Development

Go online to: tinyurl.com/KingsExt

*** Sign in as "Guest" to leave comments ***

Everything is anonymous – A "Committee of Refinement" will review submissions & add them to the "Kings Blvd Mind Map" [available to everyone!](#) (see below)

Download the current Mind Map (<100k): <http://tinyurl.com/KingsMindmap>

Download free XMIND software to view Mind Map –

➤ Windows, Mac, Linux PC's: <http://www.xmind.net/download/>

➤ Android & iPhone/iPad: Mindjet Maps (via Google Play or App Store)

Reflective Consultation

"Finding our way ... together"

Kirk Schlesinger

Listener / Facilitator

+1-478-235-5296 24/7 mobile

email: recon4all@gmail.com

Web: search for "ReConsult4All"



Reflective Consultation

**CITY OF CORVALLIS
COUNCIL WORK SESSION MINUTES
January 7, 2016**

The work session of the City Council of the City of Corvallis, Oregon, was called to order at 6:04 pm on January 7, 2016 in the Madison Avenue Meeting Room, 500 SW Madison Avenue, Corvallis, Oregon, with Mayor Traber presiding.

I. ROLL CALL

PRESENT: Mayor Traber; Councilors Baker, Beilstein, Brauner, Bull (6:05 pm), Glassmire (6:25 pm), Hann, Hirsch (6:22 pm), York

ABSENT: Councilor Hogg (excused)

II. NEW BUSINESS

A. Council Discussion

Mayor Traber and Councilors reviewed the Planning Commission interview questions and discussed that Council would vote on the applicants at the January 19, 2016 Council meeting. Mayor Traber noted there were two mid-term Planning Commission positions that expire June 30, 2016.

Councilor York hoped the Planning Commission would be strengthened through the new members and she asked Councilors to consider what the applicants could add to the Commission as a whole. Councilor Hann said it was important to select applicants who did not create islands of opinions.

B. Planning Commission Applicant Interviews

Planning Commission applicants Dan Brown, Paul Harding, Susan Morre, and Larry Weymouth were interviewed. Beth Young withdrew from the process due to time commitment conflicts and Mike Wells was not able to attend the interviews due to a last minute circumstance.

III. ADJOURNMENT

The work session adjourned at 7:50 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

**AIRPORT ADVISORY BOARD
MINUTES
December 1, 2015
DRAFT**

Present

Rod Berklund, Chair
Lanny Zoeller, Vice-Chair
Todd Brown
John Shute
Bill Gleaves
Rajeev Pandey
Zachariah Baker, Council Liaison

Absent

Bill Dean
Brad Smith

Staff

Dan Mason, Public Works
Lisa Scherf, Public Works
Tom Nelson, Economic Development

Visitors

Penny York
Tyler Parsons
Louise Parsons
Jack Mykrantz

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Open Meeting/Introductions	X		
II. Review of Oct 6, 2015 Minutes			Approved
III. Visitor Comments	None		
IV. Old Business • None			
V. New Business • Vision and Action Plan Brief • 5 Year CIP Review	X		Councilor York overviewed and answered questions
VI. Information Sharing • Update on the Airport Industrial Park • Update on the Airport • Update on the City Council • Monthly Financial Report	X X X X		

CONTENT OF DISCUSSION

I. Open Meeting/Introductions

Chair Berklund called the meeting to order and those present introduced themselves.

II. Review of Minutes

Board Member Zoeller moved to approve the October 6 minutes; Board Member Gleaves seconded the motion and the minutes were approved unanimously.

Airport Advisory Board Minutes
December 1, 2015
Page 2 of 3

III. Visitor Comments

None

IV. Old Business

None

V. New Business

Vision and Action Plan Brief

Councilor York said the current City Council passed six goals, one of which is to develop a Vision and Action Plan 2040. She said that current vision planning efforts generally include both vision and strategic/action plan elements. She reviewed the project timeline and noted that it is currently in Phase One. Councilor York distributed a summary of the Planned Approach and Phase One of the Plan. A Task Force has been formed, consisting of three City Councilors and four community members. The next step will be the development of a Communication and Outreach Plan. The Plan will have six different themes for the community to develop into the vision component, and the development of the action component will occur in the fall of 2016. It is expected that projects will be developed for implementation, with metrics for tracking and measuring progress. She expects that the Vision and Action Plan will go to the full Council in the late fall of 2016. Board Member Pandey asked how much of the Vision 2020 Plan has been accomplished and how the new Plan metrics will be evaluated. Councilor York said Vision 2020 was an aspirational plan with no evaluation component, but that some of the goals have been completed. She noted two big assumptions that changed significantly from what was anticipated: that both Hewlett Packard employment and OSU enrollment would stay stable at the mid-90s level. The new Plan will likely have staff tracking the metrics and preparing periodic reports to Council. There may also be a steering committee, as well. Chair Berklund asked if the AAB and other Boards would be getting an annual report. Councilor York said she was unsure at this time. Board Member Gleaves asked if the plan included the jail. Councilor York noted that it could, but right now the project is a "blank slate." Details will be developed with community input.

5 Year CIP Review

Mr. Mason briefly explained the updated five-year Capital Improvements Projects list included in the packet. He noted that the updates were made during discussions with the Oregon Department of Aviation and were presented to the Federal Aviation Administration (FAA). Mr. Mason also reviewed the 2017 Runway 9/27 Rehab project from the CIP list. He noted it was originally a \$4.6 million dollar project which included resurfacing Runway 9/27; installing edge drains; replacing stormwater pipe, runway edge lights, and runway end indicator lights; installing taxiway edge lights to replace retro-reflective markers on Taxiway A; replacing electrical regulators, wiring, and all airport signs; installing a standby generator; and reconfiguring taxiways adjacent to Runway 9/27. This summer the project was increased by \$900,000 to complete the perimeter fencing of the airport due to elk sightings near the runways last July.

VI. Information Sharing

Update on the Airport Industrial Park

Mr. Nelson noted he is working with several companies on proposals at the Industrial Park, but he is not at liberty to divulge any more information at this point.

Airport Advisory Board Minutes
December 1, 2015
Page 3 of 3

Update on the Airport

Mr. Mason distributed a flyer from the FAA on requirements for drone pilots.

Update on the City Council

Councilor Baker noted that Council approved the 5558 Plumley Place Lease Assignment.

Monthly Financial Report

Mr. Mason stated that the last fiscal year's audit has still not been completed and updated on the Financial Report.

The meeting was adjourned at 7:47 a.m.

NEXT MEETING: January 5, 2016, 7:00 a.m., Madison Avenue Meeting Room

BICYCLE AND PEDESTRIAN ADVISORY BOARD
MINUTES
December 4, 2015
DRAFT

Present

Meghan Karas, Chair
 Thomas Bahde, Vice Chair
 Brad Upton
 David Ullman
 Brian Bovee
 Ron Georg
 Trevor Heald
 Mike Beilstein, City Council

Staff

Greg Wilson, Public Works

Visitors

Penny York, City Council
 Laura Duncan Allen

Absent**SUMMARY OF DISCUSSION**

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Call Meeting to Order/Introductions	X		
II. Review of November 6, 2015 Minutes			Approved
III. Visitor Comments	NA		
IV. Old Business •BPAB Open House Wrap Up •29 th Street and Grant Avenue Intersection		X	Staff will evaluate event input
V. New Business •CPD Pedestrian Action Report •Vision and Action Plan Presentation •January Meeting Date •City Leaf Collection Policy	X X		Set for January 8 Support
VI. Information Sharing	NA		
VII. Commission Requests and Reports			The Board is drafting a letter to Council about the City's Bicycle Friendly Community gold level rating
VIII. Pending Items			

CONTENT OF DISCUSSION**I. Call Meeting to Order/Introductions**

Chair Karas called the meeting to order and those present introduced themselves.

BPAB Minutes
December 4, 2015
Page 2 of 4

II. Review of Minutes

Board Member Upton noted two minor changes in the information sharing section of the November minutes. **Board Member Upton moved to approve the November minutes as amended; Board Member Bahde seconded the motion and the minutes were approved unanimously.**

III. Visitor Comments

None.

IV. Old Business

BPAB Open House Wrap Up

The Board discussed the open house. Board Member Upton noted that a number of community members attended who have not attended BPAB meetings in the past. Board Member Bahde stated that he spoke with people who didn't even know that BPAB existed or what the Board does. Board Member Upton opined that holding the event at the Library was beneficial, as it allowed people who happened to be there to see that the event was taking place and come in and participate. Chair Karas opined that this would be good to do annually, depending on the outcome of the proposed "bike summit." Board Member Heald reported that an attendee had complaints about: 1) large trucks parking downtown and blocking bicycle lanes and traffic; 2) traffic conflicts on the multi-use path near the south Co-op; and 3) cracks on the Midge Cramer Path near Bald Hill Park. It was noted that a community member requested more maintenance on Suzanne Wilkins Way because it is steep and covered in wet leaves. Board Member Bahde observed that the suggestions break down into five infrastructure suggestions, five education suggestions, and two maintenance suggestions. Board Member Upton questioned what to do with this input, noting that the purpose of the open house was to raise awareness of BPAB. Mr. Wilson said he would go through the suggestions to determine which ones can be included in the existing list of unmet needs. Councilor Beilstein suggested that the next step is the bike summit which a BPAB subcommittee is currently working on putting together.

29th Street and Grant Avenue Intersection

Mr. Wilson reported that the City Traffic Engineer will be collecting count data for the 29th Street and Grant Avenue intersection. It is anticipated that the intersection will eventually be signalized, but this may be years out. Councilor Beilstein opined that it is unacceptable to not do any improvements to the intersection until it is signalized. He asked if it would be possible, as an interim measure, to simply paint an island on the street in the area around the stop sign. Mr. Wilson stated that a paint option may trigger additional ADA upgrades to the intersection. Board Member Upton suggested and the members supported asking Engineering staff to attend a BPAB meeting to discuss the counts and short/long term design options for the intersection. Mr. Wilson stated that closing Coolidge Way and making this a standard four-way stop intersection would solve some problems without signalization.

V. New Business

CPD Pedestrian Action Report

Mr. Wilson provided a brief overview of the recent pedestrian/crosswalk action that was conducted by the Corvallis Police Department (CPD). During the month of October CPD conducted targeted crosswalk enforcement actions at four intersections: 14th Street and Harrison Boulevard., 14th Street and Van Buren Avenue, 6th Street and Monroe Avenue, and 5th Street and

BPAB Minutes
December 4, 2015
Page 3 of 4

Western Boulevard. Nearly 70 stops were made over the course of the action with 57 motorists cited. Crosswalk citations were issued to 34 drivers and citations were issued for a variety of other violations, including driving uninsured, speeding, no driver's license and outstanding warrants.

Vision and Action Plan Presentation

Councilor Penny York provided an overview on the status of the Council's new Vision and Action Plan. Over time, the process of developing a community-wide Vision Plan has evolved to include Action Plans which show not just what the community wants to be but how it will get there. Vision Plans now typically include tracking for action items to measure accomplishment. The first phase of the Vision and Action Plan development is foundation building and community engagement to develop the Vision and next will be work on the Action Plan. A total of six or seven themes will be developed for inclusion in the Vision and Action Plan and submitted to the full Council in the early summer of 2016. Councilor Beilstein noted that the 2020 Vision Statement was used in the development of the City's existing Comprehensive Plan and that the City is required to redo the Vision statement in conjunction with the current update of the City's Comprehensive Plan.

January Meeting Date

The meeting was set for January 8.

City Leaf Collection Policy

Mr. Wilson reported that Greg Gescher, the City Engineer has stated that for the fall of 2016 he would support a policy that prohibits leaves from being placed in bicycle lanes for pickup under Public Works leaf collection program. Mr. Wilson noted that it would take time and effort to get information on this change out to the public and commercial landscapers. The effort would be coordinated through the City's new Public Information Officer and could include the City newsletter, newspaper ads or articles, letters to commercial landscapers, and posts to Facebook and Twitter. Councilor Beilstein noted that it might be better to work toward discontinuing leaf pickup completely. Board Member Upton suggested supporting the proposal by the City Engineer for 2016 and then pushing for something even more aggressive in 2017. **Board Member Upton made a motion to support Public Works' interest in fully enforcing the Corvallis Municipal Code (CMC) restriction against obstructing bicycle lanes, specifically including yard debris. Board Member George seconded the motion, which passed unanimously.** The Board also added a pending item to explore the addition of a more restrictive prohibition in the CMC.

VI. Information Sharing

None

VII. Commission Requests and Reports

Board Member Upton raised some previous concerns. First, he asked if staff had any updates on Laura Duncan Allen's concerns about flooding on the sidewalk at 6th Street and Western Boulevard near the Union Pacific railroad tracks. Mr. Wilson stated that he would check with City Engineer Greg Gescher to find out the status of this and report back to the Board at the January meeting.

BPAB Minutes
December 4, 2015
Page 4 of 4

Next, he asked if there was more material for the Police Facebook page. Board Member Ullman stated that he has twelve informational pieces written, but did not bring them to the meeting. He will send them to the rest of the Board for discussion and editing at the January meeting.

Finally, Board Member Upton stated that the time to start work on the Board's 2015 Annual Report is approaching and that one of the Board's goals from last year was to assist Public Works staff in contributing to the Council's Sustainable Budget goal. He noted, however, that the Board was not informed about the Sustainable Budget report that Public Works submitted to the Urban Services Committee (USC) in October, nor were they invited to discuss the content. There was no mention of bicycle and pedestrian infrastructure in the report, nor any mention of BPAB's interests. Councilor Beilstein noted that Public Works Director Mary Steckel was asked to provide a list of unmet street maintenance needs and a dollar amount for that work. Cost information was not available for the bicycle and pedestrian improvements that the Board would like to have had included. Board Member Upton stated that BPAB's Unmet Needs list should have been included in the discussion, as was stated in their Annual Work Plan goal. Councilor Beilstein suggested someone from BPAB could talk to the Chair of the Sustainable Budget Task Force. Board Member Upton opined that he would prefer using the Annual Report to get this issue in front of the Council.

The Board also discussed Corvallis's Gold level League of American Bicyclists Bicycle Friendly Community status and whether Corvallis met the requirements for the Gold rating. Councilor Beilstein recommended sending a letter to the Council through USC with information on the meaning of the Gold level status. Board Members Bahde and Karas volunteered to work on a letter to USC regarding the City's rating. Board Member Bovee asked the specific purpose of the letter and members responded that it should address where we are currently and where we should be aiming as a community.

VIII. Pending Items
None.

The meeting was adjourned at 8:50 a.m.

NEXT MEETING: January 8, 2016, 7:00 a.m., Madison Avenue Meeting Room

**HOUSING AND COMMUNITY DEVELOPMENT ADVISORY BOARD
MINUTES
December 16, 2015**

Present

Ed Fortmiller, Chair
Kara Brausen, Vice Chair
Dave Henderer
David McCarthy
Donna Rinaldi
Bill Glassmire, City Council Liaison

Absent

Gary Hamilton
Kenny Lowe

Staff

Kent Weiss
Terri Heine

Visitor

Penny York, Ward 1 City Councilor

SUMMARY OF DISCUSSION

Agenda Item	Action/Recommendation
I. Visitor Comments: Ward 1 City Councilor Penny York	Information Only
II. Consideration & Approval: HCDAB Draft Minutes of 11/18/15	Approved as Modified
III. Status Report: Loan Funds & Recent Rehab Loans	Information Only
IV. City Council Housing Development Task Force Update	Information Only
V. HCDAB Work Program	Discussion

CONTENT OF DISCUSSION

I. Visitor Comments: Ward 1 City Councilor Penny York

Chair Fortmiller opened the meeting, welcoming Ward 1 City Councilor Penny York. Councilor York introduced herself as President of the City Council and the Chair of the Vision Action Task Force (VATF), noting that she is visiting all of the City's Boards and Commissions to talk about the work that is being planned for the next year toward the development of the Vision and Action Plan 2040. Councilor York handed out copies of a document that detailed the planned approach of the Corvallis Vision Project (Attachment A) and began an overview of the three components:

- Phase One – Foundation Building
- Phase Two – Vision Refinement
- Phase Three – Action Plan Development

Councilor York noted that the Foundation Building phase started with the creation of the VATF which is considering the elements a Vision Action Plan might include and actions that can be taken to achieve goals included within each of the elements. In the near future, the VATF will be recommending that it become a steering committee and that its size increase from its current seven members to between 16 – 20 members in hopes of encompassing broader community representation. Councilor York noted that the consultant hired to help with the Vision and Action Plan 2040 process specializes in the area of public outreach and is currently developing a plan of community engagement that should be ready for review by the end of January, with implementation anticipated for February. Along with acquiring input from individuals throughout the community, there are plans to include participation by partnering organizations that will have helpful ideas for projects and action item assignments for elements included in the Vision Action Plan.

Continuing, Councilor York noted that by the beginning of summer, it is anticipated that the consultant will have developed a draft Vision Statement that will likely be divided into about six broad focus areas. The new Vision Statement will become the foundation for future revisions to the City's Comprehensive Plan, as well as the Land Development Code.

Councilor York noted that members of the VATF have been reaching out to other Oregon communities that are already working with a Vision and Action Plan similar to the one being developed for Corvallis, including a visit with representatives in Hillsboro who are working with a model that has been very effective. Over the past ten years, Hillsboro has completed approximately 98% of the action items included in their Vision Plan.

Concluding, Councilor York noted that as the VATF has looked at how they would like Corvallis' Vision Plan to be developed, they have realized that it isn't enough just to track action items. Metrics will also be developed and will be used to track overall progress toward meeting the goals of the Vision Plan. It is hoped that all of the pieces of the Vision Statement, the Action Plan, and the evaluation tools will be ready for review and adoption by City Council in November 2016.

Councilor York asked Councilor Glassmire if he had anything to add to the presentation. Councilor Glassmire noted that it may be helpful for HCDAB members to know how they may help with the Vision and Action Plan process. Councilor York stated that HCDAB members will have opportunities to respond as individuals to upcoming surveys, as well as working as a group in partnership with the Council's Housing Development Task Force (HDTF) on recommendations that may eventually be included in the Vision Action Plan as action items.

Chair Fortmiller thanked Councilor York for visiting and for her presentation.

II. Consideration & Approval: HCDAB Draft Minutes of November 18, 2015

Chair Fortmiller asked for consideration of the HCDAB draft minutes of November 18, 2015. Councilor Glassmire noted that Eli Spevak's Web site address should be corrected to orangesplot.net. Weiss noted that staff will make the correction. The minutes were then approved as modified.

III. Status Report: Loan Funds and Recent Rehab Loans

Housing and Neighborhood Services Division Manager Weiss noted that no new rehabilitation loans have closed since the last meeting, adding that several are in the application/review process. Regarding First Time Home Buyer (FTB) loans, Weiss noted that one new loan has closed since the last meeting.

IV. City Council Housing Development Task Force Update

Weiss reminded Board members that the Housing Development Task Force (HDTF) is charged with making recommendations to the City Council for ways that the City can facilitate housing development in Corvallis for workforce residents, low income residents, and residents who are homeless or nearly homeless and in need of transitional housing. To this point, the HDTF has primarily been doing research on programs that the City might consider. Weiss noted that during the HDTF's most recent meeting, the discussion centered around three main themes: 1) system development charges (SDCs); 2) community land trusts (CLTs); and 3) City-initiated annexations.

Continuing, Weiss noted that the discussion about SDCs started at a recent task force meeting with an inquiry regarding whether waiving SDCs would encourage more development. A developer attending the meeting stated that although the amount of SDCs for a project can be significant, that type of a waiver by itself is probably not enough to convince a developer to build. Weiss added that the flip side is that if SDCs were waived, the City would still need to have a process to capture funds to replace the forgone SDCs to support the future expansion of infrastructure.

Regarding the CLT concept, Weiss noted that this is a structure in which the land that underlies the developed units is owned in trust, not by the people who buy the units. The buyers own the improvements and lease the land from the trust. Willamette Neighborhood Housing Services' (WNHS) Seavey Meadows CLT project is a good,

recent example of this concept. Weiss noted that the HDTF will likely be looking at whether a combination of waiving or financing SDCs for a CLT project might be enough incentive to encourage more development.

The third main area of discussion was in regard to City-initiated annexations. Weiss noted that this is a concept where the City would take the initiative to work with the owner of a property. Currently, to annex property into the City requires a vote of the general public to approve that annexation, which has at times been a major hurdle toward a positive outcome. Potential developers have noted that along with the risk that an annexation may not be approved, there can be substantial amounts of time and money involved in preparing information for Planning Commission and City Council hearings as part of the process for getting the annexation ready for a general public vote. Weiss noted that in a City-initiated annexation, the City would take the lead in the process from the beginning, and help facilitate the approvals that would be needed to put the annexation on the ballot.

Weiss noted that the HDTF is scheduled to meet again this evening, and he will provide another update during HCDAB's January meeting.

V. HCDAB Work Program

Weiss noted that following Councilor Glassmire's suggestion during the last meeting, he had reached out to Eli Spevak, a Portland developer with innovative ideas about housing development, to ask if he would be interested in coming to Corvallis to talk with both the HDTF and the HCDAB. Although confirmation from Mr. Spevak is pending, Weiss noted that if he does come to Corvallis, it may work best for him if he was able to give his presentation during a combined January meeting of the HDTF and the HCDAB. Staff will be following up with Board members once more information is known.

There being no further business, the meeting was adjourned at 12:30 p.m.

1.2.2 Our Planned Approach

The Corvallis Vision Project has three main Phases:

- **Phase One - Foundation Building**
- **Phase Two - Vision Refinement**
- **Phase Three - Action Plan Development**

The chart (to the right) aligns the City's requested work elements with our timeline and milestones. The scope element icon colors (shown here) are also identified in each of the subtask lists for each phase.

Phase One Subtasks

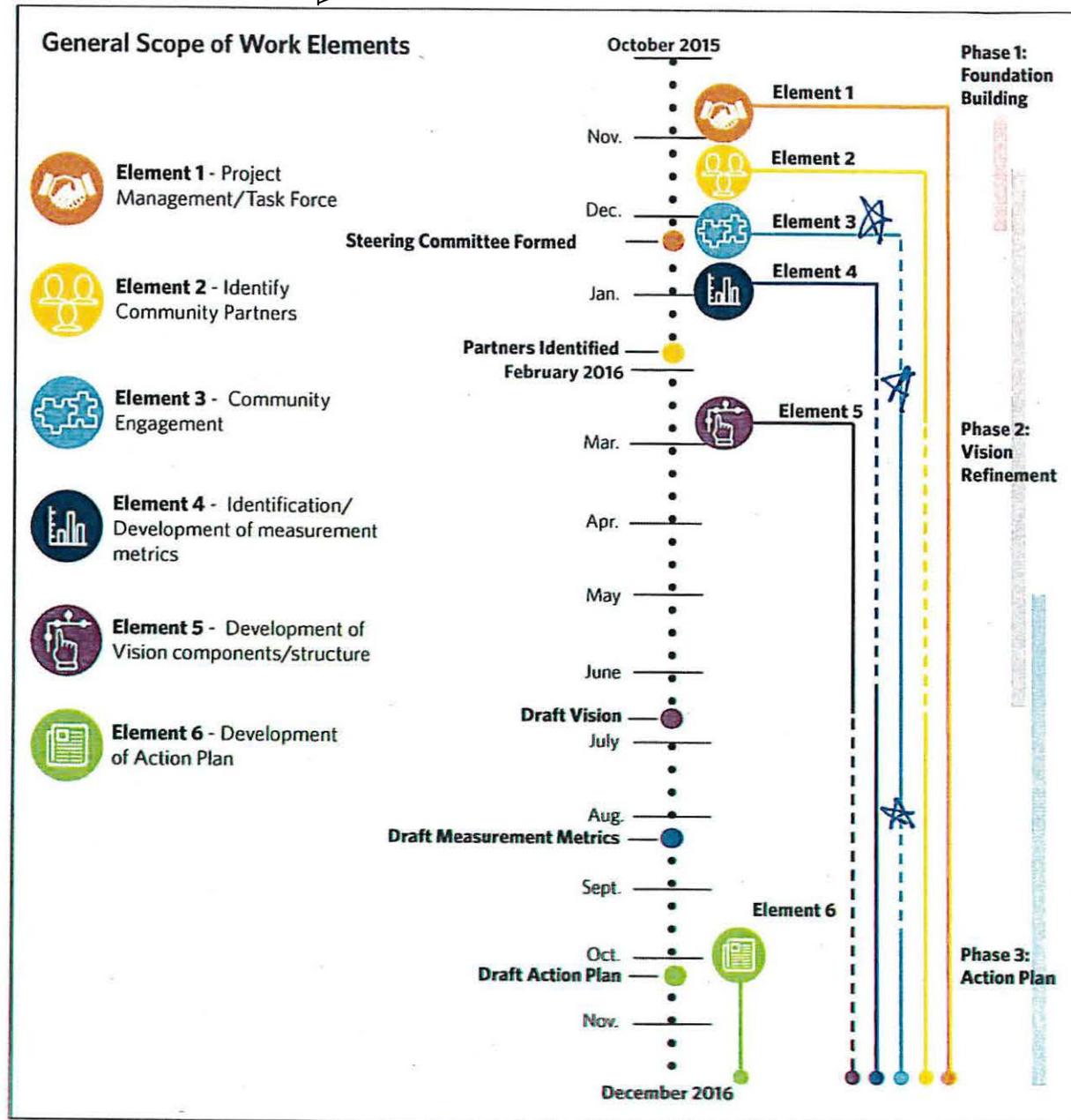
1. Task Force Meetings (2) ●
2. Communications and Outreach Plan ●
3. Interviews (12) ●●
4. Focus Group Discussions and Summary(2) ●
5. Report Research and Development ●
6. Ongoing task management, communications and administration ●

Deliverables

- Communications and Outreach Plan
- Major Issues and Trends "Snapshots"
- Identification of New Focus Area Refinements and New Focus Areas

Phase One - Foundation Building.

The foundation subtasks will help the team and the Task Force develop a further understanding about the current initiatives in the City, community values and community interests. We expect to start with interviews of key City decision makers and hold two small-group discussions with other community leaders. From this information we will complete our Communications and Outreach Plan that lays out specific events for the visioning process.



**KING LEGACY ADVISORY BOARD
MINUTES
12/15/15**

Present

Jasper Smith
Megha Shyam
Chareane Wimbley-Gouveia
Kerstin Colón
Joseph Orosco
Amber Moody
Marcianne Rivero Koetje
Barbara Bull – Council liaison

Absent

Frederick Edwards
Gabriel Merrell
Alyssa Faye Campbell

Visitors

Kian Casey
Faith Reidenbach

Staff

None

SUMMARY OF DISCUSSION

Agenda Item	Action Recommendation
I. Approve Minutes	Minutes approved.
II. Introduce New Member	Marcianne Rivero Koetje joins KLAB as the representative for 509j school district. We are pleased to have her with us.
III. January Event	Decided on a theme of Crime, Color, and Incarceration. TED Talk by Michelle Alexander and a community panel for question and answer session. We will have presentations by the scholarship winners. Lemonade, water, and cookies (including gluten-free) by Taylor Street Ovens. Program by Esmeralda Reyes. Publicity in GT (Chareane). Art project display by Youth Volunteer Corps and Holding Hands Corvallis. Joseph and Kerstin to emcee. Mayor Traber will present scholarship awards. It will take place at The Majestic Theater at 7 PM on Monday, January 18 th .
IV. Essay Contest	Pragyna Naik (video) and Rachel Conner (short story) were selected to each receive a \$500 scholarship. All entrants will receive a \$50 gift certificate to their choice of Book Bin or Grassroots. We will ask the winners to present at the event.
V. MLK Children’s Activity	The Youth Volunteer Corps will be having an event and art project for children on the MLK holiday. We agreed to display the resulting art work at the Majestic event. We encouraged Holding Hands Corvallis and YVC to connect.
VI. Future Planning	We could partner with Employers Partnership for Diversity and have Jade Aguilar present at a Community Summit on April 15 th . We could partner

	with LBCC around Robin D'Angelo and White Fragility in May. Leticia Nieto could be available in June. Shelly Moon will attend our January meeting with a possible request. Penny York will also attend our regular January meeting to discuss the 2040 visioning process.
VII. Other Business	We decided to have a pre-event check in meeting on Tuesday January 12 th in addition to our regular meeting on January 26 th .
VIII. Announcements	National Homeless Memorial will be Monday, December 21 st at 2:30 pm. White Out will be upcoming on February 7 th at the Library.

TO: City Council for January 19, 2016 meeting
 FROM: Mary Steckel, Public Works Director *MS*
 DATE: January 5, 2016
 THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
 SUBJECT: Transit Operations Fee Annual Adjustment



Action Requested:

For information only, no action required.

Discussion:

Per Municipal Code 3.08.050, the Transit Operations Fee is reviewed and adjusted annually, with the new rate effective February 1st of each year. The fee is charged to all City Services Bill customers and is calculated for each customer using a trip-generation methodology to estimate the average impact a customer has on the transportation system (“trip generation”). A “trip” is defined as the one-way travel from a starting point to a destination. For example, going to work in the morning is one trip; coming home at night is one trip. Different types of customers would have different average daily trips (i.e., a dentist office generates fewer trips than a fast-food restaurant, on average).

Per the Municipal Code, the fee is adjusted annually in January. The new fee is determined by the average price in Oregon of a gallon of regular grade gasoline for the previous twelve months, using data published by the Oil Price Information Service. The new monthly fee for a single family customer is either the average price of a gallon of gasoline or \$2.75, whichever is greater. If the single family rate changes as a result of this process, the per-trip fee for the other customer groups is adjusted proportionally.

The current fee for a single family customer is \$3.55. The average price of gasoline for calendar year 2015 is \$2.69. As this is less than \$2.75, the floor established by ordinance, the new single family customer rate will be \$2.75, a reduction of \$0.80 per month or about 22.5%. The rate for all other customer groups will be decreased by the same percentage.

The Transit Operations Fee for a single family customer since the fee’s inception has been:

	<u>Rate</u>	<u>Increase/(Decrease) From Previous Year</u>
2011	\$2.75	
2012	\$3.73	35.60%
2013	\$3.80	1.90%
2014	\$3.63	(4.50%)
2015	\$3.55	(2.17%)
2016	\$2.75	(22.54%)

Budget Impact:

The revenue generated by the Transit Operations Fee in FY 14-15 was about \$1.2 million. The new, lower fee is anticipated to reduce revenues in FY 15-16 by \$155,000.

City Council Meeting
1/29/15
Visitors' Propositions

The 2012 Advisory Question that passed with 75% of the vote asked the Mayor and City Council to petition our representatives at all levels to write and/or support a Constitutional amendment that ended corporate personhood and money as political speech. During the 2013 Oregon legislative session our state legislators heard the Mayor Manning and petitioned Congress for such an amendment by passing House Joint Memorial 6.

States have two ways in which they can facilitate new Constitutional amendments: 1. petition Congress as Oregon did with HJM 6 and 2. apply to Congress, pursuant to Article V of the Constitution, to call for a Constitutional convention of the states.

There is a legislative concept, 152 (conveyed as a separate PDF file), that if passed as a bill, would be Oregon's application for a Constitutional convention "for the purpose of proposing amendments...relating to the subjects described in the preamble of this joint memorial". Among other important and related concepts in the preamble are the statements:

" Whereas these decisions have resulted in powerful economic forces having unjust influence that supplants the will of the people by undermining our ability to choose political leadership, write our own laws and determine the fate of our state;

and Whereas the founding fathers of this nation never intended the rights of natural persons protected in the Constitution of the United States to be applied to artificial entities;

and Whereas Congress and the states should be authorized to place limits on political contributions and expenditures to ensure that all citizens have access to the political process and to require that all contributions and expenditures be fully and immediately disclosed to the public"

I suggest that the goals of legislative concept 152 are consistent with the desire of Corvallis citizens for a Constitutional amendment as they expressed in passing the 2012 Advisory Question to end corporate personhood and money as political speech.

Therefore, I propose that the City Council support legislative concept 152 and the bill it becomes through testimony at legislative committee hearings (likely the House Rules) and communications with our legislators.

Thank you for your time.

Bob Ozretich,
Advisory Question, co-chief petitioner
Corvallis Area Move to Amend, co-founder

LC 152
2016 Regular Session
1/8/15 (DJ/jas/ps)

D R A F T

SUMMARY

Applies to Congress to call amendment convention for purpose of proposing amendments to United States Constitution that address campaign finance reform.

JOINT MEMORIAL

1

2 To the Senate and the House of Representatives of the United States of
3 America, in Congress assembled:

4 We, your memorialists, the Seventy-eighth Legislative Assembly of the
5 State of Oregon, in legislative session assembled, respectfully represent as
6 follows:

7 Whereas American elections should be free of the corrupting influence
8 of excessive spending by outside interests and fair enough that any citizen
9 can run for public office; and

10 Whereas the first President of the United States, George Washington,
11 stated, "The basis of our political systems is the right of the people to make
12 and to alter their constitutions of government"; and

13 Whereas it was the stated intention of the framers of the United States
14 Constitution that Congress should be "dependent on the people alone"
15 (James Madison, Federalist No. 52); and

16 Whereas that dependency has evolved from a dependency on the people
17 alone to a dependency on those who spend excessively in elections, through
18 campaigns or third-party groups; and

19 Whereas the United States Supreme Court ruling in *Citizens United v.*
20 *Federal Election Commission* (558 U.S. 310 (2010)) removed restrictions on

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

LC 152 1/8/15

1 amounts of independent political spending, and further decisions of the
2 nation's high court both before and afterward have eroded the foundations
3 of representative democracy in America; and

4 Whereas these decisions have resulted in powerful economic forces having
5 unjust influence that supplants the will of the people by undermining our
6 ability to choose political leadership, write our own laws and determine the
7 fate of our state; and

8 Whereas the founding fathers of this nation never intended the rights of
9 natural persons protected in the Constitution of the United States to be ap-
10 plied to artificial entities; and

11 Whereas Congress and the states should be authorized to place limits on
12 political contributions and expenditures to ensure that all citizens have ac-
13 cess to the political process and to require that all contributions and ex-
14 penditures be fully and immediately disclosed to the public; and

15 Whereas Article V of the United States Constitution empowers the people
16 and states of the United States of America to use the constitutional amend-
17 ment process to correct those egregiously wrong decisions of the United
18 States Supreme Court that undermine the heart of our democracy and re-
19 publican form of government; and

20 Whereas Article V of the United States Constitution requires Congress
21 to call a convention for proposing amendments to the Constitution upon "the
22 Application of the Legislatures of two thirds of the several States"; and

23 Whereas the State of Oregon sees the need for a convention to propose
24 amendments in order to address concerns such as those raised by the decision
25 of the United States Supreme Court in *Citizens United* and related cases and
26 events long before and afterward addressing a substantially similar purpose,
27 and desires that said convention should be limited to these concerns; and

28 Whereas the State of Oregon desires that the delegates to the convention
29 be composed equally of individuals currently elected to state and local office,
30 or be selected by election in each congressional district for the purpose of
31 serving as delegates; and

LC 152 1/8/15

1 Whereas the State of Oregon desires that individuals elected or appointed
2 to federal office, now or in the past, be prohibited from serving as delegates
3 to the convention, and intends to retain the ability to restrict or expand the
4 power of its own delegates within the limits expressed herein; and

5 Whereas the State of Oregon intends that this be a continuing application
6 considered together with applications calling for a convention adopted or
7 currently pending in other states, including the State of New Jersey, the
8 State of Vermont, the State of Illinois and the State of California, and future
9 applications until such time as two-thirds of the several states have applied
10 for a convention and said convention is convened by Congress; now, there-
11 fore,

12 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

13 (1) We, the members of the Seventy-eighth Legislative Assembly, pursuant
14 to Article V of the United States Constitution, hereby petition Congress to
15 call a convention for the purpose of proposing amendments to the United
16 States Constitution relating to the subjects described in the preamble of this
17 joint memorial as soon as two-thirds of the several states have applied for
18 a convention.

19 (2) For purposes of determining whether two-thirds of the states have
20 applied for a convention, we intend that this application be aggregated with
21 the applications of any other state legislature that includes any of the sub-
22 jects set forth in the preamble of this joint memorial.

23 (3) A copy of this memorial shall be sent to the Vice President of the
24 United States, to the Senate Majority Leader, to the Secretary of the Senate,
25 to the Speaker of the House of Representatives, to the Clerk of the House
26 of Representatives, to the Archivist of the United States, to each member of
27 the Oregon Congressional Delegation and to the presiding officers of the
28 legislative chambers in each state of the United States requesting their co-
29 operation in issuing a petition to Congress to call a convention for the pur-
30 pose of proposing amendments pursuant to Article V of the United States
31 Constitution.

LC 152 1/8/15

1

FROM COUNCILOR GLASSMIRE

January 19, 2016

DRAFT WELCOMING RESOLUTION, ALTERNATIVE WORDING

This draft of a "welcoming resolution" includes several possible wording changes to the draft written in the January 19 City Council packet. Thanks to Councilor York and to Jeanne Raymond for the suggestions.

Also, some people have suggested that the resolution would be more effective if the specific references to the Muslim religion were deleted.

Differences from the version in the packet are marked in green.

WHEREAS our city charter affirms that "Corvallis is a community that honors diversity and diverse interests, and aspires to be free of prejudice, bigotry, and hate"; and

WHEREAS recent shooting incidents, at Umpqua Community College in Roseburg, in Paris France, and in San Bernardino California, have resulted in **resulted in** many Oregonians afraid for their safety; and

WHEREAS we recognize that diverse cultures and different religions generally affirm life but are also susceptible to interpretations teaching fear and prejudice; and

WHEREAS **some** recent public dialogue in the United States has stressed fear of **others based on religion and culture, especially** the Muslim religion and its followers; and

WHEREAS fear and prejudice are divisive and increase the likelihood for escalating fear and even violence; and

WHEREAS to reduce fear and to promote understanding, we must acknowledge **and appreciate** our common humanity; and

WHEREAS to reduce fear and to promote understanding, we must acknowledge **and appreciate** our differences; and

WHEREAS to reduce fear and to promote understanding, we must act on those acknowledgements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the city welcomes people of good will from all religions and all cultures; and

BE IT FURTHER RESOLVED THAT the city particularly affirms its welcome for Muslims; and

BE IT FURTHER RESOLVED THAT the city of Corvallis encourages civic institutions to sponsor programs promoting dialogue and inter-cultural understanding; and

BE IT FURTHER RESOLVED THAT the city of Corvallis invites governments in other places to join in this call to promote dialogue and inter-cultural understanding; and

BE IT FURTHER RESOLVED THAT the Corvallis City Council will send this resolution to OSU President Ray and to the city's elected officials (Oregon Rep. Dan Rayfield, Oregon Sen. Sara Gelser, Gov. Kate Brown, Rep. Kurt Schrader, Rep. Peter DeFazio, Sen. Jeff Merkley, Sen. Ron Wyden, and President Barack Obama).

DRAFT

SPIRITUAL ASSEMBLY OF THE BAHÁ'ÍS OF CORVALLIS, OREGON

ph 541.745.7916
P.O. Box 309, Corvallis OR 97339
CorvallisSecretariat@comcast.net

January 19, 2016

Ms. Carla Holzworth
Recorder, City of Corvallis
501 W. Madison Avenue
Corvallis, OR 97339

To the City Council:

The Bahá'í community of Corvallis is writing this letter to endorse the draft resolution by Councilor Bill Glassmire that reaffirms Corvallis as a welcoming city to all persons, and especially to Muslims and other religious minorities.

Bahá'ís share a conviction that the entire human race is one. The consciousness that we all are members of one human family is the central organizing principle of the Bahá'í Faith, and applies to every human being, regardless of country of origin, skin color, or religious tradition. The Sacred Writings of our Faith affirm this:

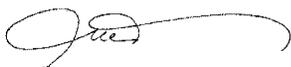
The well-being of mankind, its peace and security, are unattainable unless and until its unity is firmly established. (*Gleanings from the Writings of Bahá'u'lláh*, CXXXI)

It is not for him to pride himself who loveth his own country, but rather for him who loveth the whole world. The earth is but one country, and mankind its citizens. (*Tablets of Bahá'u'lláh*, Lawh-i-Maqsúd)

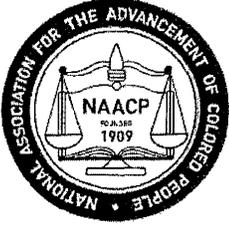
Wherever Bahá'ís reside, they stand for unity of religion. In fact, the Faith teaches that "If religion brings dissension and disagreement, then it were better to have no religion at all." We share a belief in one unknowable God with our Muslim brothers and sisters, and we revere the Sacred Writings of their Faith as we do our own. We stand with our city in affirming that Corvallis welcomes and embraces all its citizens. We honor our city's diversity by our words and deeds.

This letter is offered as public comment, to be attached to the minutes of the City Council meeting of Tuesday, January 19, 2016.

Sincerely,



Lyn Martin
Secretary, Spiritual Assembly of the Bahá'ís of Corvallis, Oregon



NAACP Corvallis/Albany Area Branch #1118

PO Box 870, Corvallis, OR 97339

541-829-3023 | www.naacpcorvallisbranch.com

"Injustice anywhere is a threat to justice everywhere." -- Dr. Martin Luther King, Jr.

January 15, 2016

Ms. Carla Holzworth
Recorder, City of Corvallis
501 SW Madison Avenue
Corvallis, Oregon 97339
Submitted via email carla.holzworth@corvallisoregon.gov

Dear Ms. Holzworth:

The Corvallis branch of the National Association for the Advancement of Colored People (NAACP) endorses the draft resolution by Councilor Bill Glassmire to reaffirm Corvallis as a welcoming city to all people, with special attention now to Muslims and Arabs.

About 1,500 Muslims (permanent residents, international students, accompanying spouses and children) live in Corvallis. Some of them have experienced incidents of prejudice or even violence here. For example, as Mayor Traber and city councilors may have been made aware, in November at the Saturday market, a Muslim OSU student wearing the hijab was assaulted physically and verbally by a white person. Reportedly, many onlookers witnessed the incident but did nothing.

One objective of the NAACP is to ensure the political, educational, social, and economic equality of all citizens. We call on city officials to lead residents in rejecting and resisting Islamophobia and anti-Arab sentiment.

This letter is submitted as public comment, to be attached to the minutes of the City Council meeting of Tuesday, January 19, 2016.

Warm regards,

Faith Reidenbach
Corvallis Branch Secretary

-----Original Message-----

From: Hogg, Roen
Sent: Tuesday, January 19, 2016 3:11 PM
To: Holzworth, Carla
Subject: FW: CRAG

Carla,
Could you print this email and hand out to councilors for the meeting tonight. Sorry for the late notice. This provides clarification regarding the different Greek positions on CRAG. Thanks.

From: Stoll, Jonathan [Jonathan.Stoll@oregonstate.edu]
Sent: Tuesday, January 19, 2016 2:12 PM
To: Hogg, Roen
Subject: RE: CRAG

The three Greek positions do represent three different groups. Panhellenic represents sororities and the Interfraternity Council represents fraternities. UGC is a fusion of culturally rich and distinct Greek Letter Organizations at OSU, that represents fraternities and sororities including, but not limited to, those focused on the celebration of race, ethnicity, nationality, career and professional advancement and sexual orientation.

Let me know if I can further clarify anything. If you or Mark could share this information with the council during any discussion there might be concerning this topic that would be greatly appreciated.

Thanks,
Jon

Disclaimer: This e-mail message may be a public record of the City of Corvallis. The contents may be subject to public disclosure under Oregon Public Records Law and subject to the State of Oregon Records Retention Schedules.
(OAR:166.200.0200-405)

From Councilor Hogg

It is the mission of the Unified Greek Council to promote unity, communication and cooperation among its member organizations and to advance the ideals of scholarship, service and diversity throughout the greater Oregon State University (OSU) and Corvallis Community.

Unified is defined as the fusion of culturally rich and distinct Greek Letter Organizations at OSU, including but not limited to those focused on the celebration of race, ethnicity, nationality, career and professional advancement and sexual orientation. Unified Greek Council is a student governed council at Oregon State University. UGC strives to connect our organizations and the local Corvallis and OSU community through academic, social, and service events.

Please browse through the links above for more information regarding individual entities in UGC.

Are you interested in learning more about UGC? Contact Magali Sánchez at ugc.execdirector@oregonstate.edu



UGC's End of the Year Banquet 2015

[Officers](#) [Contact Us](#)

Center for Fraternity and Sorority Life
306 Student Experience
Corvallis, OR 97331
[Send Email](#)

Phone: 541-737-5432

User login

You will be redirected to the secure CAS login page.

- [Cancel CAS login](#)
- [Request new password](#)

Log in

Contact Info

Student Events & Activities Center
SEC 108
[Find Org Website](#)
[Student Org Support](#)

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LAW OFFICE OF BILL KLOOS PC

OREGON LAND USE LAW
 375 W. 4TH AVENUE, SUITE 204
 EUGENE, OR 97401
 TEL: 541.343.8596
 WEB: WWW.LANDUSEOREGON.COM

BILL KLOOS
 BILLKLOOS@LANDUSEOREGON.COM

January 15, 2016

Corvallis Mayor and City Council
 501 SW Madison Street
 Corvallis, OR 97330

RECEIVED

JAN 15 2016

Re: Kings Boulevard Extension (PLD15-00003)
 Applicant's FINAL ARGUMENT

Community Development
 Planning Division

Dear Mayor and City Councilors:

After reviewing the Staff's answers to the City Council's questions, we offer this Final Argument, which builds upon our Summary of Issues letter and our letter showing the relevance of our Dec. 23rd Supplemental Material – both letters dated January 11.

A. Our December 23 Supplemental Materials must be accepted; each item relates to one or more questions answered by Staff on January 14.

The City may not accept information from the Staff on a myriad of issues but reject our evidentiary materials of December 23 on the same issues as being not relevant. On the Summary Table that is attached to this letter we have listed each December 23 evidentiary item in dispute and shown which Staff Answers relate to the very same issue. Accepting the staff's information but rejecting the applicant's information on the same issues would prejudice the applicant's substantial rights to a full and fair hearing.

B. The City may not deny this application for location and design of this public facility. It does not have discretion under state or local law to say the applicant has guessed wrong and must guess again.

The following summary points are based primarily on the Staff's Answers to the Council's questions:

Big Picture Points:

1. This is an application requesting approval of the location and design of a "planned public facility which is necessary to maintain the City's transportation system as development occurs in this portion of north Corvallis." Staff Answer 8 para 1.
2. The existing plan and zoning show the amount of growth anticipated in North Corvallis and on the vacant subject property. Staff agree. See Answer 10.
3. The road is needed to serve an additional planned 10,000 future dwellings in the North Corvallis area. Staff agree. See Answer 4 last para.

Corvallis City Council

January 15, 2015

Page 2

4. The road design will be adequate to serve growth planned for North Corvallis. Staff Answer 19.
5. City Staff recommend approval, with conditions, of this location and design of the road, which would leave the road in the existing city ROW the City has already accepted and has already relied upon to make final land use decisions. The applicant agrees with the city staff.
6. The City may not deny the application because it feels the arterial street is not needed in this area. That would violate the city's Transportation System Plan, the state's Goal 12 Rule, and state law requiring the City to apply the standards that are in effect. See OAR 660-012-0050; ORS 227.178(3). The Staff Answers agree. See Answers 4, 6.
7. The City may not deny the application for now, to take a time-out to do more planning. That would violate the moratorium statute. ORS 197.505 to 197.540. Staff agree. See Answer 4 para 2.
8. The applicant worked with Staff to identify and study in detail three alternative routes for this road. Staff Answer 11.
9. The City Staff selected this alignment for the ROW in 2013, from among the three most likely alternative alignments studied, because it "offered the best balance of minimizing impacts to natural features, meeting facility design standards, and minimizing cuts and fills (which impact natural features in many areas)." See Staff Answer 1 para 2; Staff Answer 21.
10. This plan for this road in this location can be approved now, with planning for the 29th Street and Lester Avenue connections to be done later. Staff Answer 5 para 2.
11. The vacant subject property and existing ROW at issue here are not the subject of any existing or expired Detailed Development Plan approved under the development code. Staff has been unable to put one in the record because there is none. This is not a matter of code interpretation. It is just a question of what are the past decisions.
12. This is a request for location and design approval for a required public facility, not a request for review of a land development proposal on private property. The City told the applicant that approval of the location and design of the facility is a precondition for review of its now withdrawn residential development proposal. From among three possible alternatives studied in detail by the City Staff, the applicant has designed in the ROW selected by the City, accepted by the City for road purposes, and relied upon by the City for making land use decisions. The City has an obligation under local and state law to approve a facility design, which will allow the applicant to move forward with its

Corvallis City Council
January 15, 2015
Page 3

residential plans. The City does not have discretion to deny the application based on discretionary standards, or for new policy reasons, and direct the applicant to guess again.

Construction/Development Points:

13. All future development on this site will be subject to the Goal 5 natural features protections with future development because there is no Detailed Development Plan for the area that vested the standards prior to 2006. See related Staff Answer 20.
14. There is adequate acreage on the owner's site to develop the minimum required density without invoking MADA regulations to encroach on protected areas. Staff Answer 8. The withdrawn 2014 application for the large lot subdivision and The HUB showed how this can be done. See December 23 Supplemental Materials.
15. This road may not be constructed without additional review and approval of plans by the City. Staff Answer 18.
16. Storm water will be collected in catch basins and piped to three low points. Staff Answer 16. The proposal is for "combined wet pool detention facilities [that] will provide the least amount of impact while providing open facilities." Staff Answer 23.
17. One of the conditions of approval may prohibit the use of explosives for construction. Staff Answer 12.

Sincerely,

Bill Kloos

Bill Kloos

Cc: Client
DEVCO Engineering

Corvallis City Council
 January 15, 2015
 Page 4

Summary Table of December 23 Evidence Submittal Items and Relevance Based on Staff Answers filed Jan. 15, 2015		
Evidence Item	Relevant Issue in this Proceeding	January 14 Staff Answers that relate to these issues
2. Staff Report to Planning Commission, SUB14-00004; PLD14-00007) (3/25/2015) – PDF 5-1467.	Council/neighbors asked what development on adjacent residential land will the road serve?	Staff Answer 4, 8, 10.
	Is it lawful for the City to relocate the road ROW?	Staff Answers 4, 6.
	Must DDP for road be filed as part of housing development proposal?	2015 Staff Report at 20 says a DDP is required for road, not that it has to be filed at the same time as the residential.
4. Deed to City for Kings Blvd ROW (3/28/2014) – PDF 1469-1476.	Councilor asked Staff who owns the ROW that is subject of this application?	City Attny Letter re road ownership; Jan. 14, 2015
5. Letter confirming withdrawing applications for SUB14-00004 and PLD14-00007 (4/1/2015) – PDF 1477	Whether this road DDP is related to the 2014 residential DDP?	Staff Answer 2
6. Letter from DEVCO requesting hold on applications for SUB14-00004 and PLD14-00007 (3/31/2015) - PDF 1478-1479	Whether this road DDP is related to the 2014 residential DDP? And whether this application is related to Needed Housing?	Staff Answer 2.
7. Letter from DEVCO to City Staff re PLD15-00003 (10/29/2015) – PDF 1480-1482		This letter was filed re <u>this</u> application; it relates to completeness review issues; we are refileing it for the record because we cannot find in the online record for this proceeding.
8. Email Chain with Ken Gibb (3/31/2015 to 4/1/2015) - PDF 1493-1487	Whether this road DDP is related to the 2014 residential DDP? And whether this application is related to Needed Housing?	Staff Answer 2
9. Letter exchange between City and DEVCO re PLD15-00003 (9/28/2015-10/21/2015) – PDF 1488-1494		This letter was filed re <u>this</u> application; it relates to completeness review issues; we are refileing it for the record because we cannot find in the online record for this proceeding.

Kings Boulevard Extension
Major PD Modification and Detailed Development
Plan
(PLD15-00003)

City Council
Deliberations
January 19, 2016

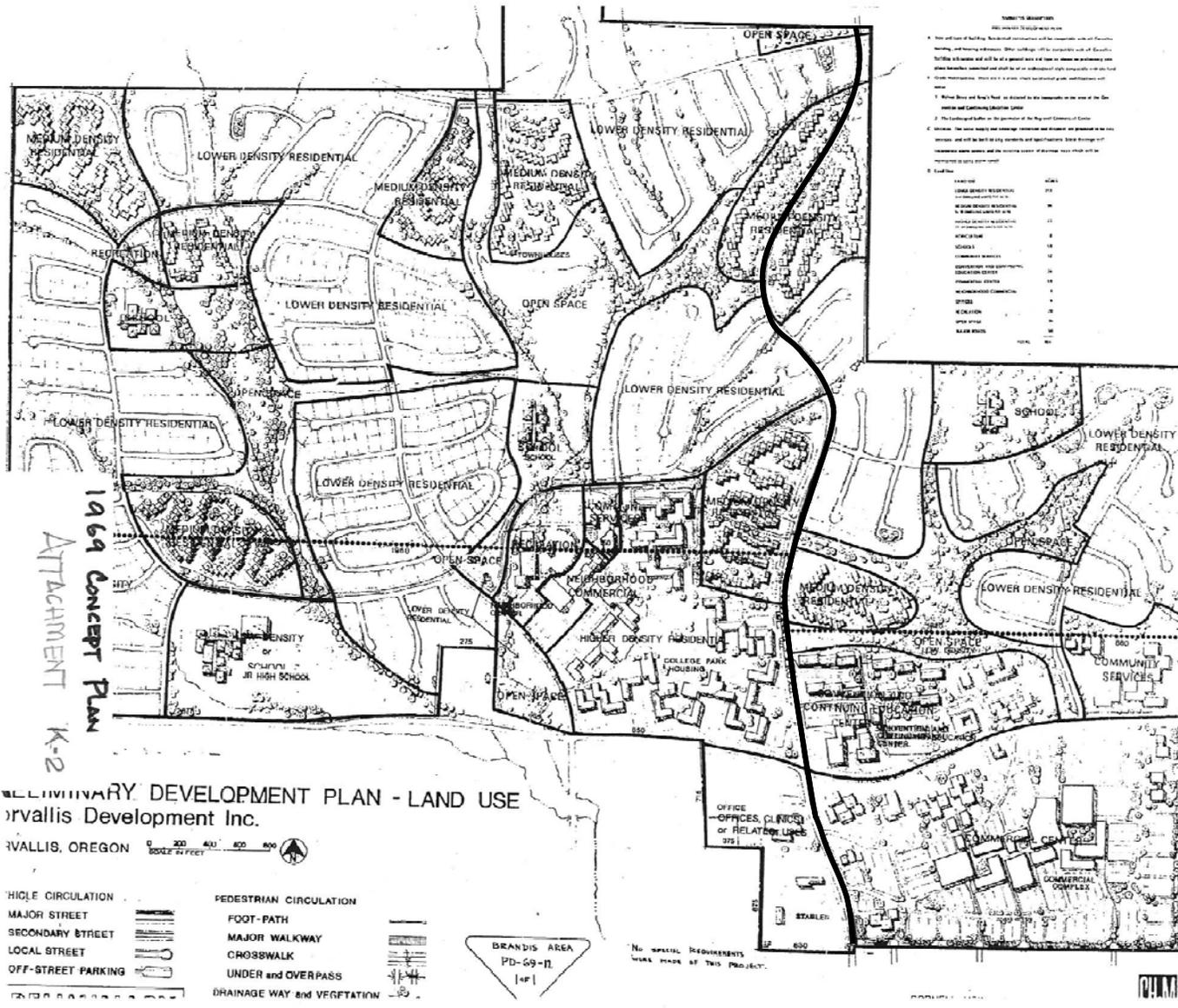


Overview

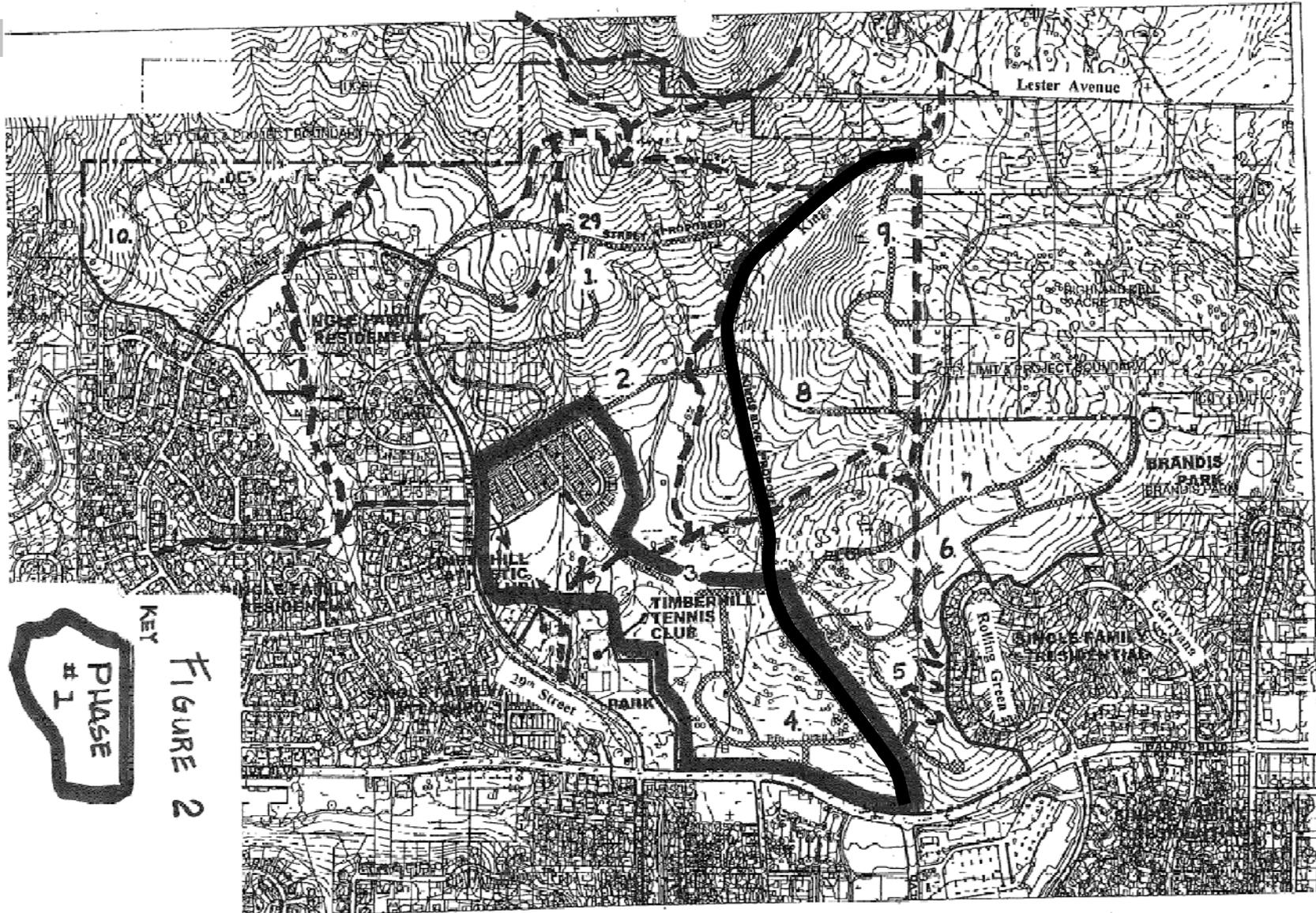
- Public hearing is closed
- Council deliberations and tentative decision tonight
- Final decision and adoption of formal findings Feb. 1
- Documents since public hearing:
 - ▣ Additional written testimony
 - ▣ Applicant's final written argument
 - ▣ Staff answers to Council questions



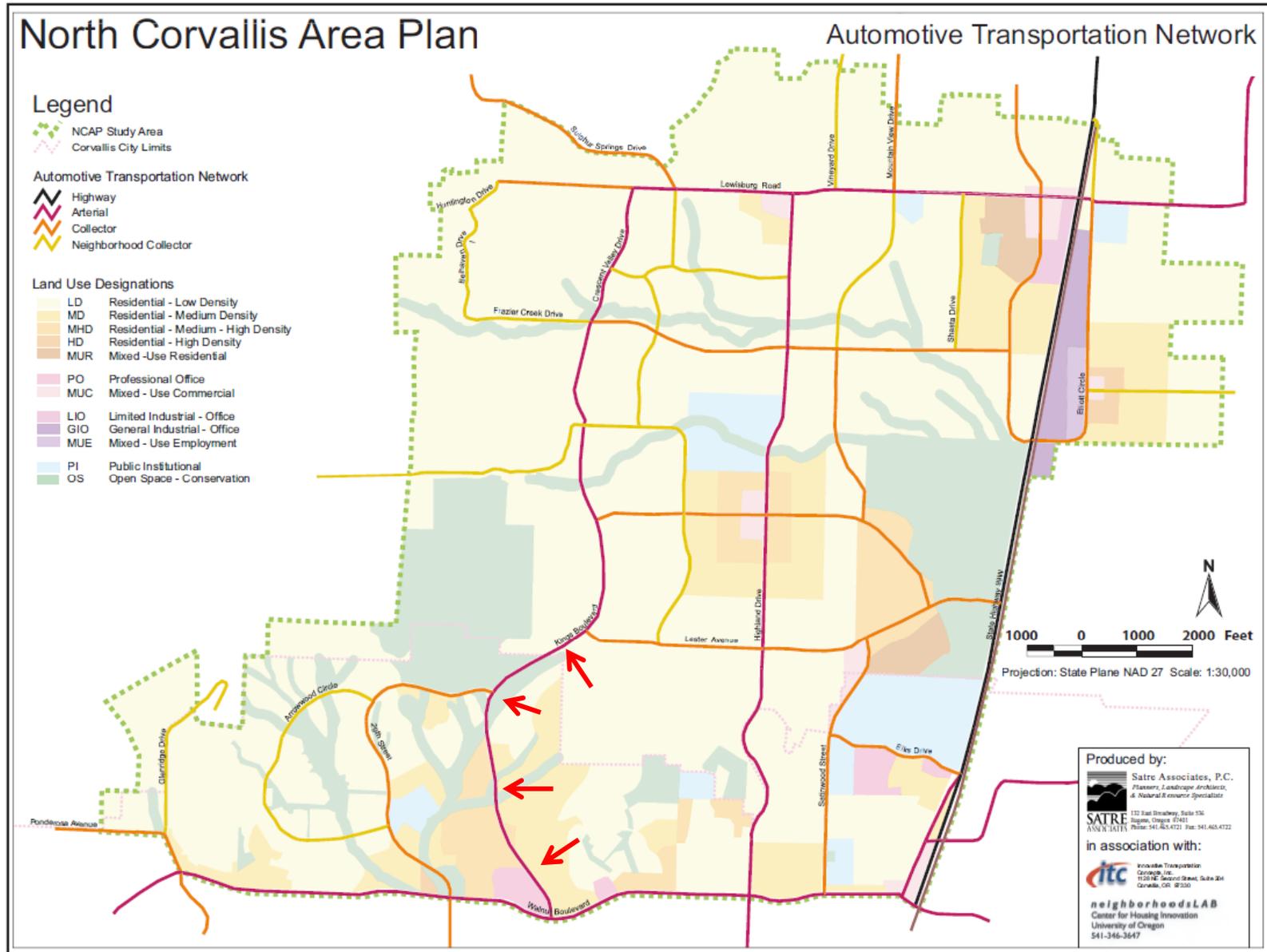
1969 Preliminary Development Plan



Timberhill Conceptual Plan

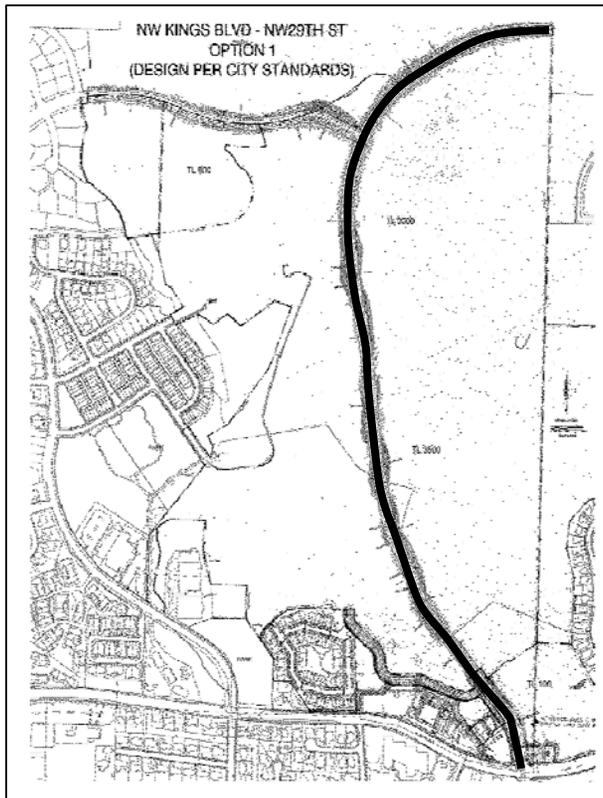


NCAP Figure 5.1

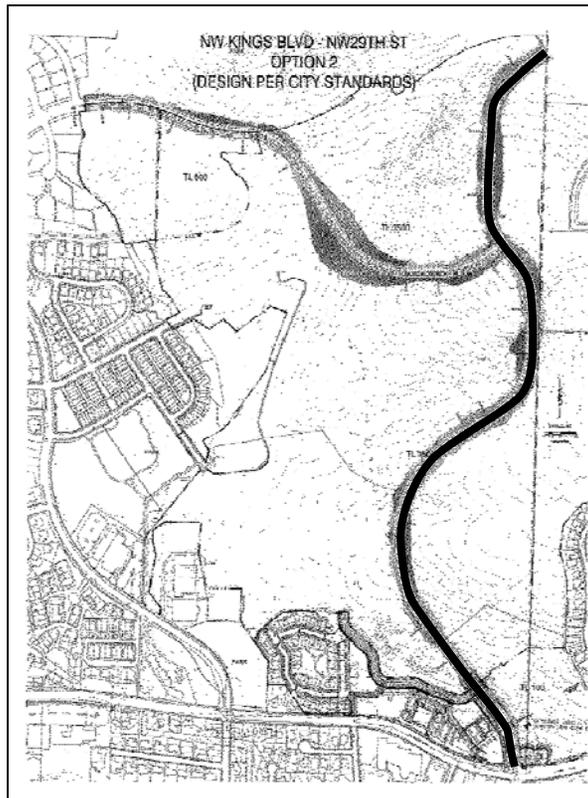


Alignment Options

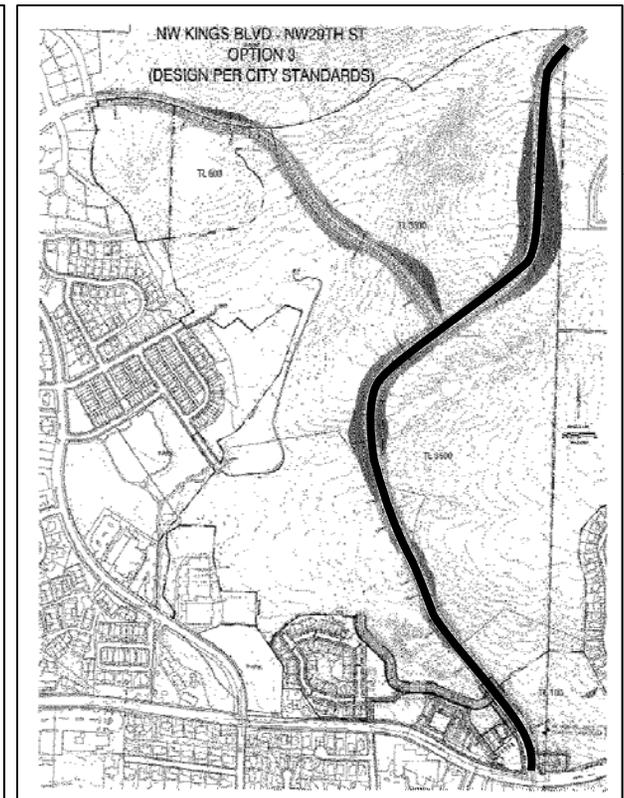
Option 1 (proposed)



Option 2



Option 3



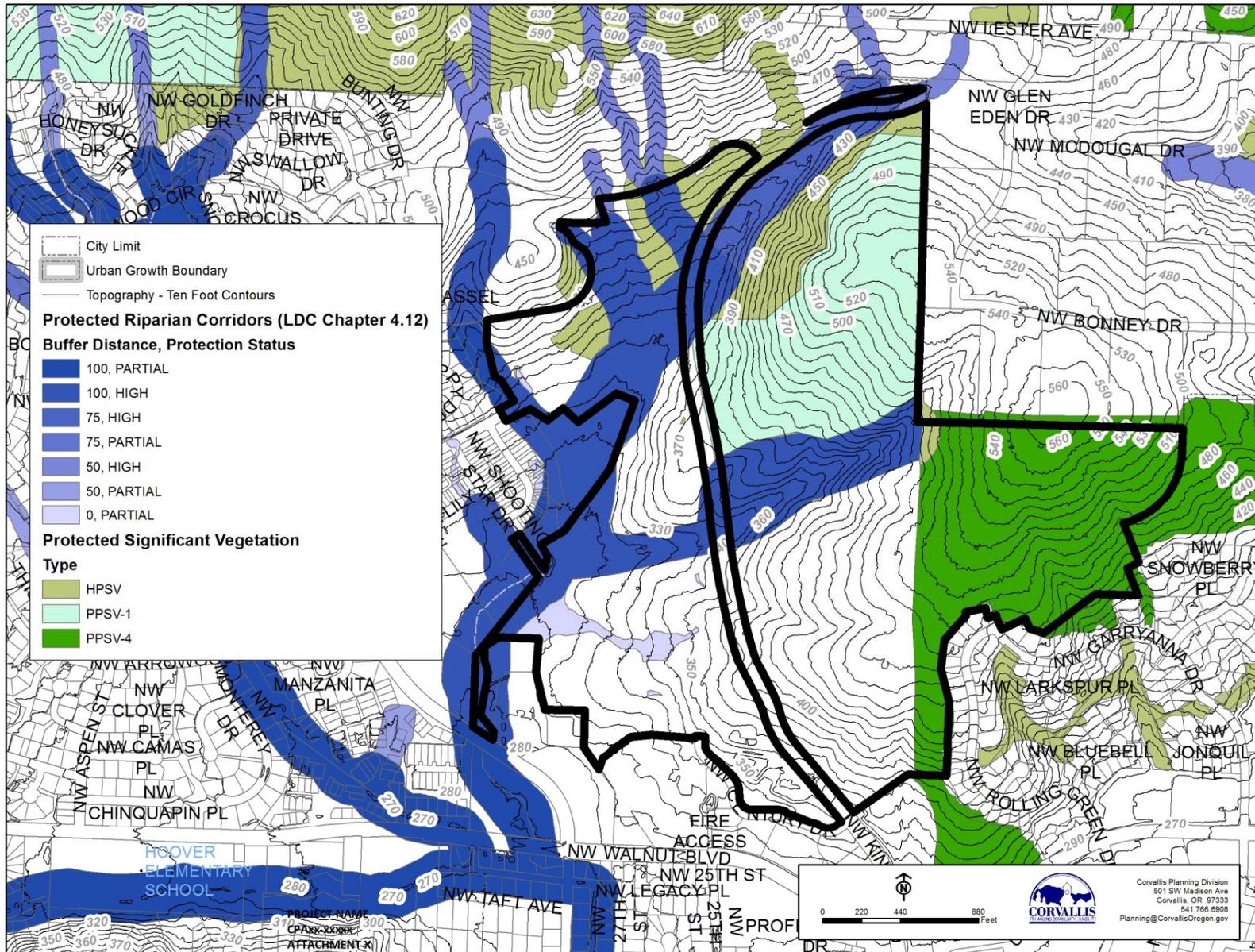
*NOTE: NW 29th St. not proposed at this time

Table 1-A

Alignment Options from Alternatives Analysis in Appendix	Hillside Development		Maximum Cut Depth	Maximum Fill Height	Riparian Corridor/Wetlands Impact	Highly Protected Sig. Vegetation Impact	Partially Protected Sig. Vegetation Impact
	Cut	Fill					
Option 1 – City Standards ⁽¹⁾	110,200 cy ⁽⁷⁾	47,700 cy ⁽⁷⁾	16 lf ⁽⁷⁾	15 lf ⁽⁷⁾	330,100 sq. ft. ⁽⁷⁾	136,900 sq. ft. ⁽⁷⁾	79,500 sq. ft. ⁽⁷⁾
“Applicant’s Preferred” Option 1A – Modified Standards ⁽²⁾	35,638 cy ⁽³⁾⁽⁶⁾	57,851 cy ⁽³⁾⁽⁶⁾	16.9 lf ⁽⁶⁾	21.6 lf ⁽⁶⁾	200,836 sq. ft. ⁽⁶⁾⁽⁴⁾	48,161 sq. ft. ⁽⁶⁾⁽⁶⁾	77,187 sq. ft. ⁽⁶⁾
Applicant’s Proposal ⁽²⁾	54,576 cy ⁽⁵⁾⁽⁶⁾	84,939 cy ⁽⁵⁾⁽⁶⁾	16.9 lf ⁽⁶⁾	21.6 lf ⁽⁶⁾	307,619 sq. ft. ⁽⁶⁾⁽⁴⁾	49,164 sq. ft. ⁽⁶⁾⁽⁶⁾	76,493 sq. ft. ⁽⁶⁾
Option 2 – City Standards ⁽¹⁾	124,200 cy ⁽³⁾⁽⁷⁾	324,800 cy ⁽³⁾⁽⁷⁾	13 lf ⁽⁷⁾	55 lf ⁽⁷⁾	203,100 sq. ft. ⁽⁷⁾	96,487 sq. ft. ⁽⁷⁾	403,700 sq. ft. ⁽⁷⁾
Option 2A – Modified Standards ⁽²⁾	122,100 cy ⁽³⁾⁽⁷⁾	175,400 cy ⁽³⁾⁽⁷⁾	24 lf ⁽⁷⁾	20 lf ⁽⁷⁾			
Option 3 – City Standards ⁽¹⁾	335,000 cy ⁽³⁾⁽⁷⁾	222,200 cy ⁽³⁾⁽⁷⁾	41 lf ⁽⁷⁾	37 lf ⁽⁷⁾	280,500 sq. ft. ⁽⁷⁾	36,000 sq. ft. ⁽⁷⁾	499,000 sq. ft. ⁽⁷⁾
Option 3A – Modified Standards ⁽²⁾	183,300 cy ⁽³⁾⁽⁷⁾	150,400 cy ⁽³⁾⁽⁷⁾	31 lf ⁽⁷⁾	24 lf ⁽⁷⁾			

“A” options include increase in max. slope from 6% to 8%

Topography & Natural Features Constraints



Preliminary Deliberation Issues

Topics

- General decision considerations
- Record issue
- Scope (In whole or in part)
- Status of Timberhill Planned Development
- Reasons in favor/Reasons in opposition

General Decision Considerations

- Goal post rule: ORS 227.178(3)
- City Council is entitled to interpret local regulations (not state law) in any plausible manner
- Conditions of approval may only be clear and objective
- Compatibility criteria for Planned Developments are found in Chapter 2.5 of the Land Development Code

2.5.40.04 - Review Criteria

Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a," below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b," below:

2.5.40.04 - Review Criteria (cont.)

a. Compatibility Factors –

1. Compensating benefits for the variations being requested;
2. Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);
3. Visual elements (scale, structural design and form, materials, etc.);
4. Noise attenuation;
5. Odors and emissions;
6. Lighting;
7. Signage;
8. Landscaping for buffering and screening;
9. Transportation facilities;
10. Traffic and off-site parking impacts;
11. Utility infrastructure;
12. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
13. Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards; and
14. Preservation and/or protection of Significant Natural Features, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 – Minimum Assured Development Area (MADA), Chapter 4.12 – Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

2.5.40.04 - Review Criteria (cont.)

b. Natural Resources and Natural Hazards Factors -

1. Any proposed variation from a standard within Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 – Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions shall provide protections equal to or better than the specific standard requested for variation; and
2. Any proposed variation from a standard within Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 – Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions shall involve an alternative located on the same development site where the specific standard applies.
3. Any proposed Floodplain Development Permit variation that exceeds the scope of Section 2.11.60.01.a shall also meet the Floodplain Development Permit Variance review criteria in Section 2.11.60.06 and, to the extent feasible, the base Floodplain Development Permit review criteria in Section 2.11.50.04.

Record Issue

- Applicant provided 1494 pages on 12/23/15
- Staff recommended the Council reject the withdrawn application
- Applicant provided an explanation of relevance of these documents
- Council can accept the document into the record, and determine how much weight and credibility to give withdrawn application materials

Scope of Review: In whole or in part?

- Interpretation of LDC (memo from CAO):
deference due to Council interpretation that is
“plausible”

- Council should interpret LDC 2.5.60.03.c: “in
whole or in part”

Interpretation Must Be:

- Plausible
- Not inconsistent with the express language of the provision (read in context, including legislative purpose)
- Not inconsistent with the purposes and policies that were the reason for the provision

Needed Housing

- 1) Is there a variance from clear and objective standards in the LDC being requested by the applicant?
- 2) Do the proposed conditions of approval meet the local requirement that Detailed Development Plan conditions for residential property must be clear and objective? LDC 2.5.10.b.1.(b.

Reason to Approve/Reasons to Deny

The following are an incomplete list of reasons that the Council might approve or deny the application.

Reasons to Approve or Deny

Approve

- Applicant has met burden to demonstrate application satisfies each relevant criterion

Deny

- Applicant has not met burden and the application does not satisfy the following relevant criteria

Conflicting Evidence, Testimony or Analysis

Approve

- The Council finds the applicant's evidence, testimony or analysis is convincing and credible because...

Deny

- The Council finds other evidence, testimony or analysis convincing and credible because...

Interpretations

Approve

- The Council agrees with applicant's interpretation of local code provisions

Deny

- The applicant has misinterpreted the code, the Council interprets the provision to mean...

In Whole or in Part

Approve

- Evidence, testimony and analysis in favor extend and are sufficient for Council consideration to determine criteria are satisfied

Deny

- Evidence, testimony and analysis in favor do not extend sufficiently for Council consideration to determine criteria are satisfied

Conditions of Approval

Approve

- Criteria can be met with clear and objective conditions of approval

Deny

- Criteria cannot be met with clear and objective conditions per LDC 2.5.10.b.1.(b. so conditions cannot be relied upon

Possible Deliberation Process

- Discuss issues raised in the application, staff report and in testimony in this manner:
 - Relevant Criteria
 - Testimony, points, or reasons in favor
 - Testimony, points, or reasons in opposition
 - Discussion
- Tentative Decision/Staff to prepare findings for Council review and approval