

## THE NUMBER 1 GOAL, A RETROSPECTIVE

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### ABSTRACT

The foundation of Oregon’s statewide land use planning program, heralded as pioneering legislation and a leader in planning policy, rests on its 19 Statewide Planning Goals. Implemented in 1973, these statewide goals and guidelines are realized through the comprehensive planning process of cities and counties throughout Oregon. The first goal of which is *Citizen Involvement* and calls to mind the significance and deliberate insertion of the voices of the citizenry and public interest into the planning and development process; as many layers of participation are employed to influence both high-level policies to site specific developments.

To some, citizen involvement as realized is democratic in its truest sense, a prerequisite for good development, a checks and balance for the code, and a critical piece of the sustainability pie. To others, it is viewed as a devise tool relegated for NIMBY’s, a hindrance to “good design”, and a cumbersome roadblock to economic development and progress.

This paper will examine the case study of Harrison Apartments; a controversial proposed multi-family development in Corvallis, Oregon two blocks from Oregon State University located in a High-Density Residential Zone with a Planned Development Overlay. The public debate around this project focused on the issue of “compatibility” with regards to historic preservation, density, height, scale, and parking – issues all too common to growing cities in the 21<sup>st</sup> century.

The paper explores the effectiveness and challenges of citizen involvement when applied to a particular site and focuses on: 1) Citizen involvement as a voice to the growing pains of densification and demographic shifts; 2) The quest for quality buildings and good design in the public mind; 3) Embracing clear and objective standards that allow for flexibility and reflection of community priorities; 4) The pitfalls of the words compatibility and livability; 5) Citizen’s expectations, realized or unrealized, as a result of the public process; and the 6) Public process influence on affordability and quality. These focuses will culminate in the

underlying question; does public participation create better projects? Or more specific to Oregon's future, does citizen involvement support or undermine the other statewide land-use goals?

The purpose of this paper is to encourage dialogue about the role of citizen involvement in promoting good development, when it is most useful, and the inherent challenges and areas for its redemption.

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**Keywords:** citizen involvement, public participation, statewide planning goals, goal 1, Harrison Apartments, Corvallis, Oregon State University, project^

# THE NUMBER 1 GOAL, A RETROSPECTIVE PAPER (DRAFT, IN PROGRES)

## Background

Oregon's comprehensive land-use law stems from the passage of a pioneering piece of legislation, Senate Bill 100, signed into law on May 29, 1973 crafted to control urban sprawl and protect agricultural and forest land. Senate Bill 100 was an expansion on Senate Bill 10 adopted into law in 1969 and championed by Oregon Governor Tom McCall. Both bills mandate that local jurisdictions, and special districts and state agencies in Oregon, prepare comprehensive land-use plans and zoning ordinances that meet a series of public interest focused goals.

The power of Senate Bill 100 comes from The Land Conservation and Development Commission (LCDC) enforcement of the goals and administration through the Department of Land Conservation and Development (DLCD). The Land Use Board of Appeals (LUBA), on the other hand, provides a counterpoint when there are appeals to land use decisions made by the local jurisdictions.

The history behind the creation of this law and in its defense over the past 40 years is storied and a direct reaction to the exponential growth Oregon faced in the twenty century. "For most of its history, writes the Oregonian's Brian Meehan, Oregon represented an idea: 'an Eden where people prospected not for gold but for a better life'<sup>1</sup>. No more is this evident than in the doubling of Oregon's population between 1950 and 2000.

From this growth, came an aftermath common to most US cities: expansion of industry, suburban communities, mini-farms and ranchettes, big box commercial development along highways, and vacation homes sprawled across the coastline. Much of this expansion unfortunately, at the expense of prime agricultural land, forest resources, scenic vistas, and places of social and cultural heritage dear to the Oregonian ethos. A long battle ensued, and is still raging, that in extreme terms pits crusaders of property rights against protectors of the environment, such as 1000 Friends of Oregon. Rather, in actuality, these conflicts highlight the inherent challenges and subtle nuisances of growing cities in an increasingly environmentally fragile world with scarce resources.

## Livability and Citizen Participation

Senate Bill 100 structure rests on 19 statewide land-use planning goals, which include, citizen involvement, land use planning, housing, urbanization, transportation, agricultural land, forest lands, energy conservation, coastal shorelands, recreational needs, and air, water and land resource quality. The goals are intended to be a partnership between the state, which sets the goals,

and the local governments that enacts the goals through comprehensive place-based plans.

Their foundation is heavily steeped in the ideals of “citizen participation” and “livability”, a dialogue started by Senator Mark Hatfield<sup>3</sup> and championed by the McCall Administration<sup>4</sup>. In Governor McCall's words, Senate Bill 100 "gives us a process for full citizen participation in making decisions to maintain the livability of Oregon, providing a legacy to all future generations of sensitive care and respect for our land." <sup>5</sup>

This statement and the realization of Senate Bill 100, implies that long-term livability for a community can not be realized without full participation of its citizenry. Thus making participation a prerequisite or core ingredient in the quest for quality of life. But what is livability and can citizen participation make it happen?

This paper will quickly review these overarching terms and then examine in greater detail Harrison Apartments, a controversial multi-family development in Corvallis, Oregon, and the impact of citizen involvement in the process in making Corvallis a more “livable” community.

## **Livability**

Livability, according to the Merriam Webster dictionary, is defined as “suitability for human living<sup>5</sup>.” Although first coined around 1914, the term livability increased popularity in the 1980s with City planners’ reaction to urban sprawl with the loss of connectedness, environment quality, places to recreate, and access to basic services.

Partners for Livable Communities, a national, nonprofit leadership organization working to improve livability of communities defines “Livability is the sum of the factors that add up to a community’s quality of life—including the built and natural environments, economic prosperity, social stability and equity, educational opportunity, and cultural, entertainment and recreation possibilities”.

In other words, livability is about the human experience and our ability to shape our community – which, it turn, can mean both everything and anything to anyone.

According to a literature review on livability by The National Association of Regional Councils, the term livability does not have one consensus definition although common themes exists including: sustainability, smart growth, complete streets, lifelong communities, safe routes to schools, context sensitive

solutions/design, new urbanism, transit-oriented development, and placemaking<sup>6</sup>.

Some agencies have even tried to pin down measurable metrics to give livability more teeth in order to produce better results. The Interagency Partnership for Sustainable Communities, a partnership between the EPA, US Department of Housing, and the US Department of Transportation developed the following livability principles: provide more transportation choices; promote equitable affordable housing; enhance economic competitiveness; support existing communities; coordinate and leverage federal policies and investment; and value communities and neighborhoods.

Utopian in its ambitions and generally viewed as a positive word, “livability” covers the wide terrain of advancing the human condition. Regrettably the term also relies heavily on the gamut of planning jargon, giving the general citizenry both a beacon of hope and in more recent years a tool for opposing projects in their communities that don’t contribute to “livability”.

### **Goal 1: Citizen Involvement**

Senate Bill 100’s first goal, *Citizen Involvement* calls to mind the significance and deliberate insertion of the voices of the citizenry and public interest into the planning and development process; as many layers of participation are employed to influence both high-level policies to site specific developments.

The goal requires every city and county to have a citizen involvement program, which includes the creation of a Committee for Citizen Involvement (CCI), whose charge is to monitor and stimulate active citizen participation in the planning process. The goal also outlines guidelines for communication and outreach, data collection, dissemination of technical information, and the ability of citizens to influence not only the comprehensive land-use plan but also the opportunity to review each proposal for development prior to its consideration (approval or denial).

According to the Oregon Department of Land Conservation and Development, “It’s no coincidence that *Citizen Involvement* is the first among Oregon’s 19 statewide planning goals. Extensive citizen participation has been the hallmark of the state’s planning program from the outset<sup>2</sup>.”

Many benefits can be realized by citizen participation in the larger scale comprehensive planning and public goal setting process. When enacted properly (diverse constituencies are reached out to and heard) community participation can provide a mechanism by which the priorities of a community are accurately identified early in the process. It also ensures that community assets and

liabilities are properly inventoried, documented, and considered, and that implemented measures actually produce results.

However, citizen participation is not limited to just comprehensive planning but also extends to the application of legislation derived from the plan, more specifically in this case the review of site-specific development proposals to the land development code.

This is what leads us to Harrison Apartments and its public scrutiny as part of a Planned Development Overlay (PDO). Properties with a PD designation in Corvallis are subjected to an open public review process including review by the Planning Commission, and potentially the City Council and LUBA if denied or appealed regardless of if the projects meets the applicable development standards or not. This opens up projects in the PD designation to immense risks associated with development, as they could be opposed even when following the standard and/or their intent.

### **Citizen Involvement in Corvallis**

The City of Corvallis implemented Goal 1, through the city Ordinance 98-45 in November 1998, which added a new section (1.16.310), Committee for Citizen Involvement (CCI) to the Municipal Code. This fulfilled the city's compliance with the state mandate. At its inception the CCI acted as a direct influencer of land use decisions and operated with an educational mission to the broader Corvallis public.

Fast-forward 15 years later, the CCI does not seem to be a key citizen influencer in land use policy in part due to high-turnover, lack of understand on the key role the CCI might play, and issues with the appointed committee members not being as familiar with the land use process. "In the past, City Council and the Mayor have been reluctant to appoint people who have been very active in testifying at hearings fearing creation of a biased committee"<sup>16</sup>.

Additionally, until October 2011, the committee members could not be involved in other organizations, causing, it appears, a disconnect between the committee members and individuals passionate about citizen involvement and city processes. The CCI, once meeting monthly is now on a quarterly system with a focus solely on land use education, producing materials and forums for the broader public and members to learn about how to engage effectively in the land use process. This educational void has become more apparent and needed as different forms of citizen participation took hold in 2011, mainly neighborhood associations.

Similar to the City of Portland, Corvallis' Neighborhood Associations form the cornerstone of public involvement with over 25 associations; the most active being around Oregon State University. Many associations that lay dormant had resurgence around 2011 after townhouse developments around the University started. For example three associations started in 2011 and many since with the most recent being formed on the south side of campus near the Sather's property in February 2013.

Each association protecting its own turf and interests, in what some may see as a battle against bad development within historic neighborhoods as a result of OSU's growth. While others view it a gathering place for Nimbies (Not In My Backyard) limiting the development of available lands thus creating roadblocks to economic development and needed housing. More recently from 2011-2012, such associations and concerned citizens have started to collaborate/collude to oppose developments, for example the new Responsible Development Corvallis. While other efforts like Collaboration Corvallis, staffed with the city, OSU, and neighborhood leaders have formed to address challenges such as planning, parking and traffic, and livability around the university.

The College Hill Neighborhood Association, formed by the backdrop of a middle-class neighborhood with Bungalow, Neo-Colonia, Colonial Revival, and Tudor Style grand estate-type buildings on the National Register of Historic Places on the north border of OSU, became the voice of the citizenry and the main antagonist to Harrison Apartments.

The following pages examines the effects this form of citizen involvement had on the final outcome of the project, the "livability" of Corvallis, and how actions both voluntarily or involuntarily will support or undermine other statewide land-use goals mainly affordable housing, transportation, and urbanization.

## **Origins of Harrison Apartments**

Harrison Apartments is a collaboration between Samaritan Health Services (SHS), one of the major employers in Corvallis, Oregon and project<sup>A</sup>, a Portland-based sustainable real estate developer.

Since the 1950's, Good Samaritan has owned the 2.11-acre site (and some of the surrounding properties) in the heart of Corvallis just two blocks north of Oregon State University flanking Harrison Boulevard the main thoroughfare into the city. The site was Zoned High Density Residential (RS-20) in 1900, which was the designation at the time of the Harrison Apartments redevelopment.

The original building, former home to the Corvallis General Hospital, opened in 1922 and was heralded at its time to be "one of the exceptionally fine hospitals of

the entire coast”<sup>7</sup>. In the hands of Good Samaritan by the 1940’s, the hospital was modernized and expanded more than five times over the next 50 years from 30 beds to 146 beds and to eventually 82,400 square feet.

With a growing need for additional expansion, the city applied a Planned Development Overlay (PDO) in 1969 to the site in conjunction with a proposed expansion by Good Samaritan<sup>18</sup>. This designation remains active, even though Samaritan decided to move into a new campus north of Corvallis in 1975, rather than redevelop the infill property. SHS subsequently converted the hospital building into the Heart of the Valley Care Center, a nursing home which shut down in 2009, in part, to changes in the health care industry but also from mounting maintenance costs, and the continued deterioration of building in need of new mechanical, electrical, and plumbing systems<sup>8</sup>.

A statewide inventory of historic properties concluded in 1996 that, “While the Corvallis General Hospital building is highly significant in the history of the community, its integrity is so poor that the original character has been virtually destroyed<sup>7</sup>.”

With not much to salvage, SHS, in an effort to revitalize the fallow site, started discussions with local developers including project<sup>^</sup>. This culminated in project<sup>^</sup>’s nearly two year planning effort to entitle the site and redevelop it into a multi-family housing with a focus on student housing.

## **The State of the Corvallis Housing Market**

The timing of the redevelopment of the Heart of the Valley site was not a coincidence to anyone living, working, or studying in Corvallis in 2011.

From 1990 to 2000 enrollment in degree-granting institutions across the country increased by 37%<sup>11</sup>, and more specifically Oregon State by 13% in merely one year from 2010 to 2011<sup>10</sup>.

To add to fuel to the fire, as some might feel, on June 21, 2011, the State of Oregon passed legislation, Senate Bill 253, to raise educational attainment. Legislation to ensure that by 2025, “40 percent of all adult Oregonians have a bachelor’s degree or higher, 40 percent have earned an associate’s degree or post-secondary credential and 20 percent have a high school diploma or the equivalent<sup>9</sup>”, a jump from 2009 Census Bureau Statistics of 28%, 8%, and 12% respectively<sup>9</sup>. With this jump the need for additional resources including housing to match this growing population.



Although on the national stage, large student housing developers, both REITs and private developers rose to meet this demand through high-density off-campus projects and public-private partnerships with universities, construction activities in the West and Pacific Northwest region severely lagged. This lag can be attributed to the significant barriers to entry into the market such as constrained land supply/ownership, building complexities, entitlement challenges, and citizen opposition to development.

By 2011, suffering from years of disinvestment, Corvallis was experiencing one of the tightest housing markets in the country with a 1%<sup>12</sup> to 2.3%<sup>13</sup> vacancy rate. This vacancy highlighted the condition of an aging housing stock suffering from slumlord conditions of pests and mold<sup>14</sup>. It also ignited the development of many low-quality (slap-stick) infill projects and accelerated the tearing down of single-family homes to be replaced by “pricey” infill high-density townhouse projects targeted to students. Many of these townhouses overrun by block parties, noise complaints, and unruly parking conditions; not a likely form of development for its target market.

### **Higher-Density Housing**

Apart from scattered infill townhouse development, came the first attempts to create higher-density multi-family housing complexes both infill projects like Harrison Apartments and 7<sup>th</sup> Street Station and greenfield developments resulting from annexations like the Sather’s property and Witham Oaks. Each of these developments targeted to fulfilling the needs of the growing university population.

According to the Corvallis Comprehensive Plan, Section 9.7.3, “the City and OSU shall work toward the goal of housing 50% of the students who attend regular classes on campus in units on campus or within a 1/2 mile of campus”. Close-in neighborhood opposition acknowledged the first part, housing “on-campus” but not the second part, which condones the building of off-campus housing.

The Comp Plan, section 11.7.7, also mandated seeking “appropriate opportunities for increasing residential density...along existing and proposed transit routes” and encouraging land use patterns and development that promote clustering and multiple stories...and have ready access to transit and other energy efficient modes of transportation (12.2.5).

Unfortunately, out of the four higher-density projects listed above, the only one to pass without much of a fight was the Sather’s Annexation that proposed to develop cottage houses (similar to single-family) on greenfield land and expanded the city limits. Major annexations are allowed if they comply with

community-wide Livability Indicators and Benchmarks.<sup>17</sup> The development doesn't need to comply with all benchmarks but are supposed to be viewed in aggregate to help decision-makers ensure that advantages outweigh disadvantages to the community.

The Sather's Annexation passed 51.7 percent to 48.3 percent in a November 2012 ballot measure, relatively unscathed with the Georgia based developer, Landmark and Barney & Worth spending approximate \$49,460.64 in marketing money according to the state<sup>15</sup>. The measure started in March 2012 and annexed in November the same year, "added 33 acres of land to the city" and was also the only project of the four that was not burdened with the Planned Development Overlay, prior to or as a result of the approval process.

This decision flying in the face of the Corvallis Comprehensive Plan, Section 14.3.1 that states, "Infill and redevelopment within urban areas shall be preferable to annexations", raising larger questions of equity or fairness for property owners who are forced to endure intense public scrutiny, whether they meet development standards or not. Meanwhile, developments meeting the same standards, and in most cases lower quality construction, are being built every day without public input, as they are not in a PD overlay.

Harrison Apartments the most compact, connected to transit, and closest to the core of campus (also supported by Friend of Oregon and the Corvallis Chamber of Commerce) took two years and mounting legal fees before it surfaced; 7th Street Station sandwiched between an active railroad track and a single-family neighborhood took seven years, a trip to LUBA and switched ownership twice as a result of the delay; and Witham Oaks has been under contention since 2004.

Given this, the question arises, how could the approval of the Sather's greenfield annexation happen while the successfully opposition and delay of transit-oriented, infill, code-compliant development continues?

The answer - all the other three projects had one main thing in common. Strong organized neighborhood associations vehemently opposed them.

## **Growing Pains**

The most vocal residents of Corvallis feel that all new development, existing or proposed, are driving up rents, reducing affordable housing, thus forcing renters to live in neighboring communities and commute into the city. To them, densification caused by new development and allowed by the underlying zoning, is not "compatible" with the historic neighborhoods of the city, increases traffic congestion, and reduces available on-street parking. In summary, they proclaim, the loss of "livability" most notably around the University.

To their credit, part of this is true, however, what is more true, is that the 1% vacancy has been choking the housing market by creating a lack of supply (even for the local residents), which in turn drives rates, and reduces competition. Basic economics. In addition, the form of development around the campus, with large parking requirements and unregulated street parking, has not bolstering Corvallis's stated goals of transit-oriented development but rather increased an auto-oriented lifestyle and promoted suburban style development, which is in direct opposition to the much loved early 1900s Corvallis tree-lined neighborhoods that were designed, not for the car, but for walking.

Additionally, in the backdrop, in 1998, as a part of the Comprehensive Planning process in compliance with *Goal 10: Housing* and for the public good, the City conducted a Buildable Land Inventory and Land Need Analyses for Corvallis<sup>19</sup>. This documents buildable residential lands, projected future needs for such lands, and zoning recommendations for comp plan amendments to provide enough buildable land to meet those needs. North Campus Area being such a location for "needed housing" which area includes and surrounds the Good Samaritan site. State law requires the City to apply only "clear and objective" standards in its approval process (ORS 197.307(4), OAR 660-008-0015)

Resulting Corvallis Comprehensive Plan Policy (Section 9.6.3) reads, "The development review process shall not result in the exclusion of needed housing at densities permitted by underlying district designations or results in unreasonable cost or delay".

The findings include statements (9.3.a) that "...there is a shortage of land zoned for medium-high and high-density development". Hence the needs for densification of certain areas of the city including the importance of parcels around the University at high-density zoning like the Harrison Apartments site. These high-density zoned areas provide an important basis by which the City of Corvallis can grow within its urban growth boundary thus preserving valuable farm, forest, and scenic lands and limiting the extension of infrastructure to greenfield lands.

This underlying zoning had lying dormant for the last x years, unbeknownst to its neighbors. In a discussion with one of the leadership of the College Hill Neighborhood Association, it was expressed that "the people who came up with the urban growth boundary and the high-density zoning never intended you (the developer) to build up to the maximum allowed for the site. It was instead intended to control the density of the city".

This gross misunderstanding about the intent of the urban growth boundary which is to rather densify its interior and leave its exterior untouched, explains some of the neighborhood outrage and confusion to the development of lands around them. A frequent complaint heard through public meetings is that the comprehensive plan did not consider the impact of multiple developments happening at the same time.

These comments seem to indicate that it is more about the timing or pace of development than about the type or scale of development. However, further investigations on the Harrison Apartment project revealed that it was not really about timing but more so about the classic NIMBY approach to opposition. Let's find a reason to blame the project, when the first one is resolved or doesn't work, let's find another and on and on until the project is stopped.

In a revealing letter by Gary Angelo, president and representative of the College Hill Neighborhood Association to the City Council, states " We again express our concern that this proposed development may be the **right building** but it would be in the **wrong location**"<sup>20</sup> Shockingly, they defined in writing the very textbook definition, of NIMBY. "... Opposition by residents to a proposal for a new development because it is close to them, often with the connotation that such residents believe that the developments are needed in society but should be further away"<sup>21</sup>.

In a subsequent of many letter to the Planning Commission, the association implied that the Corvallis Comp Plan Section 9.2 higher-zoned neighborhoods were intended "to promote the development of long-term, multi-family housing serving all types of families, senior citizens, and individual renters of all ages"<sup>22</sup>. In the past, NIMBY was more common to hazardous or industrial uses such as landfills, substations, and like, however, this type of Nimbism was directed and discriminates against a subset of people, students. Not to mention, that Harrison Apartments, as with the other multi-family housing projects in Corvallis, follows Fair Housing Policy, that is open to all renters regardless of their status.

Many other features of the project were opposed throughout the process and design iterations including historic compatibility, architectural style, height, density, parking, solar-access, materials, and setbacks even when they complied the underlying RS-20 development standards; exceeded other standards such as the Pedestrian-oriented standards; and strove for the highest level of green development (LEED certification) in multi-family complex in Corvallis.

Rather than focus on the myriad off issues claimed by the association as "the main problem" with Harrison Apartments - the remainder of this paper outlines

the changes that occurred to the original concept of the project due to public involvement and the outcome these changes had to both livability and other statewide goals.

### **Timeline of Citizen Participation**

The development team purposely sought public opinion early and often in the process even though the land development process did not require it. Unfortunately, this did little if nothing to abate the changing landscape of neighborhood priorities and the highlights the growing pains inherent in land use change.

#### ***Neighbor Meeting #1 - June 20, 2011***

The project team met with the Chintimini, College Hill, and Job's Addition neighborhood associations to solicit feedback on an initial draft plan for Harrison Apartments. Those in attendance expressed concerns about parking, traffic, and noise.

#### ***Neighbor Meeting #2 - September 26, 2011***

Given this feedback, the project team revised its plans and presented new plans to the neighbors that increased the number of parking stalls, provided for alternative forms of transportation for its residents, and detailed the property management strategies for the building. Questions about building massing, height, and variances were also addressed.

#### ***Neighbor Meeting #3 - October 10, 2011***

The team organized a meeting with neighbors who live within 300 feet of the property to present revised plans. Many of the attendees to this meeting were new to the process. They expressed some new concerns and some concerns that were addressed in earlier meetings including parking, density, building massing, and materials.

#### ***Neighbor Meeting #4 - October 20, 2011***

The team was invited to meet with a few of the College Hill neighborhood leaders to walk the site and brainstorm on how the community's concerns expressed in the October 10th meeting and in neighborhood emails could be addressed. The group paid particular attention to design elements that meshed well with the nearby historic neighborhood.

#### ***Submit Application - October 28, 2011***

The project team then incorporated these solutions and submitted the "Detailed Development Plan and Major Replat" including an introduction that detailed how the plan changed as a result of the process.

### ***Neighbor Meeting #5 - November 3, 2011***

The team presented this information to community leaders who then distributed it to the College Hill Neighborhood Association. The information was well received and they expressed their appreciation for the changes made.

### ***Planning Commission #1 - December 14, 2011***

The team presented the project to the Corvallis Planning Commission. The project, despite positive feedback on public boards, blogs, and in one-on-one meetings and a balanced outlook by the media, received intense criticism by the community, mainly members of the College Hill Neighborhood, who introduced known items and brand new items, which were not discussed at the previous five meetings. None of the changes the team made to the plan as a result of community interaction were acknowledged during the public testimony.

Much of the criticism revolved around: 1) the project utilizing the allowed parking reduction by right due to its proximity to transit and above code bike parking facilities, 2) the fifteen variances requested and allowed as a part of the Planned Development process, 3) the architecture of the building and its compatibility with a historic neighborhood to the west, and 4) providing housing that catered to students. Criticism was also directed at other aspects of the project including the type of trees, height, scale, density, materials, unit mix, traffic, and access, which are all allowed by right. The Commission postponed deliberations to the next meeting.

### ***Changed Plans - January 4, 2012***

Despite the strong opinion by the project team that increased parking is not the solution to creating a pedestrian transit-oriented sustainable development, the team changed the plans to reflect the community priorities, mainly additional parking and reduction of variance requests.

These adjustments took the requested variances from fifteen to four; provided additional parking at 10% above the allowed parking count by right; increased parking stall widths; reduced the number of compact stalls; eliminated tandem stalls; increased outdoor space to code requirements; added a tot lot; set the building within the minimum setback; provided tree islands; moved the trash enclosure; and, provided a consistent utility easement width.

Responding to specific architectural opinions expressed at the December 14 hearing, the team also changed some items not related to code, such as making the wood siding horizontal in direction instead of vertical on the upper floors and changing the roof material from metal to architectural composition.

### ***Neighbor Meeting #6 - January 26, 2012***

The team presented this new plan to two College Hill Neighborhood Association leaders. Their thoughts can be wrapped up into one phrase, which was later reiterated in a letter from the Association dated February 1, 2012 that states, “We again express our concern that this proposed development may be the right building but it would be in the wrong location.”

### ***Planning Commission #2 - February 1, 2012***

Even though the revised plan meet the height, setback, parking, open space, and other requirements of RS-20 zoning, the Planning Commission denied the adjusted plan 6 to 1. The denial was based on three issues: 1) solar access performance; 2) issues of massing and scale evident from not meeting solar access; and 3) incompatible traffic and off-site parking impacts. The Commission did not grant a solar waiver, which is allowed because the property is within the minimum setbacks. In addition, the claims of “incompatible traffic and off-site parking impacts” were not substantiated with any real data.

### ***Changed Plans - March 3, 2012***

The team took the Planning Commissions findings to heart and revised the plan to 1) provide solar access protection for the properties to the north of the site; 2) stepped the building away from Harrison Boulevard; 3) addressed any additional issues of mass and scale by using the “Design Variety Menu” of the “Pedestrian Oriented Standards” to give the building and the roof more articulation; and 4) provided further documentation to show that the project according to the requirements of the City of Corvallis Land Development Code does not create any traffic and off-site parking impacts. Variances are reduced from four to two.

### ***City Council - March 19, 2012***

The development team presented the Harrison Apartments revised plans to the City Council. Even after all the rounds of changes, the neighbors came out in staunch opposition to the project at the City Council meeting. And began to advocate that the project should not only met the code required parking (Harrison was 4% above the code required) but were actually advocating for a 52% greater than code required parking (1 parking stall per bedroom), because in their mind each student would have a car and this car should be provided for.

### ***Withdrew Application - March 23, 2012***

Given the prevailing sentiment during the City Council meeting including the tone and questioning of City Council members, the team withdrew the application, as denial to the application seemed imminent. The team then made changes to the project and concentrate on the 3 primary reasons Planning Commission cited in their decision of denial. The aim was to re-craft the project and application, work back through the process, and receive Planning Commission approval.

### ***Submitted New Application - May 8, 2012***

The team resubmitted a plan that address the Planning Commission comments and many of the concerns raised by opponents. The result was a reimagined plan with less density and more vehicle parking.

### ***Planning Commission Approval – July 18, 2012***

College Hill Neighborhood Association acknowledged changes to the plan but choose to oppose it for many of the same reasons. Planning Commissions voted unanimously for the project and the chair of the commission commended the developer for listening to the citizens concerns and working back through the process with a design that really reflected their priorities. The association chooses not to appeal to City Council, and the project was officially approved.

### ***Construction Starts – November 2012***

Construction started at the end of 2012 and will be finished by Fall 2013.

## **Did citizen involvement create a better project?**

If you asked the surrounding neighbors of the Harrison project this question, I believe their answer would be “yes” even though they admittedly were not satisfied with the final outcome. However, from the authors opinion, the answer would be no, for a number of reasons but can be summarized by the fact that the final project does not live up to some of the key goals of the Corvallis Comprehensive Plan that promote compact/efficient development and increased reliance on transit within the urban growth boundary while making Oregon more “livable”.

### ***1. Reduces Needed High-Density Housing***

Providing need housing is a matter of statewide importance. As mentioned earlier, Corvallis’s high-density housing was intended to supply needed housing in the urban growth boundary. The pressures from the neighborhood association on the decision of the Planning Commission effectively reduced the housing density from 43 units / acre to 32 (code



minimum for the RS-20 Zoning was 20 units / acre). This results in a 26% reduction in density.

Thus, not allowing this infill redevelopment site to contribute to reducing the 1% vacancy in Corvallis. One interesting fact of note is that the final proposed Harrison Apartments project actually had a smaller building square footage than the existing Hospital building on the site. It is very rare for a redevelopment to be smaller than its prior uses and demonstrates the intense pressure the association put on making the project much smaller than it should have been.

### **Corvallis Comprehensive Plan**

**3.2.1 B** - *The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize: Efficient use of land.*

**9.2.5 E** - *Neighborhoods have a mix of densities, lot sizes, and housing types.*

**9.7.3** - *The City and OSU shall work toward the goal of housing 50% of the students who attend regular classes on campus in units on campus or within a 1/2 mile of campus.*

**11.7.7** - *The City should seek appropriate opportunities for increasing residential density.*

**12.2.5** - *The City shall encourage land use patterns and development that promote clustering and multiple stories, take advantage of energy efficient designs, and have ready access to transit and other energy efficient modes of transportation.*

## **2. Promotes Greenfield Development and Commuting**

As a result of not supplying needed housing, this makes the likelihood and pressure to approve greenfield development and annexation on the periphery of the city ever more plausible as housing pressure mounts. This is ever so evident in the case of the Sather's annexation, as it is rumored that many who opposed infill development in their neighborhoods voted for the annexation because that land did not "affect them".

Another option is that development does not happen in Corvallis but rather neighboring towns and people choose to commute which has already started due to the current housing shortage. This not only causes traffic

and congestion but reduces the tax base and economic development potential in the City of Corvallis.

**Corvallis Comprehensive Plan**

**9.2.5 A** - *Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing.*

**3.2.1 C** - *The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize efficient use of energy and other resources.*

**3.2.1 D** - *The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize compact urban form.*

**7.5.5** - *The City shall attempt to limit unnecessary increases in the percentage of Corvallis' impervious surfaces.*

**14.3.1** - *Infill and redevelopment within urban areas shall be preferable to annexations.*

**3. Reduce Reliance on Public Transit System**

Fifty-eight (58) less people will be living on the Harrison Apartments site due to the density reduction that resulted from the public process. That many more people in the future may need to live away from close in destinations that is on major public transportation routes. This makes them more likely to be dependent on vehicular transportation contributing to traffic, parking, and environmental quality problems, claimed to be some of the highest priorities of the communities. So in effect the very thing that plague the citizens are the things they are perpetuating through their actions.

**Corvallis Comprehensive Plan**

**3.2.1 E** - *The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize efficient provision of transportation and other public services*

**7.3.7** - *The City of Corvallis shall actively promote the use of modes of transportation that minimize impacts on air quality.*

**9.2.5 B** - *Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities. Higher densities generally are located close to the focus of essential services and transit.*

#### **4. Increase Traffic and Parking Problems**

It is the author's opinion that creating a greater supply of parking does not help to reduce the traffic problem but rather increases it. Build it and they will come. With easy, free, and readily accessible parking, there is more incentive for people to not only own a car but to bring a car to campus (in the case of a student) and/or to consider buying one. Most especially for the student demographic, a car is not needed or warranted on a property that is two blocks from campus and has direct access to four major bus routes that connect to the rest of the City.

On top of this, Harrison Apartments had proposed over the code required bike parking with eventually 124 bike parking stalls and an on-site car-sharing vehicle. The association's suggestion to continue adding parking (the more the better) and then to not charge for this parking undermines the City of Corvallis goals for transit-oriented housing. It also rewards those who have and/or use a car rather than constraining the practice.

#### **Corvallis Comprehensive Plan**

**7.2.2** - *The City shall continue to advocate responsible environmental behavior from its citizens and neighbors.*

**12.2.7** - *The City shall encourage the development of high-density uses that are significantly less dependent on automobile transportation*

#### **5. Undermine the Ability for Placemaking**

The original design for Harrison Apartments had the building fronting most of the linear footage along both Harrison Boulevard and Short Avenue, which is advocated by the Comprehensive Plan and exceeds the regulations associated with the Pedestrian Design Oriented Standards. The final design, due to the reduce building density, increased parking, and meeting the full solar access requirement (only a concern if the project is in a PD overlay) caused the building's frontage along Harrison to

shrink substantial – to the point where the project almost did not meet the minimum requirement of at least 50% building frontage along Harrison.

To add to that, a view to a surface parking lot replaced the potential view, as was detailed in the first application, for ground floor apartments with porches – a more pedestrian friendly and aesthetically pleasing environment with “eyes on the street” helping to increase safety and security – all stated goals of Corvallis’ Land Development Code.

**Corvallis Comprehensive Plan**

**9.2.4** - *Neighborhoods shall be pedestrian oriented. Neighborhood development patterns shall give priority consideration to pedestrian based uses, scales and experiences in determining the orientation, layout, and interaction of private and public areas.*

**9.2.5 H** - *Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.*

**9.2.5 J** - *Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment.*

**9.2.5 L** - *Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.*

**6. Compromised Clear and Objective Standards**

As mentioned earlier, for “needed housing” clear and objective standards must be applied. Not pertinent to the stated clear and objective standards of the code, was the topic of architectural style and “compatibility”. This topic was at the heart of the battle and what constituted compatibility. The association said compatibility was about designing a neo-traditional building with dormers, faux divided light windows, and other applications that would make this development “compatible” with the College Hill West Historic District.

They also felt that a small building was more compatible with the neighborhood even though the zoning of this site was different than the other properties they referenced – mainly single family homes. Note that Harrison Apartments is not in a historic district, governed by any historic rules, and is not in the College Hill neighborhood.

LUBA describes “‘Needed housing’ is not to be subjected to standards, conditions, or procedures that involve subjective, value-laden analysis that are designed to balance or mitigate impacts of the development on (1) the property to be developed or (2) the adjoining properties or community. Such standards or procedure are not clear and objective and could have the effect of discouraging needed housing through unreasonable cost or delay”

The land use code must apply clear and objective standards even in regards to the “compatibility” criteria stated in the Planned Development Overlay. Harrison Apartments was designed to be compatible by following the code requirements with regards to height, setbacks, the site uses, and relationship to adjacent land uses, scale, form, and materials.

Unfortunately, the association was able to convince the Planning Commission to disregard clear and objective standards and so compromises to the building’s integrity were made along the way, which in the author’s opinion bastardized the architectural integrity of the building for the worst.

For example, the roof once a compelling shape was squished to meet the neighbors desire for less height, although the height to the building was 22 feet below the code allowed. Additional, there will be some questions by a trained professional on why the Harrison side of the building is shorter than the Short Avenue, since Harrison is the main thoroughfare and therefore deserves to have a taller building envelope in relation to the scale of the street.

At the source of this argument, is really the desire of residents to have a well-designed project constructed well and made of durable and quality materials. Unfortunately this is extremely hard to regulate and especially hard to direct in hands of an untrained populous, neighboring citizens.

### ***Corvallis Comprehensive Plan***

**9.3.5** – The development review process shall not result in the exclusion of needed housing at densities permitted by underlying district designations or result in unreasonable cost or delay.

**9.4.1** – To meet Statewide and Local Planning goals, the City shall continue to identify housing needs and encourage the community, university, and housing industry to meet those needs.

## 7. Reduced Affordability

The property costs of the site did not change during the project, however the reduced density and increase in parking caused not only a loss in income but also an increase in costs associated with providing for that parking. Add to that, the costs associated with delays to the project including extraordinary legal fees, consultant fees for redesigning the project over three times, multiple application fees, and changes in the building permit fees.

This situation typically results in one or both of two things if the project is a success. Either the quality of the project must go down to absorb the unforeseen costs or the rents must go up to have extra revenue to balance said costs. In the case of Harrison Apartments, the developer was not willing to create an inferior project, so this resulted in an increase of approximate 3% in rent when compared to the original proposal's intent. Contrary to the neighbors stated belief that the investors would receive less profit, in reality as is typical with commercial development; a project must meet a certain budget in order to obtain financing. This means that the project costs come from the project one way or another.

## The Aftermath

In the minds of the College Hill Neighborhood Association, they had lost and since the approval of Harrison Apartments, have taken their fight elsewhere. In November 2012, the Planning Commission and City Council both passed the Collaboration Corvallis project's recommendation to increase parking ratios for apartments with four and five bedroom units to almost a one parking stall per bedroom.

The goal of this ordinance was to reduce parking and traffic problems, what is more likely is that townhouse development will be made harder, if not virtually impossible to do because there isn't enough land on most city lots for the parking and the building. For example, a five-bedroom townhouse would need five parking stalls.

"City and Collaboration Corvallis officials said that reducing the number of these units, largely occupied by OSU students, that were being build in established neighborhoods was intentional."

"If the (2013) applications are subject to the new parking regulations, then that will cause the developers to either scale back their developments to allow for more required on-site parking, redesign them to lower density developments, or forego developing altogether,' said Gary Angelo, president of the College Hill

Neighborhood Association just north of the OSU campus.”<sup>23</sup>

This is an interesting form of regulation. Rather than using the clear and objective standards of the parking code to regulate parking for good urban form, parking was said to be regulated to “reduce parking and traffic problems” but in actuality it was targeted to discriminate against one particular housing type. Instead as the Comprehensive Plan says, encourage all housing types. Forming a backward logic.

The problem with this legislation is that no one took the time to do visualization scenarios to see what type of impact this type of parking ratio would have on the form of the city. The result could be characterized as “missing teeth” on a perfect smile or holes in a well knit fabric; essentially suburban style development more familiar to places like Boise, Idaho than Corvallis Oregon. Should someone choose to develop, it would result in larger segments of land covered to asphalt lots and/or very high costs of development to accommodate the burden of over parking. As infill is harder to develop – lower vacancy, increases costs, minimizing affordable housing potential and driving new development out more and more to greenfield lands on the edge of the City thus increasing traffic and parking problems. And the cycle goes on.

### **Conclusion – Now What?**

Now what can be done to stop this vicious cycle – address neighborhood concerns and ensure the results will actually increase livability not only for current residents but also into the future? Basically how can we support the idea of Citizen Involvement (Goal 1) while supporting the other statewide planning policies and the city’s comprehensive plans to create a livable, compact, efficient, transit-oriented, walkable Corvallis.

From what has been presented, it becomes apparent that citizen involvement in Corvallis has gone awry because it is pushing an agenda that does not stem from the lens of long-term public benefit. As an example, the criticism of Harrison Apartments veered far away from clear and objective standards and meeting needed housing diving straight into the land of NIMBY.

This energy could have been tempered if the Planning Commission followed its Staff’s recommendation to approve the project at its first iteration. The staff, well trained in planning policy, with a good understanding of the benefits and tradeoffs associated with specific code recommendations and variances, supported the project every step through the process.

Instead, the City officials bought into neighborhood opinions, not grounded in planning fundamentals and let them lead the dialogue for better or worse. This resulting “design by committee” approach and the culture of subjective project specific evaluation go directly against the intent of the statewide goals and the stated policies mandated in the land development code.

Some clear solutions could be to 1) have clear and objective standards that have been vetted not only by real planning expertise but also studied for their impact on the community if enacted (visualization and education exercises), 2) to judge projects based on these predefined standards, and 3) to ensure that any new land use decisions / code updates are not made in isolation but account for the long-term affects they will have on the community.

This will create not only the type of City described in Vision 2020 Statement, where “In land use planning, citizens and government attempt to balance the rights and responsibilities of individual property owners with the interests and needs of the community” but the also “ a highly livable” “compact medium-sized city nestled in a beautiful natural setting”.

DRAFT



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