



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
 Council Chambers
 333 Broadalbin Street SW
 Wednesday, January 23, 2008
 7:15 p.m.

OUR MISSION IS

*"Providing quality public services
 for a better Albany community."*

OUR VISION IS

*"A vital and diversified community
 that promotes a high quality of life,
 great neighborhoods, balanced
 economic growth, and quality public
 services."*

AGENDA

Rules of Conduct for Public Hearing

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL

4. SCHEDULED BUSINESS

a. Communication

1) Albany Visitors Association biannual report. [Pages 1-7]

Action: _____

b. Consolidated Quasi-Judicial Public Hearing

1) SD-14-06, appealing the Planning Commission's approval of a Subdivision Tentative Plat that would divide a 3.77-acre parcel of land into 12 residential single-family lots (Links Club Estates). [Pages 8-79]

Action: _____

c. Business from the Public

d. Adoption of Resolution

1) Establishing a public records policy and setting fees. [Pages 80-86]

Action: _____ RES. NO. _____

e. Adoption of Consent Calendar

1) Accepting right-of-way dedications from:

a) Jim Hammel. [Pages 87-91]

RES. NO. _____

b) Mary Morris in her capacity as Trustee of the Evelyn F. Brandis Family Charitable Trust #1 and Charitable Trust #2; John S. Brandis, Jr.; Trinity O. Lind; fka Gail Brandis Jacob, Gail Brandis Yarborough, and Gail Brandis Coleman; Susan B. Decker; and Timberhill Corporation, an Oregon Corporation collectively as their interests in the property may appear. [Pages 92-100]

RES. NO. _____

2) Accepting warranty deeds from:

a) Patton Park LLC. [Pages 101-104]

RES. NO. _____

b) BBF Development (Clover Ridge) LLC, and Breadner Parker & Associates (Clover Ridge) LLC. [Pages 105-110]

RES. NO. _____

Action: _____

f. Award of Contracts

1) SS-07-04, North Albany Lift Station property acquisition. [Pages 111-113]

Action: _____

2) WWTP 08-02, Wetlands Treatment Project. [Pages 114-115]

RES. NO. _____

Action: _____

g. Personnel Request

1) Approving FTE increase for a regular, part-time Transit Operator position. [Page 116]

Action: _____

h. Reports

- 1) Receiving Code Enforcement Team Second Quarter Report for Fiscal Year 2007-2008. [Pages 117-119]

Action: _____

- 2) Update of sale of Archibald property. [Pages 120-121]

Action: _____

5. BUSINESS FROM THE COUNCIL

- a. Consider selection of Mayor. [verbal]

Action: _____

6. NEXT MEETING DATE: Work Session, January 28, 2008
Work Session, February 11, 2008
Regular Session, February 13, 2008

7. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling (541) 917-7500.



TO: Albany City Council

FROM: Wes Hare, City Manager *WH*

DATE: January 18, 2008

SUBJECT: Agenda Review for the Wednesday, January 23, 2008, City Council Agenda

Scheduled Business

- Item a The Albany Visitors Association midyear report requires no Council action. I will be meeting with board member, Pam Silbernagel, before Wednesday to discuss progress on the Association's initiatives.
- Item b Subject to successful resolution of the ownership and drainage issues, I would recommend upholding the Planning Commission decision to approve the proposed Links Club Estates Subdivision. The proposal appears to meet the applicable criteria of the land Development Code.
- Item d I believe the proposed public records policy strikes the right balance between providing access to information and recovering costs from requests. My bias is to err on the side of access, but records requests can be used to maliciously hamstring government at significant cost to the public.
- Item e I support adoption of the Consent Calendar as proposed.
- Item f1 I support the request to purchase property necessary for construction of the North Albany lift station.
- Item f2 The proposed resolution allows us to accept funds for the Wastewater Wetlands Treatment Project and expend them in this fiscal year.
- Item g I support the request for a minimal (0.09) increase in a Transit Operator's position to improve the quality of our service. The increase amounts to about 188 hours per year.
- Item h1 The Code Enforcement Team continues to do good work in addressing violations of our municipal code while recognizing legitimate property owner concerns.
- Item h2 I support Mike Wolski's recommended plan for proceeding with the sale of the Archibald Property.

RWH:ldh
Attachment



Albany
Visitors Association

RECEIVED

DEC 19 2007

CITY OF ALBANY
ECONOMIC DEVELOPMENT

Dick Ebbert
City of Albany
333 Broadalbin St SW
Albany, OR 97321

December 19, 2007

Dear Dick,

Here is Albany Visitors Association's bi-annual report on our activity and what has happened over the last few months. We will look forward to presenting this and more material on January 23, 2008 at the City Council meeting.

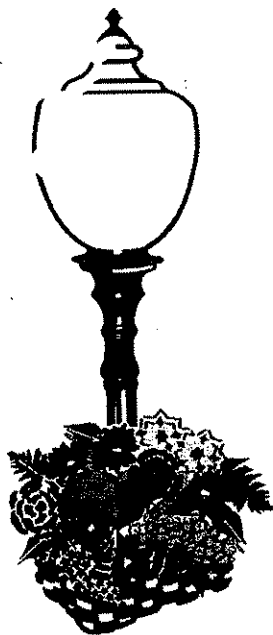
Until then have a Happy Holiday season and a great New Year.

Jimmie Lucht, Executive Director
Albany Visitors Association

Visit Us At Our Website: www.albanyvisitors.com

**ALBANY VISITORS ASSOCIATION
BIANNUAL REPORT**

FOR JULY TO NOVEMBER 2007



Albany
Visitors Association

250 Broadalbin St SW, Suite 110 Albany, Oregon

**Albany Visitors Association
Bi-Annual Report
Fiscal Year 2007-2008
July-November**

The New Mission Statement of the Albany Visitors Association is: *To grow the economic impact of tourism through enriching local experiences.*

AVA Board and staff have been working hard to craft and adopt a new Strategic Plan and Marketing Plan. The above mission statement was written as part of the Strategic Plan and the following objectives were identified as strategies to accomplish our mission:

- Encouraging over night stays and visitor expenditures
- Seeking new tourism opportunities
- Promoting the surrounding area
- Assisting visitors in discovering enriching experiences
- Supporting events, attractions, and facilities
- Honoring our history
- Celebrating culture
- Building community identity and involvement
- Maintaining a positive quality of life
- Developing and strengthening partnerships

The Marketing plan adopted is focused on leisure travel, group travel, and niche markets. Five year goals include the following:

- Create a positive economic impact
- Provide marketing and outreach that attain their targets
- Promote a variety of quality and genuine experiences
- Improve community pride and identity
- Operate an excellent organization

LEISURE TRAVEL

During the first five months of Fiscal Year 2007-2008 AVA has answered inquiries and provided brochures to 10,488 people; served 5,691 individuals who came into our office at Two Rivers Market for information and services; provided information to 2,149 callers

via telephone and had 16,398 people visit our website. Another 5,247 visitors stopped at the Santiam Rest Area Kiosk for information, coffee and smiles from some of the finest volunteers in Oregon. In total, July-November 2007, the direct marketing efforts of AVA have fulfilled a total of 14,933 inquiries.

The numbers shown here are down slightly from the same period last year. Albany is a "drive traffic" destination so part of that change might be reflective of the high cost of fuel. The numbers shown for the website visits is from AVA's new website that tracks "unique visits" which is a more accurate reflection of web traffic to this site than those statistics collected and tracked in the past.

Advertising is very important to AVA's marketing efforts. We are diligent about placing advertising in affordable media venues that provide extended exposure for Albany. Many of the publications we use have a "long shelf life." In other words, people tend to keep the publications around and look through them time and again. These magazines tend to be seen by numerous people every day, making the cost of each impression about three tenths of one cent. One example is Sunset Magazine, it has a very long shelf life, so long in fact that it quite often turns up in the waiting room of professional offices, medical clinics, and hospitals years after the issue date. Sunset's readership fits our target demographic and people use it to plan trips. A survey taken about a year ago shows 798,898 subscribers to Sunset Magazine plan on visiting Oregon in the next three years. Albany needs to keep its presence up in publications like Sunset to help remind travelers (or potential travelers) what a unique community we have.

At present AVA advertises leisure travel in Sunset Magazine, Trailer Life; Woodall's Campground Directory, Northwest Travel Magazine, the Oregon Calendar of Events, Where to Stay in Oregon, and locally in Senior News and Valley Parent Magazine. AVA's Brochures are distributed through Oregon Welcome Centers, Portland Oregon's Visitors Association and visitor's centers around the state. We also have a presence in the Woodburn Factory Outlet information kiosk which sees thousands of people each day.

Through our partnership with the Willamette Valley Visitors Association (WVVA) AVA is included in the WVVA Brochure and their advertising campaigns that have topped \$120,000 each year for the last few years.

GROUP TRAVEL

In 2007 the Albany Visitors Association obtained a grant which enabled them to hire a full time group sales manager. The Group Sales Manager is responsible for marketing the community and its resources to the group sales market. This includes tour group operators, event planners, and organizations that have regional and national conventions. AVA has initiated a marketing plan which places advertisements in multiple national publications, to include Group Tour Magazine, Courier Magazine, and Smart Meetings Magazine.

AVA has also advertised with regional publications, to include the Oregon Society for Association Magazine, The Society for Government Meeting Planners, Meeting Planners International, and the Portland Oregon Visitors Association.

The Albany Visitors Association provided support to multiple groups. The support included welcome bags, coordination of group lodging, and welcome tables at the events. The economic impact of the groups supported totals approximately \$600,000.

From July 2007 to December 2007, AVA Group Sales has begun networking with potential groups. The potential economic impact for the mentioned groups is \$5,000,000. The economic impact from groups that have, at this time, selected Albany as their host city totals over \$2,700,000.

Albany Visitors Association and its Willamette Valley partners made a bid to be the site for the 2013 Senior Olympics with venues in Eugene, Corvallis, Salem and Albany. Though our bid was not chosen a Willamette Valley Sports Marketing Cooperative was born out of the experience and will be used to pursue softball, soccer and other large scale regional and national tournaments.

Eugene has been selected for the 2008 and 2012 Track and Field Olympic Trials. The lodging properties in Eugene are already reporting that they are booked solid for the 2008 trials in July. At this time Eugene is referring lodging inquiries to Albany and the surrounding area. We are expecting Albany and the area lodging properties to be sold out as well. This will have a potential economic impact in the range of \$500,000 locally (a conservative estimate).

FESTIVALS & EVENTS

For the past seven years AVA has partnered with the City of Albany to produce the Wah Chang Northwest Art & Air Festival. Jimmie Lucht, Executive Director of AVA acts as co-chair for the overall event. AVA assists with sponsor recruitment and development; arranges the hot air balloon event, including coordination of all activities and arrangements for pilots, riders & sponsors, pilot/sponsor recognition and public relations. The 2007 event continued to be successful, with an attendance this year of roughly 40,000 people.

This year AVA and the Albany Downtown Association partnered to produce the 3rd annual Willamette River Festival which enjoyed success, with roughly 4,000 people attending the event. AVA solicits sponsorships; organized the events, prizes and trophies; entertainment; coordinated with Western BBQ Association for the cook-offs; coordinated more than twenty vendors.

Festivals and Events in Albany enjoy a tremendous partnership with local media and a portion of the events advertising is an in-kind sponsorship. In addition when advertising is purchased they will often match the dollars spent. With some events like the Northwest Art & Air Festival, the Willamette River Festival, and the Historic Homes Tours AVA

provides the advertising match for the event. These media groups include KEZI 9, KGAL/KSHO, Clear Channel Radio, the Oregonian and the Democrat-Herald.

AVA is also working with the Oregon Covered Bridge Association to bring the Oregon Covered Bridge Festival to Albany in September of 2008. We are working with organizers to create a sponsorship packet for them, define a variety of sponsorship levels, identify a volunteer base, and locate needed services in the area.

BROCHURES

AVA collects, maintains and distributes information on Albany's resources. This information is available to anyone interested in visiting Albany. It includes the Albany Facilities Guide, Linn County Profile, Locator Map and on our website links to other helpful and related sites. AVA also produces a professional brochure annually, "Discover Albany" which encompasses lodging, dining, antiquing & shopping, covered bridge tour, community information and historical guide. Visitors have told us that we have one of the most complete, user-friendly convention and visitor bureaus in Oregon.

The Albany Calendar of Events, produced by AVA, is a semi-annual publication that any event planner in the county has the opportunity to contribute to, free of charge. Currently over 200 organizations contribute information about events that are open to the public. AVA distributes over 2,500 calendars bi-annually.

Seems Like Old Times is an award-winning publication that provides visitors and residents with information about the history of Albany, Albany architecture, self-guided maps and information for the Monteith, Hackleman, and Commercial Downtown Nationally Registered Historic Districts. Historic organizations, their contact information and local points of interest are also listed in this publication. The entire publication can be viewed and printed on the Albany Visitors Association website found at: <http://www.albanyvisitors.com/pages/historic/oldtimes.html> (approximately 2000 distributed between June and November 2007).

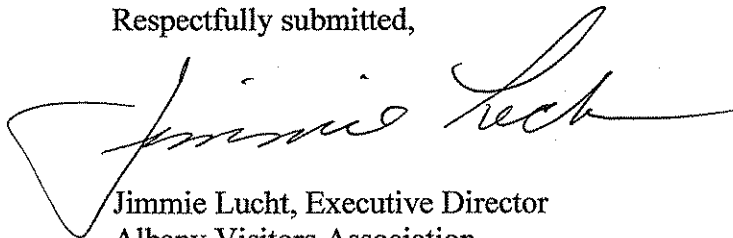
The City of Albany identified three priorities: *Great Neighborhoods, a Safe City and a Healthy Economy.*

AVA's efforts help to accomplish these priorities in many ways. The website and Calendar of Events on line and in brochure form is used by residents looking for family-oriented entertainment opportunities in the community. Festivals and events bring people and new dollars to Albany, strengthens relationships between family and friends, creates affordable entertainment and strengthens the local economy. Family-oriented events keep Albany a safe and friendly city. Projects that AVA supports such as the Brass Ring Carousel Project and Museum, The Monteith House Museum, Albany Regional Museum, Nighttime Magic and blood drives for the Red Cross all help maintain the livability of our community.

The Transient Room Taxes collected from visitors who stay overnight in Albany is the only source of funding for AVA. According to the Report generated by the City of Albany the TRT collected shows an increased of \$14,642 from June through September 2007 over the same period in 2006 (over a 5% increase to date). This is an excellent indicator that the efforts of AVA and other community partners are successful and is just one way we are helping create a healthy economy. In addition, tourism in Linn County supports 1,290 jobs and 88,900 jobs statewide. Tourism spending also contributes \$4,700,000 to the State and local taxes. Tourism spending in Linn County amounts to over \$100,000,000 annually (statistics from Dean Runyan and Associates).

Tourism is said to be a primary driver of Oregon's socio-economic future. It is one of the top three industries in the state. Albany Visitors Association is a driving force in growing the local economy through tourism; a clean industry that that brings new dollars to the local community.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jimmie Lucht". The signature is written in a cursive style with a large, sweeping initial "J".

Jimmie Lucht, Executive Director
Albany Visitors Association



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Don Donovan, Planning Manager *DDH*
DATE: January 16, 2008, for the January 23, 2008, City Council
SUBJECT: File SD-14-06, Links Club Estates Subdivision Application
Appeal of Planning Commission Approval

Action Requested:

Hold a public hearing on the Links Club Estates Subdivision application.

Discussion:

Planning Commission Decision

On October 29, 2007, the Planning Commission held a public hearing on the Links Club Estates subdivision application. The owners of the property are listed in Benton County Tax Assessor's records as Gene and Margaret Klingler. The applicants for the subdivision are Joan and Perry Packard. The Packards apparently also have an ownership interest in the property.

The Planning Commission approved the application following the public hearing. The hearing lasted about two hours. Planning Commission deliberation lasted about one-half hour.

Appeal to City Council

On November 8, 2007, Phyllis Vollstedt, who testified at the Planning Commission hearing, appealed the Planning Commission decision to the City Council. Ms. Vollstedt retained attorney George Heilig to file the appeal. The appeal is attached to this memo as Attachment A.

Ms. Vollstedt's appeal lists seven separate reasons that she believes the subdivision application does not meet Albany Development Code requirements, Oregon Revised Statutes and Administrative Rules, the Oregon Constitution, and the civil law of Oregon relating to drainage.

On November 28, 2007, Mr. Heilig submitted a letter that says Mr. Rummerfield, an owner of property adjacent to the subdivision property, has made a claim in Benton County Circuit Court to part of the subdivision property. The letter is attached to this memo as Attachment B. Benton County records show the subdivision property is owned by the Klinglers and a court has not made a decision that would contradict this evidence.

Applicant's Response to Issues Raised on Appeal

The applicants provided a response to the issues raised in Ms. Vollstedt's appeal. The response is attached to this memo as Attachment C. (The response is a letter dated January 10, 2008, addressed to Don Donovan from Dan Watson.) Planning and Engineering staff generally agrees with the responses in the letter.

The applicant's response did not respond to appeal issues C and D related to drainage law. Issues C and D are addressed in a letter dated January 15, 2008, to Don Donovan from Ed Schultz, the

January 16, 2008

applicant's attorney. The letter is attached to this memo as Attachment D. Planning and Engineering staff do not have an opinion on these issues regarding the Oregon Constitution and Oregon civil law related to drainage. The City Attorney will have an opinion on these issues.

The applicants also provided a letter that explains some history that they believe is important for the City Council to know. The letter, dated January 2, 2008, is to the Albany City Council from Dick Thomas and Joan and Perry Packard. All of the information in the letter appears to be related to the subdivision review criteria (streets, traffic, sanitary sewer, flooding, and storm drainage) and so, is relevant to review of the application (except the "rural setting" issue). The letter is attached to this memo as Attachment E.

Staff Remarks

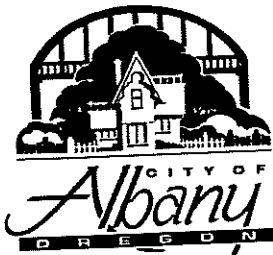
Each of the issues raised in the appeal is addressed in the staff report under the relevant review criteria. Streets are addressed under Review Criterion (3), sewers and storm drainage are addressed under Review Criterion (4), floodplains and wetlands are addressed under Review Criterion (5). The staff report follows this memo in the City Council agenda packet. The one issue that may not be addressed with sufficient detail yet is the issue related to Oregon drainage law. The appellant's attorney has identified the issue and the applicant's attorney has responded. The City Attorney will be able to provide advice to the City Council at the public hearing.

If you have questions that I can answer before the hearing, please let me know.

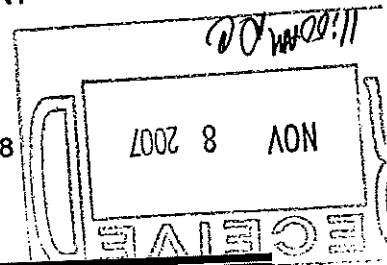
Budget Impact:

None.

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COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
P.O. Box 490
333 Broadalbin Street SW
Albany, OR 97321
Phone (541) 917-7550 Fax (541) 917-7598
www.cityofalbany.net



Notice of Appeal

The undersigned, who believe they have standing to appeal, hereby request consideration by the

City Council
(name of Board/Commission, or City Council)

of a decision made on October 30, 2007 (date)

by the Albany Planning Commission
(Community Development Director, Hearings Board, Planning Commission, Landmarks Advisory Commission)

relating to a request for Subdivision Tentative Plat SD-14-06 (case file name and number)

pertaining to Tax Lot(s) No.(s) 900 on Assessor's Map No.(s) 10S-3W-31

I am/we are appealing this decision because of the following defect(s) in the hearing process and/or interpretation of the criteria set forth in the Albany Development Code sections which are applicable to the previously stated land use request (Attach your findings of fact): As set forth in

Exhibit A attached hereto.

I (we) understand that a hearing will be set for this appeal and I (we) will be present at that time to answer questions regarding this appeal.

Name Phyllis Vollstedt

Address 451 NW Quarry Rd.

Albany OR 97321

Signature [Handwritten Signature]

Date 11-8-07

Name ~~George B. Heilig~~ George B. Heilig, Atty.

Address PO Box 546
Corvallis OR 97339

Signature [Handwritten Signature] 754-7477

Date 11-8-07

TO BE FILLED OUT BY STAFF

Case No. (Same as application request) SD-0014-06

Filing Fee: (Fees subject to change every July 1)

Appeal to City Council \$720

Appeal to Planning Commission \$240

Appeal to Hearings Officer \$300 deposit/max \$500

Date Filed: 11-8-07

Fee Paid: \$720.00

Receipt No.: R99033075

Received By: D. Clemens

SD-0014-06

EXHIBIT A

The decision is defective in that it is not in compliance with the Albany Development Code, Oregon Revised Statutes and Administrative Rules, the Oregon Constitution and the civil law of Oregon relating to drainage. Specifically, including without limitation:

A. The decision allows the property to be developed even though it is not adjacent to a public sewer. This is not consistent with the standards of the Albany Development Code.

B. The extension of Country Club Lane results in a non conforming cul-de-sac (a street with only one outlet). The resulting cul-de-sac is longer than 400 feet.

The street width (30') will create an unsafe condition.

1. Fire trucks will not have adequate turn around radius.
2. Parking on both sides of the street will create an inadequate two lane situation.

Country Club Lane currently serves 19 units and a golf course. The addition of 12 units will exceed the State fire code guidelines of only 20 units on a cul-de-sac.

C. Re-directing surface waters from the subject property to Appellant's property results in a taking of Appellant's property in derogation of Article I Section 8 of the Oregon Constitution.

D. Appellant has not given permission for relocation of surface water onto the southerly portion of her property. Appellant believes that is contrary to the civil law of Oregon to allow a landowner to divert water onto adjoining land that would not otherwise have flowed there. The re-directing causes surface water to enter the adjacent property at a changed location. This will be nuisance.

E. The property will require substantial fill of the historic drainage for Thorton Lake in flood conditions. No attempt has been made to identify wetlands located within the property of this historic drainage way.

F. The flood and storm studies failed to analyze the carrying capacity of the receiving ditch on Appellant's property and the downstream property. Appellant believes the ditch is inadequate to accommodate run off.

G. The traffic study fails to analyze the increased membership (100) of the Springhill Country Club.

HEILIG MISFELDT & ARMSTRONG, LLP

ATTORNEYS AT LAW
582 NW VAN BUREN
P.O. BOX 546
CORVALLIS, OREGON 97339

George B. Heilig
Email: lawyerg@peak.org

PHONE (541) 754-7477
FACSIMILE (541) 754-0051

November 27, 2007

Don Donovan
Planning Manager
Community Development Dept.
PO Box 490
Albany OR 97321

RE: Vollstedt Appeal of File No. SD 14-06

Dear Don:

Please be advised that Mr. Rummerfield, an adjacent neighbor to the property which is the subject of the above subdivision application, has made a claim of ownership to part of that property. A copy of the Complaint is enclosed. As a result, Ms. Vollstedt adds as an additional issue of her appeal, the fact that Mr. and Mrs. Klingler are not the owners of the all the property subject to the application.

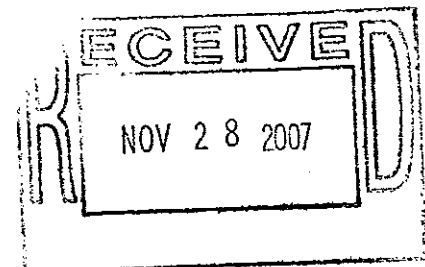
Very truly yours,


George B. Heilig

GBH:skm

enc.

pc: Bruce Rummerfield (w/o encl)
Phyllis Vollstedt (w/o encl)



FILED

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BENTON COUNTY
CIRCUIT COURT

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF BENTON

BRUCE V. RUMMERFIELD and
JEAN RUMMERFIELD, husband and wife,)
Plaintiffs,)

Case No. 07-10613

vs.

COMPLAINT
(Adverse Possession, Quiet Title)

GENE and MARGARET KLINGLER and
JOAN and PERRY PACKARD,)
Defendants.)

Plaintiffs allege as follows:

FIRST CLAIM FOR RELIEF

(Adverse Possession)

1.

Plaintiffs are the owners of real property in Benton County, State of Oregon, located at 10S-3W-31, Tax Lot #800, otherwise known as 325 NW Quarry Road, Albany, OR 97321 (Plaintiffs' property).

2.

Defendants Gene and Margaret Klingler are the owners of real property in Benton County, State of Oregon, located at 10S-3W-31, Tax Lot #900, otherwise known as 245 Quarry Road, Albany OR 97321 (Defendants' property).

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3.

Defendants Joan and Perry Packard have applied to the City of Albany to subdivide Defendants' property and, on information and belief, claim some interest in Defendants' property.

4.

Plaintiffs eastern property line abuts Defendants' western property line. A fence, permanent barn, and permanent workshop divide the two properties described in Paragraphs 1 and 2. Plaintiffs property is depicted in Exhibit A attached hereto by a heavy red line.

5.

The area possessed by Plaintiffs and Plaintiffs' predecessors is depicted by a black line on Exhibit A (the disputed area). Plaintiffs and Plaintiffs' predecessors in interest have had an actual, open, notorious, exclusive, hostile, and continuous possession of the disputed area extending to the fence line, permanent barn, and permanent workshop for more than 10 years under claim of right.

6.

At the time Plaintiffs' predecessors in interest first entered into possession of the property, Plaintiffs' predecessors in interest had the honest belief that they were the actual owners of the property.

7.

This belief had an objective basis and was reasonable under the particular circumstances in that Plaintiffs and Plaintiffs' predecessors in interest have used, maintained, and upgraded the property extending to the fence line, the barn, and the workshop. At no time did Defendants or Defendants' predecessors in interest confront or inform the Plaintiffs or their predecessors in interest that their uses of the property extending to the fence line, the barn, and the workshop were trespassory in nature, or that they had infringed upon any interest in the land.

PAGE 2 - COMPLAINT

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8.

Defendants claim some interest in the property adverse to Plaintiffs, but Defendants' claim is without any right whatsoever and Defendants have no estate, title or interest in the property or any portion thereof.

9.

Plaintiff has no plain, adequate or speedy remedy at law.

SECOND CLAIM FOR RELIEF

(Quiet Title)

10.
11.

Plaintiffs reallege paragraphs 1 through 9 above as though fully set forth herein.

11.

Defendants claim some interest adverse to Plaintiffs' interest in the disputed property depicted in Exhibit A, but Defendants' claim is without merit and Defendants' have no estate, title, claim, lien, or interest in the real property or any portion thereof.

WHEREFORE, Plaintiff prays for judgment as follows:

1. For Plaintiffs' First Claim, Adverse Possession of the disputed strip:

- a. Ordering Plaintiffs to have surveyed the disputed property and declaring Plaintiffs are to be the owners and entitled to possession of that real property, free of any claim, estate, title, or interest of Defendants or those claiming under Defendants, and quieting title in the property in Plaintiffs.
- b. Enjoining Defendants and those claiming under Defendants from asserting any estate, title, or interest in the disputed property or any part thereof;
- c. Awarding Plaintiffs recovery of their costs and disbursements incurred by Plaintiffs herein; and
- d. Granting such other relief as this Court may deem just.

2. For Plaintiffs' Second Claim, Quiet Title:

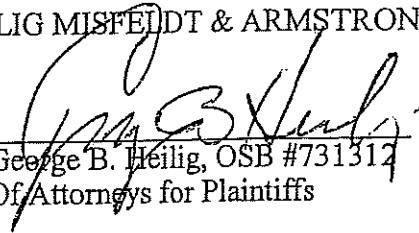
- a. Determining all adverse claims, if any, of Defendants and all persons claiming under Defendants to the disputed property;

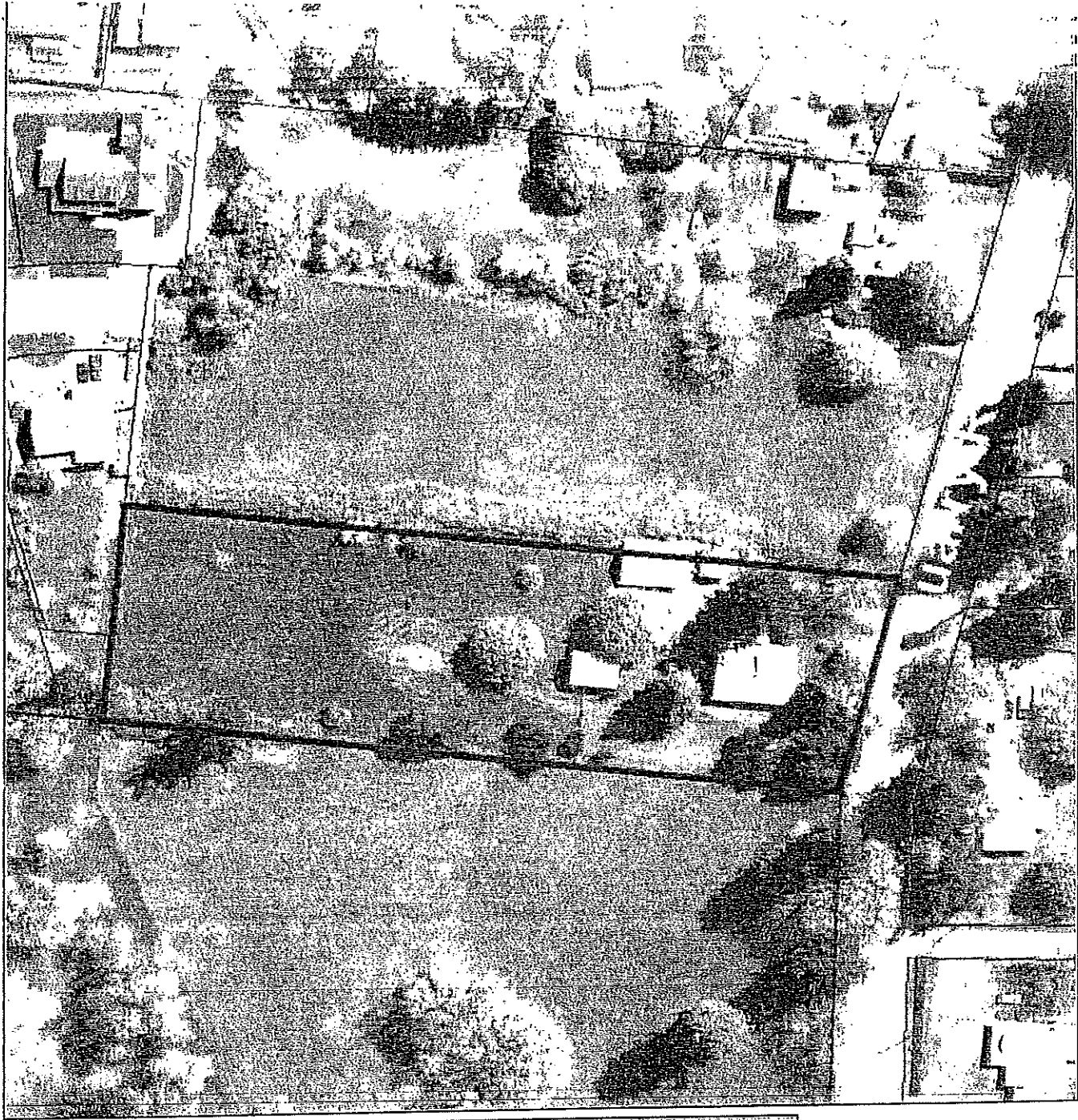
- b. Declaring Plaintiffs to be the owners in fee simple of the disputed property and entitled to possession thereof, free of any estate, title, claim, lien, or interest of Defendants or those claiming under Defendants and quieting title in the premises to Plaintiffs;
- c. Enjoining Defendants and those claiming under Defendants from asserting any estate, title, claim, lien, or interest in the disputed property or any portion thereof;
- d. Awarding Plaintiffs their costs and disbursements incurred herein; and
- e. Granting such other relief as may be equitable.

DATED this 16 day of November, 2007.

HEILIG MISFELDT & ARMSTRONG, LLP

By:


George B. Heilig, OSB #731312
Of Attorneys for Plaintiffs



Field Inn/Benton Property Data	
FIN#: 10 S03Y31 00800 Owner: RUMMERFILLED BRUCE V & JEAN Site Address: 325 QUARRY RD NW County: BENTON In City ? (Y/N): YES Land Value: 146844 Imp. Value: 198520 Assd. Value: 181171 Owner Address: 325 QUARRY RD NW ALBANY OR 97321	Planning Environmental Vicinity
Zoning: RR - Residential Reserve	
Comprehensive Plan: Residential - Low Density	
Planning Case Number(s): No Planning Cases Found	
Building Permit Number(s): B-1053-95 W-0322-95	
Historic District: Not in Historic District	
Neighborhood: North Albany	

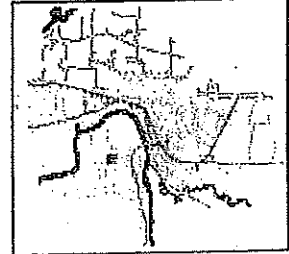
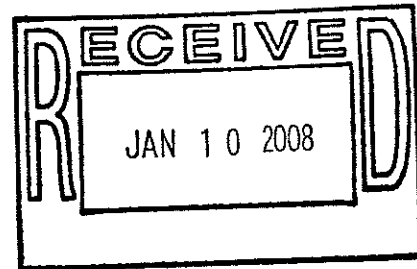


Exhibit A

January 10, 2008

Don Donovan, Senior Planner
 City of Albany
 P.O. Box 490
 Albany, OR 97321



RE: Response to Appeal
 SD-04-06
 Links Club Estates

Please accept this response to the Appeal. Mr. Schultz will be supplementing this information tomorrow.

Item A

The decision allows the property to be developed even though it is not adjacent to a public sewer. This is not consistent with the standards of the Albany Development code.

The Albany Development Code allows development where sewer is available and where sewer is not available. ADC 12.470 and 12.480. This project will connect to the Public Sewer System, so the limitations of 12.480 do not apply. ADC 12.500 states that all proposed sewer plans and systems must be approved by the City Engineer. Condition 4.1 states the sewer facilities that must be built for the project.

Item B.

The extension of Country Club Lane results in a non-conforming cul-de-sac (a street with only one outlet). The resulting cul-de-sac is longer than 400 feet.

The existing Country Club Lane is a dead end street longer than 400 feet. The proposed cul-de-sac will be about 360 feet. A new street will be extended to the east. During the initial public comment period the property owner (Rummerfeld) to the east requested that the street be extended to their property so that they may develop their property with access to Country Club Lane. The project was re-designed to connect to the Rummerfeld property.

The existing 1500 ft dead end Country Club Lane will eventually be extended to Quarry road thereby providing alternate access for existing homes and Spring Hill Country Club located on this street. Emergency vehicle and pedestrian access will be provided via an easement and concrete access way from the cul-de-sac to Quarry Road. Due to previous development that did not provide cross streets available for connection and environmental barriers to the west, the average block length of 600 ft listed in Section 11.090 (5) cannot be met. This section provides an exception to this rule: "unless adjacent layout or physical conditions justify a greater length". The adjacent layout of lots and streets prevent this project from correcting the deficiency. The "no project"

alternative is less desirable since the "no project" alternative would continue the existing condition of a long (1500 ft) dead end street with no emergency vehicle (fire truck) turnaround or emergency secondary access.

Item B. 1.

Fire trucks will not have adequate turn around radius.

The existing Country Club Lane is a dead end street with no provisions for fire turnarounds.

The proposed street will provide a 120' "hammerhead" fire turnaround that complies with Appendix D of the State of Oregon 2004 Fire Code Amendments.

Item B. 2.

Parking on both sides of the street will create an inadequate two lane situation.

The proposed streets will be 30feet curb to curb with parking on both sides. This is the City Standard Design width as per ADC Section 12.120 for a minor local street. Wider streets are discouraged by the City code, if a wider section is requested, the City requires additional pedestrian amenities to offset the wider street section.

Items C. and D.

Ed these are related to surface water relocation and I am leaving these to you.

Item E.

The property will require substantial fill of the historic drainage for Thornton Lake in flood conditions. No attempt has been made to identify wetlands located within the property of this historic Floodway.

The city resource mapping shows no wetlands on the site. There are no known wetlands on site. The soil type is listed as Ma (Malabon Silt Clay Loam) on the USDA SCS Soil Survey Map of Benton County, OR. Ma is well drained and is not listed as hydric soil necessary for wetlands on the 1994 SCS Hydric Soil Listing. No wetlands are identified for this site on the City GIS maps indicating that none were found in the City's wetlands inventory assessment.

Item F.

The flood and storm studies failed to analyze the carrying capacity of the receiving ditch on Appellant's property and the downstream property. Appellant believes the ditch is inadequate to accommodate the run off.

A drainage study dated September 20, 2007, Prepared by K&D Engineering, Inc was submitted with the Application and reviewed by the City. This study investigated the flood conditions when the Willamette River was not in flood stage. This study found that the receiving ditch would have flow depths of between 0.4 feet and 0.7 feet and that the ditch has capacity to carry the 100 year storm runoff from the project. The study also found that runoff from the project was negligible when compared to flooding from the Willamette River.

K&D Engineering performed a Flood Routing Study that estimated the impact of the project under the Willamette River 100 year flood condition, Dated July 27, 2007 (latest revision). The City of Albany reviewed this study and hired a specialty engineering consultant to review the study. The City and its Consultant concurred with the findings of the study. During our review we found that the fill and construction of the home at 320 Country Club Lane block much of the historic flow route exiting the Packard property. The study concluded that the impacts to the flood surface were zero rise below elevation 196.0 feet and only a 0.2 feet rise upstream of the project (south) between flood elevation 196.0 feet and 197.3 feet. This impact falls well below the City and FEMA standard of 1.0 feet maximum rise.

Sincerely,

Dan Watson, P.E.

President, K&D Engineering, Inc.

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(FOUNDED BY J.K. WEATHERFORD - 1875)
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BRETT R. CHYTRAUS
(Of Counsel)

January 15, 2008

Via email: don.donovan@cityofalbany.net

Don Donovan

**Re: Links Club Estate
Perry and Joan Packard**

Dear Mr. Donovan:

This firm represents the applicants Joan and Perry Packard, I am sending you this e-mail for inclusion in the record regarding the Links Club Estate appeal to the City Council (SD-14-06). You should have received a letter from the civil engineer, K&D Engineering responding to many of the issues raised on appeal. This supplements that letter.

I am addressing issue concerning storm drainage raised by the individuals appealing the planning commission's approval of the project. The allegation raised by the individuals appealing is that the storm water plan re-directing surface water to a storm water drainage ditch running along Vollstedt property is a "taking" and "nuisance" and would require just compensation under the Oregon Constitution. It is not.

To support this kind of claim, the property owner must show that the governmental action "*substantially interferes*" with the use and enjoyment of private property. For flooding/drainage issues, the test is whether the water "destroys or materially decreases the value of the private property." (*Hawkins* - Or Supreme Ct.)

Here, the storm drainage from the applicant's property will be piped westerly along Quarry Road NW and discharge to an existing drainage way located west of the subdivision. The existing drainage flows from culverts under Quarry Road NW to the north. Stormwater discharge from the subdivision will be contained in the *existing channel*. According to the Storm Drainage Study, the discharge from the subdivision will not cause flooding of adjacent properties.

The natural storm drainage from the applicant's property historically drains to the same storm drainage ditch on the Vollstedt property. However, the placement of a tire berm

and fill on the adjacent property to the north of the applicant's property resulted in a blockage in the natural drainage way.

As a result of the berm, and that owner's refusal to grant an easement, the applicant was forced to redirect the drainage from the applicant's property to the same storm drainage ditch on the Vollstedt property but further upstream and nearer to Quarry Road. The consequence is that the natural drainage enters the Vollstedt storm drainage ditch further upstream than what naturally occurred.

Directing the drainage from the applicants property to the point further upstream along the same storm drainage ditch will not result in any material decrease in the value of the private property. That is supported by the findings in the Storm Drainage Study paid for by the applicant and reviewed by the City's consultant.

This State has long recognized that a person may divert surface water flow upon an adjoining owner. In *Levene*, the Supreme Court stated that an owner of a tract of land higher in elevation has the right to channel and collect natural drainage into ditches or drains, resulting in an increase flow of water if the redirection of water so long as it does not unreasonably interfere with the lower property owner's property.

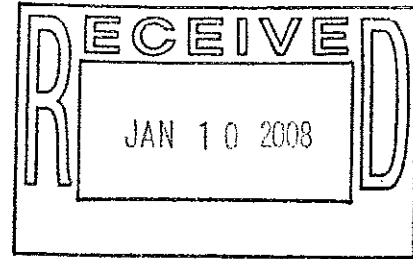
The storm drainage ditch on the Vollstedt property collects water not just from the applicant's property, but from dozens of properties upstream all the way to Thornton Lake. The applicant's redirection of surface water discharging from one portion of the storm drainage ditch and moving the discharge point a further upstream on the same storm drainage ditch can not reasonably interfere with the lower property owners property. Any argument from the applicant that the water flow will even be noticeable is unsupported by any evidence and contrary to the findings in the Storm Drainage Study.

Perhaps one reason we have not heard this legal argument raised to date is that it is simply lacks merit. If we stop and think about how often surface water is redirected in this City and in the valley in general, prohibiting the redirection of the storm drainage would result in a moratorium on most building in the Willamette Valley, severely restrict and prohibitively increase the cost of the environmental treatment of surface water, and expose units of government to endless litigation for their efforts to comply with federal regulations aimed to promote cleaner water. We also must remember that the redirecting of surface water from the applicant's property is no different than the Vollstedt property creating a drainage ditch to redirect surface water from her property and sending it to her downstream neighbor at one particular discharge point.

Very truly yours,

/s/ Edward Schultz

EDWARD F. SCHULTZ



1/2/2008

To: Albany City Council
Re: Packard/Klingler Subdivision Application

My husband and I want to take this opportunity to provide some back ground on our application to develop our property at 245 Quarry Rd.

My parents bought the property in 1960 and I lived there until I left for college. During the time that they owned the property we saw a number of changes in the neighborhood. These changes included fill dirt being brought in at the northwest corner of our property so a home could be built at 250 Country Club. After that, a housing development was built along the eastern boundary of our property. Two of the homes built on the eastern side of our property would not have been built if my parents had not agreed to allow an easement onto our property for septic systems. My parents did not hesitate to accommodate the request, even though they had plans to develop their own property once they needed the money to pay for their children's college. Due to the construction moratorium for North Albany that was implemented, this plan was never realized.

My brother Dick Thomas, husband Perry and I bought the property from my mom in 1989 after my father died. We could no longer keep up on the maintenance and sold the house in 1999, but retained an option on the ground as we still had hopes of developing it. In 2005, we agreed to sell off about 2000 feet of property to the homeowners at the northeast corner of our property (Daskalos at 255 Country Club Lane) so they could add on to their home.

When the area was initially brought into the city limits there were discussions about bringing sewer to all of North Albany. That plan eventually evolved to exclude the Springhill Road area until such time as circumstances made it necessary. In the years since, it is our understanding that the city has not had any reason to give any serious consideration to bringing the sewer to this area and does not foresee unless there is a significant change that would require them to do so.

Because of this position, we approached the city council in October 2004 with a request to allow us to utilize a step system sewage option to develop our property. The City Council directed the City Manager to have a sewage capacity study conducted to determine if the existing line could handle the additional load from our proposed project. In October 2005 we received a letter from Gordon Steffenmiester informing us that the study concluded there was sufficient capacity to service the proposed area.

Since that time, we have been working to develop a proposal that provides the maximum number of lots allowed under the current zoning and addresses the concerns raised by the neighbors in the initial neighborhood meeting in Feb, 2006. The primary issues raised at that meeting were:

- 1) Neighbors on both Country Club and Quarry objected to the perception that traffic would increase on both roads with Country Club cutting through to Quarry, even though we had commissioned a traffic survey that concluded the impacts of this connection would be minimal.
- 2) The neighbor to the west of our property, Bruce Rummerfield at 325 Quarry Rd, objected that our project would "land lock" him from being able to develop his property unless he had access through our property to Country Club.
- 3) Neighbors to the south (330 Quarry Rd) objected that we would be adding to their on-going flooding issues by filling in the flood plain portion of the property. The neighbors to the northwest (250 Country Club Lane) of us believe that filling in the flood plain area will cause water to flood into their home.
- 4) Many neighbors objected to the loss of the "farm like" setting that our land provides the area.
- 5) Prior to the Planning Commission meeting, Phyllis Volstedt wrote the city a letter with concerns about storm water run off (non-flooding situations).

. Based on the meeting, we made the following modifications to the initial proposal:

- 1) The proposed development was redesigned with a cul-de-sac and an extension going to the west ending at the property line. The extension will provide street access for the Rummerfield property at such time as they decide to develop. The cul-de-sac will have an easement for emergency access vehicles to access the road through Quarry Rd, a large turn around area in the cul-de-sac, and an additional turnout on the side street until Rummerfield's put the street through. In addition bikes and pedestrians that currently cannot access Country Club from Quarry will now have easier access to the country club.
As indicated above, even though the scope of our project was small enough that a traffic study was not required, we opted to commission one with Country Club extending to Quarry. That study showed that there would be very minimal impact on both Quarry and Country Club from our project. When we changed the design to a cul-de-sac with emergency vehicle access, we commissioned another traffic study even though intuitively we knew that not connecting to Quarry Rd would further reduce the traffic volume from what the original study already showed was negligible.
- 2) We completed a flood study showing the impact of our project in a hundred year flood to the main flood channel to be about 2.5 inches. The city was provided a copy of this study and submitted the study to an independent firm in Beaverton, OR. Their review confirmed the study's findings. We also agreed to provide a storm drain to the properties directly to the south of our project (325 Quarry Rd) to help reduce flooding on their property, even though their water problems come from the Thorton Lake area to the south and no water will come onto their property from our project. No water currently comes from our property as our

elevation sets below theirs and after our development is completed, all runoff will be captured and carried underground to the west as proposed.

- 3) The neighbor's house to the northwest of our property (Sackron's at 250 Country Club Lane built in the late 1960's) was partially built on fill dirt dumped into the flood plain and the lower half of the house was built so that it further blocks the flood plain. The dirt that was brought in and is retained by a retaining wall made of old tires.

Although the issues that they have with flooding stem directly from the location and design of their home, we decided to offer them \$20,000 to buy an easement for a storm drain across their backyard to address everyday storm water runoff (non-flooding) issues. They rejected this offer and stated that they did not want to do anything that would facilitate our being able to develop. They went a step further and sent us and the city a letter stating they would sue both parties should their property ever flood, even though pictures of the 1964 flood show that property was underwater prior to the house being built. As the flood water that enters their property comes from the south and flows north, the flood study shows that filling the channel would actually prevent water from flowing from the south towards their property, although they will still have water backing onto their property from the country club property to the north. The depth of this water from the north will be dictated by the overall height of the flood, and will rise to that level with or without our project. It is important to note that pictures from the 1996 flood show their property was not impacted by the flood waters.

- 4) The issue of the rural setting that our property provides the area seems to be the true objection from which all of the others flow. This was a significant part of the discussion at the neighborhood meeting, but they seemed to have determined that is not a winning argument and are seeking other avenues to kill the project. We state this because no matter what we do to address the above concerns, the neighbors have continued to object and search for additional issues. The Daskalos family at 255 Country Club Lane is typical of what we have run into. After buying property from us to expand their own house, they objected to us putting Country Club through to Quarry, and then yet again objected to the cul-de-sac option. Apparently it was fine for them to build on our property but no one else should be allowed to.
- 5) Our project as designed captures storm water in catch basins and runs it to the culverts west of the project on Quarry Rd. This water currently would percolate into the ground on our property and/or run off to the northwest drainage located on the country club's and Volstedt's property. Ms. Volstedt objects to our re-directing the run-off, even though the water is ending up in the same drainage basin as nature intended, but by entering that drainage at a different location. We have looked at different options to address this concern should the council deem it to be necessary. The first option is to run the water off through a storm

pipe to a ditch located on the country club property (they have agreed to this), but we would need to have the pipe cross either the property to the west (Rummerfield's) or the property to the northwest (Sackron's). Both parties rejected our offer of \$20,000 for an easement on the grounds that they did not want to be "ostracized" by the neighbors for facilitating our project (in addition to their own objections of not wanting the field to change).

The second option is to give up a building site and dig a large "dry well" that storm water would be directed to and allowed to percolate into the ground. This would be a very expensive option (the loss of a home site) considering the minimal amount of water that would actually leave the property. We would prefer to avoid this unless absolutely necessary.

In summary, we believe we have given our best effort to satisfy all concerns and make this project a reality. Over the past three years we have invested a significant amount of money, countless hours, and many sleepless nights to this project. We hope you will give this request positive consideration.

Sincerely,

Dick Thomas, Joan and Perry Packard

Picture Appendix

- 1) Subject area during the 1996 flood is outlined in the black rectangle. Flood waters did not reach subject property.
- 2) Closer view of 1996 flood waters in relation to subject property in black rectangle. Lighter color brown on subject property is brown grass, not water. The lightest area is the high point of the property.
- 3) Slightly expanded view of the same shot as above.
- 4) View of property at 250 Country Club illustrating the location of the property blocking the flood plain with the house and the retaining wall.
- 5) Closer view of the same property showing a closer view of the retaining wall and fill dirt.

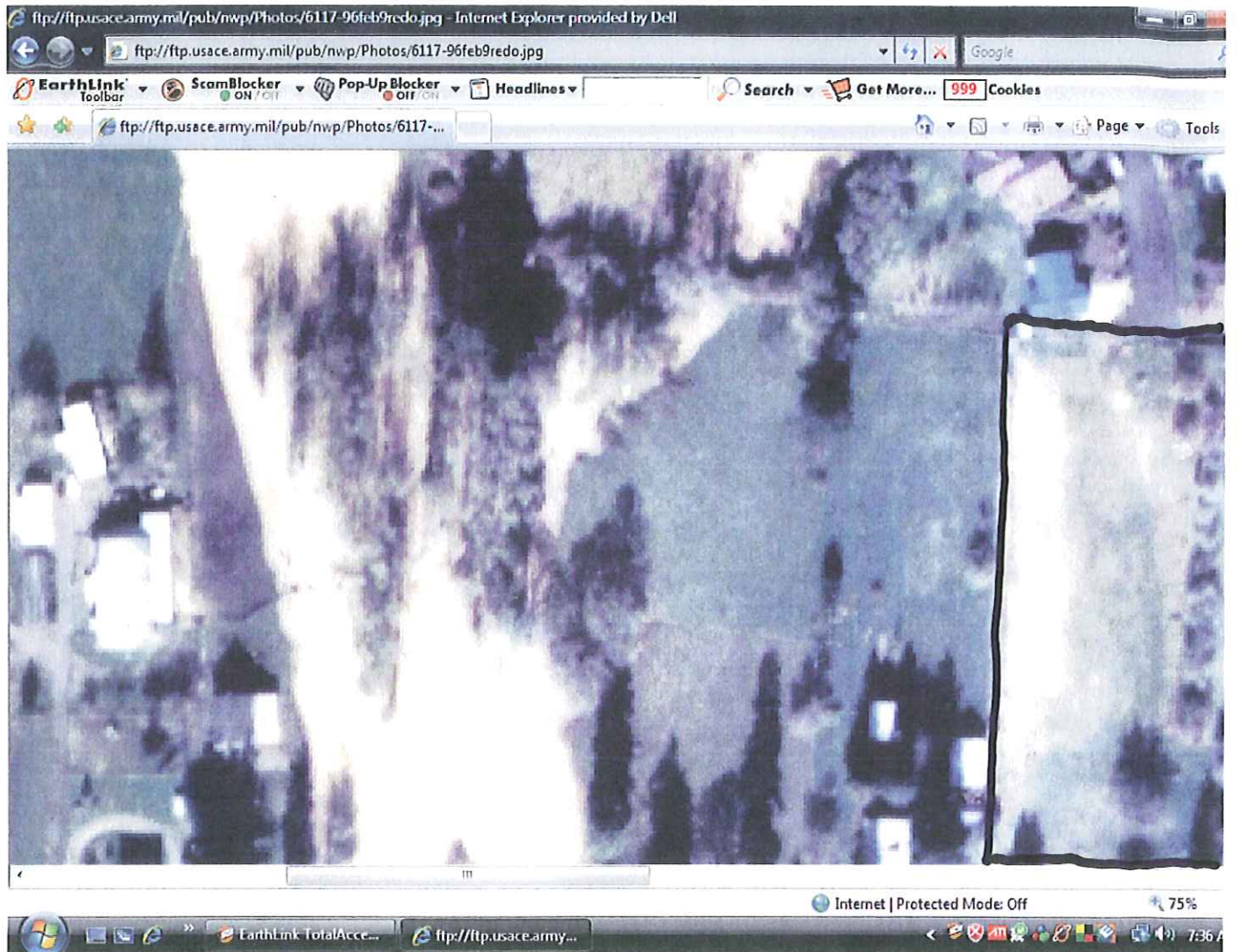
City of Albany, Oregon
Geographic Information Services
1996 Flood Extent

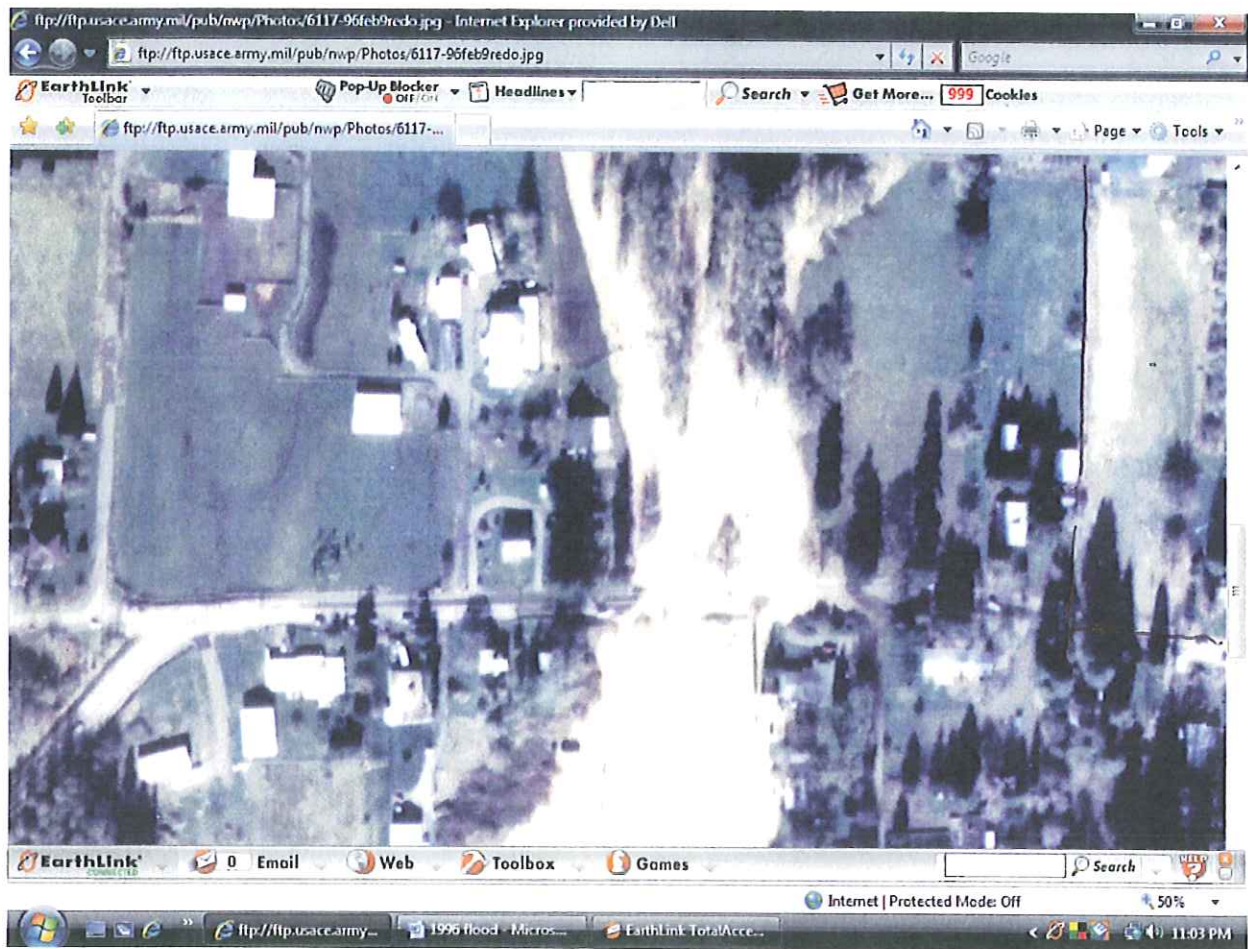


The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



City of Albany, Oregon
333 Broadalbin St. SW
Albany, OR 97321
(541) 917-7500 **28**











Community Development Department

333 Broadalbin Street SW, P.O. Box 490
Albany, OR 97321

Phone: (541) 917-7550 Facsimile: (541) 917-7598
www.cityofalbany.net

STAFF REPORT

Subdivision

HEARING BODY City Council
HEARING DATE Wednesday, January 23, 2008
HEARING TIME 7:15 p.m.
HEARING LOCATION Council Chambers, Albany City Hall, 333 Broadalbin Street SW

GENERAL INFORMATION:

DATE OF REPORT: January 16, 2008
FILE: SD-14-06
TYPE OF APPLICATION: Subdivision Tentative Plat that would divide a 3.77-acre parcel of land into 12 residential single-family lots (Links Club Estates).
STAFF REPORT PREPARED BY: Don Donovan, Planning Manager
REVIEW BODY: City Council
PROPERTY OWNERS: Gene and Margaret Klingler; 245 Quarry Road NW; Albany, OR 97321
APPLICANTS: Joan and Perry Packard; 14390 Amberwood Circle; Lake Oswego, OR 97035
APPLICANT REPS: Dan Watson; K&D Engineering, Inc.; P.O. Box 725; Albany, OR 97321
Edward Schultz; Weatherford, Thompson, Cowgill, Black & Schultz, P.C.; PO Box 667; Albany, OR 97321
ADDRESS/LOCATION: 245 Quarry Road NW
MAP/TAX LOT: Benton County Assessor's Map No. 10S-3W-31; Tax Lot 900
ZONING: RR (Residential Reserve), but will convert to RS-10 (Residential Single Family) when water and sewer service are provided and public improvement requirements are met.
TOTAL LAND AREA: 3.77 acres
EXISTING LAND USE: There is a single-family house on this property now.
NEIGHBORHOOD: North Albany
SURROUNDING ZONING: North: RR (Residential Reserve)
South: RR
East: RR
West: RR

SURROUNDING USES: North: Single-family houses
South: Single-family houses
East: Single-family houses
West: Single-family houses

PRIOR HISTORY: This property was annexed to the city in 1991 as part of the North Albany annexation. No other land use applications for the property have been reviewed by the Planning Division.

NOTICE INFORMATION

A notice of the City Council public hearing was mailed to surrounding property owners on January 12, 2008. The site was posted on October 18, 2007, with a sign that references the subdivision application. A copy of the Notice of Public Hearing for the Planning Commission hearing was attached to the sign. The sign remained up during the appeal period. A copy of the Notice of Public Hearing for the City Council hearing was attached to the sign on January 13, 2008.

PLANNING COMMISSION DECISION AND APPEAL

On October 29, 2007, the Planning Commission held a public hearing on this subdivision application. The Planning Commission approved the application following the public hearing. On November 8, 2007, Phyllis Vollstedt, who testified at the Planning Commission hearing, appealed the Planning Commission decision to the City Council.

CITY COUNCIL DECISION

[NOTE TO CITY COUNCIL: CHOOSE ONE FROM THE MOTIONS LISTED BELOW.]

MOTION TO APPROVE WITH CONDITIONS

If the staff report includes enough information about issues raised at the City Council public hearing, the City Council may approve the application based on the findings and conclusions of the staff report.

I MOVE that the City Council APPROVE WITH CONDITIONS the Subdivision Tentative Plat application that would divide a 3.77-acre parcel of land into 12 residential single-family lots (Links Club Estates) (File SD-14-06). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

MOTION TO APPROVE WITH CONDITIONS AS MODIFIED

If there is information not included in the staff report or new information presented at the public hearing, the City Council may propose new findings and conditions and approve the application.

I MOVE that the City Council APPROVE WITH CONDITIONS AS MODIFIED ([Modifications]) the Subdivision Tentative Plat application that would divide a 3.77-acre parcel of land into 12 residential single-family lots (Links Club Estates) (File SD-14-06). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

MOTION TO GRANT TENTATIVE APPROVAL WITH CONDITIONS

If new information is presented at the public hearing and the City Council wishes staff to prepare additional findings that address that information, the City Council may grant tentative approval and direct staff to prepare additional findings. At the next meeting, the City Council would review the additional findings, and if they are satisfactory, approve the application based on the staff report and the additional findings.

I MOVE that the City Council grant TENTATIVE APPROVAL WITH CONDITIONS of the Subdivision Tentative Plat application that would divide a 3.77-acre parcel of land into 12 residential single-family lots (Links Club Estates) (File SD-14-06). I also MOVE that the City Council direct staff to prepare findings that address the new information presented at the public hearing for consideration at the next meeting.

OR

MOTION TO DENY

If the City Council finds that the applicant has not provided sufficient evidence to demonstrate that the review criteria will be met, or if they find the applicant has presented incorrect information, the City Council may deny the application.

I MOVE that the City Council DENY the Subdivision Tentative Plat application that would divide a 3.77-acre parcel of land into 12 residential single-family lots (Links Club Estates) (File SD-14-06). I also MOVE that the City Council direct staff to prepare findings to support denial based on the testimony presented at the public hearing and to present these findings for consideration at the next meeting.

APPEALS

Within five days of the City Council's final decision on this application, the Community Development Director will provide written notice of the decision to the applicant and any other parties entitled to notice.

A decision of the City Council may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal not later than 21 days after the decision becomes final.

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STAFF ANALYSIS
Subdivision File SD-14-06

DESCRIPTION OF THE PROPOSED SUBDIVISION

Zoning

The property where the proposed subdivision would be built is currently zoned RR (Residential Reserve). A Comprehensive Plan policy says that, "Upon approval of a submitted development plan where water and sewer service is provided and public improvement requirements are met, property zoned Residential Reserve (RR) shall be assigned an RS-10, RS-6.5 or RS-5 zone designation without a zone change, based on the zoning map in Figure 1..." Figure 1 shows this property will be zoned RS-10. This will occur when public improvement requirements for the proposed subdivision are met. (Comprehensive Plan, pages 8-20, Public Utilities Policy 5.)

Lot Sizes

Albany Development Code (ADC) 3.200 says that "Up to 50% of the total number of lots in a land division may have lot sizes up to 30 percent smaller than the standard permitted in any zone provided that the average lot size for lots in the development is at least the standard required in the zone after application of all density bonuses. In such cases, the recorded plat or plan map shall indicate that the larger lots may not be further divided or deed restrictions shall be established indicating the same."

The tentative plat for the subdivision shows that five of the lots in the proposed subdivision will be less than 10,000 square feet and seven lots will be larger than 10,000 square feet. The smallest lot is 8,063 square feet. This is about 20 percent smaller than 10,000 square feet. The largest lot is 22,035 square feet. The average lot size in the subdivision is 10,671. The lot sizes conform with the provisions of ADC 3.200. Only Lot 1 is large enough to be divided again. A condition of approval of the subdivision would require the restriction on dividing this lot referenced in ADC 3.200.

Access for the Subdivision

The property where the subdivision is proposed is located on the north side of Quarry Road NW. Country Club Lane NW ends at the north boundary of the property. Country Club Lane NW will be extended south into the subdivision. The extension of Country Club Lane NW will end in a cul-de-sac. Vehicle traffic will use Country Club Lane NW to enter and exit the subdivision. Country Club Lane NW connects to Springhill Road NW. There will be a bicycle/pedestrian path from the end of the cul-de-sac to Quarry Road NW to allow bikes and pedestrians access between the subdivision and Quarry Road NW without going to Springhill Drive NW. Quarry Road NW will be improved along the frontage of the subdivision. Improvements will include curb, gutter, sidewalk, and wider pavement. A traffic study was submitted with the subdivision application. The traffic study concludes that the street system can accommodate the additional traffic that will be generated by the subdivision.

Topography

The property where the subdivision will be constructed has a long, low area that runs across it from south to north. The low area is shown on the Federal Emergency Management Agency (FEMA)/FIRM map for this area as being within a 100-year floodplain. When the subdivision is constructed, the low area on the property will be filled.

Grading permit

The applicant must obtain a grading permit from the City's Engineering Division before the property is filled. The grading permit is not the subject of this subdivision application. ADC specifically excludes grading from the definition of development in the Code. Grading is regulated by Albany Municipal Code (AMC) Title 18. At the time the application for a grading permit is received, the City will mail out a notice to property owners within 100 feet of the property where the fill is proposed. Neighbors will have an opportunity to review the proposed grading and comment.

Floodplain

Review Criterion (5) for subdivisions includes a requirement that “special features,” such as floodplains, be “adequately considered and utilized.” As noted above, the FEMA/FIRM map shows that part of this property is in a 100-year floodplain. When West and East Thornton Lakes flood during heavy rains, the flood water flows north toward Quarry Road NW and sometimes runs across Quarry Road NW. When the applicants held a neighborhood meeting to explain the proposed subdivision, some neighbors observed that it appears the low area on the subdivision property is an important outlet for flood waters. The applicant’s civil engineer provided a “Flood Routing Study.” The study concludes that, if the property where the subdivision is proposed is filled to build the subdivision, that the elevation of the water in the channel that carries water northward from the Thornton Lakes, across Quarry Road NW, and back to the Willamette River will rise a maximum of 0.20 feet. The City’s Engineering Division hired an independent consulting engineer with experience in floodplain analysis to review the flood study submitted by the applicants. The consulting engineer concludes that the flood study appropriately modeled the existing and proposed conditions. The City Engineer agrees with those conclusions.

REVIEW CRITERIA

The Albany Development Code (ADC) includes the following review criteria which must be met for this Subdivision Tentative Plat application to be approved. Code criteria are written in *bold italics* and are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

- (1) *Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.*

FINDINGS OF FACT

- 1.1 The property that would be divided is shown on Benton County Tax Assessor’s Map 10S-3W-31, as Tax Lot 900. Joan and Perry Packard own Tax Lot 900. Tax Lot 900 is 3.77 acres. The proposed subdivision would divide all of Tax Lot 900 into 12 residential single-family lots.
- 1.2 The property will be zoned RS-10 when public improvement requirements for the proposed subdivision are met. The average lot size for lots in RS-10 zoning districts is 10,000 square feet. A lot in the subdivision would have to be at least 20,000 square feet to be divided again in the future.
- 1.3 ADC 3.200 says that “Up to 50% of the total number of lots in a land division may have lot sizes up to 30 percent smaller than the standard permitted in any zone provided that the average lot size for lots in the development is at least the standard required in the zone after application of all density bonuses. In such cases, the recorded plat or plan map shall indicate that the larger lots may not be further divided or deed restrictions shall be established indicating the same.”

The tentative plat for the subdivision shows that five of the lots in the proposed subdivision will be less than 10,000 square feet and seven lots will be larger than 10,000 square feet. The smallest lot is 8,063 square feet. This is about 20 percent smaller than 10,000 square feet. The largest lot is 22,035 square feet. The average lot size in the subdivision is 10,671. The lot sizes conform with the provisions of ADC 3.200. Only Lot 1 is large enough to be divided again.

- 1.4 The final subdivision plat must indicate that Lot 1 may not be further divided or deed restrictions shall be established indicating the same.

CONCLUSIONS

- 1.1 The proposed subdivision would divide all of Tax Lot 900 into lots. This review criterion is really meant to address any larger remainder parcel under the same ownership that is not included in the subdivision.

- 1.2 Nevertheless, Lot 1 is large enough to be divided again, but that will not be an option because this large lot was used to establish the required average lot size for the subdivision.
- 1.3 This review criterion will be met when the following condition is met.

CONDITION

- 1.1 The final plat must indicate that Lot 1 may not be further divided or deed restrictions must be established indicating the same.
- (2) *Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.*

FINDINGS OF FACT

- 2.1 ADC 12.060 requires that development must have frontage, on or approved access to, a public street currently open to traffic.
- 2.2 This review criterion has been interpreted by the City Council to require only that adjoining land either have access, or be provided access, to public streets. New streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties (ADC 12.110).
- 2.3 Property to the north: Two lots adjoin the subdivision property to the north. Both of these lots have access to Country Club Lane NW.

Property to the south: Quarry Road NW adjoins the subdivision property to the south.

Property to the east: Six lots adjoin the subdivision property to the east. Each of these six lots have access to Widmer Place NW, Merrill Place NW, or Ferguson Drive NW.

Property to the west: Benton County Assessor's Map No. 10S-3W-31, Tax Lot 800, adjoins the subdivision property to the west. This property has access on Quarry Road NW. The subdivision tentative plat also shows that a new street will be extended to the west to provide access to the public street system for development that may occur on the back of Tax Lot 800 in the future.

CONCLUSIONS

- 2.1 Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
- 2.2 This review criterion is met.
- (3) *The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.*

FINDINGS OF FACT

- 3.1 The proposed subdivision will be located on the north side of Quarry Road NW about 150 feet west of Ferguson Drive NW.
- 3.2 The "Site Plan" submitted by the applicants (which is the tentative plat) shows that access for the subdivision will be provided by an extension of Country Club Lane NW.

3.3 The applicants submitted a traffic study with the subdivision application. The traffic study was done by Lancaster Engineering. It is dated February 2007. The study evaluates the traffic impact of the proposed subdivision. The traffic study is attached to this staff report as Exhibit D.

3.4 The executive summary in the traffic study includes the following conclusions:

- “The trip generation calculations indicated that there will be an estimated total of 8 trips generated by the development during the morning peak hour. Of these, 2 will be entering and 6 will be exiting the development. During the afternoon peak hour, there are 11 new trips predicted, with 7 entering and 4 exiting the development. A total of 106 new weekday trips are predicted, with 53 entering and 53 exiting the development.
- “The stop sign-controlled intersections of Quarry Road NW at Springhill Drive NW, Quarry Road NW at North Albany Road NW, and Springhill Drive NW at Country Club Lane NW are now operating, and will continue to operate through the year 2011, at an acceptable level of service in both the morning and afternoon peak traffic periods. The impact from the additional traffic created by this subdivision is negligible.”

3.5 The City’s transportation analyst reviewed the traffic study and agrees with its conclusions.

Country Club Lane NW

3.6 The existing section of Country Club Lane NW is a local street and is improved with curb and gutter. The curb-to-curb width is 36 feet. It is a dead-end street. The length of the street is 1,465 feet. The street does not have a turnaround at the end of it. The street currently provides access to 19 single-family lots and to the Springhill Country Club (a private 18-hole golf course). The speed limit on the street is 25 miles per hour.

3.7 The traffic study estimates that the proposed subdivision will generate 106 new vehicle trips per day. All of those trips will initially use Country Club Lane NW. The existing traffic volume on Country Club Lane NW is estimated to be 820 vehicle trips per day. The total volume of vehicle trips on the street with subdivision construction is estimated to be 106 trips per day, plus 820 trips per day, to total 926 average daily trips (ADT).

3.8 ADC 12.122 defines two types of local streets: minor local streets and network local streets. Minor local streets are intended to have less than 1,000 ADT. Major local streets are intended to have more than 1,000 ADT. The traffic volume that would result on Country Club Lane NW with construction of the subdivision is less than the upper limit for minor local streets.

Country Club Lane NW Extension

3.9 ADC 12.122(1) shows that minor local streets should have a 54-foot-wide right-of-way and a 30-foot-wide paved street with sidewalks on both sides. The tentative plat shows that the streets in the subdivision will meet these standards.

3.10 ADC 12.060 says that streets shall be interconnected to reduce travel distance, provide multiple travel routes, and promote the use of alternative modes.

3.11 ADC 12.190 says that the street pattern may include cul-de-sacs and bulbs only if connectivity and block length standards have been met. A cul-de-sac must be as short as possible and is not to exceed 400 feet. A cul-de-sac must terminate with a circular turnaround. Dead-end streets longer than 400 feet may be approved by the City Engineer if no other means is available for development of the property.

- 3.12 ADC 11.090(5) says that block dimensions will be determined by existing street and development patterns, connectivity needs, topography, and adequate lot size. It also requires that average block length not exceed 600 feet unless adjacent layout or physical conditions justify a greater length.
- 3.13 The existing Country Club Lane NW is longer than 400 feet and does not have a vehicle turn-around at the end of it. Country Club Lane NW will be extended, from where it ends now, about 360 feet into the subdivision. The street extension will end in a circular turnaround (bulb). A pedestrian/emergency vehicle path will be constructed from the cul-de-sac bulb to Quarry Road NW.
- 3.14 A new street will be extended to the west property line of the subdivision. This street extension will provide future access to the public street system for the property to the west and allow for an eventual connection to Quarry Road NW.
- 3.15 A preliminary subdivision plat submitted by the applicant showed Country Club Lane NW extended through the subdivision to Quarry Road NW. The preliminary proposal also showed an access easement (not a street extension) for the property to the west. The owners of the property to the west objected to the easement and asked that a street be extended to their property to allow future development.
- 3.16 Street name signs and street lights will be needed in the subdivision to provide safe and efficient movement of traffic.

Quarry Road NW

- 3.17 The proposed subdivision will have about 287 feet of frontage on Quarry Road NW.
- 3.18 Albany's Transportation System Plan (TSP) classifies Quarry Road NW as a major collector street. The road is under the jurisdiction of Benton County. The road is not constructed to City standards. It has a vehicle travel lane in each direction and paved shoulders that function as bike lanes. The road does not have curb, gutter, or sidewalk.
- 3.19 ADC 12.060 requires that streets within and adjacent to a development must be improved to City standards.
- 3.20 Benton County provided the following comments regarding the project and proposed improvements to Quarry Road NW:
- Right-of-way dedication is needed along the property's frontage on Quarry Road NW. The ultimate right-of-way width is 60 feet. Dedication should be to a point 30 feet north of the centerline of the street.
 - Cross sections will be needed illustrating the existing and proposed street grades along Quarry Road NW. The sections will need to show the catch points for the partial street improvements and the effects of the improvements on lot drainage.
 - Sidewalk improvements along Quarry Road NW must be constructed at the time street improvements are constructed.
- 3.21 There is an existing house on what will become Lot 1 of the proposed subdivision. The house has a driveway to Quarry Road. Benton County originally suggested that this driveway be abandoned and that a new driveway be constructed to provide access for the existing house to the new subdivision street. The applicant explained that the existing garage on the property is located so that driveway access on Quarry Road NW is necessary. The applicant agreed to provide a new driveway for Lot 1 on the subdivision street so that the residents of the existing house on Lot 1 may use the subdivision street for access instead of Quarry Road NW.
- 3.22 The tentative plat shows that curb, gutter, and sidewalk will be constructed across the Quarry Road NW frontage of the subdivision.

- 3.23 Albany's TSP does not identify any capacity problems on Country Club Lane NW or Quarry Road NW in the vicinity of the proposed subdivision.

CONCLUSIONS

- 3.1 Street access for the proposed subdivision will be provided by extending Country Club Lane NW south from where the street ends now. The street extension will end in a cul-de-sac. A short section of street will also be extended from the extension of Country Club Lane NW to the west boundary of the subdivision. This street extension will provide the opportunity to extend a street into the property to the west to serve future development of the property.
- 3.2 New vehicle trips to and from the subdivision will use Country Club Lane NW. Country Club Lane NW connects to Springhill Drive NW. Quarry Road NW will be improved along the frontage of the subdivision when the subdivision is built. Country Club Lane NW, Springhill Drive NW, and Quarry Road NW can accommodate the new trips that will be generated by the subdivision.
- 3.3 When the subdivision is first constructed, there will not be a street connection from the subdivision to Quarry Road NW. The Development Code includes requirements for the maximum length of a cul-de-sac and for maximum block length. These standards are not met with the current configuration of Country Club Lane NW and will not be met when the subdivision is first constructed. When the street is extended into the property to the west, it will be continued to Quarry Road NW. The length of cul-de-sac and block length standards will be met at that time.
- 3.4 Streets inside the subdivision will meet City standards for local streets.
- 3.5 A previous plan for the subdivision was submitted. The plans showed that Country Club Lane NW would be extended from where it ends now, south to Quarry Road NW.

The City's transportation analyst believes that the current subdivision plan is better than the previous plan for the following reasons:

- The current plan will extend a street stub to the adjoining property to the west. This will allow the adjoining parcel to develop to its full potential and not be limited by Development Code restrictions that limit the number of lots that can take access via a shared easement (to Quarry Road NW). It will also allow for the potential of some development on the higher portions of the larger parcel farther to the west.
 - The current plan will allow for an eventual street connection to Quarry Road NW on the property to the west. The future street intersection with Quarry Road NW will be located mid-point on the outside of a curve on Quarry Road NW, providing for the maximum amount of sight distance at the intersection. If Country Club Lane NW were to be extended to Quarry Road NW with the proposed subdivision, the intersection would be offset from the center of the curve and sight distance would be restricted.
 - Although the current plan will not initially provide a street connection to Quarry Road NW, the plan will improve the current situation on Country Club Lane NW by providing a cul-de-sac turnaround, by providing an emergency vehicle turnaround at the street that will be extended to the property to the west, and by providing an emergency vehicle/pedestrian/bike connection from the end of the cul-de-sac to Quarry Road NW.
- 3.6 Street name signs and street lights will be needed in the subdivision to provide for the safe and efficient movement of traffic.
- 3.7 The proposed street plan will afford the best economic, safe, and efficient circulation of traffic possible under the circumstances when the following conditions of approval are met.

CONDITIONS

- 3.1 The property owner must dedicate right-of-way along the Quarry Road NW frontage of the subdivision property. The ultimate right-of-way width for Quarry Road NW will be 60 feet. Additional right-of-way must be dedicated to provide a width of 30 feet north of the centerline of the street.
- 3.2 Prior to doing any work in the Quarry Road NW right-of-way, the property owner/developer must obtain all necessary permits and approvals from Benton County.
- 3.3 The property owner/developer must construct curb, gutter, and sidewalk improvements along the frontage of the subdivision on the north side of Quarry Road NW. The curb must be located 18 feet north of the centerline of the street. The improvement must include installation of pavement to match the existing pavement. A driveway access for Lot 1 must be provided on the new subdivision street (the extension of Country Club Lane NW).
- 3.4 The property owner/developer must construct the interior street system as shown on the tentative plat that was submitted for review. The right-of-way for public streets must be 54 feet. Curb-to-curb width must be 30 feet.
- 3.5 The property owner/developer must construct a concrete pedestrian/emergency vehicle connection between the cul-de-sac bulb on Country Club Lane NW and Quarry Road NW. The width of the path shall be approved by the Fire Marshal, but shall not exceed 20 feet. Removable bollards, or other measures acceptable to the Fire Marshal, must be placed to limit motor vehicle access to the path.
- 3.6 The property owner/developer must install street name signs and street lights to City standards in the subdivision.

(4) The location and design allows development to be conveniently served by various public utilities.

Sanitary Sewer

- 4.1 ADC 12.470 requires that all new development must extend and connect to the public sewer system when service is available within 300 feet of the property.
- 4.2 ADC 12.490 requires that sewer collection mains must be extended along the full length of a property's frontage, or to a point identified by the City Engineer as necessary to accommodate likely system expansion.
- 4.3 ADC 12.510 requires that all new development must, where appropriate, make provisions for the continuation or appropriate projection of existing sewer lines serving surrounding areas. Line extensions may be required through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide service to upstream properties.
- 4.4 The City's utility maps show that there are not any public sanitary sewer facilities adjacent to the property where the subdivision is proposed. The nearest public sewer main is an 8-inch main located in Quarry Road NW approximately 1,500 feet west of the property. This existing sewer main is not deep enough to be extended to subdivision.
- 4.5 The "Utility Layout" submitted with the tentative plat shows that 8-inch sewer mains will be constructed within the public street rights-of-ways in the subdivision. A private sewer line would be constructed along the west boundary of the subdivision to a private pump station on the north side of Quarry Road NW at the southwest corner of Lot 11. A private 2-inch pressure line will be constructed along the north side of Quarry Road NW from the pump station to the existing 3-inch private pressure line that serves the Springhill Country Club. The applicants submitted a letter from James W. Hays, an owner of Springhill Country Club, dated December 1, 2007. The letter explains that the country club does not have a contract

with the Packards yet, but that there is agreement concerning six issues related to the sewer connection, and the Country Club thus, has no objections concerning the sewer line.

- 4.6 The 8-inch sewer main shown in the extension of Country Club Lane NW must be extended to Quarry Road NW so that the sewer in the subdivision can be connected to a public sewer main that will be built in Quarry Road NW in the future. The required extension of the sewer in the subdivision to Quarry Road NW may result in the need to eliminate the private sewer line along the west boundary of the subdivision, provide a wider public utility easement between the cul-de-sac and Quarry Road NW, and move the pump station shown on the utility plan.

The entire sewer system in the subdivision and the pump station will initially be private. Private facilities must be maintained by a homeowners' association. The sewer mains in the subdivision must be built to City standards so that the system can be incorporated into the public sewer system in the future.

- 4.7 As noted above, ADC 12.490 requires that sewer collection mains be extended along the full length of a property's frontage when the property is developed. This requirement would usually apply to the Quarry Road NW frontage of the property, but the City has not determined the appropriate size, depth, or grade for the sewer that will eventually serve this basin. In-lieu of constructing a public sewer main across the Quarry Road NW frontage of the property, the applicant will be required to pay the equivalent of the current "connection charge" for an 8-inch public sewer main and sign a Petition for Improvements/Waiver of Remonstrance for future construction of this main.
- 4.8 The City's Engineering Division has determined that there is enough capacity in the existing North Albany sewer system to accommodate the wastewater from the proposed subdivision. This determination was made by calculating system capacity using the City's sanitary sewer system computer model.
- 4.9 There is an existing private septic drain field easement in the northeast corner of the subdivision property that benefits Benton County Assessor's Map 10S-3W-31BD, Tax Lots 3700 and 3800. In written information submitted with the application, the applicant says sewer lateral connections will be provided for Tax Lots 3300 and 3700 (we assume the applicant means Tax Lot 3800, not Tax Lot 3300). The existing easement for the drainfield can be eliminated.

Water

- 4.10 ADC 12.410 requires that all new development must extend and connect to the public water system when service is available within 150 feet of the property.
- 4.11 ADC 12.430 requires that water distribution mains must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. Main extensions may be required through the interior of properties when necessary to provide for service to other properties or to provide looping for fire flows. Service is made available to the next property by extending water service along the frontage of a property that is being developed, or through the interior of the property. This is the means by which service is provided for each property as development occurs in a particular area.
- 4.12 The City has the sole right to determine size, location, and type of facilities to be constructed. All engineering of public water facilities must be based on both domestic and fire protection design criteria, and in accordance with the City's Water Facility Plan [AMC 11.01.120 (2)(c)].
- 4.13 The City's utility maps show that there is an 8-inch public water main in Quarry Road NW and an 8-inch main in Country Club Lane NW, north of the property. The existing 8-inch main in Country Club Lane NW extends approximately 1,500 feet from where it is connected to a public main in Springhill Drive NW.
- 4.14 The utility plan shows that an 8-inch public water main will be constructed within the public street right-of-way for the extension of Country Club Lane NW to the end of the cul-de-sac.

- 4.15 The City's water model shows the water line that ends at the north boundary of the subdivision property provides approximately 1,360 gallons per minute (gpm) at a residual pressure of 20 pounds per square inch (psi). The fire code requires at least 1,500 gallons per minute at 20 psi to provide adequate fire protection for residential development.
- 4.16 If the 8-inch main constructed in the subdivision is extended and connected to the existing water main in Quarry Road NW, an adequate amount of water will be provided for fire protection in the subdivision.
- 4.17 An 8-inch water main must be extended to the west boundary of the subdivision to provide for future extension of the water system.

Storm Drainage

- 4.18 ADC 12.530 says the review body will approve a development request only where adequate provisions for storm and flood water runoff have been made as determined by the City Engineer. Ditches are not allowed without specific approval of the City Engineer. Open natural drainageways of sufficient width and capacity to provide for flow and maintenance may be permitted.
- 4.19 ADC 12.550 requires that a culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside of the development. The City Engineer must review and approve the necessary size of the facility, based on the provisions of the storm drainage master plans, and sound engineering principles and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.
- 4.20 ADC 12.560 says where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the review body will withhold approval of the development until provisions have been made for improvement of said potential condition.
- 4.21 The City's utility maps show that there are not any public storm drainage facilities in Quarry Road NW.
- 4.22 The City's Drainage Master Plan (KCM 1988) shows the need for a large diameter pipe in Quarry Road NW from Ferguson Drive NW to North Albany Road NW.
- 4.23 The utility plan submitted with the subdivision application shows that public storm drainage facilities will be constructed in the subdivision streets to collect runoff from the street and from adjacent lots. The plan shows that the subdivision storm drainage system will drain to a new public storm drain pipe that will be constructed in Quarry Road NW. The utility plan shows that this pipe will discharge to an existing drainageway on the north side of Quarry Road NW near an existing set of culverts that cross Quarry Road NW approximately 700 feet west of the subdivision. The drainageway runs north toward the golf course.
- 4.24 The applicants submitted a "Drainage Study," done by K&D Engineering, Inc., dated September 20, 2007. The Drainage Study says, "This study illustrates that the project will not cause the drainageway through the golf course to spill its banks and flood neighboring properties." (Drainage Study, page 1).

Staff identified an area of particular concern when communicating the purpose of the drainage study to the applicants. The Drainage Study explains: "The primary area of concern appears to be on the Vollstedt Farm at Station 84+00 west of the drainage channel. The service road at this location is about one foot above the swale flow line while flows are between 0.4 and 0.7 feet. The road is further protected by another foot rise between the road and the swale creating a low area at the road that would tend to collect and hold water, the topography then falls off toward Horseshoe Lake. The road is vulnerable to flooding by Willamette overflow, but is not affected by this project."

- 4.25 The City's Engineering staff reviewed the Drainage Study and concluded that the study is complete and its conclusions are valid. Development of the Packard site will not cause flooding on downstream properties during local heavy rainfall events.

- 4.26 The proposed public storm drain pipe in Quarry Road NW must be extended across the entire frontage of the subdivision property so that the pipe can be extended east in the future. Calculations that show the size of the pipe required must be submitted with the information provided at the time the applicant applies for a Permit for Private Construction of Public Improvements. Quarry Road NW is a Benton County right-of-way. Any proposed drainage facilities within this right-of-way must be approved by Benton County.
- 4.27 Written information submitted with the application says "the site is bowl-shaped and the center of the bowl will be filled to make the site flat."
- 4.28 A "Grading Plan" was submitted with the tentative plat. The grading plan shows that the 100-year flood elevation is 196.5 feet at the northwest corner of the subdivision property and 197.3 feet at the southwest corner. The grading plan shows an area of the property, approximately 100 to 120 feet wide running north-south, is below the 100-year flood elevation. The lowest elevations on the property are at about 192 feet and are located in the northern area of the property. The grading plan shows that the property will be filled to raise the lots above the flood elevation. Finish ground elevations are shown to range from 200.0 feet to 201.0 feet.
- 4.29 A grading permit must be obtained from the City's Engineering Division to fill the property. See the discussion about the floodplain under Review Criterion (5) of this staff report.
- 4.30 Written information submitted with the application (page 5) says "[t]he low spot on TL 100 (Map 10-2-31BC, approximate elevation 191.0) appears to be the most significant flood water retention issue to that area. When the flood recedes, standing water remains in this area. This condition will not be changed by fill of the project site."...and "[w]e propose two mitigations to improve the flood situation over current conditions. First we propose to [build] a field inlet on the south side of Quarry Road NW to drain waters...to the culverts west in Quarry Road NW. Second we offer to extend a drain line to the low point on TL 100 fitted with a valve to drain nuisance water after flood events." (Tax Lot 100 is addressed as 330 Quarry Road NW. The property is owned by James and Carolyn Johnson.)

The Utility Layout does not show a field inlet will be constructed on the south side of Quarry Road, or a drain line to the low point on TL 100.

- 4.31 The Utility Layout shows that a field inlet will be constructed on the existing lot located north of Lot 7 in the proposed subdivision. The lot to the north is addressed as 250 Country Club Lane NW. The property is owned by Paul Sackron and Linda Hallmark. This inlet is apparently designed to pick up the stormwater runoff that has historically flowed onto the subdivision property from the north and west. The inlet will drain to the public storm drainage system proposed in the subdivision. The inlet and connecting pipe must be private, since they are on private property.

CONCLUSIONS

- 4.1 There are no existing public sanitary sewer facilities adjacent to the subdivision property. New 8-inch sewer mains will be constructed in the subdivision. A main must be constructed in the street stub to the west. The utility plan submitted by the applicants shows that a new main will also be constructed to Quarry Road NW from the subdivision along the west boundary of the subdivision to a new private pump station. From the pump station, a new 2-inch pressure main will be constructed in Quarry Road NW, west to an existing 3-inch pressure main used by the Springhill Country Club. The country club has approved this connection.
- 4.2 A new 8-inch gravity sewer main must be extended from the cul-de-sac to Quarry Road NW so that the subdivision sewer can be connected to a new sewer that will be built in Quarry Road NW in the future. The City's Engineering Division may require that the sewer along the west boundary of the subdivision not be built. The sewer from the cul-de-sac to Quarry Road NW would serve the same purpose. The pump station may have to be moved from the location shown on the Utility Plan.

- 4.3 The sewer system in the subdivision will initially be private, but will become public when the new gravity sewer line in Quarry Road NW is built. The private pump station will be abandoned at that time.
- 4.4 Usually, a gravity sewer would have to be built with the subdivision along the Quarry Road NW frontage of the subdivision. It is not possible to determine the size, depth, or grade of this sewer yet, so the developer will be required to pay an amount approximately equal to the cost of construction of the sewer at the time the subdivision is constructed.
- 4.5 An existing easement for the drain fields that serve lots to the northeast of the subdivision will be abandoned and new connections to the sewer system in the subdivision will be provided for these lots.
- 4.6 A new 8-inch public water main must be looped through the subdivision from the end of the public line in Country Club Lane NW, north of the subdivision to the existing public line in Quarry Road NW. This will provide for adequate fire flows.
- 4.7 A piped storm drainage system will be constructed in the subdivision. The subdivision system will drain to a new pipe that will be constructed in Quarry Road NW. The pipe in Quarry Road NW will discharge to an existing drainage pipe located west of the subdivision. The existing drainage flows from culverts under Quarry Road NW to the north. Stormwater discharge from the subdivision will be contained in the existing channel. The discharge from the subdivision will not cause flooding of adjacent properties.
- 4.8 The subdivision developer will construct a field inlet and drain line to drain water that stands on property south of Quarry Road NW after floods. Permission from the property owner must be obtained if work is to be done on private property.
- 4.9 A field inlet and drain line will also be constructed on the lot north of subdivision Lot 7 to drain water that stands on this property after floods. Permission from the property owner must be obtained if work is to be done on private property.
- 4.10 Stormwater discharge from the subdivision into the channel that runs under Quarry Road NW and to the north will be contained in the existing channel. The discharge from the subdivision will not cause flooding of adjacent properties.
- 4.11 A public storm drain pipe must be constructed across the Quarry Road NW frontage of the subdivision.
- 4.12 This review criterion will be met when the following conditions of approval are met.

CONDITIONS

- 4.1 Before the City will sign the final subdivision plat, the property owner/developer must construct an 8-inch sanitary sewer main from the north boundary of the subdivision to Quarry Road NW. The northerly section of the sewer must be located in the extension of Country Club Lane NW in the subdivision.

An 8-inch public sewer main must also be constructed to the west boundary of the subdivision in the street stub shown on the tentative plat. Eight-inch public sewers must also be constructed to serve the proposed lots in the subdivision and to the properties identified on Benton County Tax Assessor's Map 10S-3W-31, Tax Lots 3700 and 3800. It may also be necessary to construct other public sewer lines to provide service for adjacent parcels.

All of these sewer mains will initially be private, but must be constructed to City of Albany standards so that they can be incorporated into the public system when public sewer facilities are extended into the area in the future. A private sewer pump station and pressure sewer line must be constructed to carry wastewater from the subdivision to the existing private pressure main in Quarry Road NW west of the site.

The "Utility Layout" submitted with the tentative plat shows a private sewer line would be constructed along the west boundary of the subdivision to a private pump station on the north side of Quarry Road NW at the southwest corner of Lot 11. The required extension of the sewer in the subdivision to Quarry Road NW may result in the need to eliminate the private sewer line along the west boundary of the subdivision, provide a wider public utility easement between the cul-de-sac and Quarry Road NW, and move the pump station shown on the utility plan.

A homeowners' association must be formed to be responsible for maintenance of the private utilities in the subdivision.

- 4.2 Before beginning any work in the area of the existing septic drain field easement on the subdivision property, the property owner/developer must connect property identified on Benton County Assessor's Map 10S-3W-31, Tax Lots 3700 and 3800, to an approved sewer system. The only exception to this requirement is work within the proposed 10-foot-wide sanitary sewer easement that is required to complete the connections.
 - 4.3 Before the City will sign the final subdivision plat, the property owner/developer must construct an 8-inch public water main in the extension of Country Club Lane NW in the subdivision from the existing main at the north property boundary to the existing main in Quarry Road NW. An 8-inch public water main must also be constructed to the west boundary of the subdivision in the proposed street stub.
 - 4.4 The property owner/developer must construct a field inlet and drain line to drain water that now runs off Quarry Road and onto the property on the south side of Quarry Road NW (Map 10S-3W-31CB, Tax Lot 100, Johnson). No drainage from the subdivision will be allowed to drain to the south side of Quarry Road. Permission from the property owner must be obtained if work is to be done on private property.
 - 4.5 A field inlet and drain line must be constructed to drain the low area north of subdivision Lot 7 (Map 10S-3W-31BD, Tax Lot 2201, Hallmark/Sackron). Subdivision grading may block drainage from this area that now runs on to the subdivision property. Permission from the property owner must be obtained if work is to be done on private property.
 - 4.6 A field inlet and drain line must be constructed at the southwest corner of the subdivision to drain water that may stand in the low area on the property to the west (Map 10S-3W-31, Tax Lot 800, Rummerfield). Permission from the property owner must be obtained if work is to be done on private property.
 - 4.7 Obtain a Permit for Private Construction of Public Improvements from the City's Engineering Division to build all required public improvements. Final design details (such as manhole locations, lateral locations, pipe size and grade, etc.) for required public improvements must be reviewed and approved by the City's Engineering Division.
 - 4.8 The property owner/developer may provide an improvement assurance that guarantees the required public improvements will be made. The improvement assurance must be in accordance with the requirements of ADC 12.590 through 12.610. The City will sign the final plat when the improvements are made or when the improvement assurance is provided and all other conditions of approval are met.
- (5) *Any special features of this site (such as topography, floodplains, wetlands, vegetation, historic sites, etc.) have been adequately considered and utilized.*

FINDINGS OF FACT

Topography

- 5.1 *Comprehensive Plan Plate 7: Slopes*, does not show steep slopes on the property where the subdivision is proposed.

The "Grading Plan" submitted with the tentative plat shows the contours of the property where the subdivision is proposed. The contours show that elevations on the property vary from about 203 feet to 192 in elevation. The property slopes generally from the west edges and east edges toward the middle of the property. The low area in the middle of the property slopes generally from south to north. The slopes along the low area vary from about 8 percent to 50 percent.

- 5.2 ADC 6.170 through 6.260 include standards for "hillside development." The Hillside Development Standards apply to all land areas that have an average slope of 12 percent or greater (ADC 6.180). The purpose of the Hillside Development Standards is to protect the terrain in areas where steep slopes exist (ADC 6.170).
- 5.3 Revegetation Standards - Slopes Greater Than 20 Percent. ADC 6.200 requires that exposed soil, which is not under continuous construction, must be revegetated with temporary or permanent vegetation so that the soil is not left exposed for more than 60 days in the period between October 1 and April 1. Vegetation must be reestablished after construction. If irrigation is not provided, then the exposed soil must be planted with species that can survive without irrigation. Vegetative cover or any alternative cover (rock, masonry, etc.) must be maintained in perpetuity.
- 5.4 ADC 12.585 requires that, "A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturb five (5) or more acres of land." DEQ has subsequently changed the requirement to apply to one (1) acre of land.
- 5.5 Grading, Cut and Fill Standards. ADC 6.220 requires that no cut and fill slopes may exceed a two (horizontal) to one (vertical) ratio. Slopes which are steeper (i.e. 1:1-1/2 or 1:1) may be conditionally approved by the Public Works Director upon certification by a qualified soils engineer or geologist that the slope will remain stable under foreseeable conditions. The certification must delineate any specific stabilization measures deemed necessary by the soils engineer or geologist.
- 5.6 Grading Permit. Albany Municipal Code (AMC) 12.35 requires that a grading permit be obtained from the City of Albany Public Works Department if more than 50 cubic yards of material are to be excavated or filled on slopes steeper than 12 percent. A grading permit is also required for grading in floodplains. Part of this property is in a 100-year floodplain.
- 5.7 Drainage. ADC 6.230 requires that in all slope areas, impervious surface drainage from roofs, driveways, and parking areas must be directed to a City storm drain or other City-approved drainage system. Development activities must not block the flow of stormwater in natural drainageways without prior approval from the Public Works Director.

Storm drainage is addressed under Review Criterion (4) above. Requirements for construction of storm drainage improvements are included as conditions of approval under Review Criterion (4).

- 5.8 The regulations listed above will be included as conditions of approval of the subdivision.

Floodplains

- 5.9 *Comprehensive Plan Plate 5: Floodplains*, shows this property is in a 100-year floodplain.
- 5.10 FEMA/FIRM Community Panel Number 410137 0001 F, dated July 7, 1999, shows part of the property is in Zone AE, an area inundated by a 100-year flood, where the base flood elevation has been determined. The floodplain is located in and along the low area on the property referenced under the Topography heading above.
- 5.11 The applicants submitted a "Flood Routing Study" dated October 23, 2006, that included information about the elevation of flood waters in the vicinity of the proposed subdivision and an explanation of how flood waters move through the area of the proposed subdivision. The City's Engineering Division

reviewed the study and asked for additional information and revisions. A revised study dated "Revision: February 21, 2007," was submitted.

The City's Engineering Division hired Roger Sutherland of Pacific Water Resources, Inc. (PWR) to review the revised study dated February 21, 2007. Mr. Sutherland is a consulting engineer with experience in floodplain analysis that the City has used in the past to review flood analyses. Mr. Sutherland concluded that "the detailed hydraulic model it [the study] was based on was not configured or calibrated in such a way that the conclusions it reached can be relied upon." Mr. Sutherland recommended revisions to the study. Staff notified the applicants that they would need to revise the flood study.

- 5.12 The applicants submitted a revised "Flood Routing Study, Revision." The study was prepared by Grant Beem, a registered professional engineer. The study is dated "Revision: July 27, 2007." The study explains that:

"The main overflow channel to the west of the [subdivision] site typically carries bypass flow from the Willamette River at some time during the winter. This overflow channel is fed by the Willamette River during high water stages via the West and East Thornton Lakes. When the flows pass Quarry Road through the existing culverts, the flows continue north to the Willamette River. Above flood surface elevation 196.0 feet, flood water can pass over Quarry Road and pass through the project site in its present state."

The applicants' civil engineer used a model published by the U.S. Army Corps of Engineers to analyze the flood waters. The "post fill model" eliminated the flow across the subdivision property to simulate complete blockage of the channel across the property by subdivision construction. This forces the water that otherwise flows in the channel across the property to recombine on the south side of Quarry Road NW with the main channel that flows to the west. This results in an increase in the surface elevation of the water in the channel upstream of Quarry Road NW of from 0.01 feet to 0.20 feet during a 100-year flood.

The flood study accurately reports that the City manages floodplains in accordance with FEMA policies for the purpose of participating in the FEMA Flood Insurance Program. Participation in the program results in lower insurance rates for Albany residents who own property in floodplains. FEMA standards require that no fill activity may raise the 100-year flood elevation more than one (1) foot. New structures are required to be built at least one (1) foot above the 100-year flood elevation. The requirement that permitted fill not raise the 100-year flood elevation more than one foot protects houses built at least one foot above the 100-year flood elevation from flooding.

- 5.13 Mr. Sutherland reviewed the revised flood study. In a letter to City Engineer Gordon Steffensmeier, dated August 21, 2007, Mr. Sutherland reports that the revised study submitted by the applicants "has accounted for all of the issues raised in PWR's March 13, 2007 letter."

Mr. Sutherland concludes that "PWR believes that the KD Flood Routing Study has appropriately modeled the existing and proposed conditions, and PWR recommends that the KD conclusion, that the maximum 100-year water surface increase would be 0.2 feet, be accepted as reliable."

- 5.14 The City Engineer concurs with the results of the revised flood study and Mr. Sutherland's conclusions.
- 5.15 ADC 6.130 includes standards for development in the floodplain, including subdivisions (ADC 6.071).

(1) All land division proposals shall be consistent with the need to minimize flood damage.

As discussed above, the City of Albany manages floodplains in accordance with FEMA policies for the purpose of participating in the FEMA Flood Insurance Program. FEMA standards require that no permitted fill may raise the 100-year flood elevation more than one (1) foot. New structures are required to be built at least one (1) foot above the 100-year flood elevation.

The applicants propose to place fill in the floodplain with subdivision construction. A flood study submitted by the applicants, and accepted by the City Engineer, establishes that the proposed fill for the subdivision will not raise the 100-year flood elevation by more than 0.2 feet. Houses in the subdivision will not be subject to inundation by a 100-year flood.

- (2) *All land division proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.*

Public utilities and facilities will be underground. The utilities and facilities will not flood underground.

- (3) *All land division proposals shall have adequate drainage provided to reduce exposure to flood damage.*

New streets will be constructed in the subdivision. The centerline of the street will be a maximum of one (1) foot below the 100-year flood elevation. Lots will be filled to raise them above the 100-year flood elevation. A piped storm drainage system will be built with the streets. The storm drainage system will provide drainage for the street and the adjacent lots. [See the discussion about storm drainage under subdivision Review Criterion (4) above.]

- (4) *Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Code.*

The legend on FEMA/FIRM Community Panel No. 410137 0001 F shows a symbol for floodway. There is no floodway shown on the map. Notes on the map say that flooding in the area is "flooding effect from Willamette River." There is not a floodway on the subdivision property.

- (5) *Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.*

The tentative plat shows the 100-year flood elevation on the property varies from about 197.3 to about 196.5 feet. The tentative plat shows finish grades for the proposed streets. Finish grades are shown to range from 200 feet to 199 feet in elevation. These elevations are at least one (1) foot above the 100-year flood elevation.

- (6) *All land divisions or planned developments in the floodplain district shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: "Development of property within the 100-year floodplain as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City."*

The tentative plat shows 100-year flood elevations, but the flood elevation contour line is not shown. The date the flood elevation was established is not shown. A condition of approval of the tentative plat will be that the final plat shows the required information.

5.16 ADC 6.133 and 6.140 list standards for buildings in floodplains. These regulations are applied at the time building permits are reviewed and issued.

Wetlands

- 5.17 *Comprehensive Plan Plate 6: Wetland Sites*, does not show any wetlands on this property. The Local Wetlands Inventory for North Albany does not show wetlands on the property.

Vegetation/Trees

- 5.18 *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat*, does not show any areas of vegetation and/or wildlife habitat on the property.

Written information submitted with the subdivision application (page 8) says that two (2) trees will be removed to construct the subdivision. The trees are located in street rights-of-way. One of the trees is an 18-inch diameter maple tree. The other tree is a maple tree with three trunks. The three trunks measure 18 inches, 20 inches, and 18 inches. Fill must be placed on the property at the location of the trees to raise the property above the 100-year flood elevation. Fill will deprive the trees roots of oxygen and will result in the death of the trees.

ADC 9.207 requires Site Plan Review if five (5) or more trees, larger than 8-inches in diameter, are to be cut. Only two (2) trees will be cut.

AMC 7.98.040(2), says that a permit must be obtained from the City Forester, applying criteria contained in AMC 7.98.180, for the removal of individual trees equal to, or greater than, six and one-half feet in circumference (about 25 inches in diameter). AMC 7.98.020(12) says that the circumference of a tree with multiple trunks is determined by adding together the individual trunk circumferences greater than six inches. A permit must be obtained from the City Forester to cut the Maple tree with multiple trunks on the property.

Historic and Archaeological Sites

- 5.19 *Comprehensive Plan Plate 9: Historic Districts*, shows the property is not in a historic district. There are no known archaeological sites on the property.

CONCLUSIONS

- 5.1 There are areas of slopes steeper than 12 percent on this property. The Hillside Development Standards apply to these areas. The standards relate to construction of the subdivision. The standards will be conditions of approval of the subdivision.
- 5.2 Part of the subdivision property is in a 100-year floodplain. The Flood Routing Study, Revision, shows that construction of the subdivision, including fill, will not raise the 100-year flood elevation more than 0.02 feet. This is consistent with Federal Emergency Management Agency (FEMA)/FIRM standards the City uses to evaluate fill in floodplains.
- 5.3 The proposed subdivision meets the floodplain standards in ADC 6.130.
- 5.4 Erosion control during grading and subdivision construction is required.
- 5.5 There are no wetlands on the property.
- 5.6 A permit must be obtained from the City Forester if the maple tree with multiple trunks on the property is to be removed.

CONDITIONS

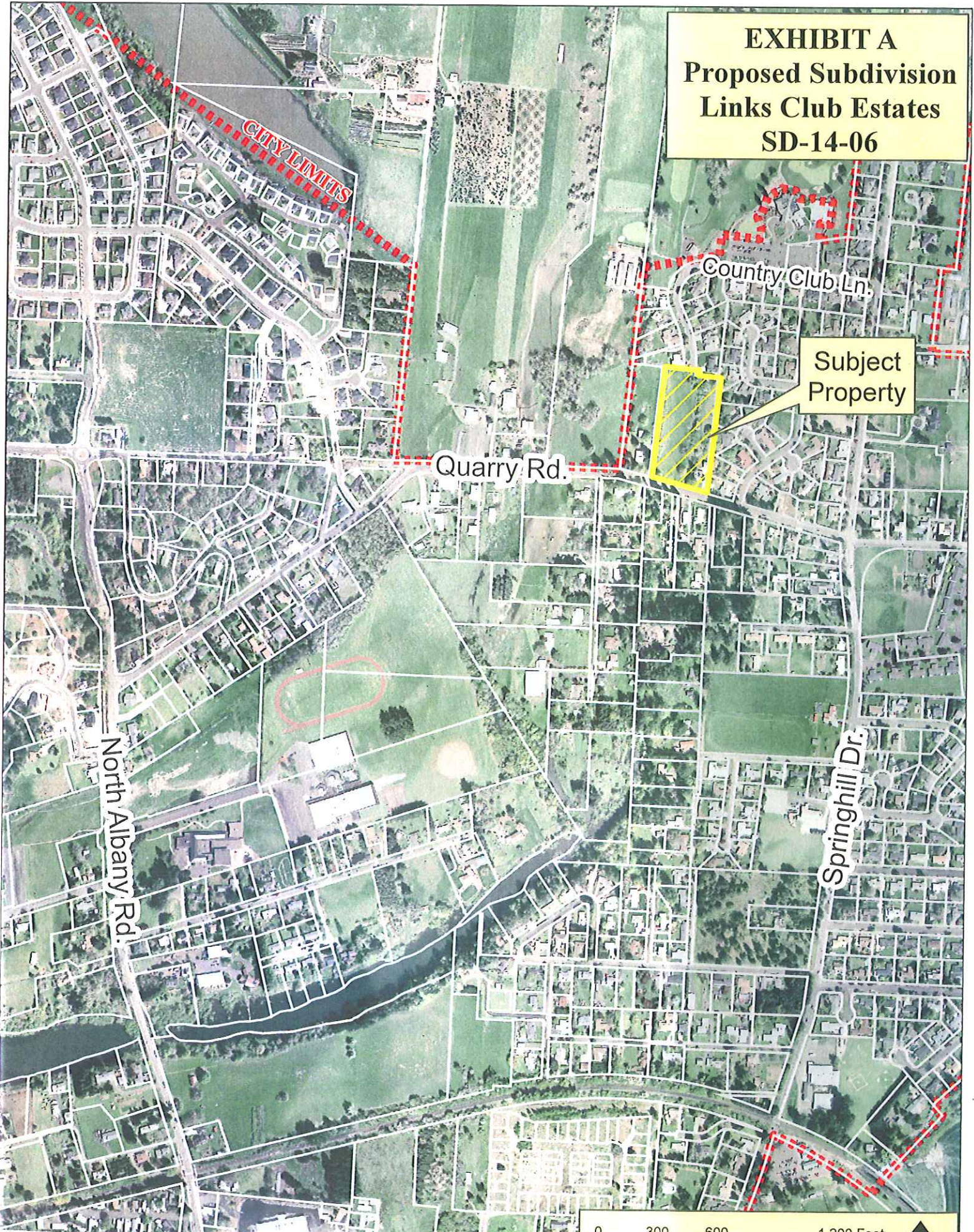
- 5.1 Any areas with slopes greater than 20 percent on the property that have exposed soil, which is not under continuous construction, must be revegetated with temporary or permanent vegetation so that the soil is not left exposed for more than 60 days in the period between October 1 and April 1. Vegetation must be

reestablished after construction. If irrigation is not provided, then the exposed soil must be planted with species that can survive without irrigation. Vegetative cover or any alternative cover (rock, masonry, etc.) must be maintained in perpetuity.

- 5.2 A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturb one (1) acre or more of land.
- 5.3 For areas on the property with slopes greater than 12 percent, no cut and fill slopes may exceed a two (horizontal) to one (vertical) ratio. Slopes which are steeper (i.e. 1:1-1/2 or 1:1) may be conditionally approved by the Public Works Director upon certification by a qualified soils engineer or geologist that the slope will remain stable under foreseeable conditions. The certification must delineate any specific stabilization measures deemed necessary by the soils engineer or geologist.
- 5.4 The property owner must obtain a grading permit from the City of Albany Engineering Division for the proposed grading on the property.
- 5.5 All slope areas, impervious surface drainage from roofs, driveways, and parking areas must be directed to a City storm drain or other City-approved drainage system. Development activities must not block the flow of stormwater in natural drainageways without prior approval from the Public Works Director.
- 5.6 Public streets in the subdivision must have a roadway crown elevation of not lower than one (1) foot below the 100-year flood elevation.
- 5.7 The location of the 100-year flood contour line, followed by the date the flood elevation was established, must be shown on the final plat. A statement located on, or attached to, the recorded map or plat must read as follows: "Development of property within the 100-year floodplain as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City."
- 5.8 It is recommended that the property owner apply to the FEMA for a Letter of Map Revision (LOMR) when the property is filled to raise it above the 100-year flood elevation. The LOMR will revise the FEMA/FIRM map to show the property is not in the floodplain and it will not be necessary for homeowners in the subdivision to obtain flood insurance. If the LOMR is not done, the property will continue to be shown on the FEMA map in the floodplain and lenders will most likely require flood insurance unless the homeowner shows the house was built above the flood elevation. Building code requirements apply to structures built in the floodplain.
- 5.9 The property owner must obtain a permit from the City Forester to cut the maple tree with multiple trunks on the property. The maple tree is located in the right-of-way for the extension of Country Club Lane NW.

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EXHIBIT A
Proposed Subdivision
Links Club Estates
SD-14-06



Subject Property

Quarry Rd.

Country Club Ln.

North Albany Rd.

Springhill Dr.

CITY LIMITS

0 300 600 1,200 Feet

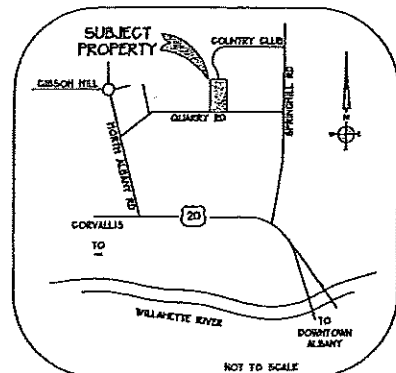


**LINKS CLUB ESTATES
TENTATIVE PLAT**

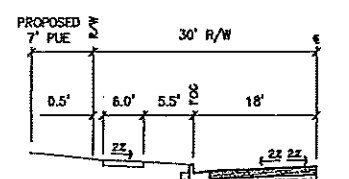
FOR
PERRY PACKARD

LOCATED IN
THE SW 1/4 OF SEC. 31, T. 10 S., R. 3 W., W.M.
CITY OF ALBANY, BENTON COUNTY, OREGON

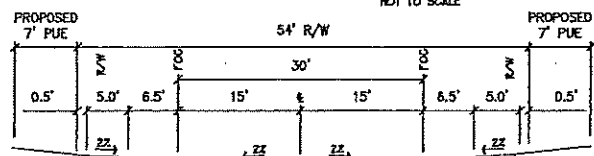
JULY 3, 2006
REVISED OCTOBER 5, 2006
REVISED NOVEMBER 7, 2006
REVISED NOVEMBER 20, 2006



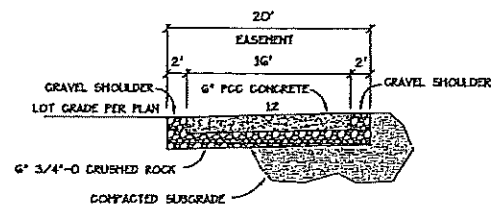
VIICINITY MAP
NOT TO SCALE



TYPICAL QUARRY RD 1/2 STREET
NOT TO SCALE



TYPICAL 30' WIDE PUBLIC STREET
NOT TO SCALE



EMERGENCY ACCESS & PEDESTRIAN PATH
NOT TO SCALE

PROJECT AREA:
160,508 SF, (3.64 ACRES)

PROJECT STATISTICS

GROSS AREA: 160,508 SF, (3.64 ACRES)
K-O-W DEDICATION: 31,642 SF, (0.73 ACRES)
LOT IMPROVEMENTS: 128,046 SF, (2.94 ACRES)

LOTS:

TOTAL: 12 LOTS

MINIMUM LOT SIZES:

SINGLE FAMILY RESIDENCE
MINIMUM LOT SIZE: 8,063 SF
AVERAGE LOT SIZE: 10,671 SF

NOTES:

- 1) TOPOGRAPHICAL DATA BASED ON CITY OF ALBANY G.L.S.
- 2) BEARINGS AND DISTANCES BASED ON RECORDED INFORMATION.

OWNER / DEVELOPER:

PERRY + JOAN PACKARD
RICHARD THOMAS
14390 AMBERWOOD CIRCLE
LAKE OSWEGO, OREGON 97035
(503) 968-2614

GENE + MARGARET HENGLER
245 QUARRY RD.
ALBANY, OREGON 97321

ENGINEER / SURVEYOR:

DANIEL K. WATSON, P.E.
K+D ENGINEERING, INC.
276 N.W. HICKORY STREET
ALBANY, OR 97321
(541) 928-2583

SUBJECT PROPERTY:

TAX LOT# 900
ASSESSOR'S MAP# 10-3W-31

ZONING:

CURRENT RR (RESIDENTIAL RESERVE)

CURRENT USE:

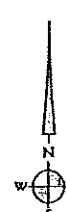
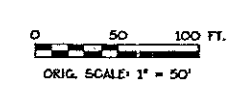
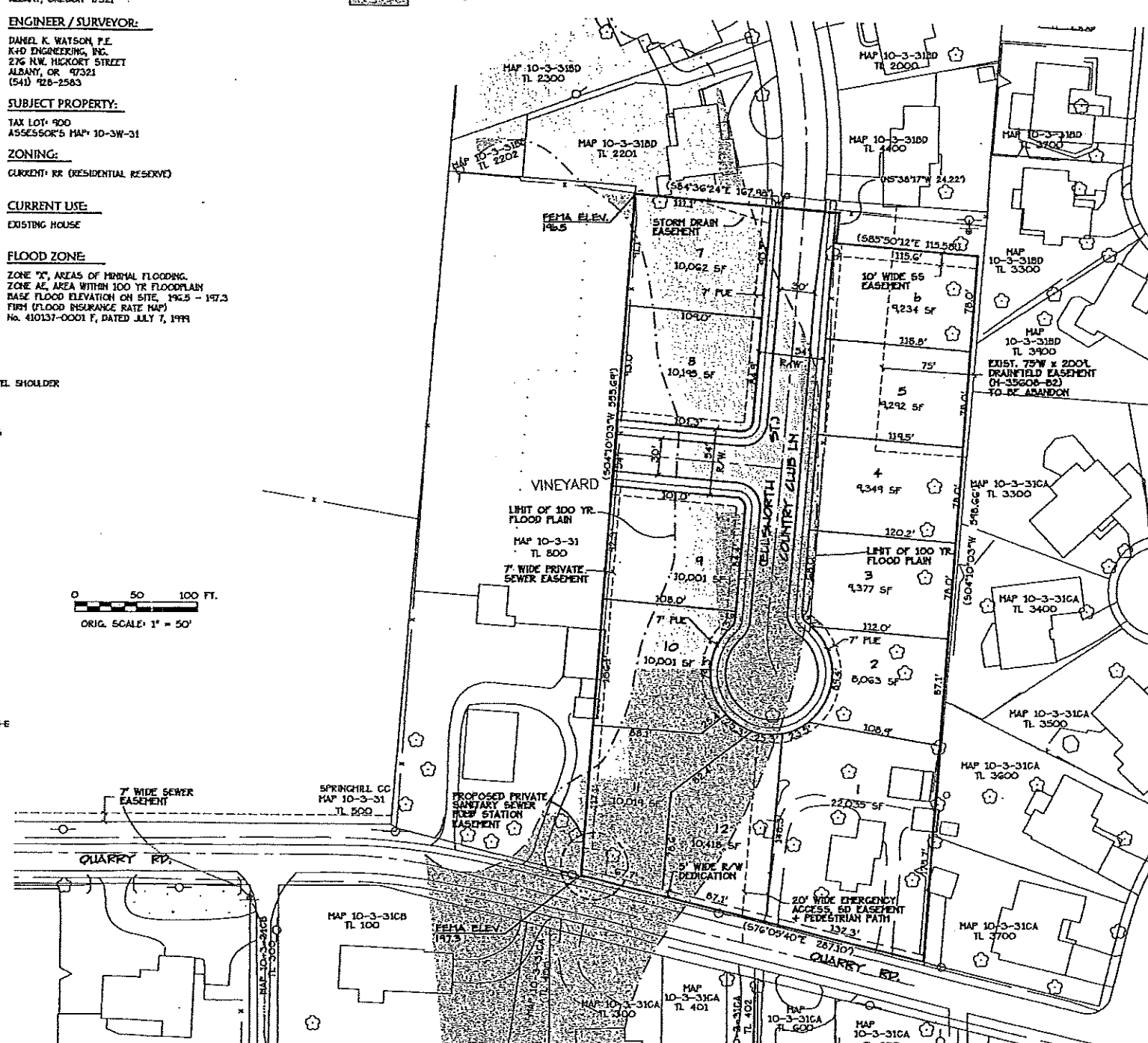
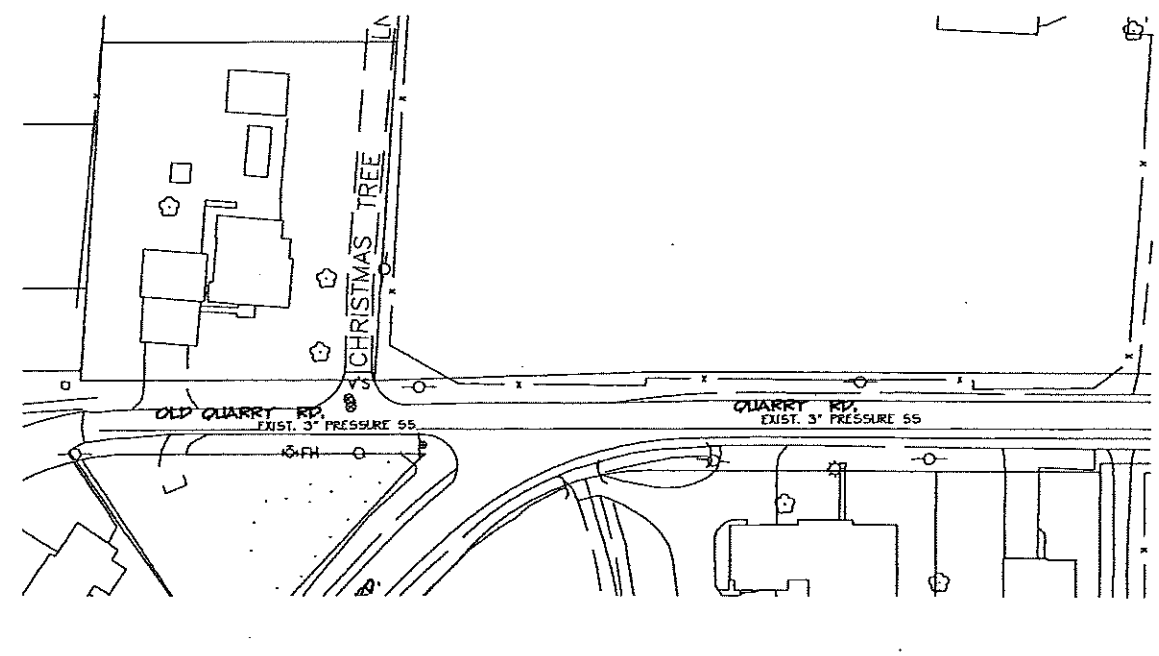
EXISTING HOUSE

FLOOD ZONE:

ZONE "X", AREAS OF MINIMAL FLOODING.
ZONE "AE", AREA WITHIN 100 YR FLOODPLAIN
BASE FLOOD ELEVATION ON SITE, 196.5 - 197.3
FIRM FLOOD INSURANCE RATE (FIR) No. 410137-0001 F, DATED JULY 7, 1999

LEGEND

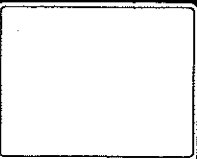
- W — EXISTING WATER MAIN
- 4" — FUTURE WATER MAIN
- SS — EXISTING SANITARY SEWER
- 12"SS — FUTURE SANITARY SEWER
- — FUTURE MANHOLE, 5.5' / 5.0'
- SD — FUTURE STORM DRAIN, HRL SLOPE 0.20%
- ▨ — FUTURE SIDEWALK
- ▨ — FEMA 100 YR FLOODPLAIN ZONE "AE"



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DATE	REVISIONS	BY



K & D ENGINEERING, INC.
276 N.W. HICKORY STREET
P.O. BOX 725
ALBANY, OREGON 97321
(541) 928-2583

**LINKS CLUB ESTATES
TENTATIVE PLAT**
CITY OF ALBANY, BENTON COUNTY, OREGON

**SITE PLAN
LOT & UTILITY LAYOUT**

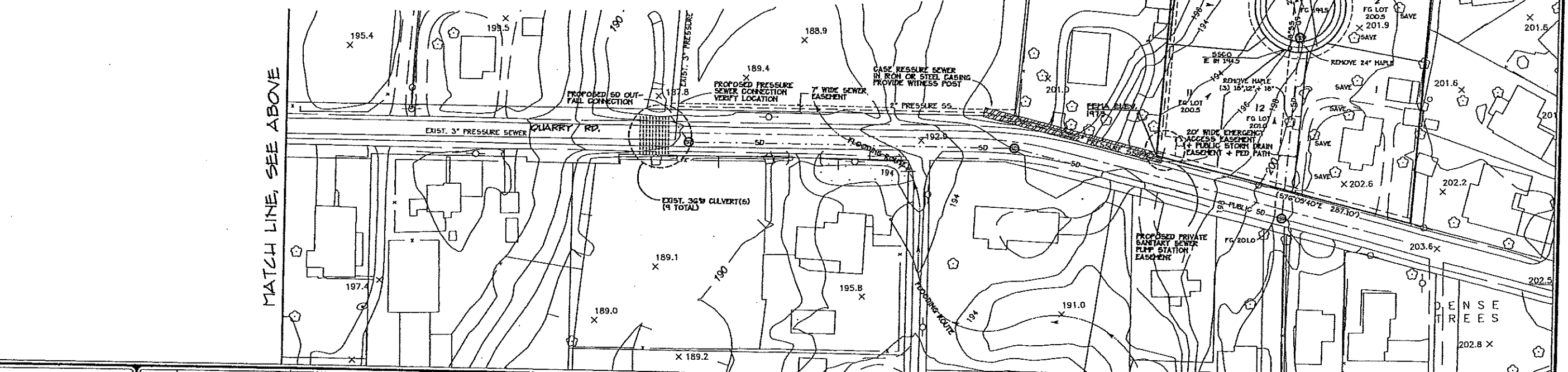
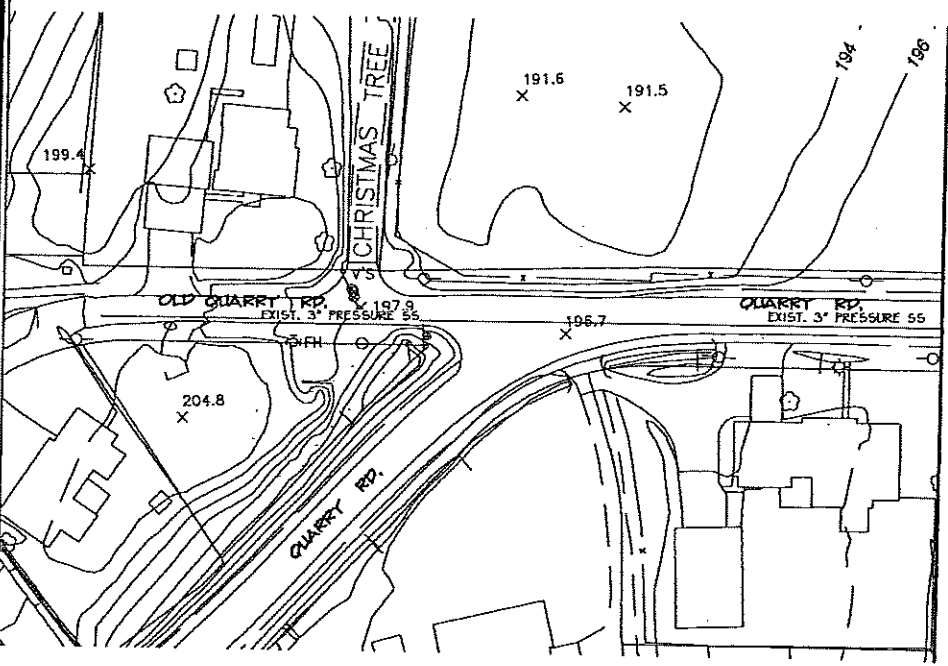
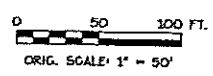
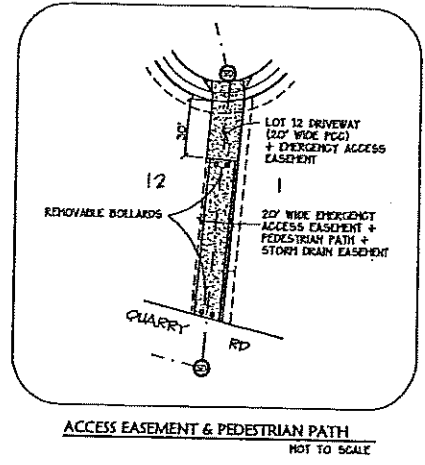
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VERT. SCALE: 1" = 50'
DRAWN DATE: FEB. 1, 2006
DRAWN BY: D.K.W.
CHECK BY: M.E.H.
PROJECT NO.: 04-146

SHEET No. 1 of 2

LINKS CLUB ESTATES
TENTATIVE PLAT
FOR
PERRY PACKARD

LOCATED IN
THE SW 1/4 OF SEC. 31, T. 10 S., R. 3 W., W.M.
CITY OF ALBANY, BENTON COUNTY, OREGON
JULY 3, 2006
OCTOBER 5, 2006
NOVEMBER 7, 2006
NOVEMBER 20, 2006


- LEGEND**
- W — EXISTING WATER MAIN
 - 6" W — FUTURE WATER MAIN
 - SS — EXISTING SANITARY SEWER
 - 8" SS — FUTURE SANITARY SEWER
 - FUTURE MANHOLE, S.S. / S.D.
 - 50 — FUTURE STORM DRAIN, HRL SLOPE 0.25%
 - — FUTURE SIDEWALK



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View: PLOT Scale: 1"=50'(FS)
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DATE	REVISIONS	BY

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 ALBANY, OREGON 97321
 (541) 928-2583

LINKS CLUB ESTATES
TENTATIVE PLAT
CITY OF ALBANY, BENTON COUNTY, OREGON

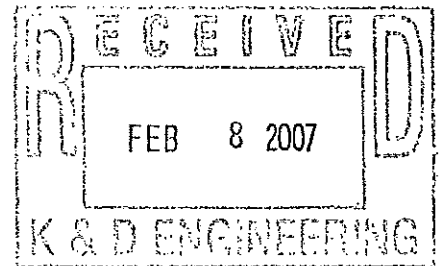
GRADING PLAN
& UTILITY LAYOUT

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 VERT. SCALE: 1" = 50'
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 DRAWN BY: D.K.W.
 CHECK BY: M.E.H.
 PROJECT NO.: 04-146

SHEET No.
2 of 2

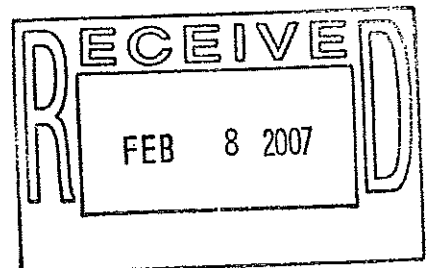
PACKARD SUBDIVISION
Traffic Impact Study

ALBANY, OREGON



PREPARED BY
LANCASTER ENGINEERING

February 2007





PACKARD SUBDIVISION

Traffic Impact Analysis

Albany, Oregon

Prepared By

GARY L. LUDEKE, PE
TOM R. LANCASTER, PE

February 2007



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Trip Distribution	14
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EXECUTIVE SUMMARY

1. A single-family detached housing development to be known as the Packard Subdivision is proposed for construction on a parcel of land located north of NW Quarry Road and west of NW Springhill Drive in the City of Albany, Oregon. The development will contain 11 single-family homes. Access to the development will be via a new north/south street (Ellsworth Street) to be constructed as a part of the development.
2. The trip generation calculations indicate that there will be an estimated total of 8 trips generated by the development during the morning peak hour. Of these, 2 will be entering and 6 will be exiting the development. During the afternoon peak hour, there are 11 new trips predicted, with 7 entering and 4 exiting the development. A total of 106 new weekday trips are predicted, with 53 entering and 53 exiting the development.
3. The stop sign-controlled intersections of Quarry Road at Springhill Drive, Quarry Road at North Albany Road, and Springhill Drive at Country Club Lane are now operating, and will continue to operate through the Year 2011, at an acceptable level of service in both the morning and afternoon peak traffic periods. The impact from the additional traffic created by this subdivision is negligible.



INTRODUCTION

A single-family detached housing development to be known as the Packard Subdivision is proposed for construction on a parcel of land located north of NW Quarry Road and west of NW Springhill Drive in the City of Albany, Oregon. The development will contain 11 new single-family homes.

The purpose of this study is to assess the traffic impact of the proposed development on the nearby street system and to recommend any required mitigative measures. The analysis will include level of service calculations and a discussion of site access.

Detailed information on level of service, traffic counts, trip generation calculations, and level of service calculations is included in the appendix to this report.



LOCATION DESCRIPTION

A single-family housing project to be known as The Packard Subdivision is proposed to be developed on a land parcel located north of NW Quarry Road and west of NW Springhill Drive in the City of Albany, Oregon as shown in Figure 1. The development will contain 11 new single-family homes. A layout of the proposed development is shown in Figure 2. The 11 lots will be developed in one phase.

The primary access to the proposed development will be via an extension of the existing NW Country Club Lane. Capacity analyses were performed for existing (pre-development) and 2006 post development conditions, and for post-development conditions in horizon year 2011. The following intersections were analyzed in this report.

- NW Quarry Road/NW Springhill Drive
- NW Quarry Road/NW North Albany Road
- NW Springhill Drive/Country Club Lane

NW Quarry Road is a two-lane paved roadway under the jurisdiction of and maintained by Benton County. It is classified by the County as a Major Collector Street. There are no raised curbs, gutters or sidewalks, but there are bike lanes on both sides of the roadway. The posted speed is 35 miles per hour (mph) in the vicinity of the development site. The opposing lanes are separated by a painted double-yellow centerline stripe. There are no provisions for on-street parking in the study area. Development adjacent to the roadway is all residential. East of NW Springhill Road, the street is named Nebergall Loop. It is classified by the County as a Local Street. There are no raised curbs, gutters, sidewalks, bike lanes or provisions for on-street parking. The posted speed is 25 mph. Development adjacent to the roadway is all residential.

NW Springhill Drive is a two-lane paved roadway under the jurisdiction of and maintained by Benton County. It is classified by the County as a Minor Arterial Street. There are no raised curbs, gutters or sidewalks, but there are bike lanes on both sides of the roadway. The posted speed is 40 mph in the vicinity of the development site. The opposing lanes are separated by a painted double-yellow centerline stripe. There are no provisions for on-street parking in the study area. Development adjacent to the roadway is all residential.

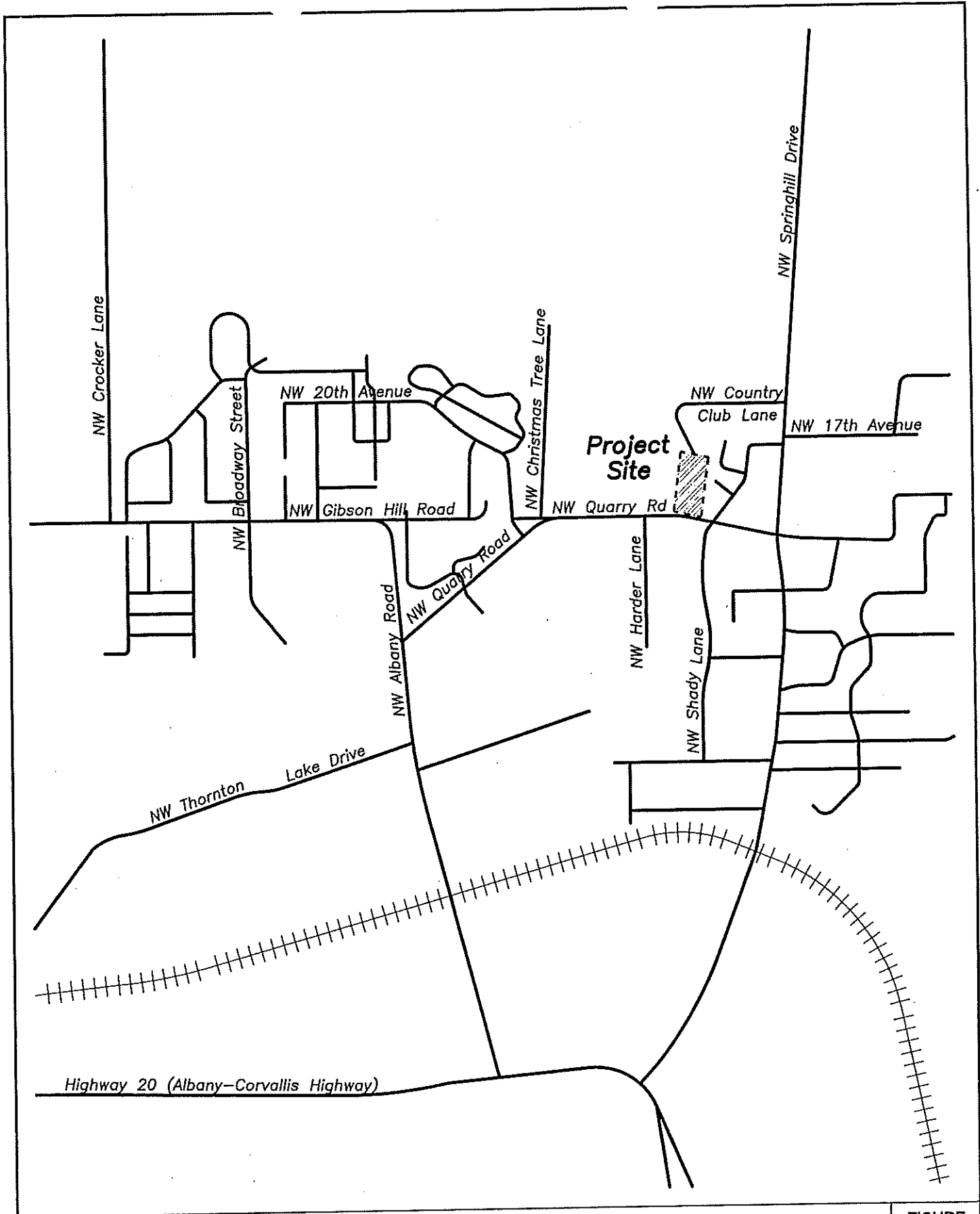


NW North Albany Road is a two-lane paved roadway under the jurisdiction of and maintained by Benton County. It is classified by the County as a Minor Arterial Street. There are no raised curbs, gutters or sidewalks, but there are bike lanes on both sides of the roadway. The posted speed is 40 mph in the vicinity of NW Quarry Road. The opposing lanes are separated by a painted double-yellow centerline stripe. There are no provisions for on-street parking in the study area. Development adjacent to the roadway is all residential.

NW Country Club Lane is, and will be, under the jurisdiction of the City of Albany. The entire length of the street will be classified as a Local Street. The new extension will be constructed to City of Albany standards and will be 30 feet wide (curb to curb) with raised curbing and gutter and detached paved sidewalks. It will be a residential street and have a posted speed of 25 mph. On-street parking will be allowed on both sides of the roadway.

The NW Quarry Road/Springhill Drive intersection is stop-controlled with Springhill Drive having the right-of-way. The NW Quarry Road/NW Albany Road intersection is stop-controlled with NW North Albany Road having the right-of-way. The existing approach lane configurations and traffic control devices are summarized in Figure 3.

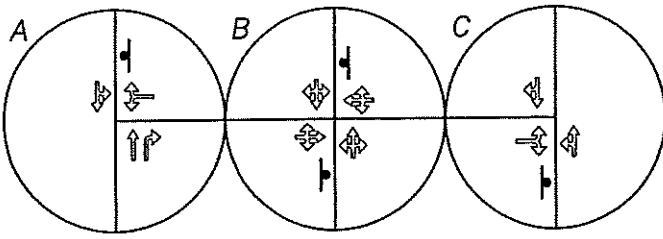
The existing morning and afternoon peak hour traffic volume was measured by traffic counts performed on Wednesday and Thursday, April 26 and 27, 2006. These volumes are summarized in Figures 4 and 5. Full traffic count data sheets are located in the Appendix.









AREA MAP

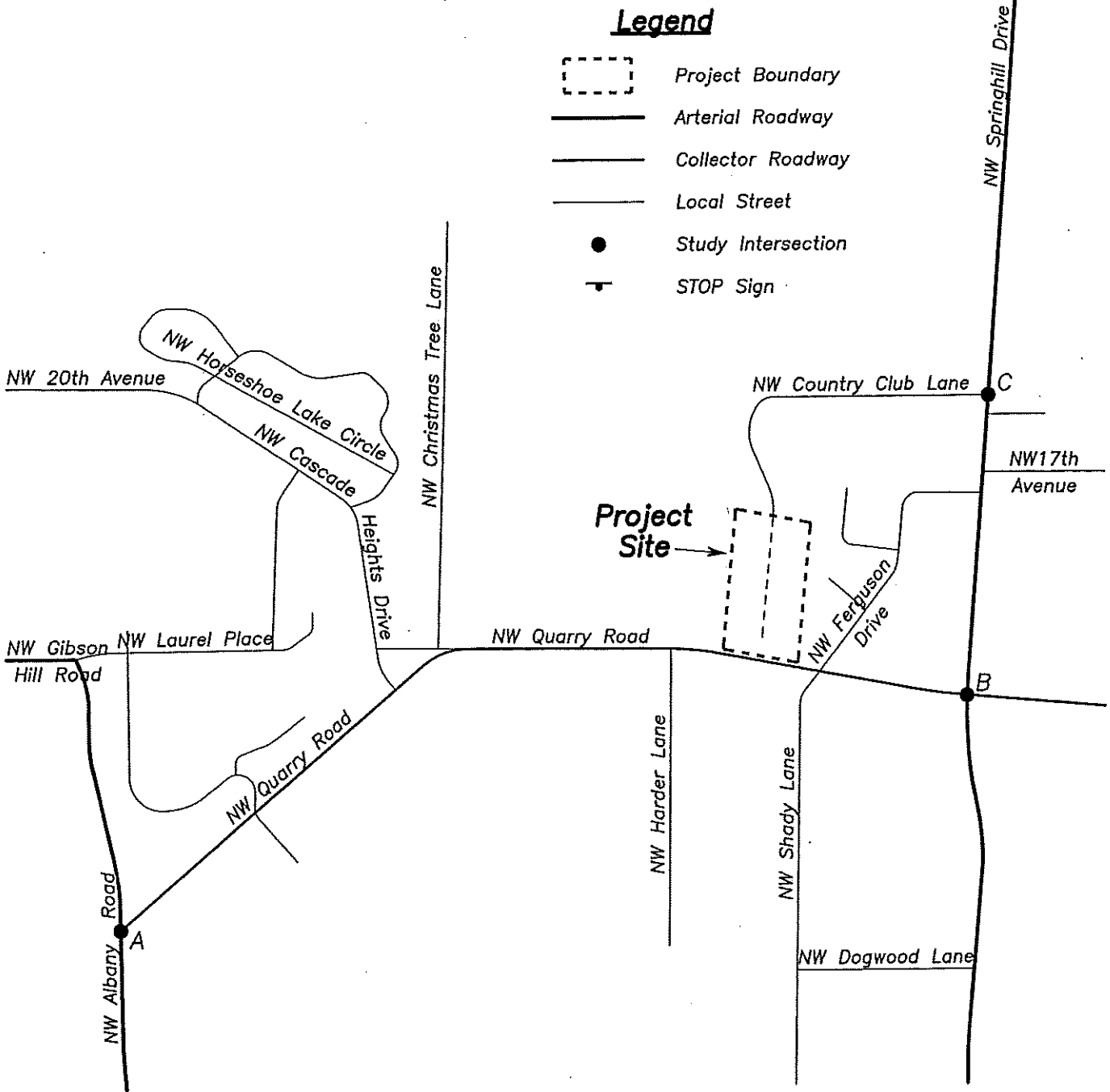


FIGURE
1
PAGE
7



Legend

-  Project Boundary
-  Arterial Roadway
-  Collector Roadway
-  Local Street
-  Study Intersection
-  STOP Sign

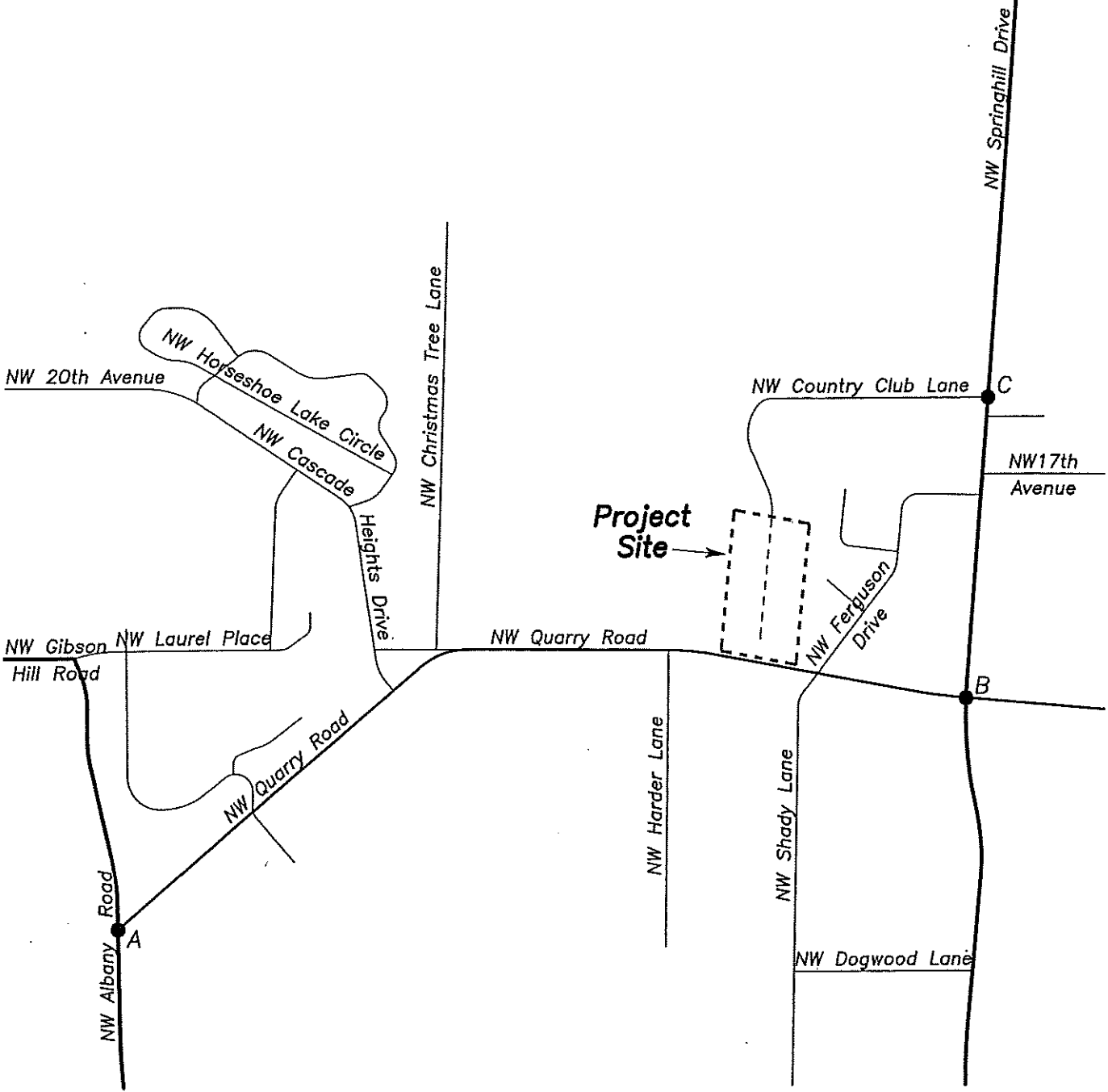
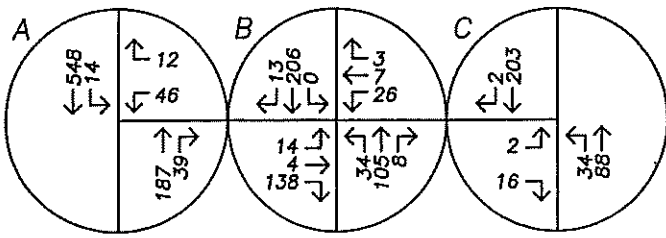


VICINITY MAP
Existing Lane Configurations
& Traffic Control Devices



FIGURE
3

PAGE
9

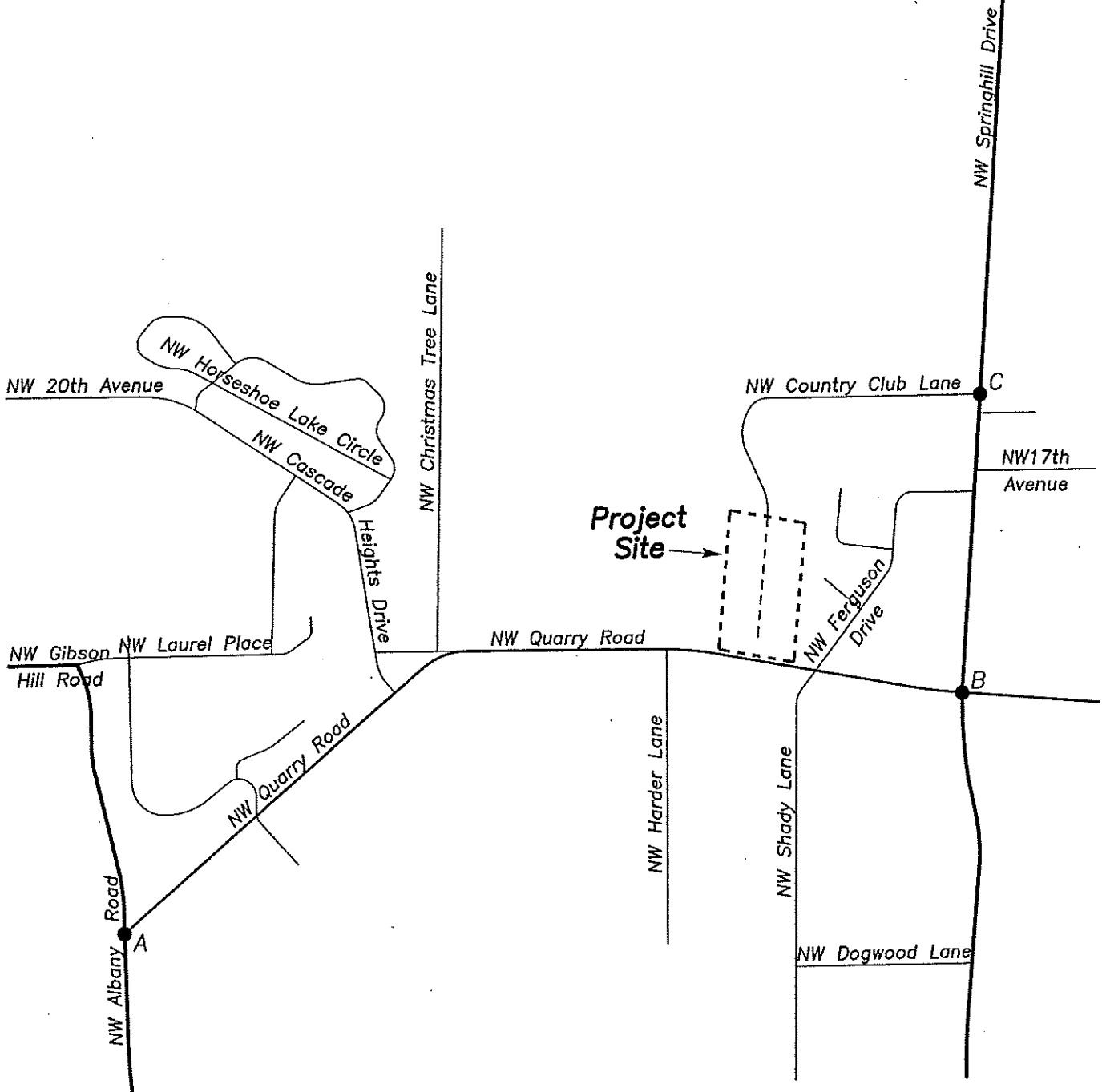
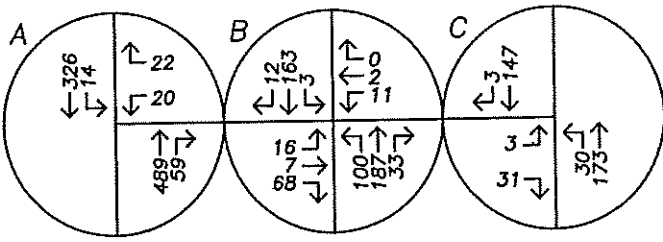


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TRAFFIC VOLUMES
Existing Conditions
AM Peak Hour



FIGURE
4
PAGE
10



Le

TRAFFIC VOLUMES
Existing Conditions
PM Peak Hour



FIGURE 5

PAGE 11



TRIP GENERATION

The Packard Subdivision will contain 11 new single-family homes. To estimate the number of new trips that will be generated by the proposed project, trip rates from *Trip Generation*, Seventh Edition, published by the Institute of Transportation Engineers (ITE), were used. The trip rates used were for land-use code 210, *Single-Family Detached Housing*.

The trip generation calculations indicate that there will be an estimated total of 8 trips generated as a result of the development during the morning peak hour. Of these, 2 will be entering and 6 will be exiting the development. During the evening peak hour, there are 11 trips expected, with 7 entering and 4 exiting the development. A total of 106 new weekday trips are expected, with 53 entering and 53 exiting the development.

A summary of the new trip generation calculations created by the Packard Subdivision development is shown in the following table.

PACKARD SUBDIVISION - TRIP GENERATION SUMMARY					
LAND USE CODE 210 - SINGLE-FAMILY DETACHED					
Time Period	Unit Size	Trip Rate	Trips		
			Enter	Exit	Total
AM Peak Hour	11 Units	0.75/unit	2	6	8
PM Peak Hour		1.01/unit	7	4	11
Weekday		9.57/unit	53	53	106

An estimate of the current traffic generation from the existing Spring Hill Country Club and 18-home residential development on NW Country Club Lane was also made, and is summarized in the table on the following page.



NW COUNTRY CLUB LANE - TRIP GENERATION SUMMARY SINGLE-FAMILY RESIDENTIAL & GOLF COURSE					
Time Period	Unit Size	Trip Rate	Trips		
			Enter	Exit	Total
AM Peak Hour	18 homes	0.75/unit	4	10	14
PM Peak Hour		1.01/unit	11	7	18
Weekday		9.57/unit	86	86	172
AM Peak Hour	18 holes	2.20/hole	32	8	40
PM Peak Hour		2.70/hole	22	27	49
Weekday		36.0/hole	324	324	648



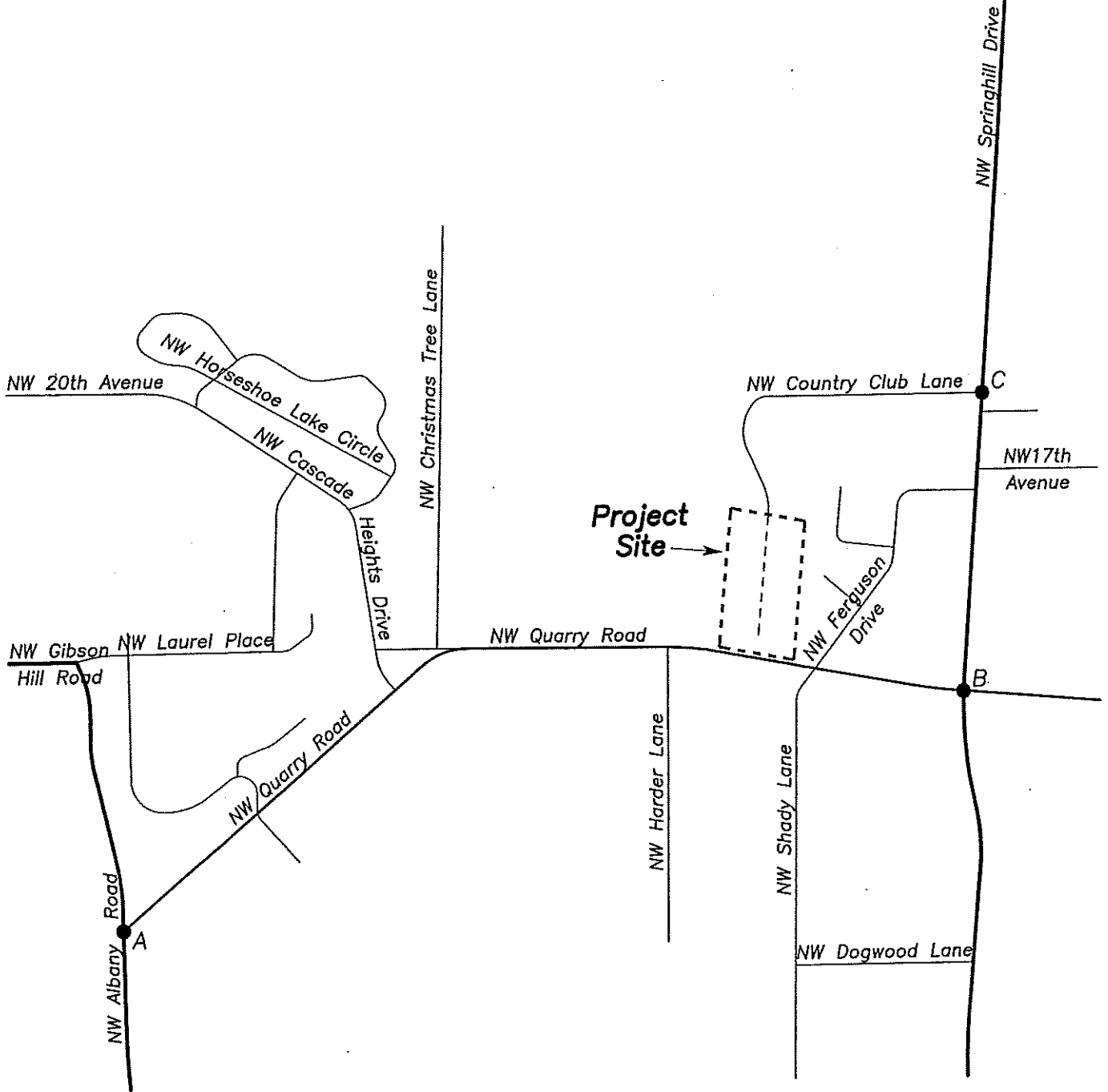
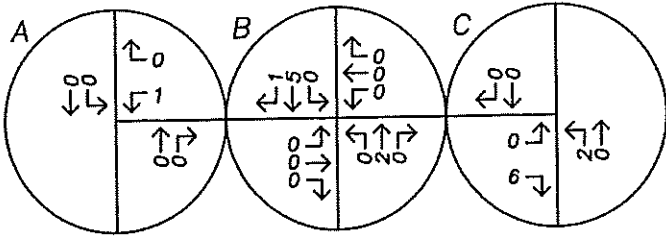
TRIP DISTRIBUTION

Directional Distribution

The trip distribution used for this analysis is based on the existing traffic patterns at the NW Quarry Road/NW Springhill Drive and NW Quarry Road/NW North Albany Road intersections measured by traffic counts performed on Wednesday and Thursday, April 26 and 27, 2006.

Traffic Assignment

Based on the directional distribution estimates, the trips that will be generated by the proposed subdivision were assigned to streets using the routes most likely to be used drivers. The trip assignment is shown in Figure 6 for the morning peak traffic hour and in Figure 7 for the evening peak traffic hour.

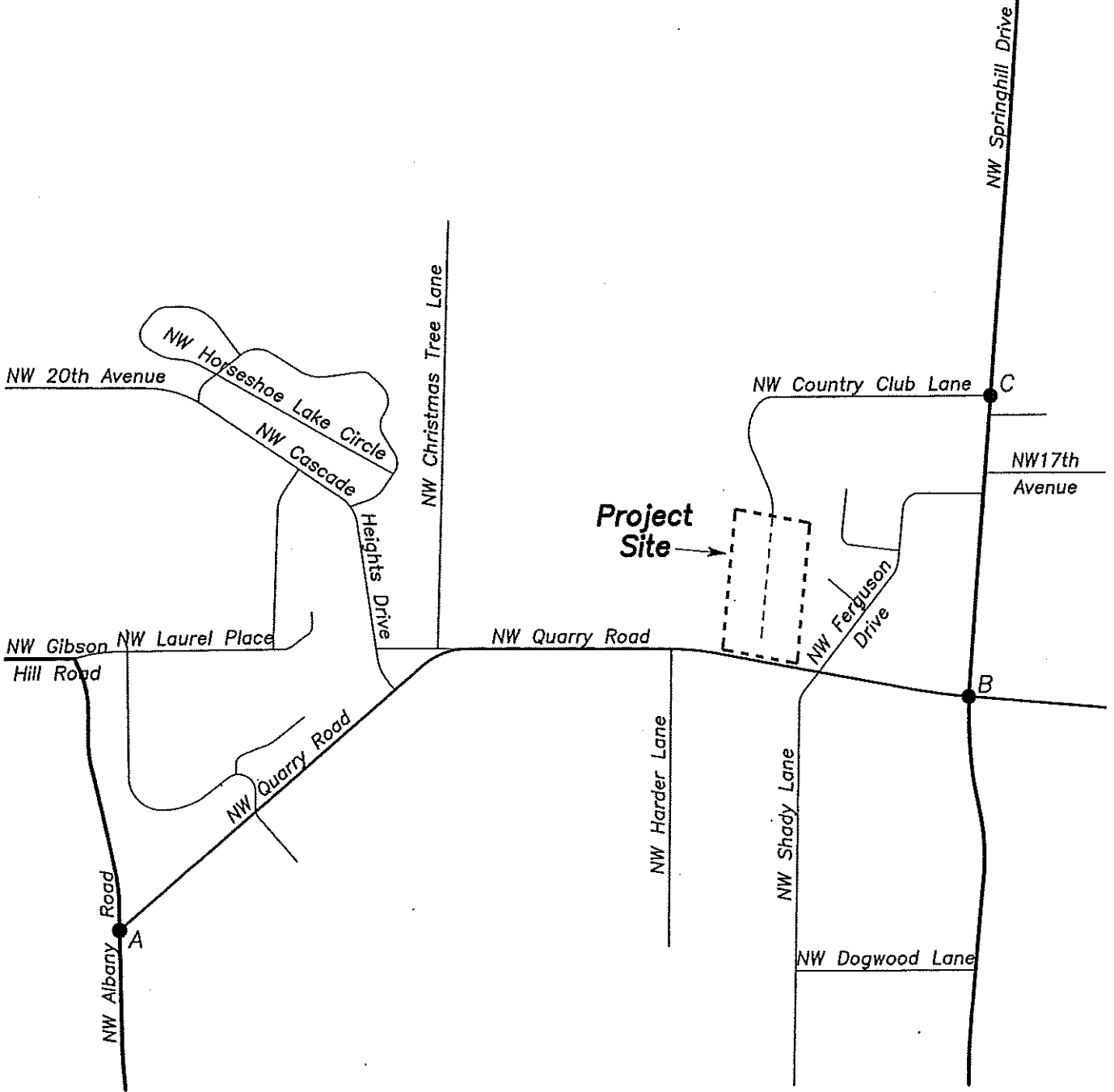
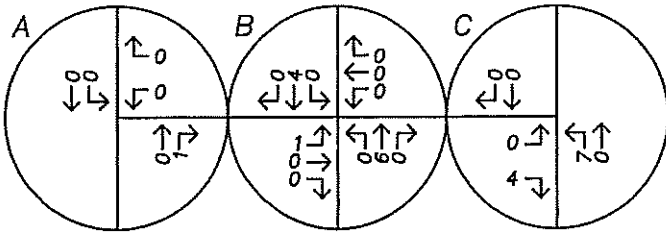


Le

TRAFFIC VOLUMES
Site Trips
AM Peak Hour



FIGURE
6
PAGE
15



TRAFFIC VOLUMES
Site Trips
PM Peak Hour



FIGURE
7

PAGE
16



OPERATIONAL ANALYSIS

Capacity Analysis

To determine the level of service and delay per vehicle at the study area intersections for both the pre- and post-development scenarios, a capacity analysis was conducted. The level of service can range from A, which indicates very little or no delay, to level F, which indicates a high degree of congestion and delay. The analysis was made for the morning and evening peak hours for pre-development conditions in the year 2006 and post-development conditions in the years 2006 and 2011. The post-development traffic volumes for the year 2006 were derived by adding the site-generated volumes (Figures 6 and 7) to the pre-development volumes (Figures 4 and 5) and are shown in Figures 8 and 9, respectively. Figures 10 and 11 show the post-development traffic volumes in the year 2011. These volumes were derived by increasing the existing pre-development volumes shown in Figures 3 and 4 by two-percent per year for five years and adding these volumes to the site-generated volumes shown in Figures 6 and 7.

The traffic volumes for the intersection of Springhill Drive and Country Club Lane were estimated based on the traffic count at the intersection of Springhill and Quarry, plus trip generation calculations for the number of houses on Country Club Lane and for an 18-hole golf course. Because the country club is not fully utilized at this time, the traffic volumes are probably over-estimated.

The study area intersections were analyzed using the unsignalized intersection analysis procedure in the HCS2000 Highway Capacity Software produced by McTrans. These procedures were developed based on the methodology presented in the *HIGHWAY CAPACITY MANUAL (HCM)*, published in 2000 by the Transportation Research Board.

The results of the capacity analysis showing the Levels of Service (LOS) and delays are in the table on the following page. As the table indicates, the critical approaches at the Stop sign-controlled NW Quarry Road/ NW Springhill Drive and NW Quarry Road/NW North Albany Road intersections are now operating at LOS C in both the morning and afternoon peak traffic periods, and will continue to do so when the new development is completed. The NW Quarry Road/NW Springhill Drive intersection will operate on the borderline between LOS C and LOS D during the afternoon peak hour in 2011. The NW Quarry Road/NW Albany Road intersection will operate at LOS D in the morning peak hour in 2011. The intersection of Springhill and Country Club will operate at level of service A under all conditions.

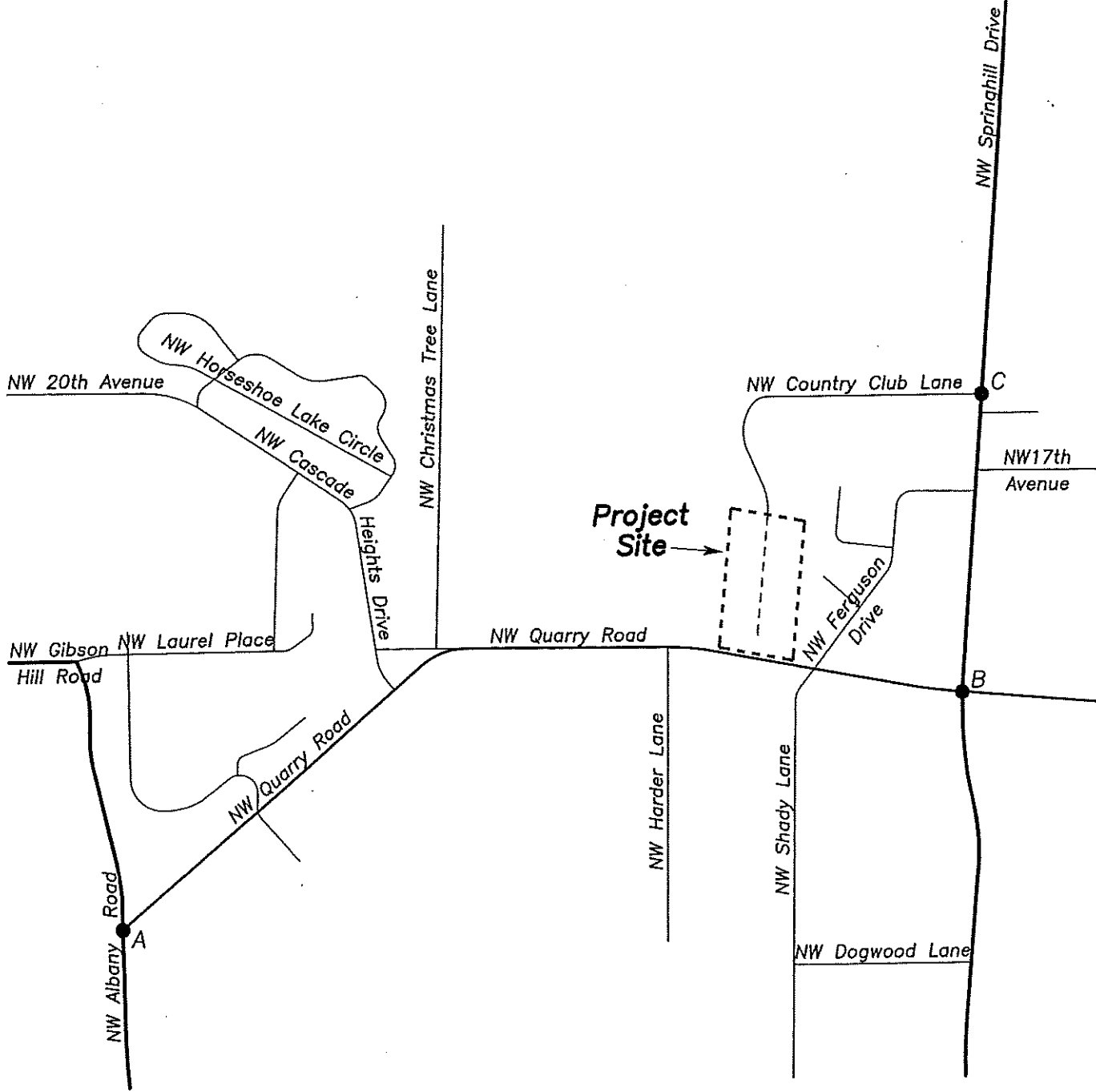
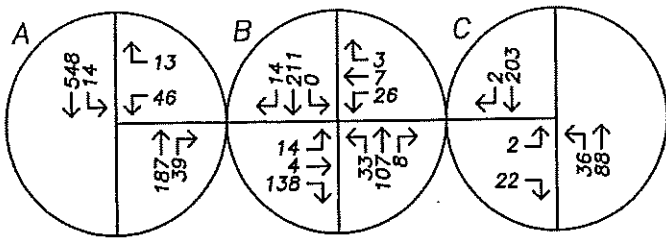


LEVEL OF SERVICE SUMMARY
Packard Subdivision

	AM Peak Hour		PM Peak Hour	
	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>
<i>Quarry Road at Springhill Drive</i>				
2006 Pre-Development	C	16	C	21
2006 Post-Development	C	16	C	21
2011 Post-Development	C	19	C/D	25
<i>Quarry Road at North Albany Road</i>				
2006 Pre-Development	C	22	C	17
2006 Post-Development	C	22	C	17
2011 Post-Development	D	26	C	19
<i>Springhill Drive and Country Club Road</i>				
2006 Pre-Development	A	8	A	8
2006 Post-Development	A	8	A	8
2011 Post-Development	A	8	A	8

LOS = Level of Service

Delay = Average Delay per Vehicle in Seconds

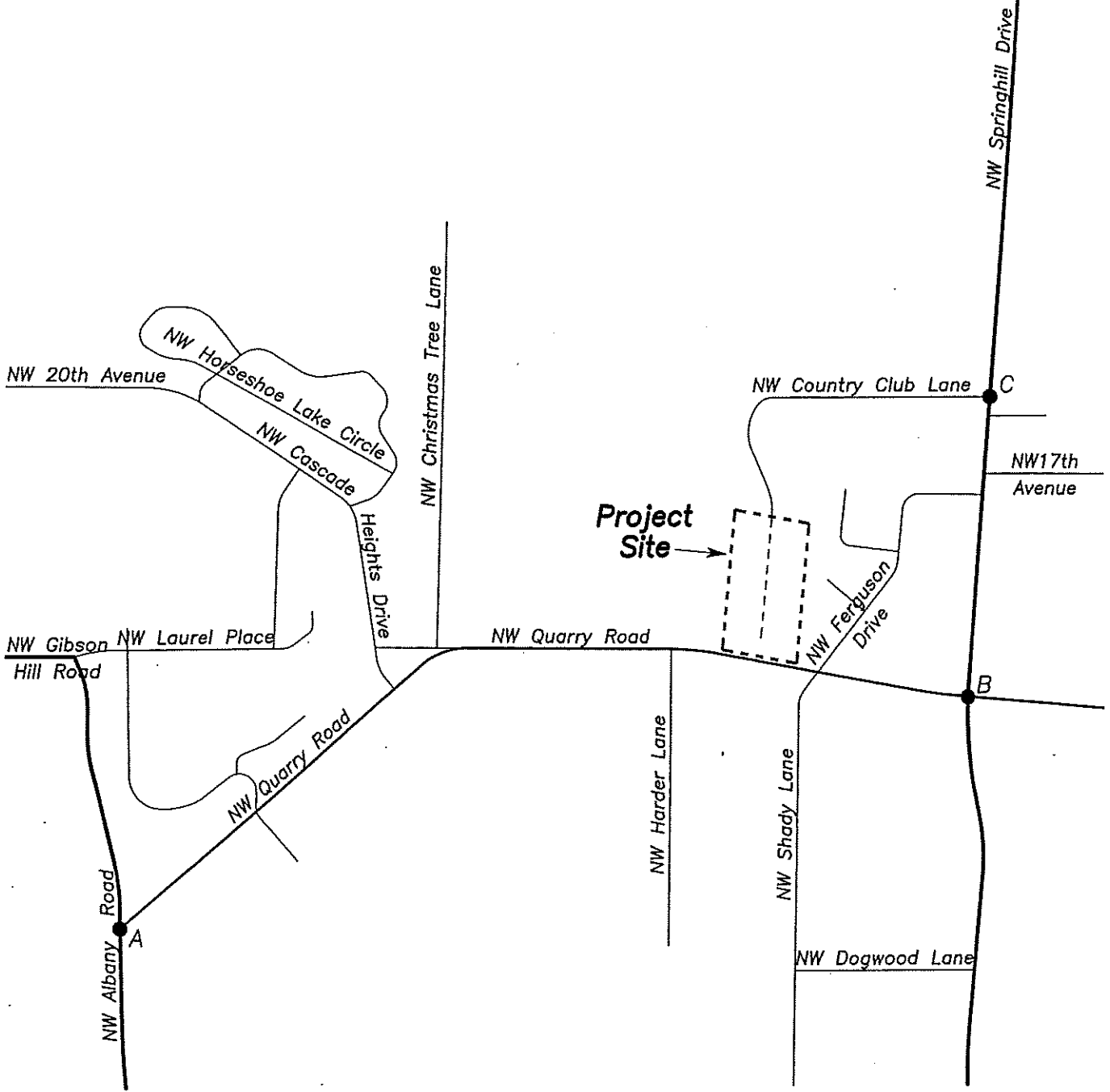
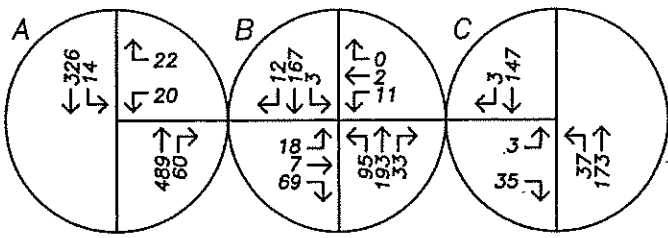


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TRAFFIC VOLUMES
 Year 2006 Background Plus Site Trips
 AM Peak Hour



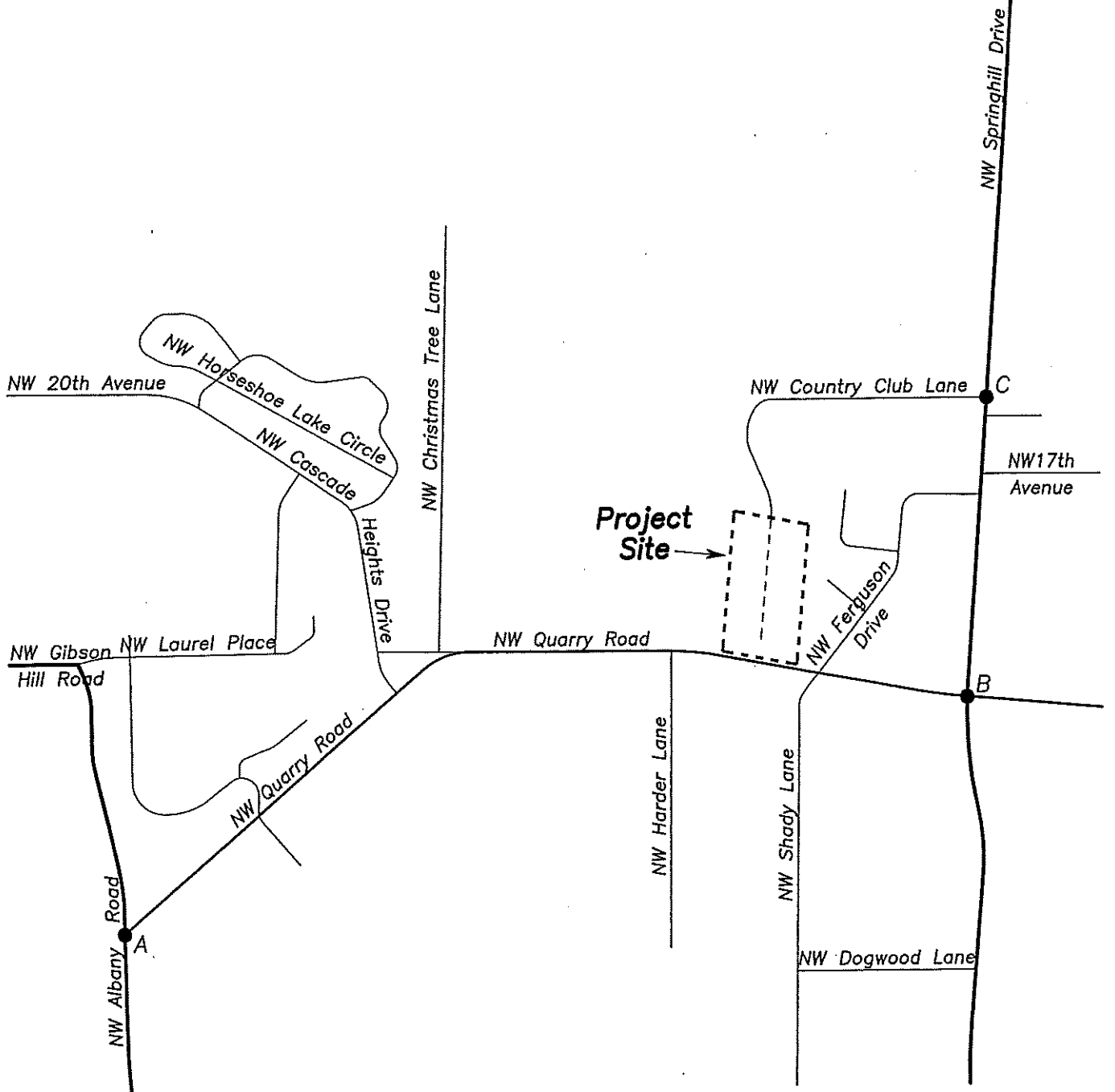
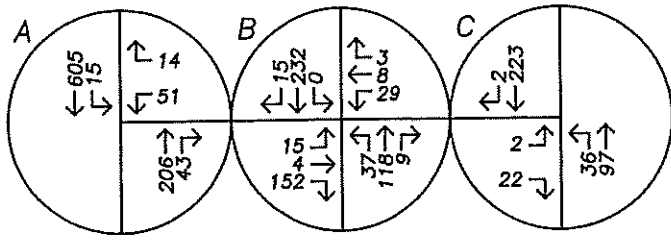
FIGURE 8
PAGE 19



TRAFFIC VOLUMES
 Year 2006 Background Plus Site Trips
 PM Peak Hour



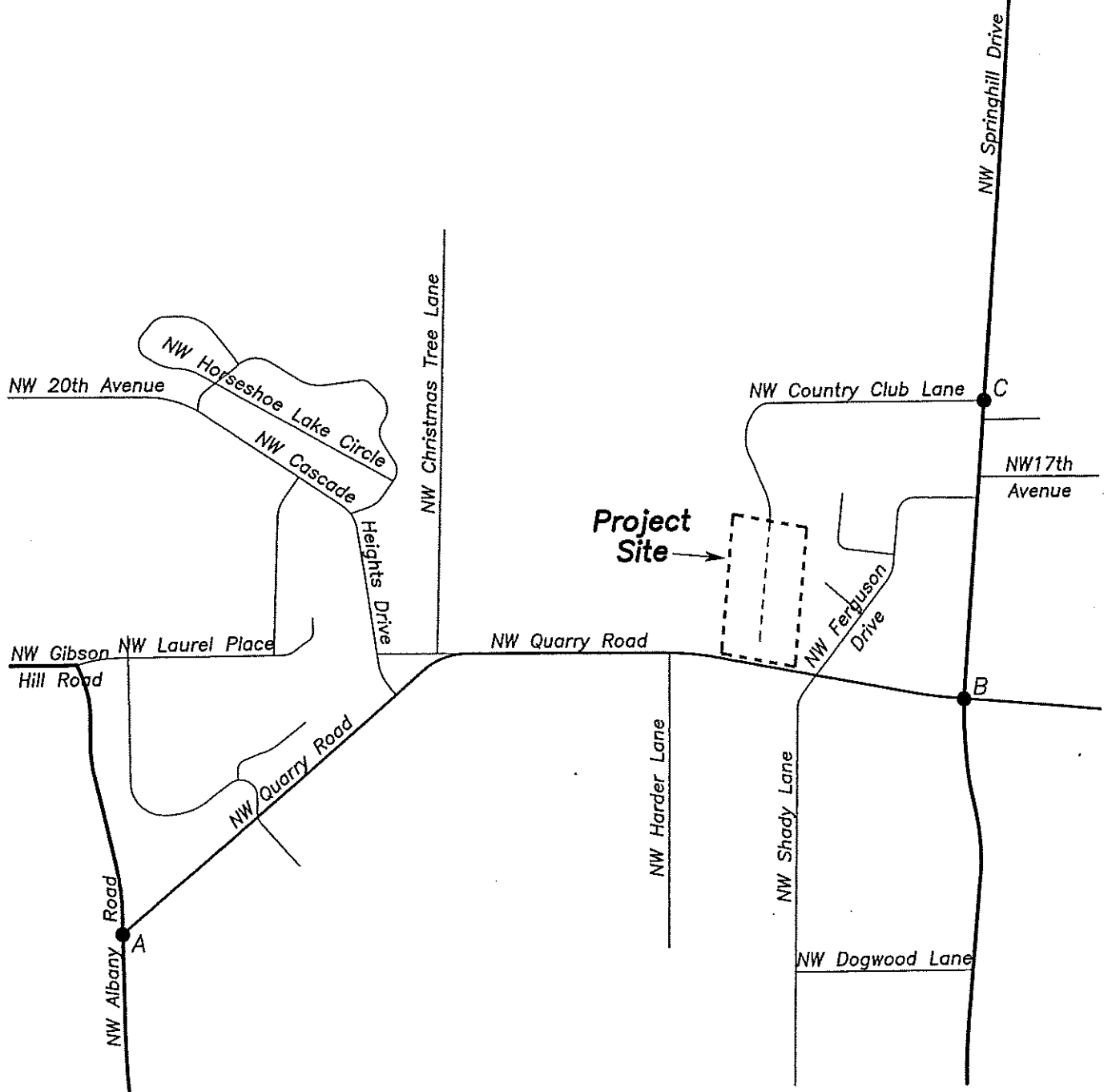
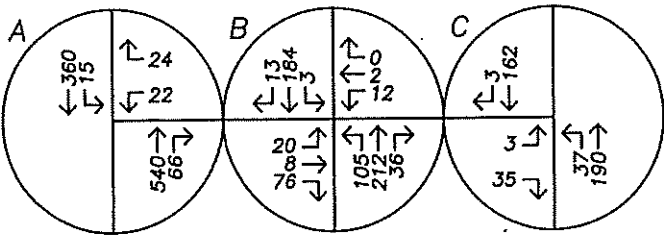
FIGURE
 9
 PAGE
 20



TRAFFIC VOLUMES
 Year 2011 Background plus Site Trips
 AM Peak Hour



FIGURE 10
 PAGE 21



Le

TRAFFIC VOLUMES
 Year 2011 Background plus Site Trips
 PM Peak Hour



FIGURE
 11
PAGE
 22



CONCLUSIONS AND RECOMMENDATIONS

The roadway system in the vicinity of the proposed residential development will not be noticeably impacted by the additional traffic created by new subdivision residents. The Stop sign-controlled intersections of Quarry/Springhill, Quarry/North Albany, and Springhill/Country Club are now operating, and will continue to operate through the Year 2011, at an acceptable level of service in both the morning and afternoon peak traffic periods. The impact from the additional traffic created by this subdivision is negligible. For this reason, no traffic mitigation measures are needed as a result of the proposed development.

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING A PUBLIC RECORDS POLICY AND SETTING FEES.

WHEREAS, the City of Albany, Oregon, desires to adopt a policy addressing the procedures for inspection of public records within the City of Albany; and

WHEREAS, Oregon State Statutes require that a public records policy be in place by January 2008; and

WHEREAS, Oregon State Statutes allow for reasonable fees calculated to reimburse local government costs for providing those records.

NOW, THEREFORE BE IT RESOLVED by the Albany City Council that the Public Records Request Policy (Attachment A) be established.

DATED AND EFFECTIVE THIS 23rd DAY OF JANUARY 2008.

Council President

ATTEST:

Deputy City Clerk

ATTACHMENT A

CITY OF ALBANY PUBLIC RECORDS REQUEST POLICY

SECTION 1: Right to Inspect Public Records. Every person has a right to inspect any non-exempt public record held by the City of Albany. Requests for any records of the City must be made under the Oregon Public Records Law and in accordance with the rules of this City of Albany Public Records Policy.

SECTION 2: Application for Public Records Inspection.

1. All applications for inspection of non-exempt public records shall be addressed to the City Clerk or the Deputy City Clerk using the Public Records Request form (Sample 1).
2. All applications for inspection of Police Department Records shall be received at the Police Department using the attached request form and fee schedule (Sample 2 and 3).
3. Upon receipt of said application, the application may be referred to legal counsel to determine whether records requested are exempt from disclosure.
4. The City Clerk, or the Deputy City Clerk in the City Clerk's absence, is the official "Records Officer". The Records Officer shall take reasonable measures to preserve the integrity of the records. In this capacity, the Records Officer may adopt reasonable rules necessary to protect the records and prevent interference with the regular discharge of duties of the City of Albany.

SECTION 3: Specificity of Request. In order to facilitate the public's access to records in the City's possession, and to avoid unnecessary expenditure of staff time, persons requesting access to public records for inspection or copying, or who submit written request for copies of public records, shall specify the records requested with particularity, furnishing the dates, subject matter, and such other detail as may be necessary to enable City personnel to readily locate the records sought.

SECTION 4: Reasonable Opportunity to Inspect.

1. The Records Officer shall allow a person applying for inspection and/or copying of public records a reasonable opportunity to inspect the records during usual business hours. Reasonable opportunity does not mean the time frame set by the requestor, so long as the Records Officer provides access to the non-exempt records within a reasonable period of time. All records shall be inspected by the requestor and copied by City staff at the City of Albany place of business.
2. The Records Officer may furnish a certified copy of the record to a person requesting said record. Certification shall mean a statement on the cover sheet or last sheet of the copy certifying that the copy is a true and correct copy and signed by the Records Officer.
3. If the public record is maintained in a machine readable or electronic form, the custodian shall provide copies of the public record in the form requested, if available. If not available in the form requested, it shall be made available in the form in which it is maintained.
4. The public right to receive copies of public records shall be complied with by the Records Officer within a reasonable time. It is the policy of the City not to postpone or disrupt current and on-going matters of city business to provide staff time for inspection or copying of non-exempt public records. Staff time shall be coordinated by the Records Officer and shall be provided within a reasonable period of time from the date the record request was made.
5. The City is not required to produce "lists" of records that are not already available in the form of a "list".

SECTION 5: Fees for Public Records. In order to cover its actual costs for responding to public records requests, the following fee schedule is adopted by the City:

1. **Copies of Public Records:** Copies of public records shall be .25 cents per page for standard black and white letter size copies, .50 cents per page for 11X17 black and white copies. Color copies

will be .50 for letter size copies and \$1.00 for 11X17. Photo quality paper will be an additional charge.

2. Electronic Format: Electronic documents may include sound recording, video recordings, and electronic documents. These non-exempt public records will be provided in electronic format on CD or DVD at a cost of \$5.00 each. Records that are already in audio tape form will be provided for \$15.00 for the first copy and \$5.00 for each additional tape. For records that are not already in electronic format and request to be converted, a Research Fee will be required as stated in this policy.
3. Copies of Maps and other Nonstandard Documents: Charges for maps, large documents, or other nonstandard size documents, in the custodial possession of the Records Officer, shall be charged in accordance with the actual costs incurred by the City to reproduce them.
4. Research Fees: If a request for records requires City personnel to spend more than 30 minutes searching or reviewing records prior to their review or copying, the fee will be as follows:
 - a. Up to 30 minutesCopy cost only
 - b. 30 minutes to 2 hours.....Copy cost plus \$25 per hour
 - c. Over 2 hours.....Employee costs plus overheadThe City will provide a written cost estimate to requestor and must receive confirmation that the requestor wants the City to proceed with the request. Cost estimates over \$10 will be paid in advance. If the actual time and cost are less than estimated, the excess money shall be refunded to the requestor. If the actual cost and time are in excess of the estimated cost, the difference shall be paid at the time the records are produced.
5. Archived Scanned Copies: Scanned copies archived in the City of Albany Laserfiche system and readily available to the Records Officer, may be sent to an email address provided by the requestor for the cost of the applicable research fee only.
6. Electronic Searches: For non-exempt public record requests including emails or other electronic files stored on any City network and not readily available to the Records Officer, the information shall be provided on CD/DVD. The cost will be \$5.00 per CD/DVD plus \$100 per hour for the research and copying time with a minimum of one hour charge.
7. Additional Charges: If a request is of such magnitude and nature that compliance would disrupt the City's normal operation, the City may impose such additional charges as are necessary to reimburse the City for its actual costs of producing the records.
8. Reduced Fee or Free Copies: Whenever the City determines that furnishing copies of public records in its possession at a reduced fee or without costs would be in the public interest, the City may so authorize. ORS 192.440(4).

SECTION 6: Review of Original Records. If a request to review original records is made, the City shall permit such a review provided that research fees are paid in advance in accordance with SECTION 5, above. A representative of the City shall be present at any time original records are reviewed. At no time shall an original record of the City be removed from the City's files or the place at which the record is regularly maintained, except upon authorization of the City. If any person attempt to alter, remove, or destroy any original record, the City representative shall immediately terminate such person's review, and notify the City Attorney.



PUBLIC RECORDS REQUEST FORM

City of Albany
Finance Department
City Clerk's Office

Sample 1

For Police Records contact: 541.917.7680

Notice: Oregon Public Records Law grants each person the right to inspect the records of a public body (unless exempt from disclosure). ORS 192.430 allows the public body a reasonable time to respond to a records request and ORS 192.440 (5) authorizes the public body to charge fees associated with the requests. City of Albany fees are set by Resolution No. 1111 and are listed on the back of this form. Prepayment will be required for requests that exceed \$10. Senate Bill 554 requires that a public body respond in writing to a public records request. You will be given a copy of this form when the City processes your records request to serve as that notification.

Your signature below acknowledges that you have read, understand, and accept financial responsibility for the fees associated with this public records request.

Signature: _____ Date: _____

Requestor Information:

Name Mailing Address

City State Zip Code

Daytime Phone Number Fax Number Email address

Document Information:

Describe the information/records you are requesting being specific enough for the City to determine the nature, content, and department within which the records you are requesting may be located. Provide specific dates whenever possible. Use additional sheets of paper if necessary.

Return Form To: Mail or drop off: City Hall, Finance Dept, 333 Broadalbin Street SW, Albany, OR 97321
Fax: 541.917.7511 Email: cityclerk@cityofalbany.net

For Staff Use

Date Request Received: _____	Date copy of form provided: _____
Staff Initial: _____	Via: <input type="checkbox"/> Mail <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Pick up at City Hall

This Records Request:

- Was completed on (date): _____
- Was referred to the City Attorney on (date): _____
- Will require more time to process. (Estimated completion date): _____
- Will exceed \$10 so will require prepayment. (Estimated amount due prior to completion): _____
- Was unable to be completed because the City is not in possession of the records.
- Was unable to be completed because the records are exempt under state or federal law.
- Other: _____

PUBLIC RECORDS FEES

City of Albany
Finance Department
City Clerk's Office

Note: See Resolution No. 1111 for full City of Albany Public Record Request Policy.

SECTION 5: Fees for Public Records. In order to cover its actual costs for responding to public records requests, the following fee schedule is adopted by the City:

1. **Copies of Public Records:** Copies of public records shall be .25 cents per page for standard black and white letter size copies, .50 cents per page for 11X17 black and white copies. Color copies will be .50 for letter size copies and \$1.00 for 11X17. Photo quality paper will be an additional charge.
2. **Electronic Format:** Electronic documents may include sound recording, video recordings, and electronic documents. These non-exempt public records will be provided in electronic format on CD or DVD at a cost of \$5.00 each. Records that are already in audio tape form will be provided for \$15.00 for the first tape and \$5.00 for each additional tape. For records that are not already in electronic format and request to be converted a Research Fee will be required as stated in this policy.
3. **Copies of Maps and other Nonstandard Documents:** Charges for maps, large documents, or other nonstandard size documents, in the custodial possession of the Records Officer, shall be charged in accordance with the actual costs incurred by the City to reproduce them.
4. **Research Fees:** If a request for records requires City personnel to spend more than 30 minutes searching or reviewing records prior to their review or copying, the fee will be as follows:
 - a. Up to 30 minutes Copy cost only
 - b. 30 minutes to 2 hours. Copy cost plus \$25 per hour
 - c. Over 2 hours Employee costs plus overhead

The City will provide a written cost estimate to requestor and must receive confirmation that the requestor wants the City to proceed with the request. Cost estimates over \$10 will be paid in advance. If the actual time and cost are less than estimated, the excess money shall be refunded to the requestor. If the actual cost and time are in excess of the estimated cost, the difference shall be paid at the time the records are produced.

5. **Archived Scanned Copies:** Scanned copies archived in the City of Albany Laserfiche system and readily available to the Records Officer, may be sent to an email address provided by the requestor for the cost of the applicable research fee only.
6. **Electronic Searches:** For non-exempt public record requests including emails or other electronic files stored on any City network and not readily available to the Records Officer, the information shall be provided on CD/DVD. The cost will be \$5.00 per CD/DVD plus \$100 per hour for the research and copying time with a minimum of one hour charge.
7. **Additional Charges:** If a request is of such magnitude and nature that compliance would disrupt the City's normal operation, the City may impose such additional charges as are necessary to reimburse the City for its actual costs of producing the records.
8. **Reduced Fee or Free Copies:** Whenever the City determines that furnishing copies of public records in its possession at a reduced fee or without costs would be in the public interest, the City may so authorize. ORS 192.440(4).

Copies per page		Electronic Formats	
.25	8.5 x 11 black & white	5.00	Each DVD
.50	11 x 17 black & white	5.00	Each CD
.50	8.5 x 11 color	15.00	First audio tape
1.00	11 x 17 color	5.00	Each add'l audio tape
Additional charge	Photo quality paper	Additional charge	See: Research Fees
Research Fees		Maps & Nonstandard Documents	
Up to 30 minutes	Copy costs only	Actual cost for reproduction	
30 minutes to 2 hours	Copy cost plus \$25 an ho	Electronic Searches	
Over 2 hours	Employee cost plus over	\$100 per hour	One hour minimum

ALBANY POLICE DEPARTMENT REQUEST FOR COPIES

Requests can take up to two weeks to complete and are processed in the order they are received.

Today's Date:		Requester Name:			
Requester Phone Number:		Requester Cell Phone Number:		Requester Agency (if applicable):	
Email Address (if you want contact by email):					
Requester Address, City, State & Zip Code:					
Requester Signature:					
Circle One:	Auto Accident	Theft/Burglary	Other:		
Incident Number:		Incident Location:			
Date of Incident:		Time of Incident:		Officer:	
Person(s) Involved: (Only use insured persons name if the insured person was involved as the driver/victim):					
Amount Enclosed: _____			<u>Non-refundable minimum \$7.00 fee for report requests</u> includes records search, and up to ten single-sided or five double-sided pages		
Additional Amount Due at Pickup: _____			<u>Non-refundable minimum \$10.00 fee for tape requests</u> include records search and up to 15 minutes of tape reproduction		
			Mailing Fee Included: Yes No		
			(See reverse side for fee schedule)		
POLICE DEPARTMENT USE ONLY					
We cannot supply the report you requested for the following reason (s):					
Cash or check for the correct amount was not enclosed					
Additional money in the amount of \$ _____ is needed to complete your request.					
The incident is still under investigation and cannot be released at this time					
We have no record involving this person/incident. Please check your information for accuracy.					
The incident is not in our jurisdiction and/or our department did not take the report.					
Please Contact:					
This incident involved an arrest and/or investigation that requires the prosecutor to authorize/provide this information. You should contact:					
Linn County District Attorney – P.O. Box 100, Albany, Or 97321 (541) 967-3836					
City Attorney Office – P.O. Box 40, Albany, OR 97321 (541) 926-5504					
Benton County District Attorney – 120 NW 4 th , Corvallis, Or 97330 (541-766-6815)					
Other:					
Payment Received By:		Cash	Check:	Date:	
		Counter:	Clerk:	Mail:	

ALBANY POLICE DEPARTMENT RECORDS FEES & PROCEDURES

All requests require a **non-refundable advance payment** of \$7.00 to cover research fees

Police Reports	
Police Incident Reports Computerized Incident Report (CAD) Miscellaneous Police Documents	\$ 7.00 Research fee includes up to ten single-sided copies. Lengthy reports requiring over 15 minutes to process will accrue additional charges at a rate of \$28.00 per hour plus additional copy charges.
Copy charges	Additional \$.10 (cents) per side after ten pages
Postage for mailing reports	\$ 2.00 for up to ten pages, \$.10 (cents) per page after ten pages.
Records Checks (Records only available back to 1990)	
Person	\$ 7.00 per person
Letters of Clearance	\$ 7.00 per person
Location	\$ 7.00 per 12-month period
Statistics	\$ 7.00 per requested activity
Postage for mailing records checks	\$ 2.00 for up to ten pages, \$.10 (cents) per page after ten pages.
Supplemental Fees (in addition to the fees identified above)	
Photographs	
Photos saved to Compact Disc	\$10.00 per CD
Photos printed on paper	\$ 2.50 per sheet (up to 4 photos per sheet)
Photos reproduced from negatives	\$10.00 for first 24 prints/per single role, \$.50 (cents) for each additional print
Postage for mailing photographs	\$ 2.00 for up to ten photos/pages. \$.10 (cents) per photo/page after ten pages. \$ 2.00 per CD
Recordings	
Compact Disc, DVD or Cassette tape recordings	\$10.00 for first 15 minutes of staff time, \$7.00 for each additional 15 minutes
Postage for mailing recordings	\$2.00 per tape/CD/DVD

A request for police records information can take up to 2 weeks to process. Requested information will be available for pickup at the front counter of the Albany Police Department or may be mailed to you for an additional fee. All items must be picked up within 30 days after notification that the information is ready, otherwise it will be destroyed and another request will need to be made.

*Requests can be completed in a timely manner if the data you provide is complete and accurate. Please provide the full name of the individual, their date of birth, driver's license number and social security number. Any special requests not indicated above will be charged at a minimum hourly rate of \$28.00/per hour, plus additional copy charges and at the discretion of the Albany Police Department. We appreciate your cooperation and assistance in making this process efficient.

1117 Jackson SE
Albany, OR 97322
541-917-7680

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING RIGHT-OF-WAY DEDICATION:

Grantor

Purpose

Jim Hammel

Dedicate Right-of-Way for 2nd Avenue Periwinkle Creek Bridge project.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this right-of-way dedication deed.

DATED AND EFFECTIVE THIS 23RD DAY OF JANUARUY 2008.

City Council President

ATTEST:

Deputy City Clerk

RIGHT-OF-WAY DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Jim Hammel, hereinafter referred to as Grantor, hereby dedicate to the City of Albany, a Municipal Corporation, hereinafter called "City" for right-of-way purposes, portions of that real property situated in Linn County, Oregon, conveyed to Grantors by deed recorded in MF 199-695, Linn County deed records, and being more particularly described as follows and as shown on the attached Map labeled "Exhibit A":

Beginning at the Southwest corner of Lot 8, located in Block 6, Hackelmans 4th Addition to Albany, Oregon, Linn County Survey 0199G; thence North 82° 54'31" East 132.0 feet to the POINT OF BEGINNING located on the southeast corner of Lot 7, Block 6, Hackelmans 4th Addition; thence North 82° 54' 31" East 32.16 feet; thence North 0° 20' 47" West 24.69 feet; thence North 88° 0' 58" West 35.50 feet; thence South 7° 5' 29" East 30.12 feet to the POINT OF BEGINNING.

The parcel of land being granted as Right-of-Way contains 922 square feet of land, more or less.

Bearings based on C.S. 24272 filed on April 6, 2006, Linn County, Oregon.

The Grantor covenants that they are lawfully seized and possessed of the real property above described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the same against all persons who may lawfully claim the same.

The right-of-way dedicated herein is in consideration of \$1,416.94, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

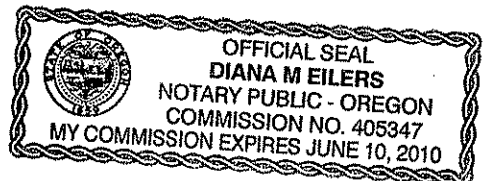
GRANTOR:

James M. Hammel
Jim Hammel

STATE OF OREGON)
County of Linn) ss.
City of Albany)

The foregoing instrument was acknowledged before me this 9th day of January, 2008, by Jim Hammel as his/her voluntary act and deed.

Diana M. Eilers
Notary Public for Oregon
My Commission Expires: June 10, 2010



CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2008.

City Manager

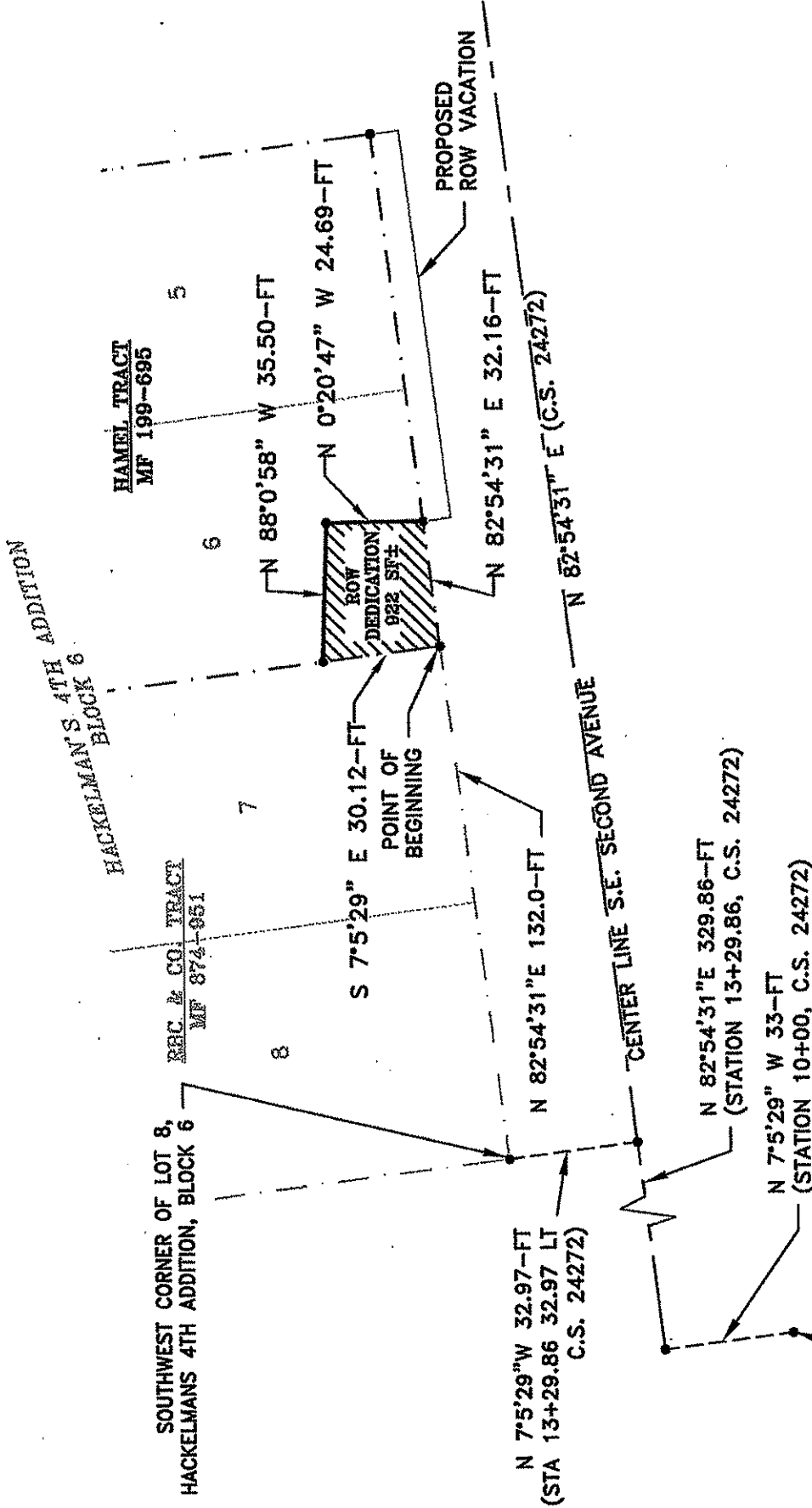
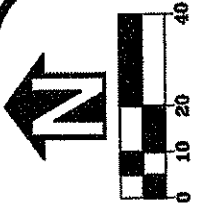
ATTEST:

City Clerk



EXHIBIT A

BR-06-01, 2nd Avenue Crossing of Periwinkle Creek
Right-of-Way Dedication
Hamel Tract MF 199-695
11S3W05CC05801



INITIAL REFERENCE POINT 3/4" IRON BOLT
SOUTHWEST CORNER OF HACKELMANS 4TH ADDITION
SECTION 5 TOWNSHIP 11 SOUTH, RANGE 3 WEST
WILLAMETTE MERIDIAN, LINN COUNTY OREGON
BASIS OF BEARINGS PER LINN COUNTY SURVEY NO. 24272

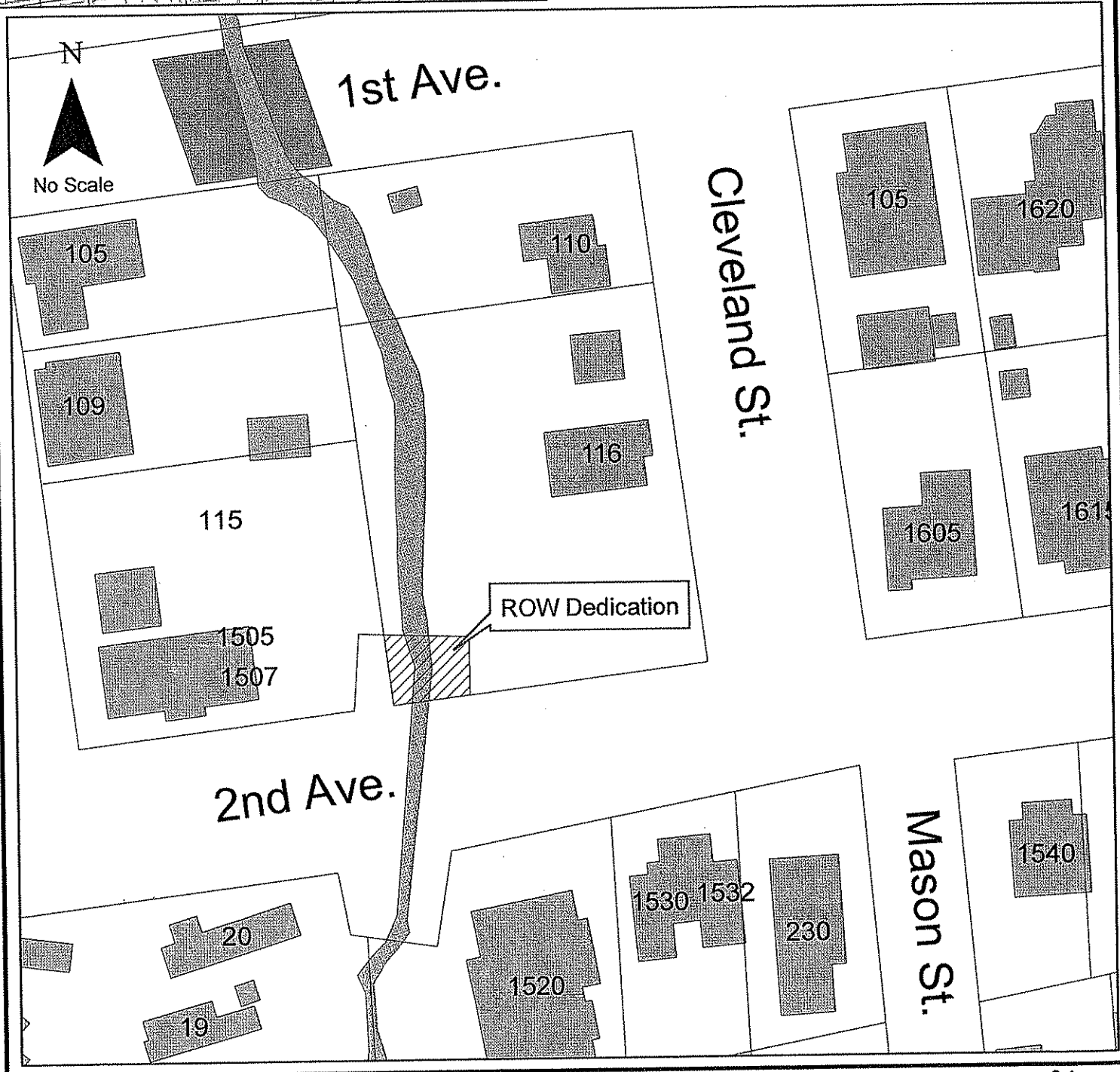
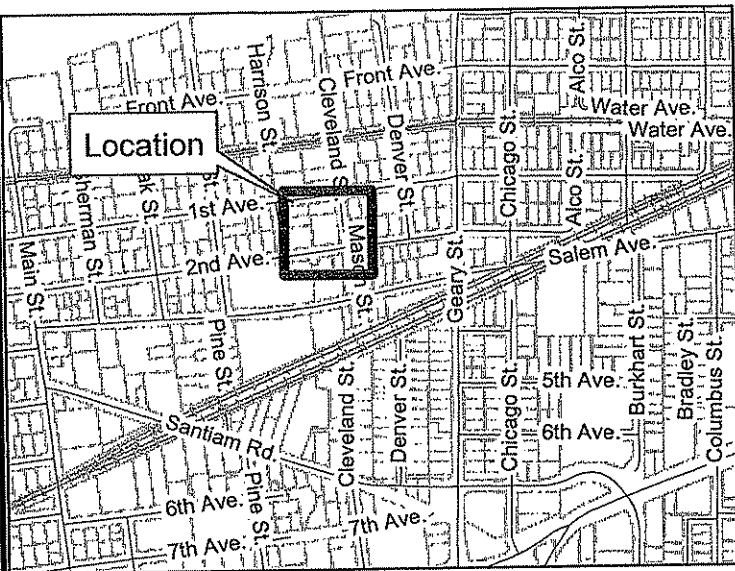
EXHIBIT C

11S03W05CC05801

BR-06-01;
2nd Avenue Crossing of
Periwinkle Creek



Geographic Information Services



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING RIGHT-OF-WAY DEDICATION:

Grantor

Purpose

Mary Morris in her capacity as Trustee of the Evelyn F. Brandis Family Charitable Trust #1 and Charitable Trust #2; John S. Brandis, Jr.; Trinity O. Lind, fka Gail Brandis Jacob, Gail Brandis Yarborough, and Gail Brandis Coleman; Susan B. Decker; and Timberhill Corporation, an Oregon Corporation collectively as their interests in the property may appear (collectively herein, "Timberhill")

To dedicate the rights-of-way necessary for the construction of a new combined elementary and middle school for the Greater Albany Public School District north of Knox Butte Road.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this right-of-way dedication deed.

DATED AND EFFECTIVE THIS 23RD DAY OF JANUARY 2008.

City Council President

ATTEST:

Deputy City Clerk

RIGHT-OF-WAY DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that *Mary Morris in her capacity as Trustee of the Evelyn F. Brandis Family Charitable Trust #1 and Charitable Trust #2; John S. Brandis, Jr.; Trinity O. Lind, fka Gail Brandis Jacob, Gail Brandis Yarborough, and Gail Brandis Coleman; Susan B. Decker; and Timberhill Corporation, an Oregon Corporation collectively as their interests in the property may appear (collectively herein, "Timberhill")*, hereinafter referred to as Grantor, hereby dedicate to the City of Albany, a Municipal Corporation, hereinafter called "City" for right-of-way purposes, portions of that real property situated in Linn County, Oregon, conveyed to Grantors by deeds recorded in Linn County, Oregon, Deed Records 305-313, MF153-732, MF1134-785 & 787, MF1612-374, and MF1612-378 and being more particularly described as follows:

See legal descriptions on attached Exhibits A and B, and maps on attached Exhibits C and D

The Grantor covenants that they are lawfully seized and possessed of the real property above described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the same against all persons who may lawfully claim the same.

The right-of-way dedicated herein is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR:

Mary Morris, Trustee
Mary Morris, Trustee of the Evelyn F. Brandis
Family Charitable Trusts #1 and #2

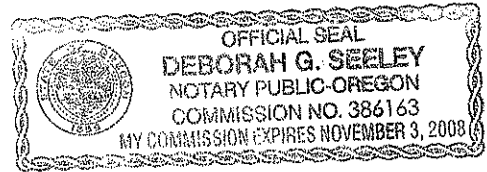
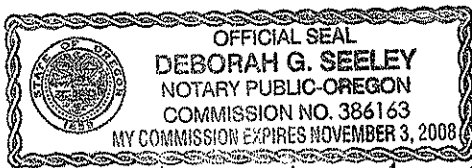
John Brandis, Jr.

STATE OF OREGON)
County of Benton) ss.
City of Corvallis

STATE OF OREGON)
County of Benton) ss.
City of Corvallis

The instrument was acknowledged before me this
12th day of December, 2007, by
Mary Morris, Trustee of the Evelyn F. Brandis
Family Charitable Trusts #1 and #2 as a
representative of the trusts.

The instrument was acknowledged before me this
12th day of December, 2007,
by John Brandis Jr.
5.



Deborah G. Seeley
Notary Public for Oregon
My Commission Expires: 11-3-08

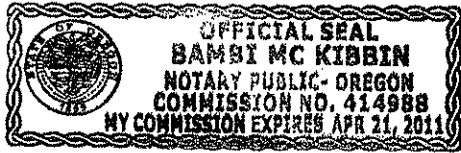
Deborah G. Seeley
Notary Public for Oregon
My Commission Expires: 11-3-08

Trinity O. Lind
Trinity O. Lind, fka Gail Brandis Jacob, Gail Brandis Yarborough, and Gail Brandis Coleman.

Susan B. Decker
Susan B. Decker

STATE OF OREGON)
County of Deschutes ss.
City of Bend

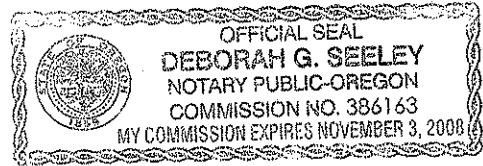
The instrument was acknowledged before me this 27th day of Dec., 2007, by Trinity O. Lind.



Bambi McKibbin
Notary Public for Oregon
My Commission Expires: 4-21-11

STATE OF OREGON)
County of Benton ss.
City of Arnolds

The instrument was acknowledged before me this 13 day of December, 2007, by Susan B. Decker.



Deborah G. Seeley
Notary Public for Oregon
My Commission Expires: _____

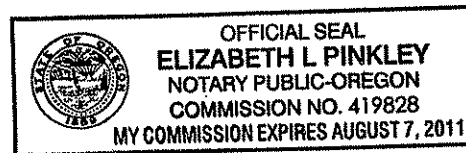


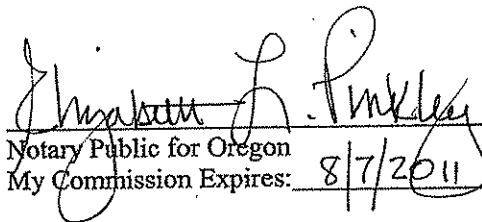
Tanya Durkee

President, Timberhill Corporation

STATE OF OREGON)
County of Multnomah) ss.
City of Portland)

The instrument was acknowledged before me this
17th day of December, 2007,
by Tanya Durkee, President, as a representative of
Timberhill Corporation.





Notary Public for Oregon
My Commission Expires: 8/7/2011

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number do hereby
accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day
of _____, 2008.

City Manager

ATTEST:

City Clerk

Exhibit A

Dedication North of Knox Butte Road

A strip of land 73.00 feet wide, over, across and upon Parcel 2 of Partition Plat 2007-74, Linn County Survey Records, the sidelines of said strip being 36.50 feet on each side of the following described centerline:

Beginning at a point at the Southerly terminus of Brandis Avenue, as dedicated and shown on said plat, said point also being coincident with the North line of Parcel 2 thereof, and the north terminus of the centerline being described herein; thence southerly on the prolongation of said Brandis Avenue, a distance of 52.72 feet on a 500.50 foot radius curve to the left whose chord bears S 05°43'31" E a distance of 52.69 feet to a point of compound curvature; thence 262.07 feet on a 1500.00 foot radius curve to the left whose chord bears S 13°54'36" E, a distance of 261.73 feet to a point of reverse curvature; thence 247.59 feet on a 750.00 foot radius curve to the right whose chord bears S 09°27'28" E, a distance of 246.47 feet; thence S 00°00'02" E, a distance of 244.73 feet to point designated as "Point A" for the purpose of this description and the South terminus of the centerline being described herein.

Together with:

Beginning at "Point A" as previously designated herein; thence S 89°59'58" W, a distance of 36.50 feet to a non-tangent curve; thence 156.04 feet on a 95.00 foot radius curve to the right whose chord bears S 47°03'18" W, a distance of 139.08 feet to a point of tangency of said curve with the North line of Knox Butte Road, said point bears S 85°53'22" E, a distance of 600.37 feet from the intersection of the West line of H. Nickerson D.L.C. No. 39 with the North line of said Knox Butte Rd; thence S 85°53'22" E, on the North line of said road, a distance of 247.71 feet to a point of curvature; thence continuing on said North line, 10.63 feet on a 676.25 foot radius curve to the left, whose chord bears S 86°20'23" E, a distance of 10.63 feet; thence leaving said North line, 40.23 feet on a 50.00 foot radius curve to the right whose chord bears N 63°44'21" W, a distance of 39.15 feet; thence N 40°41'18" W, a distance of 51.00 feet; thence 42.61 feet on a 60.00 foot radius curve to the right whose chord bears N 20°20'40" W, a distance of 41.72 feet; thence N 00°00'02" W, a distance of 18.08 feet; thence S 89°59'58" W, a distance of 36.50 feet to the point of beginning.

END OF THIS DESCRIPTION

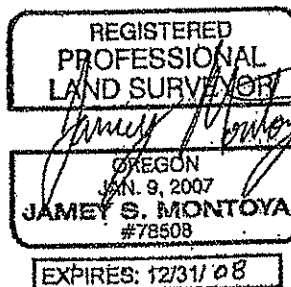


Exhibit B

Dedication South of Knox Butte Road

A tract of land located in the Northeast quarter of Section 3, Township 11 South, Range 3 West, Willamette Meridian, in the City of Albany, Linn County, Oregon, said tract also lies within Parcel 1 of Partition Plat 2007-73, Linn County Survey Records, and is more particularly described as follows:

Commencing at the point of intersection of the West line of H. Nickerson D.L.C. No. 39 with the North line of Knox Butte Road; thence S 00°01'17" W, on the West line of said D.L.C. No. 39, a distance of 80.20 feet to the South line of said Knox Butte Rd.; thence S 85°53'22" E, on said South line, a distance of 640.03 feet to the **True Point of Beginning**; thence leaving said South line, 19.78 feet on a 25.00 foot radius curve to the right whose chord bears S 63°13'24" E, a distance of 19.27 feet; thence S 40°33'26" E, a distance of 28.69 feet; thence 77.86 feet on a 110.00 foot radius curve to the right whose chord bears S 20°16'44" E, a distance of 76.25 feet; thence S 00°00'02" E, a distance of 24.24 feet; thence N 89°59'58" E, a distance of 73.00 feet; thence N 00°00'02" W, a distance of 39.23 feet; thence 117.34 feet on a 72.00 foot radius curve to the right whose chord bears N 46°41'11" E, a distance of 104.78 feet to a point of tangency with the South line of Knox Butte Rd.; thence 9.73 feet on said South line, on a 756.25 foot radius curve to the right whose chord bears N 86°15'29" W, a distance of 9.73 feet; thence continuing on said South line, N 85°53'22" W, a distance of 202.33 feet to the Point of Beginning.

END OF THIS DESCRIPTION

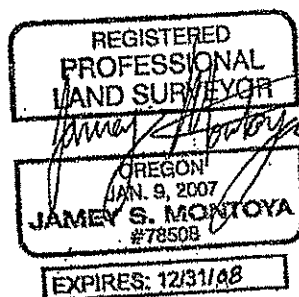
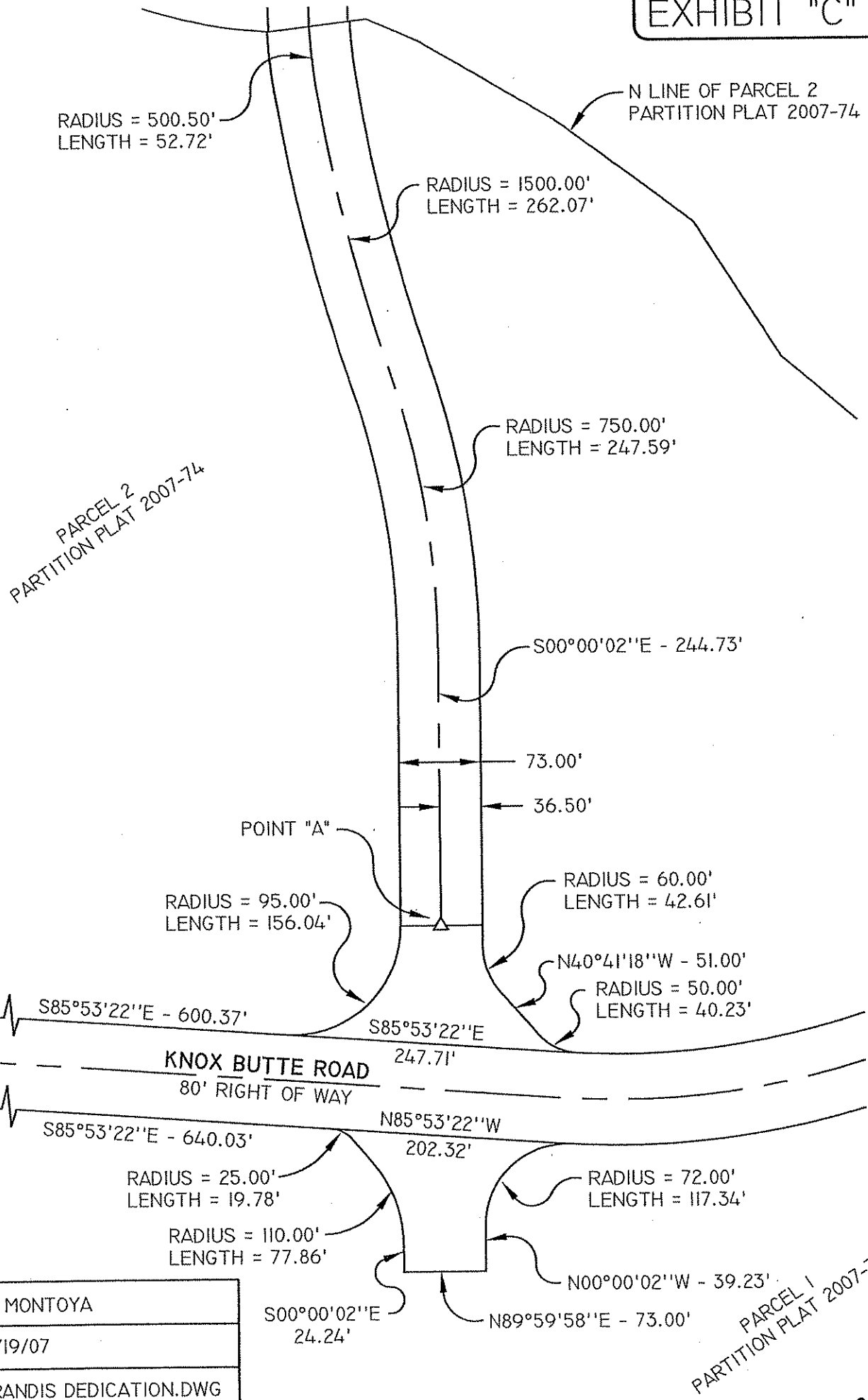


EXHIBIT "C"



DRAWN BY:	J. MONTOYA
DATE:	12/19/07
DRAWING:	BRANDIS DEDICATION.DWG

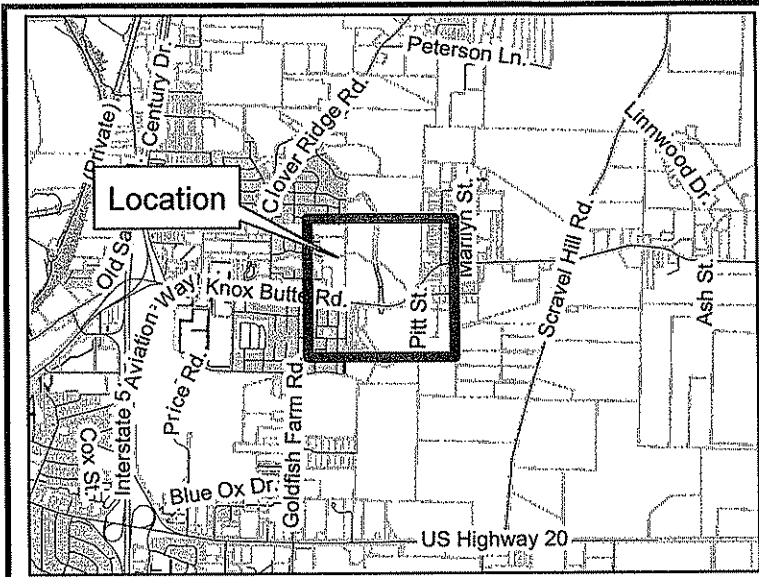


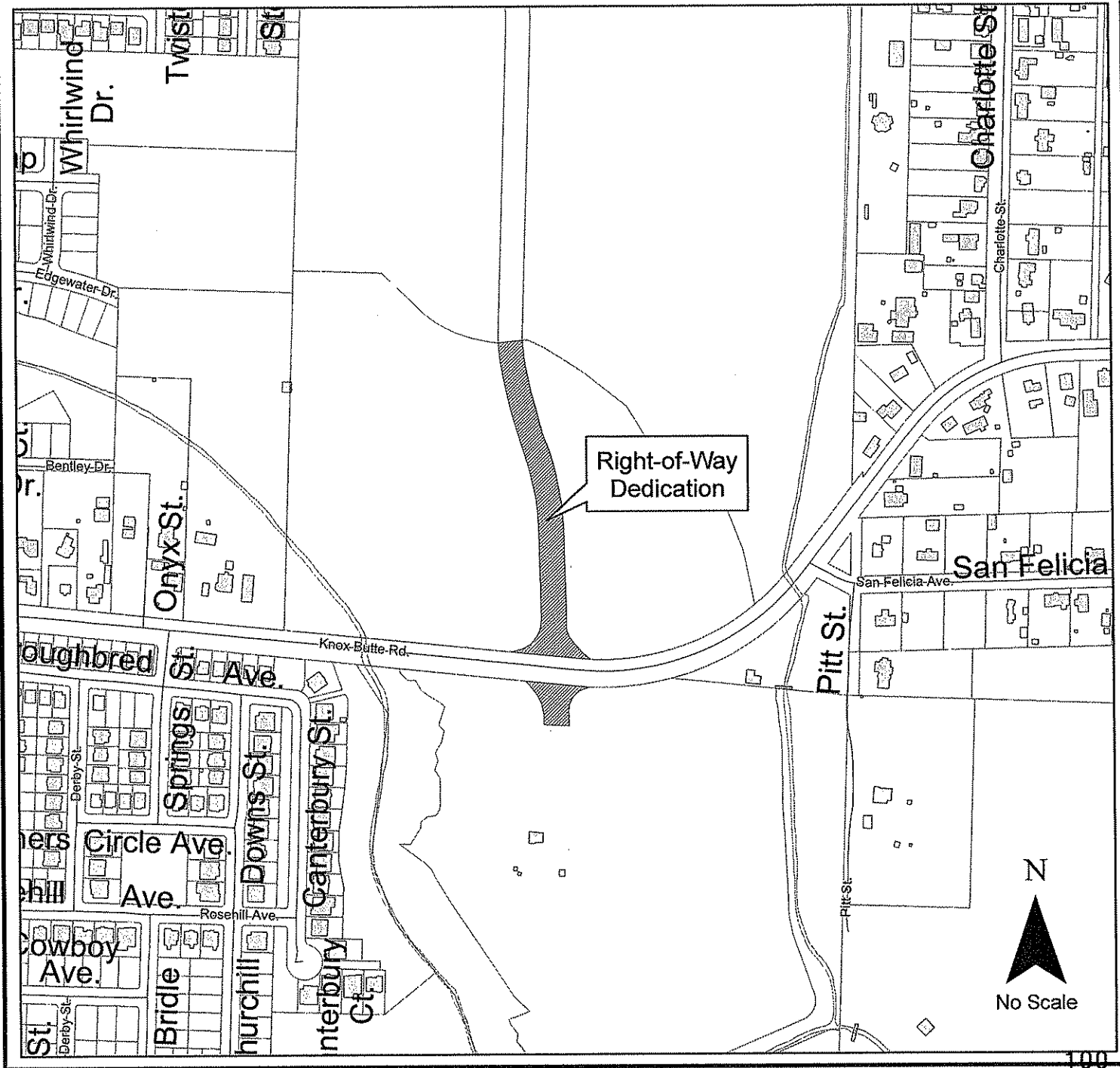
EXHIBIT D

11S03W03B 00101 and
11S03W03C 00100

Right-of-way dedication for the
construction of a new school.



Geographic Information Services



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING WARRANTY DEED:

Grantor

PATTON PARK L.L.C.

Purpose

A warranty deed transferring ownership of a tract of land containing a drainageway to the City of Albany, as required by the Conditions of Approval for Patton Park subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this warranty deed.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 23RD DAY OF JANUARY 2008.

City Council President

ATTEST:

Deputy City Clerk

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **PATTON PARK L.L.C.**; hereinafter called the GRANTOR, does hereby grant, bargain, sell, warrant and convey unto **THE CITY OF ALBANY, OREGON, A MUNICIPAL CORPORATION**, hereinafter called the GRANTEE, and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of Linn and State of Oregon, to wit:

Tract "A" as shown on the Patton Park subdivision plat, a subdivision in Section 4, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon. As shown on the attached map labeled Exhibit "A".

SUBJECT TO: All those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any; and the Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration paid for this conveyance, stated in terms of dollars, is \$1.00.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

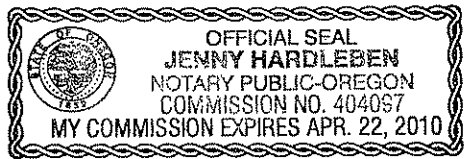
IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year written below.

GRANTOR:

[Signature]
Howard J. Aaronson, Managing Member of Patton Park, LLC.

STATE OF OREGON)
County of Multnomah) ss.
City of Portland)

The foregoing instrument was acknowledged before me this 6 day of Sept, 2007, by Howard J. Aaronson, on behalf of Patton Park LLC., as his voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission Expires: 4-22-10

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2008.

City Manager

ATTEST:

City Recorder

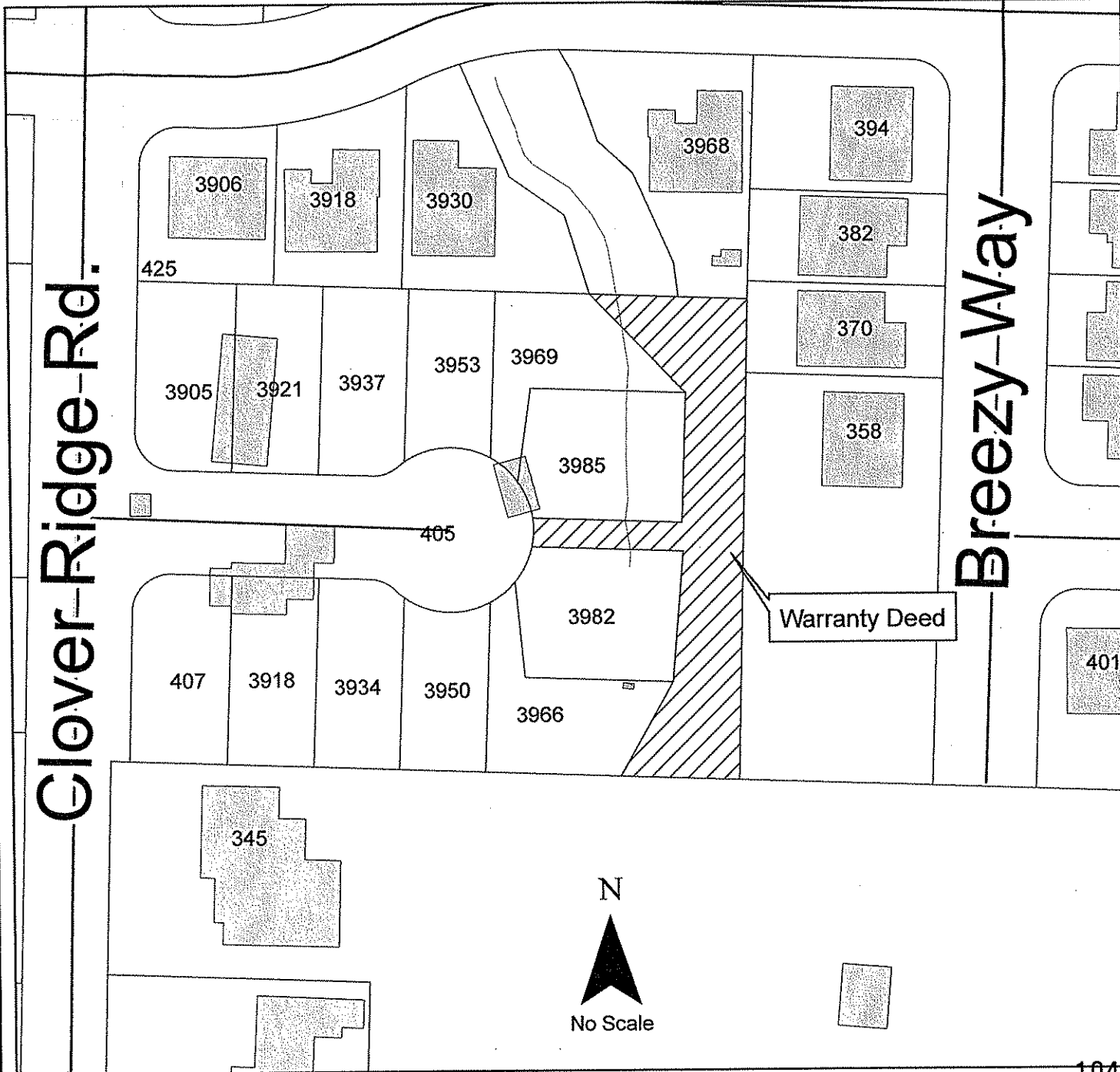
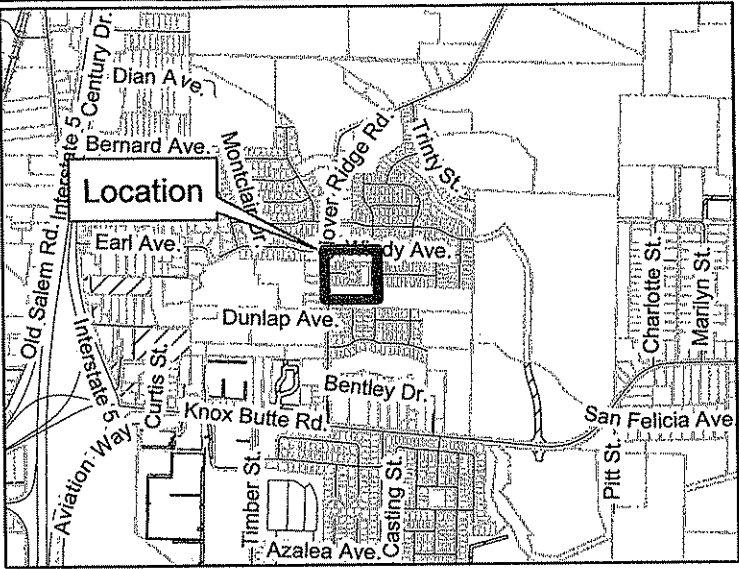
EXHIBIT A

11SO3W04AA09900

A warranty deed transferring ownership of the tract containing a drainageway to the City of Albany. (Patton Park Subdivision)



Geographic Information Services



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING WARRANTY DEED:

Grantor

Purpose

BBF Development (Clover Ridge), LLC; and
Breadner Parker & Associates, (Clover Ridge),
LLC

A warranty deed over a tract of land containing a
drainageway and wetlands within Edgewater North
at Clover Ridge subdivision, as required in the
subdivision's conditions of approval.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this
warranty deed.

DATED AND EFFECTIVE THIS 23RD DAY OF JANUARY 2008.

City Council President

ATTEST:

Deputy City Clerk

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **BBF DEVELOPMENT (CLOVER RIDGE) LLC and BREADNER PARKER & ASSOCIATES (CLOVER RIDGE) LLC**; hereinafter called the GRANTOR, does hereby grant, bargain, sell, warrant and convey unto **THE CITY OF ALBANY, OREGON, A MUNICIPAL CORPORATION**, hereinafter called the GRANTEE, and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of Linn and State of Oregon, to wit:

Tract "A" as shown on the Edgewater North at Clover Ridge subdivision plat, a subdivision in Sections 3 and 4, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon. As described in the attached legal description labeled Exhibit "A" and as shown on the attached map labeled Exhibit "B".

SUBJECT TO: All those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any; and the Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration paid for this conveyance, stated in terms of dollars, is \$1.00.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTORS:

[Signature]
Myles Breadner for Breadner Parker & Associates, (Clover Ridge) LLC

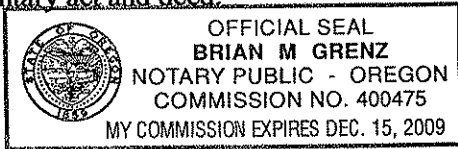
[Signature]
Myles Breadner for BBF Development, (Clover Ridge) LLC

STATE OF OREGON)
County of Linn) ss.
City of Albany)

STATE OF OREGON)
County of Linn) ss.
City of Albany)

The foregoing instrument was acknowledged before me this 4th day of January, 2008, by Myles Breadner for Breadner Parker & Associates, (Clover Ridge) LLC as his/her voluntary act and deed.

The foregoing instrument was acknowledged before me this 4th day of January, 2008, by Myles Breadner for BBF Development, (Clover Ridge) LLC as his/her voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission Expires: 12/15/09

[Signature]
Notary Public for Oregon
My Commission Expires: 12/15/09

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2008.

City Manager

ATTEST:

City Clerk

EXHIBIT A

(Legal Description of Tract "A" in Edgewater North at Clover Ridge subdivision)

A portion of a tract of land described in Microfilm Volume 1730, Page 260, Linn County, Oregon Deed records, said tract is more particularly described as follows:

Beginning at a point on the south line of Document No. 2006-30271, Linn County, Oregon Deed Records, said point bears N 89°43'58" W, a distance of 25.00 feet from the Southwest corner of Lot 42, "Wind in the Willows", a subdivision, recorded as C.S. 23952, Linn County, Oregon Surveyor's Records; thence S 00°16'02" W, leaving said deed line, a distance of 100.18 feet; thence Southwesterly, along a curve to the left, with a Radius of 74.00 feet, (the chord of which bears S 75°16'04" W 28.18 feet) thence along the arc of said curve, a distance of 28.35 feet to a point; thence N 49°37'31" W, a distance of 12.35 feet, to a point; thence N 00°16'02" E, a distance of 99.52 feet, to a point on the southerly line of Document No. 2006-30271, Linn County, Oregon Deed Records; thence S 89°43'58" E, along said deed line, a distance of 36.67 feet, to the point of beginning.

Containing 3,779 Square Feet more or less

All being located in Section 03, and Section 04, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

EXHIBIT "B"

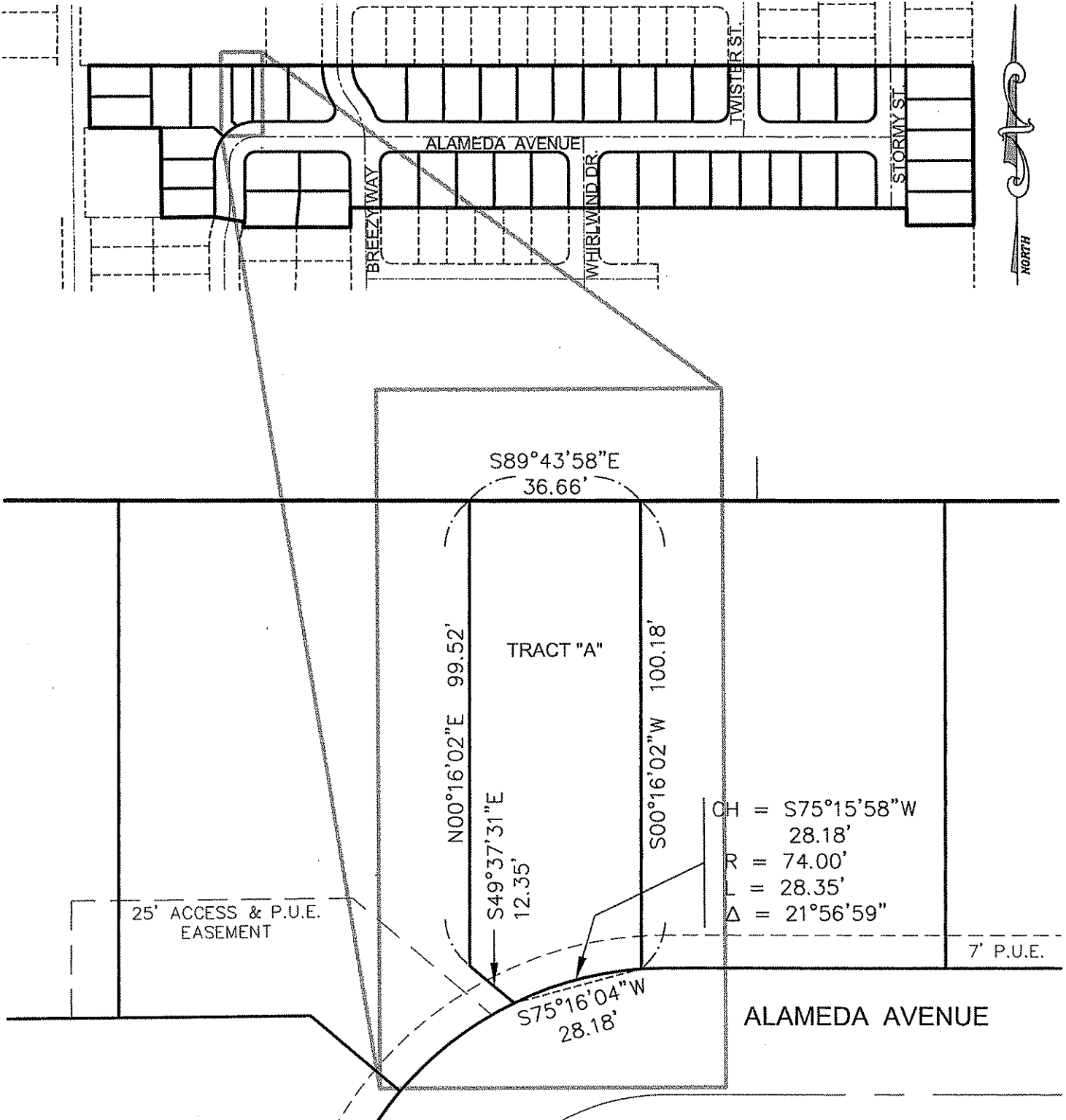


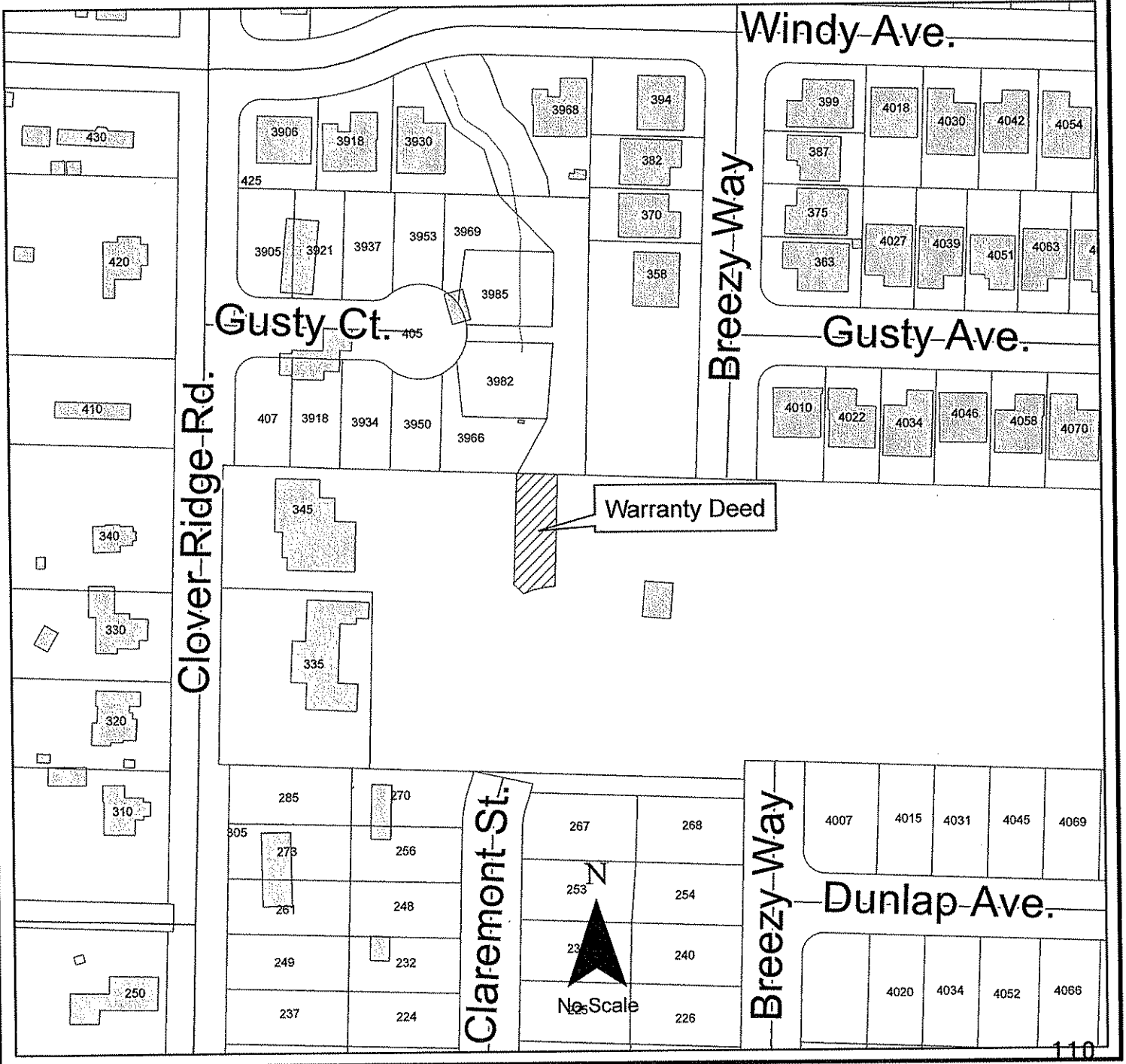
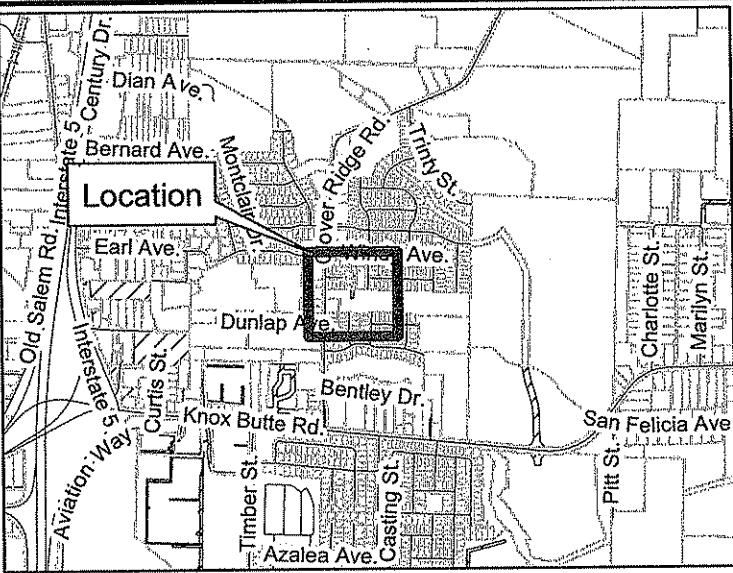
EXHIBIT C

11SO3W03B 00400

A warranty deed transferring ownership of the tract containing a drainageway and wetlands. (Edgewater North at Clover Ridge Subdivision)



Geographic Information Services





TO: Albany City Council

VIA: Wes Hare, City Manager
Diane Taniguchi-Dennis, P.E., Public Works Director *DSTD*

FROM: Mark A. Yeager, P.E., Utility Services Manager *(Signature)*
Peter Harr, P.E., Civil Engineer III *(Signature)*

DATE: January 15, 2008, for the January 23, 2008, City Council Meeting

SUBJECT: SS-07-04, North Albany Lift Station
Property Acquisition, 110 Hickory Street, NW

Action Requested:

Staff requests that Council authorize the City Manager to execute such agreements as are customary and necessary for the acquisition of a portion of Linn County Assessor's Tax Lot No. 900, Map No. 11-30W-6CB, located at 110 NW Hickory Street. This acquisition is required in order to replace and expand the existing North Albany lift station and construct a new lift station in its place. The location of the property is shown in Exhibit "A" on the attachment hereto.

Background:

At the April 9, 2007, Council Work Session, staff presented to Council an overview of lift station improvements, which included the existing North Albany station. Staff recommended replacement of the existing station with a new one, in order to meet both current and future needs of this service area. This new station, together with the planned expansion of the Oak Creek lift station and force main, would address capacity limitations in the riverfront interceptor that result in wet weather overflows during peak storm events. Council concurred with this recommendation.

Replacement of the North Albany lift station is related to, and a companion of, the current Wastewater Treatment Plant Expansion project, as it pertains to meeting the DEQ Stipulated Order concerning reduction of wastewater collection system overflows.

Discussion:

Since the April 9, 2007, Council Work Session, preliminary engineering of the new lift station has been completed, and final design is now underway. The overall engineering effort identified the need to acquire additional property, adjacent to the current lift station site, as shown in Exhibit "A." During the last several months, staff has been in contact with the adjacent property owners, who have indicated a willingness to sell a portion of their existing parcel, as identified in Exhibit "A." An appraisal for this area completed in October 2007 by Duncan & Brown Real Estate Analysts of Eugene, determined an estimated value of the 2,089 square-foot acquisition to be \$26,300.

In a subsequent meeting, the owners felt that this appraisal is somewhat low and not entirely reflective of current commercial sales in this rapidly developing area. Consequently, these owners countered with an offer of \$30,000. Although about 10-percent higher than the appraised fair market value, staff and the City Attorney recommend purchase of the property to expedite the project and complete the transaction between the City and willing sellers. If Council concurs, the acquisition process will involve making a property line adjustment to add the acquired area to the City's current property where the existing lift station is located.

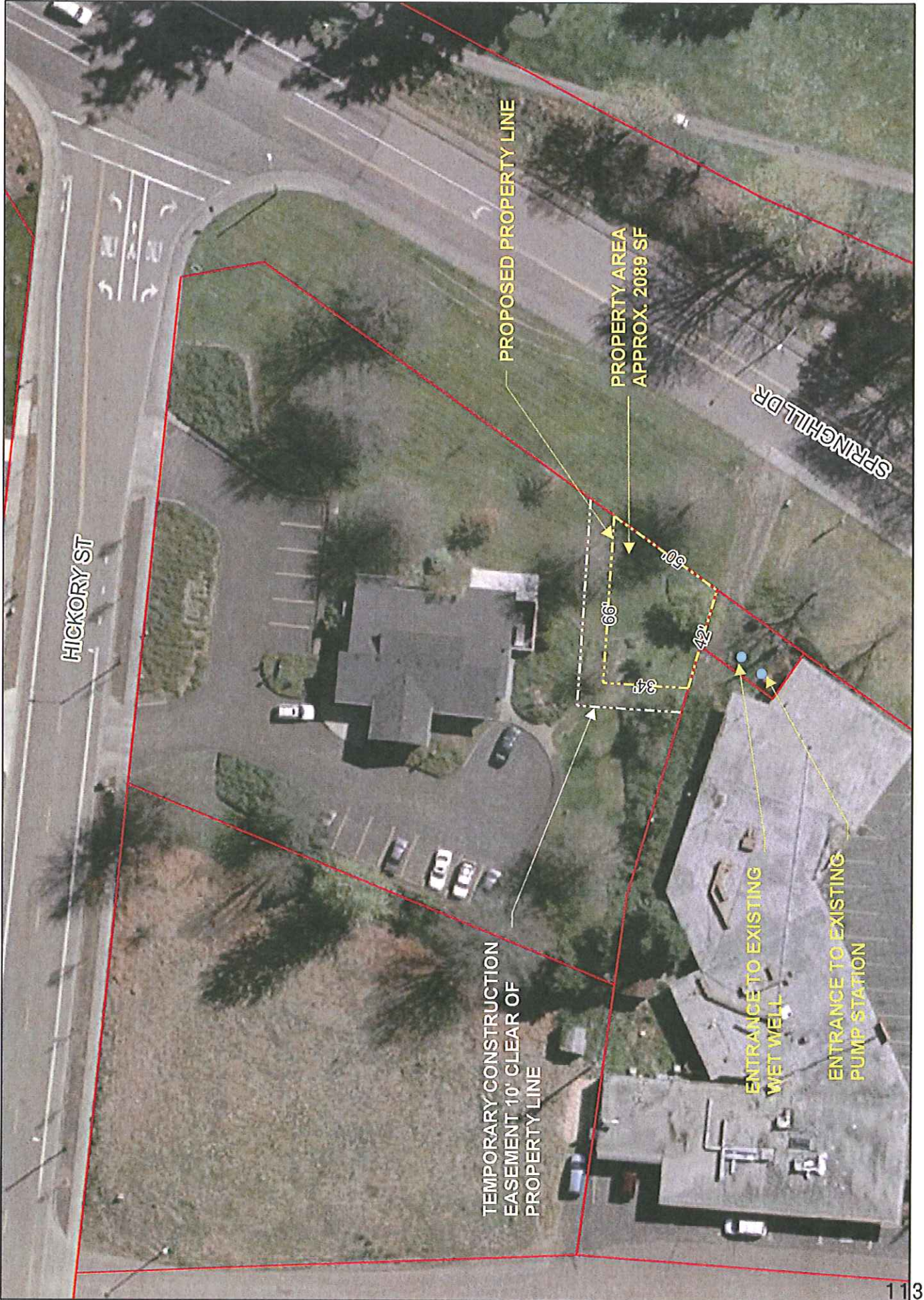
Budget Impact:

Approval of this request will result in an expenditure of \$30,000 to purchase the real property described in Exhibit A and payment of related title fees, recording costs, and final surveying costs. Including these related costs, total acquisition is estimated to cost \$33,000. This expenditure is part of a planned capital project expenditure for SS-07-04, North Albany Lift Station from funding source 601-50-2507-87003.

PEH:kw

Attachment

EXHIBIT A





TO: Albany City Council

VIA: Wes Hare, City Manager
Diane Taniguchi-Dennis, P.E., Public Works Director *DSTD*

FROM: Bob Woods, Public Works Business Manager *BW*

DATE: January 16, 2008, for the January 23, 2008, City Council Meeting

SUBJECT: Resolution to Receive Funds and Appropriate Budget Authority

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Staff requests that Council approve the attached resolution to receive funding from outside sources and provide appropriation authority via adjustments to the FY 2007-08 Annual Budget.

Discussion:

At the meeting of July 23, 2007, the City Council authorized staff to pursue capital project WWTP-08-02 Wastewater Wetlands Treatment. The staff report laid out the funding for the project and authorized staff to negotiate with ATI Wah Chang and the City of Millersburg for their share of participation in the project. At that time, a resolution authorized the use of SDC Reimbursement funds for the project, but did not address the funding to be paid for by ATI Wah Chang and the City of Millersburg.

The attached resolution, which was not included with the staff report, will provide staff with the legal authorization to adjust the anticipated revenues in the Sewer Fund and to authorize the corresponding appropriations necessary to the project.

Budget Impact:

No additional impact prior to what was contained in the previous staff report. That report detailed a total project cost of \$440,000, of which \$100,000 was to come from Sewer Capital, \$185,100 from Sewer SDC-Reimbursement reserves, and a total of \$154,900 from the combination of the City of Millersburg and ATI Wah Chang.

BW:kw
Attachment

RESOLUTION NO. _____

A RESOLUTION AMENDING THE FY 2007-08 ANNUAL BUDGET BY PROVIDING FOR THE RECEIPT OF ADDITIONAL FUNDING AND AUTHORIZING ADDITIONAL APPROPRIATIONS IN THE SEWER FUND RELATING TO PROJECT #511021 – WWTP-08-02, WETLANDS TREATMENT PROJECT.

WHEREAS, the City Council on July 23, 2007, determined that the best interests of the citizens of Albany would be served by authorizing the Wetlands Treatment Project; and

WHEREAS, staff has determined that funding will be secured from the City of Millersburg and from ATI Wah Chang to supplement City funding of this project; and

WHEREAS, amending the budget to provide for the receipt of funds and the appropriation of corresponding expenses will enable staff to more accurately track and control budget expenditures.

NOW, THEREFORE, BE IT RESOLVED that the following amendment is made to the FY 2007-08 Annual Budget:

REVENUES in 601-50-2500 *Sewer System Capital Projects* are hereby INCREASED by the following amounts:

42807 - City of Millersburg:	\$ 31,700
42821 - ATI Wah Chang:	<u>\$123,200</u>
Total New Revenue to Receive:	\$154,900

EXPENDITURES in 601-50-2500 *Sewer System Capital Projects* are hereby INCREASED by:

60402 – Wetlands Evaluation	(\$100,000)	transfer existing funding to 88003
88003 – WWTP 08-02 Wetlands	<u>\$254,900</u>	
Net Additional Appropriation:	\$154,900	

DATED AND EFFECTIVE THIS 23RD DAY OF JANUARY 2008.

City Council President

ATTEST:

Deputy City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
Dick Ebbert, Economic Development Director
FROM: Ted Frazier, Transit Programs Supervisor *TF*
DATE: January 15, 2008, for the January 23, 2008, City Council Meeting
SUBJECT: Increase FTE of a 0.91 Regular, Part-Time Transit Operator Position
RELATES TO STRATEGIC PLAN THEME: ● An Effective Government

Action Requested:

Increase the FTE of the 0.91 regular, part-time Transit Operator position to 1.00 FTE effective January 1, 2008.

Discussion:

By changing this Transit Operator position to regular, full-time, the transit function will be able to bring the cleaning, fueling, and general service to the buses back to proper levels.

Since the start of an additional Loop run in the mornings to accommodate LBCC and OSU students, which is funded with additional 5311 funds, there has been a void to the level of service needed to keep the buses properly cleaned, fueled, and generally maintained due to using this time to provide a Transit Operator to provide the additional Loop morning run.

Budget Impact:

Albany Transit System budget (213-16-1106): Increase Wages & Salary (51001) by \$1,200 and Employer Paid Benefits (56001) by \$600 from February 1, 2008, through the end of the fiscal year.

TF:ldh

U:\Economic Development\Transit\Council Memos\FTE Increase for r,pt Transit Operator Position-mjf.doc



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Marilyn Smith, Management Assistant/Public Information Officer *mms*
DATE: January 16, 2008, for the January 23, 2008, City Council Meeting
SUBJECT: Code Enforcement Team Second Quarter Report, Fiscal Year 2007-2008

RELATES TO STRATEGIC PLAN THEME:

- Great Neighborhoods
- A Safe City
- An Effective Government

With this midyear report, we have begun to pare the case list down to complaints that truly require a multi-departmental effort to resolve the problem – the original mission of the Code Enforcement Team. We continue to route straightforward reports of junk, trash, abandoned or derelict vehicles, and similar nuisance conditions to the Police Department Community Resource Unit, where they are handled and tracked separately.

Increasingly, we field complaints about unsightly properties, messy yards, and primarily cosmetic property maintenance lapses. Our codes don't address these situations, which are frequently a reflection of economics or lifestyle. I often thank the complainant for having high standards and caring about their community.

The team continues to monitor remodeling underway at Helping Hands homeless shelter. The shelter signed an agreement with the City in October 2007 to complete the remodeling and discontinue allowing guests to sleep in the main dining room by February 15, 2008. Project Manager Jim Preston contacted Deputy Fire Marshal Bob Brooks on January 11 to let him know that the project is one to two months behind schedule due to delays in erecting steel for the roof.

Here is the summary of activity the second quarter of the year:

1. 725 Main Street SE – Junk in the driveway. Occupant cited into Municipal Court; failed to appear, warrant issued. **Status: Open.**
2. 135 Onyx Street NE (received September 14, 2007) – Report of “sky-high” piles of trash and household garbage, derelict vehicles, and people living in an RV. **Status: Open.**
3. 2105 Hill Street SE (received September 11, 2007) – Report of excessive vehicles, parking on the lawn. Police report some progress. **Status: Open.**
4. 1555 Oak Street SE/1605 Oak Street SE (received October 18, 2007) – Report of junk left behind in abandoned homeless camp in brush on adjacent vacant parcels. Brush removed from north parcel; cleanup attempted but incomplete on south parcel. **Status: Open.**
5. 1515 Lafayette Street SE (received October 2, 2007) – Neighbors reported this abandoned house as “falling down,” attracting transients, unkempt lawn, piles of junk. No violations found, but City Attorney sent a letter to the owners advising them that the property is becoming a nuisance. **Status: Monitor.**
6. 3010 Lansing Avenue SE (received July 31, 2007) – Junk and trash. Most has been cleaned up; some follow-up needed. **Status: Open.**
7. 3083 Highway 20 NW (received January 4, 2007) – Assorted derelict vehicles, blown down fence, major appliances. The property was abandoned following a drug raid; the City of Corvallis is pursuing foreclosure through the drug property forfeiture statute. **Status: Open.**

8. 2225 Oak Street SE (received December 22, 2006) – House damaged by fire and abandoned; unsecured. Numerous attempts to contact owner were unsuccessful. Building determined that the house is a dangerous building and posted a notice and order for the house to be repaired or demolished. Deadline: March 7, 2008. Owner contacted Assistant Building Official Melanie Adams on January 11 after receiving the notice & order via certified mail. She reports he said he hadn't been living there for the past two years, expressed considerable surprise, and said he had no idea that the house had burned. He thought the City or the County or a mortgage company had taken over ownership of the property long ago. **Status: Open.**
9. 1250 Shortridge Street SE (original complaint in 2004; reopened complaint February 28, 2007) – Property owner living in a storage building without sanitation or other utilities; accumulated junk and trash. Building Division has issued a notice and order under the property maintenance/dangerous buildings code; inspector is working closely with the property owner. Code Enforcement has provided two 20-yard dumpsters that the property owner filled. Property owner continues cleanup. Quantity of junk/trash items is slowly diminishing and significant brush has been recently cleared. **Status: Open.**
10. 3476 Bernard Avenue NE (received November 14, 2006) – Property owner has been cited for keeping junk and trash. **Status: Ongoing.**
11. 1839 Queen Avenue SE (received October 16, 2006) – Household garbage being stored in a shed. **Status: Open.**
12. 629 Fulton Street SE (received August 10, 2006) – Yard full of cars. Letter sent with dates for compliance. **Status: Open.**
13. 240 Second Avenue SW (ham radio tower installed without permits on top of old City Hall) (received December 2005) – Property owner's request for the tower was denied by Landmarks Advisory Commission on October 3, 2007. Owner said he would remove the tower during good weather; it's still there. **Status: Open.**
14. 2030 Geary Street SE (received September 12, 2006) – Chronic case of junk and trash and residence in disrepair and perpetual state of remodeling. No new information. **Status: Open.**
15. 1834 Fourth Avenue SE (received March 14, 2007) – Trash, inoperable cars, car full of trash on the lawn. Referred to Police. Property was the site of narcotics raid in the spring; is now for sale. **Status: Open.**
16. 1843 Queen Avenue SE (received October 20, 2006) – Continuing problem with occupant storing household garbage outside. Referred to Police. **Status: Open.**
17. 1217 Sherwood Place NW (received April 24, 2007) – Junk vehicles, derelict motor home. Police have contacted property owners many times and report progress. **Status: Open.**
18. 2015 Jackson Street SE (reported March 12, 2007) – House left vacant; furniture and other belongings left in the yard. Property has been cleaned up. **Status: Closed.**
19. 3110 Pine Street SE (received July 6, 2007) – Report of junk accumulating and people living in motor homes. Warning issued; motor home report unfounded. **Status: Closed.**
20. 950 Airport Road SE, # 44 (received September 24, 2007) – Accumulating junk and trash and a bad smell. Police contacted occupant; cleaned up. **Status: Closed.**
21. Utility trailer stored on the street, 22nd Avenue at 22nd Place SE (received August 10, 2007). Referred to Police. Trailer has been moved. **Status: Closed.**

22. 5139 Deer Run Drive SE (received August 20) – Pickup and fifth-wheel trailer stored on the street. Has been removed. **Status: Closed.**
23. 2077 Marion Street SE (received May 7, 2007) – Report of junk and trash and inoperable motor home. Substantial cleanup and motor home has been moved to the back yard. **Status: Closed.**
24. Reported homeless camping on vacant property south of Periwinkle Creek and west of Columbus Street SE (received July 24, 2006) – No new complaints. Property owner maintains the required 50-foot fire safety buffer. **Status: Closed.**
25. 2500 20th Avenue SE (received November 29, 2006) – Two-story house under construction with little or no progress for more than a year; yard littered with construction debris. City Attorney contacted property owner; yard cleaned up. Notice of Substandard Conditions filed on property deed. Building Division continues to monitor for ownership changes and permit activity. **Status: Closed.**
26. 1420 Water Avenue NE (received September 4, 2007) – House and derelict vehicle covered by vegetation, odd pieces of wood used as fencing, property generally rundown. Consistent with the character of the neighborhood; no enforcement. **Status: Closed.**
27. 2270 17th Avenue SW (received November 2, 2007) – Report of junk and trash and someone living in a motorhome. Unfounded. **Status: Closed.**
28. 2751 Salem Avenue SE (received July 25, 2007) – Report of six-foot tall pile of household garbage. Removed and occupants have moved out. **Status: Closed.**
29. 1010 20th Avenue SE (received April 10, 2007) – Report of many cars in various states of repair. Referred to Police. **Status: Closed.**
30. 3615 Earl Avenue NE (received September 13, 2007) – Report of vehicles covered by tarps, lots of vehicles coming and going, and possibly people living in vehicles. Most vehicles have been removed; new owner is fixing property up. **Status: Closed.**
31. 249 Juniper Lane NW (received April 12, 2007) – Pickup with part of another pickup in the bed parked in a driveway for the last seven years. After numerous contacts, owner was cited for keeping junk; has since licensed the pickup and it is operable. **Status: Closed.**
32. 3518 Chicago Street SE (received March 24, 2007) – Many derelict vehicles. Occupants contacted; given until April 15, 2007, to get rid of junk and trash. It took several months longer than that, but complainants are now satisfied. **Status: Closed.**

Budget Impact:

Beginning Budget	\$32,000.00
Expenditures as of 12-31-07	<u>\$ 5,940.00</u>
Balance	\$26,060.00

MMS:de



TO: Albany City Council
VIA: Wes Hare, City Manager
Diane Taniguchi-Dennis, P.E., Public Works Director *DSTD*
FROM: Mike Wolski, Assistant Public Works Director/Operations
DATE: January 17, 2008, for January 23, 2008, City Council Meeting
SUBJECT: Update for the Sale of the Archibald Property
RELATES TO: • An Effective Government

Action Requested:

This report is for Council discussion and to provide direction to staff on the selection of a preferred offer for continued negotiation.

Discussion:

At the December 3, 2007, Public Hearing, the City Council heard two detailed offers to purchase the Archibald Property. Both of the offers were from private citizens, and both of the offers included \$5,000 earnest money deposits. One of the offers was from Ralph and Diane Nauman and the second offer was from Kim and Cory Koos. Their offers were as follows:

Ralph and Diane Nauman - Mr. and Mrs. Nauman presented an offer with two options. Option 1 was cash in the amount of \$542,673 and 6.7 acres of land valued at \$707,327. The total amount of the option 1 offer was \$1,250,000. Option 2 was a cash offer in the amount of \$1,050,000.

Kim and Cory Koos - Mr. and Mrs. Koos presented a cash plus land offer. The total amount of cash offered was \$900,000. Along with the cash offer, the Koos's offered land on their existing property that is located on Langmack Road and is adjacent to the City's water canal. The land offer included a maintenance easement along the south side of the canal for the entire run of the canal that crosses their property, an easement to site a diversion structure at the confluence of the canal, an easement along the east side of Burkhart Creek, and a construction easement for the diversion structure.

The City Council removed the Nauman's option 1 (cash plus land) offer from further discussion and asked staff to get an appraisal on the easements that were being offered by the Koos's, and an updated appraisal for the Archibald property. Council also established Friday, December 7, 2007, at 5:00 p.m. as the deadline for any additional offers.

Two amended offers were received for the purchase of the Archibald property before the Friday deadline. The offers were as follows:

Ralph and Diane Nauman - The Naumans amended their original offer from \$1,050,000 to \$1,100,000.

Kim and Cory Koos - The Koos's amended their original offers from \$900,000 plus easement land, to \$1,101,000. The Koos's are still offering the canal easements with their package and the value of the easements will be determined by an appraiser. The \$1,101,000 will be paid in the form of the value of the easements and the difference in cash. If the Koos's don't agree with the appraisal, they will pay the total amount offered in cash without the canal easements.

Based on the amended offers received, the Koos offer is the apparent high offer for the property with a value of \$1,101,000.

The appraisal of the easement land on the Koos property is scheduled to be completed the first week in March. This is a very specialized appraisal and the appraisal company's agenda is booked until that time. Several appraisers were contacted in an effort to speed up the process, but each of them indicated that the City of Albany would be better served by retaining the company that we ultimately contracted with. The name of the company is Bill Adams Appraiser and is located in Salem. The cost of the appraisal is \$4,200. The City would have needed to perform an appraisal for acquisition of the needed easements as part of the construction of the flow augmentation structure for the Burkhart Creek project and to secure additional easements for operations and maintenance of the canal on their property. This is a cost the City would have paid for even without the consideration of the easements as part of the Archibald property negotiations.

We have contacted Duncan and Brown who performed the original appraisal of the Archibald property. The two offers of over \$1 million are approximately 41 percent higher than the last appraisal completed on April 18, 2006, and the property was valued at \$780,000 by Duncan and Brown. In discussing the re-appraisal with Duncan and Brown, a re-appraisal would not result in a new land value exceeding the two offers. Costs for another appraisal would be in the neighborhood of \$3,300. Therefore, staff recommends saving the money and not conducting another appraisal on the Archibald property.

Staff is seeking Council direction on the selection of a preferred offer for continued negotiation.

Budget Impact

Cost of the appraisal for the easements on the Koos property is estimated to be \$4,200.

MW:kw