



**NOTICE OF PUBLIC MEETING**  
**CITY OF ALBANY**  
**CITY COUNCIL**  
 Council Chambers  
 333 Broadalbin Street SW  
 Wednesday, March 12, 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. PROCLAMATION

a. "We the People." [Page 1]

Action: \_\_\_\_\_

5. SCHEDULED BUSINESS

a. Legislative Public Hearings

1) DC-01-08, adopting text amendments to the Albany Development Code regarding fence regulations and declaring an emergency. [Pages 2-18]

Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_

2) CP-01-08, adopting text amendments to Economic Development Background Summary of the Albany Comprehensive Plan's Chapter 3 and adopting the 2007 Economic Opportunities Analysis Update as a background report to the Comprehensive Plan and declaring an emergency. [Pages 19-60]

Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_

b. Business from the Public

c. Adoption of Resolutions

1) Supporting a Microenterprise Assistance Grant submitted by Willamette Neighborhood Housing Services for the Linn-Benton MicroBusiness Program. [Pages 61-63]

Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

2) Authorizing the relinquishment of title to surplus real property to Habitat for Humanity for low-income housing purposes. [Pages 64-66]

Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

3) Accepting a gift of approximately 11.97 acres of property from the Albany Boys and Girls Club for park purposes. [Page 67]

Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

d. Adoption of Consent Calendar

1) Approval of Minutes

a) December 12, 2007, City Council Meeting

b) January 23, 2008, City Council Meeting

c) February 11, 2008, Special City Council Meeting

2) Approving declaration of two Fire Department vehicles as surplus property and authorizing the Fire Department to dispose of the assets in accordance with Albany Municipal Code 266.080. [Pages 68-69]

Action: \_\_\_\_\_

e. Personnel Requests

- 1) Approving the reclassification of two Deputy Fire Marshal I positions. [Page 70]

Action: \_\_\_\_\_

- 2) Approving the reclassification of one vacant Park Maintenance II position. [Page 71]

Action: \_\_\_\_\_

f. Report

- 1) Setting Public Hearing to consider an ordinance regarding abandoned shopping carts. [Pages 72-77]

Action: \_\_\_\_\_

6. BUSINESS FROM THE COUNCIL

7. NEXT MEETING DATE: Work Session, March 24, 2008  
Regular Session, March 26, 2008

8. ADJOURNMENT

City of Albany Web site: [www.cityofalbany.net](http://www.cityofalbany.net)



TO: Albany City Council  
FROM: Wes Hare, City Manager *WH*  
DATE: March 6, 2008

SUBJECT: Agenda Review for the Wednesday, March 12, 2008, City Council Agenda

"We the People" Proclamation

The Council agreed at its February 27 meeting that they wanted to formally adopt the attached proclamation at its March 12 meeting.

Scheduled Business

- Item a1 The proposed amendments to the Development Code regarding fences are responsive to comments from the Council and public. I support the staff proposal.
- Item a2 I support the proposed text amendments to the Comprehensive Plan in support of promoting economic opportunity. The Planning Commission and our consultants recommend the changes.
- Item c1 Micro loans are a proven economic development tool, and the proposal from Willamette Neighborhood Housing Services would be of value to Albany.
- Item c2 The proposed resolution to relinquish title to surplus property for Habitat for Humanity fulfills a community need. I believe the Council agreed to this concept at a prior work session.
- Item c3 We have discussed accepting property from the Boys and Girls Club for use as ball fields for some years. I believe the relevant questions have been addressed and that the neighborhood will be improved by this development.
- Item d I support adoption of the Consent Calendar as proposed.
- Item e1 I support the request from the Fire Department to reclassify two positions. There will be minimal, if any, budget impact in this fiscal year.
- Item e2 I support the Park Department proposal to reclassify one position in accordance with departmental needs.

RWH:ldh  
Attachment

PROCLAMATION

**“We the People”**

WHEREAS, “We the People” are the foundation of our democracy, and good citizenship is the essential responsibility that makes democracy work; and

WHEREAS, good citizenship being essential to our democratic society, and our community wellbeing, the educated, involved, and concerned citizens are critical to our democratic society; and

WHEREAS, the future health and wellbeing of Albany and her people is in the hands of our good citizens it is an essential responsibility that the City of Albany encourage citizen education, involvement, and participation in the process of good self-government; and

WHEREAS, 2008 is a critically important election year for the American People, the City of Albany encourages all her citizens, schools, organizations, businesses, and government services to focus on this all important responsibility of achieving good citizenship.

NOW, THEREFORE, we, the Albany City Council, do hereby proclaim “We the People” 2008 and encourage all citizens of Albany to engage in all manner of creative activities that would encourage and improve good citizenship in our people, schools, organizations, businesses, and institutions and urge Albany citizens to celebrate our democracy with goodwill and in cooperation for the common good.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 12th day of March 2008.

---

Dan Bedore, Mayor



TO: Albany City Council  
VIA: Wes Hare, City Manager  
Don Donovan, Planning Manager *DDH*  
FROM: Anne Catlin, Planner II *alc*  
DATE: March 5, 2008, for the March 12, 2008, City Council Meeting  
SUBJECT: Proposed Amendments to the Fence Regulations (DC-01-08)

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods  
● A Safe City

Action Requested:

Consider amendments to the Albany Development Code regarding fence regulations.

Discussion:

Over the past few years, staff has heard concerns from residents and City Councilors about the 3-foot setback required for 6-foot-tall fences along rights-of-way for corner properties.

Several people have questioned whether the 3-foot setback is a good idea because the property owner may ignore what happens in the setback, resulting in an unsightly strip that has weeds in it. The City's compliance staff has had a few complaints about fences built on corner lots at the back of the sidewalk instead of setting the fence 3 feet back.

At the June 25, 2007, City Council work session, staff asked the Council for direction on the corner fence issue after explaining the Code requirements and presenting several examples of fences both in, and out of, compliance with the Code. Councilors generally felt that the 3-foot setback is often not maintained and unattractive. They also expressed a desire for sidewalks to feel comfortable and have enough room for pedestrians. After some discussion, the Council recommended the 6-foot-tall fence be allowed to be at the sidewalk (property line) when there is a planter strip between the sidewalk and the street, as seen in the following picture.

The proposed Development Code revisions make this change.



Fences for historic properties. Staff has heard concerns from a few historic district residents who want to construct a historically appropriate picket fence in their front yards, but are restricted to 2 feet in the vision clearance areas.

You may remember that staff had proposed a “fix” with some periodic review work that was pulled so that multiple changes to the fences section could be packaged together. Meanwhile, a historic district resident felt the proposed changes to the fencing regulations needed to allow more flexibility for fence heights and that “impede visibility” should be defined. He raised these issues with the Council at the June 25, 2007, work session.

The City Council directed staff to package these two issues together. Staff held a work session with the Landmarks Advisory Commission and interested residents in the historic districts on the issue of picket fences in the clear vision areas.

The proposed Development Code revisions would remove the 2-foot height restriction in clear vision areas; add language that fences shall meet the clear vision area standards in Section 12.180; define “impede visibility;” and allow fences in the front yard to exceed 4 feet for properties listed on the National Register of Historic Places if the fence is appropriate to the house style and scale, and is approved by the Landmarks Advisory Commission.



This fence is a reproduction of the original historic fence. The pickets are 1 inch wide and spaced 2 ½ inches apart. Excluding the posts, this fence impedes visibility by 28.6% when viewed at a 90-degree angle. This fence would meet the proposed standards.

Many metal fence balusters come in 47-inch lengths. When the balusters are built into sections with a top and bottom rail and finials, they will be more than 4 feet tall.

This fence is taller than 4 feet. The proposed Code revisions the height of fences for National Register historic properties would allow these fences on the right style home.



March 5, 2008

Fences for double-frontage lots. Lastly, those of you that have served on the Council for several years may remember a discussion we had in 2004 regarding “double-frontage” lots, which are lots with frontage on two streets. A few Councilors were concerned with the “canyon” effect that privacy fences have along collector and arterial streets.

Council asked staff to look at requiring houses with frontage on arterial and collector streets to face the street, rather than having tall privacy fences in the “front” (back) yards. The Planning Commission at the time concluded that there were not many instances of fence “canyons” in the City, noting that Waverly Drive is probably the exception. They did not recommend changes to the Code to prohibit double frontage lots or require houses to front the street on collector and arterial streets. When land is annexed to the City, we have added a requirement that applicants work with the City on addressing concerns with the appearance of fences/setbacks in the “back yard” of double-frontage properties. The double frontage lot issue is not included with the proposed Code revisions.

Budget Impact:

None.

alc

Attachments: Staff Report, Ordinance and Exhibits

c: File DC-01-08

*U:\Community Development\Planning\Current\2008\dc-01-08\council\ccmemo.3.12.08.doc*

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND ZONING MAP BY AMENDING THE DEVELOPMENT CODE TEXT RELATING TO FENCES IN FRONT YARDS, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY (FILE DC-01-08).

WHEREAS, from time to time it is appropriate to amend the Albany Development Code based on changing conditions; and

WHEREAS, the City has received complaints from residents about the setback required for 6-foot fences along the side of corner properties; and

WHEREAS, on June 25, 2007, the City Council discussed the pros and cons of requiring a 3-foot setback for 6-foot fences along the side yards of corner properties; and

WHEREAS, the City Council concluded that when the right-of-way contains a planter strip between the street and the sidewalk, that the 3-foot setback for 6-foot fences is not necessary for the health, safety and welfare of Albany's residents; and

WHEREAS, residents have expressed interest in constructing historically appropriate fences in the front yards of their properties; and

WHEREAS, the Development Code currently makes it challenging to construct a fence similar to those used historically in front yards at property lines in clear vision areas; and

WHEREAS, the Friends of Historic Albany discussed the issue, and historic district residents and the Landmarks Advisory Commission came up with a proposal to balance aesthetics and safety in clear vision areas; and

WHEREAS, the City Council asked staff to evaluate these issues; and

WHEREAS, on February 11, 2008, the Planning Commission held a public hearing on the proposed amendments and then recommended these changes to the City Council, based on public testimony, their deliberation, and the staff report; and

WHEREAS, on March 12, 2008, the Albany City Council held a public hearing on the proposed amendments, reviewed the amendments recommended by the Planning Commission and any testimony presented at the public hearing and then deliberated; and

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Albany Development Code text is hereby amended as shown in the attached Exhibits A and B for the sections listed below:

**Exhibit A**

ADC 3.410 (1) and 5.390(1): Allow fences in the front yard to exceed 4 feet for properties listed on the National Register of Historic Places if the fence is appropriate to the house style and scale, and is approved by the Landmarks Advisory Commission; and

ADC 3.410(2) and ADC 5.390(2): For corner properties, eliminate the 3-foot setback from the property line for fences up to 6 feet tall in the front yard adjacent to the street that does not contain the dwelling's main door entrance if the adjoining street is improved with sidewalks and a planter strip.



**Exhibit B**

ADC 12.180: Remove the 2-foot height restriction in clear vision areas (citywide), add language that fences shall meet the clear vision area standards, and define "impede visibility" in ADC 12.180.

These Exhibits, upon the effective date of this Ordinance, shall supercede the corresponding sections of the Development Code. Language shown in the Exhibits as having been struck is removed from the Development Code, and language shown in bold is added to the existing text.

Section 2: The Findings and Conclusions found in the staff report are attached as Exhibit C are hereby adopted in support of this decision.

Section 3: Inasmuch as this Ordinance is necessary for the immediate preservation of the peace, health and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: \_\_\_\_\_

Approved by the Mayor: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

### ARTICLE 3 RESIDENTIAL ZONING DISTRICTS

*Staff Comments: Only changes to fence standards are proposed. No other changes are proposed in this Article.*

#### FENCES

3.400 Materials. Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Electric and barbed wire fences are not permitted except those intended to contain or restrict cattle, sheep, horses or other livestock, and existing prior to annexation to the City may remain. [Ord. 5446, 5/10/2000]

3.410 Standards. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning toward an adjoining property or sidewalk, missing sections or slats, broken supports, non-uniform height, and overgrowth of weeds or vines.

- (1) Fences may be no taller than 6 feet ~~in height~~ in interior yards, and 4 feet ~~in height~~ in front yards ~~2 feet in~~ if it **meets the clear vision clearance area standards** see in Section 12.180).

Exceptions to **Height**:

- (a) A single-family use or zone that shares an interior property line with a multiple-family use or zone may have a fence up to 8 feet **tall** ~~in height~~ along the property line.
  - (b) **Properties listed on the National Register of Historic Places may have front yard fences taller than 4 feet if the fence is appropriate to the building style and scale, and is approved by the Landmarks Advisory Commission.**
- (2) Corner lots **properties**, which by definition have two front yards, may have a fence of up to 6 feet tall in the front yard adjacent to the street that does not contain the dwelling's main door entrance when the 6-foot-**tall** fence does not extend in front of the house and one of the following conditions is met:
    - (a) **If the adjoining street is improved with sidewalks and a planter strip, the fence may be on or behind the property line.**
    - (ab) If the adjoining street is improved with sidewalks but no planter strip, the fence is located a minimum of ~~three~~ **3** feet from the sidewalk.
    - (bc) If the adjoining street is improved with curbs and gutters but no sidewalks, the fence is located 10 feet from the face of the curb.
    - (ed) If the adjoining street is unimproved, the fence is no closer than 3 feet from the property line.

[Ord. 5673, 6/27/2007]

- (3) Fences more than 6 feet tall require a building permit prior to construction. Except ~~when~~ a taller fence is permitted at the lot line ({see subsection (1) above}), fences more than 6 feet tall shall meet building setback requirements.

Additions are shown in **bold** and deletions in ~~strikethrough~~.

- (4) In no instance shall a fence extend beyond the property line.
- (5) All fencing shall comply with the requirements of the clear vision area (Section 12.180) for streets and driveways.
- (6) Fence height shall be measured from the average height of the grade adjacent to where the fence is to be located. If a fence is to be constructed on top of a berm, the height shall be measured from the bottom of the berm. [Ord. 5446, 5/10/00]

**Fence height includes the height of the fence wall or picket and does not include the posts, decorative finials or similar elements, and arbors and trellises at entrance gates.**

## ARTICLE 5 MIXED USE VILLAGE CENTER ZONING DISTRICTS

*Staff Comments: Only changes to fence standards are proposed. No other changes are proposed in this Article.*

### FENCES

#### MUC AND MUR DISTRICTS [Ord. 5556, 2/21/2003]

5.380 Materials. Fences and walls must not be constructed of or contain any material that will do bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Electric and barbed wire fences are not permitted except those intended to contain or restrict cattle, sheep, horses or other livestock, and existing prior to annexation to the City may remain. [Ord. 5446, 5/10/2000]

5.390 Standards. Every fence must be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning toward an adjoining property or sidewalk, missing sections or slats, broken supports, non-uniform height, and overgrowth of weeds or vines.

- (1) Fences may be no taller than 6 feet ~~in height~~ in interior yards, 4 feet ~~in height~~ in front yards and ~~2 feet in~~ **shall meet the clear vision clearance-area standards** (~~see~~ Section 12.180).

Exceptions to Height:

- (a) A single-family use that shares an interior property line with a multiple-family use or zone may have a fence up to 8 feet **tall** ~~in height~~ along that property line.
  - (b) **Properties listed on the National Register of Historic Places may have front yard fences taller than 4 feet if the fence is appropriate to the building style and scale, and is approved by the Landmarks Advisory Commission.**
- (2) Corner ~~lots~~**properties**, which by definition have two front yards, may have a fence of up to 6 feet tall in the front yard adjacent to the street that does not contain the dwelling's main door entrance when the 6-foot-tall fence does not extend in the front of the house and one of the following conditions is met:

Additions are shown in **bold** and deletions in ~~strikethrough~~.

- (a) **If the adjoining street is improved with sidewalks and a planter strip, the fence may be on or behind the property line.**
  - (ab) If the adjoining street is improved with sidewalks **but no planter strip**, the fence is located a minimum of ~~three~~ **3** feet from the sidewalk.
  - (bc) If the adjoining street is improved with curbs and gutters but no sidewalks, the fence is located 10 feet from the face of the curb.
  - (ed) If the adjoining street is unimproved, the fence is no closer than 3 feet from the property line.
- (3) Fences more than 6 feet ~~tall in height~~ require a building permit prior to construction. Except where a taller fence is permitted at the lot line ([see subsection (1) above]), fences more than 6 feet ~~tall in height~~ must meet building setback requirements.
  - (4) In no instance shall a fence extend beyond the property line.
  - (5) All fencing must comply with the requirements of the clear vision area (Section 12.180) for streets and driveways.
  - (6) Fence height shall be measured from the average height of the grade adjacent to where the fence is to be located. If a fence is to be constructed on top of a berm, the height shall be measured from the bottom of the berm. [Ord. 5446, 5/10/2000]

**Fence height includes the height of the fence wall or pickets and does not include the posts, decorative finials or similar elements, and arbors and trellises at entrance gates.**

**HD, CB, MS, LE, TD, PB, ES, WF DISTRICTS** [Ord. 5555, 2/7/2003]

**Fences for residential uses or National Register properties in these zones, see Sections 5.380 and 5.390.**

*Staff Comment: Minor administrative edits are proposed to the remaining sections for consistency with the rest of the Code.*

5.400 Materials. Fences and walls must not be constructed of or contain any material that will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except as follows:

- (1) Barbed wire is permitted atop a ~~six~~ **6-foot (6')** chain-link fence. The total height of the fence and barbed wire is limited to ~~eight (8)~~ **eight (8)** feet. Barbed-wire-only fences and concertina wire are prohibited except as allowed in subsection (2).
- (2) Concertina wire may be used atop a ~~six~~ **6-foot (6')** chain-link fence around correctional institutions and high security areas provided that the fences are posted at least at 15-foot intervals with clearly visible warnings of the hazard.
  - (a) Except as specified in the provisions of subsections (1) and (2) above, concertina wire, barbed wire, or upturned barbed salvage existing at the time of the passage of this ordinance that is between ~~six~~ **6** and ~~seven~~ **7** feet above grade is considered a legal

Additions are shown in **bold** and deletions in ~~strikethrough~~.

non-conforming use, provided that the barbed wire or upturned barbed salvage does not extend over a street or alley and where it does slant toward the public right-of-way, it is located not less than one foot from said right-of-way.

5.410 Standards.

(31) Fences are limited to the height and location standards listed below:

- (a) Fences may be up to ~~eight (8)~~ feet **tall in height** provided that the fence is located behind the required front yard planting area and outside of any vision clearance area. In no instance may a fence exceed ~~eight (8)~~ feet in height.
- (b) Fences more than ~~six (6)~~ feet **tall in height** require building permits.

(42) Whenever a sight-obscuring fence, wall or hedge is required under the provisions of this Code, it must meet the following provisions:

- (a) Opacity. In order to be "sight-obscuring," fences and walls will be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges will be of an evergreen species that will meet and maintain year-round the same standard within three (3) years of planting.
- (b) Height. Fences and walls will be ~~a minimum of six~~ **at least 6 feet tall in height**. Hedges will be of a species capable of attaining a height of at least ~~six (6)~~ feet within three (3) years of planting, given their age, height and health when planted.
- (c) Maintenance. Fences and walls will be maintained in safe condition and opacity is maintained as required in subsection (a) of this section. Wooden materials will be protected from rot, decay, and insect infestation. Plants forming hedges will be replaced within six (6) months after dying or becoming diseased to the point that the opacity required in subsection (a) of this section is not met.

(3)-Every fence, whether or not approved as a result of Site Plan Review, will be maintained. No fence is allowed to become or remain in a condition of disrepair including, but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines.

[Ord. 5673, 6/27/2007]

**ARTICLE 12  
PUBLIC IMPROVEMENTS**

*Staff Comments: No other changes are proposed in this Article, so only Section 12.180 is shown.*

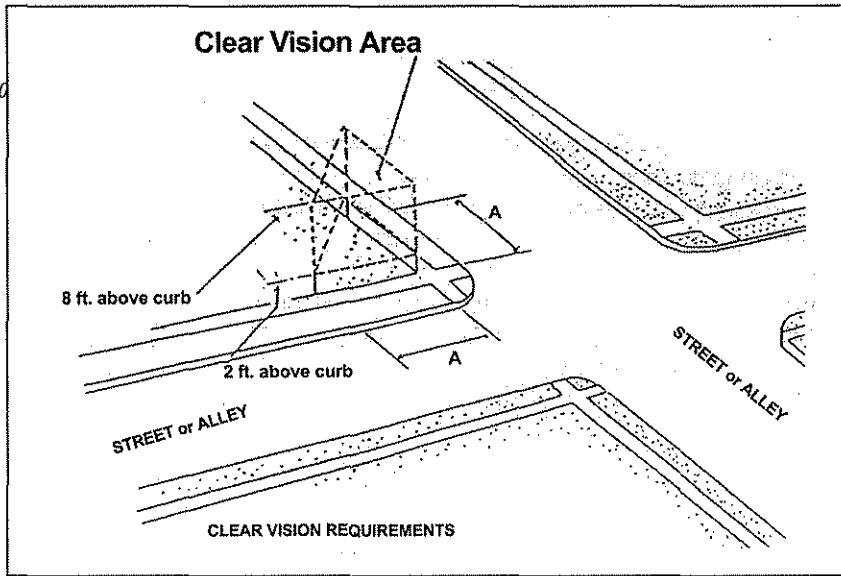
12.180 Clear Vision Area. A clear vision area must be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad. No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of 2-8 feet shall be established in the clear vision area. **Visibility is not considered impeded by a fence when materials are 35 percent or less of the surface area of that portion of the fence above 2 feet. Fence posts spaced at 8 feet or more apart are not counted as part of the fence surface area.** Height mMeasurements shall be made from the top of the curb or, when no curb exists, from the established street center line grade.

- (1) The ~~preceding~~ **clear vision area** provisions do not apply to the following:
  - (a) a public utility pole,
  - (b) a tree trimmed (to the trunk) to a line at least eight feet above the level of the intersection,
  - (c) another plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view,
  - (d) a supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective,
  - (e) an official warning sign or signal,
  - (f) the post section of a pole sign when there are no more than two posts and any post is less than eight inches in diameter, and
  - (g) existing or new buildings **that meet the minimum setbacks**~~within the Central Business District (CBD).~~
  
- (2) A clear vision area consists of a triangular area, two sides of which are lot lines or a driveway and a lot line for a distance specified in this section, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides (See illustration below). The following measurements shall establish the clear vision areas:

<u>Type of Intersection</u>	<u>Measurement Along Each Lot Line or Drive Edge*</u>
Controlled Intersection (stop sign or signal)	20 feet
Uncontrolled Intersection (60' right-of-way)	30 feet
Uncontrolled Intersection (less than 60' right-of-way)	30 feet
Commercial and Industrial District driveways	20 feet
Residential District driveways	15 feet
Alley (less than 25 feet)	20 feet

*\* When there is an intersection of two or more streets of different right-of-way width, the distance to be measured along the lot lines shall be the distance specified for each type street.*

G:\Current\2008\dc-01-0





# Community Development Department

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

Phone: (541) 917-7550 Facsimile: (541) 917-7598

## STAFF REPORT Development Code Amendments

**HEARING BODY**

CITY COUNCIL

**HEARING DATE**

Wednesday, March 12, 2008

**HEARING TIME**

7:15 p.m.

**HEARING LOCATION**

Council Chambers, Albany City Hall, 333 Broadalbin Street SW

**GENERAL INFORMATION**

DATE OF REPORT:

March 5, 2008

FILE:

DC-01-08

TYPE OF REQUEST:

Amendments to Articles 3, 5 and 12 of the Albany Development Code (ADC) related to fences that would:

- (1) For corner properties, which have two front yards, eliminate the 3-foot setback from the property line for fences up to 6 feet tall in the front yard adjacent to the street that does not contain the dwelling's main door entrance if the adjoining street is improved with sidewalks and a planter strip (Articles 3 and 5).
- (2) Remove the 2-foot height restriction in clear vision areas in Articles 3 and 5, add language that fences shall meet the clear vision area standards, and define "impede visibility" in ADC 12.180.
- (2) Allow front yard fences that exceed 4 feet for properties listed on the National Register of Historic Places (which includes all properties in the historic districts) if the fence is appropriate to the building style and scale, and is approved by the Landmarks Advisory Commission (Articles 3 and 5).

REVIEW BODY:

City Council

APPLICANT:

City of Albany Planning Division

APPLICANT REP:

Anne Catlin, Planner II



## **INTRODUCTION**

Periodically, staff finds sections of the Development Code that are not clear or that have unintended consequences when we apply them. Over the past few years, staff has heard concerns from residents and City Councilors about the 3-foot setback required for 6-foot-tall fences along rights-of-way for corner properties. Staff has also heard concerns from a few historic district residents who want to construct a historically appropriate picket fence in their front yards, but are restricted to 2 feet in the vision clearance areas at street intersections.

Staff received direction from the City Council at the June 25, 2007, work session on the corner fence setback issue. Staff met with the Friends of Historic Albany in November 2007 and held a work session with the Landmarks Advisory Commission and interested historic district residents on the issue of picket fences in the clear vision areas in December 2007.

The review criteria for Development Code amendments require that the proposed amendments better achieve the goals and policies of the Comprehensive Plan and that they be consistent with the policies and purposes of the Code. The findings in this staff report list the relevant review criteria and respond to them. The long-range interests of the general public are considered by reviewing the proposed amendments in the context of Comprehensive Plan goals and policies. The proposed amendments to the text of the Code are shown in Exhibits A and B. Findings and conclusions are shown in Exhibit C.

## **NOTICE INFORMATION**

A Notice of Public Hearing was published in the *Albany Democrat-Herald* and mailed to persons believed to have a particular interest in the proposed amendments on February 1, 2008. The persons believed to have a particular interest are the Landmarks Advisory Commissioners and a few residents in the historic districts that have proposed fences within the last few years. The notice of public hearings and proposed Code amendments were also emailed to the Friends of Historic Albany email distribution list. The proposed Code changes would address their issues.

There was no testimony or public present at the Planning Commission public hearing on February 11, 2008.

## **PLANNING COMMISSION RECOMMENDATION**

APPROVAL of the proposed Development Code amendments.

## **SUGGESTED CITY COUNCIL MOTION**

Adoption of the attached Ordinance that would amend the Albany Development Code relating to front yard fences and defining impede visibility in clear vision areas.

## **APPEALS**

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.

## **NOTICE OF DECISION**

Within five days of final action on a land use application, the Director shall provide written notice of the decision to the applicant and any other parties entitled to notice.

## FINDINGS AND CONCLUSIONS

File DC-01-08

Recommended by the Planning Commission on February 11, 2008

Adopted by the Albany City Council on March 12, 2008

The proposed Development Code amendments are found in Exhibits A and B to the attached Ordinance. The findings and conclusions supporting the changes are Exhibit C to the Ordinance.

The Albany Development Code (ADC) contains the following review criteria (in *bold italics*) that must be met for legislative Code amendments to be approved.

***(1) The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.***

1.1 Development Code amendments are reviewed using the legislative process. A legislative act deals with amendments that affect a large number of persons, properties, or situations, and are applied over a large area. A legislative act is typically initiated by staff, the Planning Commission, or City Council. A quasi-judicial act is typically initiated by a property owner who files a land use application.

1.2 The proposed amendments would:

(a) For corner properties, eliminate the 3-foot setback from the property line for fences up to 6 feet tall in the front yard adjacent to the street that does not contain the dwelling's main door entrance if the adjoining street is improved with sidewalks and a planter strip.

(b) Remove the 2-foot height restriction in clear vision areas (citywide), add language that fences shall meet the clear vision area standards, and define "impede visibility" in ADC 12.180.

(c) Allow fences in the front yard to exceed 4 feet for properties listed on the National Register of Historic Places if the fence is appropriate to the house style and scale, and is approved by the Landmarks Advisory Commission.

1.3 The following Comprehensive Plan goals and policies are relevant to review of the proposed Development Code amendments. The Comprehensive Plan is organized by the statewide planning goals. Each goal and policy will be written in *italics* and considered as a separate review criterion.

*Planning Goal 1, Citizen Participation, is, "Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process."*

*Goal 1, Policy 2 is, "When making land use and other planning decisions:*

*a. Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.*

*b. Utilize all criteria relevant to the issue.*

*c. Ensure the long-range interests of the general public are considered.*

*d. Give particular attention to input provided by the public.*

*e. Where opposing viewpoints are expressed, attempt to reach consensus where possible."*

*Goal 1, Policy 4 is, "Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process."*

#### Citizen Input

- 1.4 The Comprehensive Plan contains policies to ensure citizens and interested parties have an opportunity to participate in land use related proposals. Staff documented complaints and concerns from residents and Councilors regarding the 3-foot front yard setback for 6-foot-tall fences (applicable to the "side" yards of corner properties) and issues and challenges in enforcing the setback if the community and Council feel the setback may be unnecessary. Staff presented the issue to the City Council on June 25, 2007, for their input. The Council proposed amendments to make the Code less restrictive. Staff felt there was no need for additional public input on this issue before the public hearings.
- 1.5 Regarding the issues of allowing fences that do not impede visibility in clear vision areas, and the height of front yard fences in historic districts, staff discussed the issue at a Friends of Historic Albany (FOHA) meeting held in November 2007. (The FOHA is a non-profit group of residents interested in the preservation of Albany's historic resources.) A few residents agreed to talk about their concerns and work on proposed changes to the fence Code language with staff and the Landmarks Advisory Commission (LAC).

The LAC and representatives from the historic districts (Dave Sullivan, Dan Conway, Kate Porsche, and Rusty and Robyn van Rossmann) discussed proposed changes to the fence standards at the December 5, 2007, meeting of the LAC. The proposed changes to the clear vision standards and allowance for taller fences in certain instances reflect consensus reached at this meeting.

The proposed changes to the Code will allow fences citywide to be 4 feet tall in clear vision areas when the fence does not impede visibility. Additionally, owners of properties on the National Register of Historic Places may construct historically appropriate fences taller than 4 feet (such as a decorative iron fence, whose pickets are typically about 4 feet tall and often sit on a short wall) when approved by the Landmarks Advisory Commission. Because these proposed changes are less restrictive than the current Code. Staff concluded it was not necessary to mail notice to all historic property owners or to residents citywide.

#### Published and Mailed Notice

- 1.6 In addition to receiving community input on the proposed changes as noted above, the Development Code describes the notification process for legislative acts, such as amendments to the Development Code. Notice is published in the *Albany Democrat-Herald* at least one week prior to the Planning Commission public hearing, and notice may be given to persons believed to have a particular interest in the amendments.

For the proposed amendments, a notice advertising the Planning Commission and City Council public hearings was published in the *Albany Democrat-Herald* on February 1, 2008. A notice of the Planning Commission and City Council public hearings was emailed to the FOHA email distribution list, and mailed to the Landmarks Advisory Commission and historic district residents Dave Sullivan, Dan Conway, and Rusty and Robyn van Rossmann on February 1, 2008.

- 1.7 Notice and public hearings give the general public and persons with a particular interest in the proposed amendments an opportunity to participate in discussions about the amendments.

- 1.8 *Goal 14, Urbanization, has a policy to: Encourage flexibility in design review and interpretation of policies and regulations by ensuring that functional design and community benefit remain as the principal review criteria.*

The proposed change to the location of 6-foot-tall fences along rights-of-way for corner properties is a result of evaluating functional design and community benefits. Removing the 3-foot setback for 6-foot-tall fences when a planter strip exists will reduce incidents of unmaintained setbacks while considering the impacts to pedestrians.

The proposal to allow fences that do not impede visibility in clear vision areas to be more than 2 feet tall allows for a functional and more appropriate front yard fence. Fences with enough transparency (such as many styles of picket fences) may be up to 4 feet tall and can now go to the property edges on corner properties and in vision clearance areas adjacent to driveways.

- 1.9 *Goal 5, Open Space, Scenic & Historic Areas, & Natural Resources, has a goal to: Protect Albany's historic resources and utilize and enhance those resources for Albany residents and visitors. The relevant policy is: ensure the design of new construction within historic districts does not detract from the architectural qualities of the district.*

*Goal 10, Housing, includes this policy: Preserve and enhance Albany's historic housing as a unique and valuable resource.*

Historically, front yard picket fences were very common up until about 1910. More ornate houses in the Victorian style, for example, often had elaborate iron fences that sometimes exceeded 4 feet when measured from the ground. The proposed amendments to allow fences to exceed 4-feet in height for properties listed on the National Register of Historic Places will allow residents to recreate original and/or historically appropriate fence designs in the historic districts, which will enhance the historic character of Albany's districts.

## CONCLUSIONS

- 1.1 The Comprehensive Plan contains policies to ensure citizens and interested parties have an opportunity to participate in land use related proposals. Regarding the 6-foot fences on corner lots, the Council proposed amendments that would make the Code less restrictive, which reduced the need for additional public input.
- 1.2 Regarding the issues of allowing fences that do not impede visibility in clear vision areas and the height of front yard fences in historic districts, residents worked with staff and the LAC that comes up with a proposal that allows for a functional and more appropriate front yard fence in historic districts.
- 1.3 The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language because the Code amendments will allow more flexibility for the location of corner property "side yard" fences, front yard fences in clear vision areas, and in historic districts, without compromising safety or aesthetics.

- (2) *The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.*

## FINDINGS

2.1 The following purposes are relevant to review of the proposed Development Code amendments. Each purpose will be written in *italics* and treated as a separate review criterion.

2.2 *ADC 1.020 says the general purpose of the Development Code is to set forth and coordinate City regulations governing the development and use of land. The Code is more specifically intended to do the following:*

- (1) *Serve as the principal vehicle for implementation of the City's Comprehensive Plan in a manner which protects the health, safety, and welfare of the citizens of Albany.*

Defining “impede visibility” in the clear vision area standards in Article 12 will ensure that fences located in these areas are safe. The proposed changes to the fencing regulations for historic properties and for 6-foot-tall fences, when allowed on corner properties, will not affect the health, safety and welfare of Albany’s residents.

- (2) *Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.*

The statewide goals do not apply to the proposed amendments because the amendments are minor and not specifically related to state laws or planning goals.

- (3) *Facilitate prompt review of development proposals and the application of clear and specific standards.*

The proposed Code changes that define “impede visibility” in the clear vision area standards in Article 12 will make it easier for users of the Code to determine what is allowed.

- (10) *Protect constitutional property rights, provide due process of law, and give consideration in all matters to affected property owner interests in making land use decisions.*

The proposed amendments to the Code related to front yard fences make it less restrictive and offer more flexibility. Property rights of all residents – those who want to construct a fence, pedestrians walking adjacent to fences, and the safety of persons on foot and in vehicles – were carefully considered in crafting the proposed Code changes.

The notice of the proposed amendments related to fences and clear vision standards in Articles 3, 5 and 12 will allow for all interested property owners to participate in the land use process.

## CONCLUSION

2.1. The proposed amendments are consistent with the purposes of the Development Code because they will promote the public welfare and safety of Albany’s residents and Albany’s historic districts and promote the interests of affected property owners in making land use decisions.



TO: Albany City Council  
VIA: Don Donovan, Planning Manager *DD*  
Wes Hare, City Manager  
FROM: Heather Hansen, Planner III *HH*  
DATE: March 5, 2008, for the March 12, 2008, City Council Session

SUBJECT: Albany Comprehensive Plan Text Amendment to incorporate new information from the 2007 Economic Opportunities Analysis (EOA) Update (CP-01-08)

RELATES TO STRATEGIC PLAN THEME: • A Healthy Economy

Action Requested:

- Hold a public hearing, and
- Adopt Albany Comprehensive Plan Chapter 3-Economic Development text amendments

Background:

**Statewide Planning Goal 9:** As reflected in Goal 9 and other policies of the state, economic development is a priority in Oregon. Successful planning helps communities attract and retain jobs, maintain a healthy economy, and generate wealth.

**Statewide Planning Goal 9: Economic Development**

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

One of the Goal 9 requirements is that *"Comprehensive Plans for urban areas shall provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies."*

**Economic Opportunities Analysis:** The centerpiece of Goal 9 planning is the Economic Opportunities Analysis (EOA). The EOA is a process of analyzing trend data to determine the future employment land needs for the city. The Albany Comprehensive Plan (Comp Plan) Chapter 3-Economic Development was updated in 2003. The 2000 Economic Opportunities Analysis (EOA) was adopted as a background document at that time. The broad economic development goals and policies in Chapter 3 reflect a City that is supportive of all types of business and employment opportunities.

**Reason for EOA Update:** Changes to state planning policy related to Goal 9, consideration of environmental constraints and other factors that limit development potential, development activity since 2000, and overall growth in Albany suggested that it was time to review the City's EOA to determine whether the City has an appropriate range of employment sites to accommodate expected growth over the 2007 to 2027 period. Winterbrook Planning, with the assistance of ECONorthwest, was hired to update the 2000 EOA. The EOA Update was based upon the City's adopted economic development goals and policies.

**EOA Conclusions and Recommendations:** The EOA compares the need for suitable commercial and industrial sites with the supply of such sites currently within the Albany Urban Growth Boundary (UGB). Generally speaking, Albany has an adequate supply of small to medium industrial and commercial sites in the 2- to 5-acre category, but has an unmet need for approximately 225-340 acres comprised of sites larger than 5 acres (see EOA excerpt on next page).

*Excerpt from the EOA Update:*

**Conclusions and Recommendations**

Albany has a number of sites that are suitable for meeting the community's short- and long-term needs for buildable employment land. However, relative to expected demand, there is an unmet need for approximately 225-340 industrial and commercial acres. In order to meet identified large site requirements, Albany should either: (a) re-designate residential lands within the existing UGB that are deemed suitable for employment uses; or (b) add land to the UGB.

Overall, in addition to the existing supply of suitable employment land in the Albany UGB, we recommend that Albany designate:

- 1 very large industrial site in the 120-150 acre range;
- 1-2 large industrial sites in the 20-50 acre range, including a business park site;
- 1-2 large commercial sites in the 20-50 acre range for community shopping centers or large format retail;
- 1-2 medium industrial sites in the 5-20 acre range for smaller manufacturing uses; and
- 1 medium commercial site in the 5-20 acre range for health services and larger neighborhood retail

**Past Work Sessions:** The EOA Update was presented and discussed at the Joint City Council/Planning Commission Work Session on October 15, and discussed again at a Planning Commission Work Session on December 3. At the December 3 Work Session, the conclusions and recommendations of the EOA Update were discussed one by one with the intent of determining whether there was overall support for them. If substantive changes had been recommended, then the economic development policies in the Comprehensive Plan would need to be revisited. There was overall support for the recommendations.

**March 3, 2008 Planning Commission:**

A public hearing was held and the Planning Commission voted unanimously to recommend approval of the proposed amendments. Issues raised and discussed at the March 3 Planning Commission included:

- Support for having a variety of employment lands available in the UGB.
- Support for more opportunities to shop locally instead of having to drive to Salem, Eugene, or Portland.
- The upper range of the third bulleted item (large commercial sites) in the EOA recommendations was discussed. Staff reviewed the size of some local and regional commercial developments to get a better sense of scale, such as Costco, Home Depot, North Albany Village, Heritage Mall, and Keizer Station.
- Ensuring that the development impacts will be evaluated prior to adding commercial and industrial lands in specific locations.
- The manner in which large sites would be added to the inventory of suitable employment lands – redesignation of residential lands inside the UGB that are suitable employment sites; expansion of the existing UGB; or a combination of the two.
- The most likely situations in which commercial or industrial land would be added to the inventory – property owner requests for rezoning, changes in zoning or plan designation during the South Albany Area Plan process, proactively seeking potential property to redesignate/rezone or expand the UGB, which is not typically done.

Discussion:

***Process Outcome:*** Adoption of the proposed text amendments will result in a new 'Economic Development Background Summary' section of Chapter 3—Economic Development of the Albany Comprehensive Plan (Comp Plan) that incorporates information from the EOA Update. The updated EOA will be adopted as a background document to the Comp Plan. Proposed text amendments to the Comp Plan are included as Exhibit A and the EOA Update as Exhibit B. The staff report (Exhibit C) includes findings of fact and conclusions.

The updated information will be used to help determine the types of employment sites that are needed in the Albany UGB. Adopting the proposed amendments does not include site-specific recommendations for potential zone changes or locations of potential UGB expansions. Those will be addressed and public comment sought later when each location will be evaluated for infrastructure capacity, market demand, and compatibility with surrounding land uses.

Please contact Heather Hansen (Heather.Hansen@cityofalbany.net or 917-7564) if you have any questions about this agenda item.

hah

Attachments: Ordinance and exhibits

U:\Community Development\Planning\Current\2008\cp-01-08\0312CC\031208CC\_memo.doc



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN, BY AMENDING THE ECONOMIC DEVELOPMENT CHAPTER OF THE COMPREHENSIVE PLAN TEXT, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY (FILE NO. CP-01-08).

WHEREAS, from time to time it is appropriate to amend the Albany Comprehensive Plan based on changing conditions; and

WHEREAS, Statewide Planning Goal 9-Economic Development requires that comprehensive plans for urban areas provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies; and

WHEREAS, the City of Albany Economic Opportunities Analysis was updated in 2007 to address changing conditions, and

WHEREAS, on February 24, 2008, the City published notice of the Planning Commission and City Council public hearings on the proposed economic development amendments; and

WHEREAS, on March 3, 2008, the Planning Commission held a public hearing on the proposed amendments and then recommended approval based on the staff report and evidence presented at the public hearings; and

WHEREAS, on March 12, 2008, the Albany City Council held a public hearing concerning the proposed Economic Development amendments; and

WHEREAS, the Albany City Council reviewed the amendments recommended by the Planning Commission and the testimony presented at the public hearing and then deliberated.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

The Albany Comprehensive Plan text is hereby amended as shown in the attached Exhibit A for the Economic Development Background Summary section of Chapter 3-Economic Development.

This exhibit, upon adoption of this Ordinance, shall supersede the corresponding section of the former Comprehensive Plan. Language shown in the exhibit as having been struck is removed from the Comprehensive Plan and language shown in bold is added to the existing text.

Section 1: The Economic Opportunities Analysis is hereby adopted as a background document for the Comprehensive Plan update (Exhibit B).

Section 2: The Findings and Conclusions contained in the staff report and attached as Exhibit C are hereby adopted in support of this decision.

IT IS HEREBY adjudged and declared that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, an emergency is hereby declared to exist; and this ordinance shall take effect immediately upon passage by the Council and approval by the Mayor.

Passed by Council: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**CHAPTER 3: ECONOMIC DEVELOPMENT**

NOTE: The following **bold** section replaces the existing 'Economic Development Background Summary' section. The existing section proposed for deletion is included in ~~strikeout~~ form immediately following this replacement section.

**GOAL 9: ECONOMIC DEVELOPMENT**

**ECONOMIC DEVELOPMENT  
BACKGROUND SUMMARY**

**Introduction**

This chapter addresses Statewide Planning Goal 9: *"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon citizens."* This section includes information about the city's vision for a healthy economy; economic trends and outlook for growth in Albany; site needs of new and expanding industries; and an inventory of suitable sites in the Albany Urban Growth Boundary (UGB). The next section of this chapter contains policies to ensure adequate opportunities for a variety of economic activities in Albany.

**Vision**

In addition to the economic development policies found in this chapter, the City of Albany Strategic Plan (2007-2012) includes four primary themes that reflect the city's mission and vision statements: Great Neighborhoods, a Safe City, a Healthy Economy, and an Effective Government. Each theme is followed by the City's primary goals in that subject area in the foreseeable future.

The stated goal for *Healthy Economy* is:

*"Enhance the value and diversity of Albany's economy through building on Albany's status as a regional center of manufacturing, retail services, finance, health care, tourism, and government; creating a readily identifiable downtown core that is unique and vibrant with a mixture of entertainment, housing, specialty shops, offices, and other commercial uses; and achieving a healthy balance of housing and jobs."*

**Albany Economic Profile**

The Albany area is the center of one of the most diversified non-metropolitan economies in Oregon. Although the traditional wood-products and agricultural industries continue to be important parts of the local economy, the area's business environment has become much more diverse over the last three decades. The local economy is now based upon many other activities, such as the production of specialty metals, finished building products, transportation-related services, and agricultural products including foodstuffs and their processing. As with other communities throughout the state and nation, the trade and services sectors are becoming a more important part of the local economy. In 2003, the Albany economy was led by the services (including health care), government, retail trade, and manufacturing sectors.

Many important area industries and economic endeavors originated locally. The specialty metals industry developed in Albany as a spin-off of research conducted at the Albany Research Center of the U.S. Bureau of Mines. Because of this local research, Albany is one of the world's leading producers of specialty metals such as zirconium and titanium. The specialty metals company ATI-Allvac is located in Albany, as well Pacific Cast Technologies, which specializes in investment cast titanium parts. The aerospace, defense and nuclear industries, among others, depend on products manufactured by these local firms.

Other local manufacturing activities with national and international markets include the production of finished building products (notably Golden West Homes), transportation-related services (Target

Distribution Center), and agricultural products and their processing (Smokecraft, National Frozen Foods, and Oregon Freeze Dry). Another successful and growing local firm is Tec Labs. Albany has attracted several other industries over the past 20 years, such as Synthetec, Panolam Industries (originally Domtar), and Allann Brothers Coffee Company.

### **Economic Opportunities Analysis**

A key tool in Goal 9 planning is the Economic Opportunities Analysis (EOA). The EOA compares the demand for employment land (industrial, retail, office, warehousing, etc) with the existing supply of such lands. The main purpose of the EOA is to determine if the City has an appropriate range of employment sites to accommodate expected growth over the 20-year planning period. An update to the 2002 EOA was completed in 2007 to address changes to state EOA guidelines, recent development activity, overall growth in Albany, and development constraints not accounted for previously.

The 2007 EOA Update is adopted as a background document to the Comprehensive Plan. It includes information on the following, a summary of which is provided in this section:

- Economic trends and outlook for growth in Albany
- Demand for commercial and industrial land in Albany
- Site needs
- Inventory of suitable sites
- Comparison of employment land demand and supply

#### **Potential growth industries**

A primary comparative advantage in Albany is its location on I-5 and central location in the Willamette Valley. This makes Albany attractive to businesses that need easy access to I-5, and Highways 99, 20 and 34.

The industries that have shown growth and business activity in Linn and Benton Counties over the past few years are indicative of businesses that might locate or expand in Albany. The characteristics of Albany will affect the types of businesses most likely to locate in Albany:

- **Warehousing and transportation.** Albany's access to I-5 and central location within the Willamette Valley make Albany attractive to warehousing and distribution firms. Large warehouse facilities that serve large areas appear to favor central locations, similar to Albany's location.
- **Manufacturing.** The type of manufacturing businesses likely to locate in Albany are those that need easy access to transportation, a skilled labor force, proximity to existing businesses, or proximity to agricultural production. Examples include: recreational vehicle manufacturers or suppliers, food processors, metals manufacturers, and other specialty manufacturers.
- **Retail and local government.** Population growth will drive the growth of retail and local government. Albany may attract a variety of retailers as it grows, including: national large format retailers, grocery stores, restaurants, and specialty retailers.
- **Health care and government services.** Health care and government services, especially schools, will grow as population increases.

#### **Site requirements for new and expanding firms**

The EOA is required to identify the number of sites reasonably expected to be needed for the 20-year planning period. Types of needed sites are based on the site characteristics typical of expected uses. The analysis is presented in aggregate and by major uses (e.g., industrial and retail/services) in the EOA.

Firms wanting to expand or locate in Albany will be looking for a variety of site and building characteristics, depending on the industry and specific circumstances. Firms in all industries rely on

efficient transportation access and water, sewer and energy infrastructure, but may have varying need for parcel size, slope, configuration, and buffer treatments.

Employment growth in Albany is expected in each of the categories defined by type of land use: Retail and Services, Industrial, and Government. There are a wide variety of firms within each of these categories, and the required site and building characteristics for these firms range widely. As such, a variety of parcel sizes, building types, and land use designations in Albany are required to accommodate expected growth.

The EOA indicates that Albany needs to provide between 146 and 245 sites to accommodate employment growth between 2007 and 2027. The largest sites (50 acres and larger) will be needed for development by major industries, such as large manufacturing firms or transportation and warehousing firms. Industrial development will also require smaller sites. The majority of the smallest sites (2 acres and less) will be used for other employment, such as retail, services, government, and institutional uses.

#### Suitable sites inventory

Statewide Planning Goal 9 requires cities to provide an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and other employment uses. An adequate land supply provides sites suitable for the 20-year planning period, as well as for the short-term to meet development opportunities as they occur. This is necessary to accommodate a varied range of small, medium and large employers, for new and expanding businesses, and to ensure land is available for immediate development.

Part of the 2007 EOA Update includes a buildable lands inventory and analysis of site suitability. It summarizes the acreage and number of sites in Albany that are suitable for industrial and other employment uses. It is based on recent development data, environmental constraints, verification with recent aerial photos, exclusion of small remnants of land, trends in residential development on employment lands, and land that is in the process of being developed.

At the time the 2007 EOA Update was completed, there were 418 acres considered to be suitable employment land within the Albany UGB. Of those, 318 acres are considered available and serviceable in the short-term (0-2 years). This includes an approximately 59-acre property located east of Interstate 5 that is certified by the State's Certified Industrial Lands program.

The 418 acres of employment land represent a total of 138 sites, of which 63 are available in the short-term. Of the 63 suitable short-term sites, 34 are designated for commercial, and 29 are designated industrial. Most of these sites are less than 5 acres. However, Albany has 10 suitable employment sites that are 5 acres or larger. Of these, 3 are designated for commercial use and 7 are designated for industrial use.

The long-term sites, which are either currently outside the city limits or would require redevelopment, are expected to be available later in the 20-year planning period. Of these 75 suitable long-term sites, 31 are designated for commercial or other employment and 44 are designated industrial. Only 6 of the sites are 5 acres or more.

#### Comparison of employment land demand and supply

The EOA Update analysis compares industrial and commercial site need with suitable site supply within the Albany UGB between 2007 and 2027. The information is presented by site size ranges, e.g., very large (50-150 acres), large (20-50 acres), and medium (5-20).

In summary, the 2007 EOA Update indicates that while Albany has a number of sites that are suitable for meeting the community's short- and long-term needs for buildable employment land, relative to demand, there is an unmet need for approximately 225-340 industrial and commercial acres. Overall, Albany needs the following types of sites:

- A very large industrial site (50-150 acre range);

- Several large commercial, industrial or business park sites (20-50 acre range); and
- Several medium commercial and industrial sites (5-20 acre range).

In order to meet identified large site requirements, Albany would either add land to the existing Urban Growth Boundary (UGB), re-designate residential lands within the existing UGB that are deemed suitable for employment uses, or a combination of both. These sites should meet the site suitability requirements of the expected industries and businesses.

## GOAL 9: ECONOMY

### ECONOMIC DEVELOPMENT BACKGROUND SUMMARY

#### INTRODUCTION

Statewide Planning Goal 9 requires that comprehensive plans for urban areas be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economy. This chapter provides a summary of Albany's economy, projections for growth, and policies to ensure adequate opportunities for a variety of economic activities in Albany. The challenge for the years ahead will be to keep Albany's economic base healthy for residents and businesses, in order to provide the necessary revenue to maintain the City's services and environmental diversity while maintaining its quality of life. The Albany Economic Opportunities Analysis (2000) contains this analysis and forecasts future job growth and land needs.

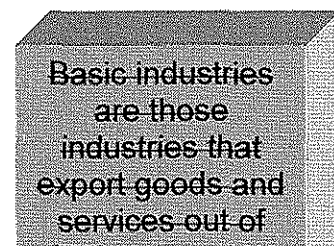
#### THE DEVELOPMENT OF ALBANY'S ECONOMY

The Albany-Millersburg area is the center of one of the most diversified non-metropolitan economies in Oregon. Although the traditional wood products and agricultural industries continue to be important parts of the local economy, the area's business environment has become much more diverse over the last three decades. The local economy is now based upon many other activities, such as the production of reactive metals, finished building products, transportation-related services, and agricultural products including foodstuffs and their processing. As with other communities throughout the state and nation, the trade and services sectors are becoming a more important part of the local economy. In 1999, the Albany economy was led by the services, retail trade, manufacturing and government sectors.

Many important area industries and economic endeavors originated locally. The reactive metals industry developed in Albany as a spin-off of research conducted at the Albany Research Center of the U.S. Bureau of Mines. Because of the primary metals industry, Albany is one of the world's leading producers of rare metals such as zirconium and titanium. Area rare metal industries include Oregon Metallurgical Corporation, Wah Chang, and Pacific Cast Technologies. The aerospace, defense and nuclear industries, with many others, depend on products manufactured by local rare metals firms.

Other local manufacturing activities with national and international markets include the production of finished building products (notably Golden West Homes), transportation-related services (Target Distribution Center), and agricultural products and their processing (Smokecraft, National Frozen Foods, and Oregon Freeze Dry). Another successful and growing local firm is Tee Labs. Albany has attracted several other industries over the past 20 years, such as Sonic Blue (originally Supra), Synthetec, Hopton Technology, Panolam Industries (originally Domtar), and Allann Brothers Coffee Company.

#### EMPLOYMENT TRENDS 1990-1999



Continuing the trends of the 1980s, the biggest shift in Albany's employment between 1990 and 1999 occurred in the services and manufacturing sectors. Despite this shift from the manufacturing sector to the retail and services sectors, manufacturing will continue to be a mainstay of Albany's economy. The Albany area (including Millersburg) has a basic to non-basic (manufacturing to non-manufacturing) job ratio twice that of the state as a whole.

Total employment declined in Albany, Linn and Benton Counties and Oregon between 1997 and 1999, paralleling the national slowdown in the manufacturing and high-tech sectors. Between June 2000 and June 2001, Oregon experienced the largest annual job loss in almost 10 years, losing 15,900 jobs. Transportation equipment manufacturing, lumber and wood products, machinery and metals manufacturing, and technology industries have all experienced large reductions in employment in the last year. Fortunately, Oregon's agriculture industry has remained stable, actually adding jobs over the past 10 years.

The total number of covered payroll jobs reported for Albany in 1999 was 20,668<sup>†</sup>, which converts to approximately 24,590 total jobs in 1999. Table 1 ranks Albany's industry sectors by both number of employees and payroll for 1999.

**Table 1. Albany Industry Sector Rank by Payroll and Employees, 1999**

Industry Sector	Covered Payroll	Payroll Rank	Covered Employees	No. Employees Rank	Percent of Total Empl.	Ave. Salary per Employee	Average Salary Rank
Agricultural Services	\$5,765,669	9	355	9	2%	\$16,241.32	8
Construction	\$30,928,872	5	929	5	4%	\$33,292.65	2
Manufacturing	\$122,995,316	1	3,441	4	17%	\$35,744.06	1
Trans., Comm., & Utilities	\$26,094,095	7	871	6	4%	\$29,958.78	5
Wholesale Trade	\$18,139,432	8	581	8	3%	\$31,221.05	4
Retail Trade	\$66,195,451	4	4,083	3	20%	\$16,212.45	9
Finance, Ins., & Real Estate	\$26,982,325	6	839	7	4%	\$32,160.10	3
Services	\$118,592,517	3	5,130	1	25%	\$23,117.45	7
Government	\$121,511,105	2	4,412	2	21%	\$27,541.05	6
<b>TOTALS</b>	<b>\$537,204,782</b>		<b>20,659</b>		<b>100%</b>		

— Source: ES-202 data for the 97321 zip code provided by the Oregon Employment Dept. Compiled by the City.

Wage and salary employment in the Services sector increased from 10% in 1978 to 21% in 1990, and then again to 25% in 1999. Albany's Manufacturing sector dropped from 31% of all wage and salary employees in 1978 to 22% in 1990, and again to 17% in 1999.

Trade and services accounted for 45% of covered employment in 1999 and is expected to account for most future employment in Albany. The Services sector experienced a 48% increase in jobs (1,670) between 1990 and 1999, the largest percent gain of all industry sectors. Albany's Services sector was dominated by business and health services. Albany is the center of medical, financial and other professional services in Linn County and is the region's major commercial provider.

Growth in the retail sector is evidenced by the construction of a regional shopping mall in 1989, and of a variety of retail outlets in the last five years, including Home Depot, Staples, Costco, and Red Robin Restaurant. Small business in Albany, as in any community, also creates many jobs. Albany has an active and vital small-business climate.

### LOCAL TRENDS 1990 to 1999

<sup>†</sup>Covered employment data includes only employees who are covered by unemployment insurance laws. This excludes significant segments of the working population, primarily contractors. Covered employment in Oregon in 1999 accounted for 81% of total non-farm employment.

Albany has become the main economic driver for Linn County and is an important component of the larger regional economy.

These trends underscore Albany's growing economic importance:

1. Albany grew faster than the nation, Oregon, Linn and Benton Counties in each decade throughout the 1970-2000 period. Albany's population increased by 22% between 1990 and 2000 (excluding the North Albany annexation).
2. Albany's share of Linn County's population increased from 30% in 1980 to 34% in 2000. Albany's share of Benton County's population is 6.3%, according to the 2000 census.
3. Albany added about 4,500 jobs between 1990 and 1999, far exceeding projections of only 1,993 jobs for all of Linn County between 1988 and 1998. Albany's job growth accounted for 55% of total employment growth in Linn County.
4. Albany is projected to add over 5,000 jobs between 2000 and 2020.

### GROWTH PROJECTIONS

The state's long-term employment forecast for Linn County was used to forecast employment growth in Albany's UGB by making assumptions about the share and distribution of the County's employment in Albany. Albany is projected to add 5,655 covered employment<sup>2</sup> jobs by 2020. Using only covered employment figures would systematically underestimate the demand for commercial and industrial land, because those figures do not include employees not covered by unemployment insurance laws. Converting Albany's covered employment to total job growth projected between 1999 and 2020 results in 7,206 new jobs. Albany is expected to gain approximately 13,000 residents over the same period.

The largest growth is projected in the Services (3,199 new jobs), Retail Trade (1,402), Manufacturing (817), and Finance Insurance Real Estate (F.I.R.E. — 794) sectors. Growth in these sectors accounts for 87% of Albany's expected employment growth in the next twenty years. According to the State Economist, the Food Products, Lumber & Wood Products, and Primary Metals industries are expected to have little or negative growth in the region between 2000 and 2010. These industries are a significant portion of Albany's Manufacturing industries, comprising 15% of total Albany employment and 75% of employment in the Manufacturing sector in 1999.

Table 2 shows projections of total employment growth by land use type in the Albany UGB to 2020.

**Table 2. Total Job Growth by Land Use Type in Albany, 1999-2020**

Sector	1999		2020		New Employment	
					1999-2020	%
Commercial	5,467	22%	7,478	23%	2,011	27.8%
Office	7,724	31%	11,108	35%	3,384	46.8%
Industrial	7,152	29%	8,640	27%	1,488	20.6%
Public	4,412	18%	4,735	15%	323	4.5%
<b>Total</b>	<b>24,755</b>	<b>100%</b>	<b>31,961</b>	<b>100%</b>	<b>7,206</b>	<b>100%</b>

Source: Calculations by City of Albany using ES202 data from the Oregon Employment Department.

<sup>2</sup> Covered employment data includes only employees who are covered by unemployment insurance laws. This excludes significant segments of the working population, primarily contractors.



## COMMERCIAL AND INDUSTRIAL LAND USE NEEDS

Albany has an adequate supply of designated commercial and industrial land to accommodate development to the end of the planning period (2020). The available land supply was calculated in the summer of 2000 by identifying vacant<sup>3</sup> and redevelopable<sup>4</sup> parcels using assessment data from Linn and Benton Counties. Table 3 shows the supply of vacant and redevelopable land within Albany's city limits and also outside the City but within the UGB by zone and Comprehensive Plan designation.

**Table 3. Available Land in the Albany UGB by Use Type, 2000**

Comprehensive Plan Designation	Vacant Acres	Redevelopable Acres	Total Acres
<b>ALBANY CITY LIMITS</b>			
Office	26	18	44
Commercial	100	65	165
Industrial	224	97	321
<b>Total Available Land</b>	<b>350</b>	<b>180</b>	<b>530</b>
<b>ALBANY UGB (outside city, Comp Plan)</b>			
Commercial	15	0	15
Industrial	85	0	85
<b>Total UGB Land</b>	<b>100</b>	<b>0</b>	<b>100</b>
<b>ALBANY TOTAL LAND BY TYPE</b>			
Office	26	18	44
Commercial	115	65	180
Industrial	309	97	406
<b>Total Acres</b>	<b>450</b>	<b>180</b>	<b>630</b>

Source: City of Albany, 2000.

Within the city limits, there are over 700 acres of vacant or redevelopable industrial zoned land and over 200 acres of available commercial land. Most of this property is already serviced or services can be easily extended. Although, in some instances extending water and sewer could be quite costly. Albany has another 150 acres available within the Urban Growth Boundary for industrial and commercial development.

Parcel size and location are both important variables that impact development. A review of parcel sizes by zone in 2000 indicated over 150 parcels (approximately 100 acres of commercial land and approximately 500 acres of industrial land within the city limits) that are large enough for development. Another factor that may affect the amount of developable land is environmental constraints. Approximately 10 percent of undeveloped land within the Linn County portion of the Albany UGB contains significant wetlands.

<sup>3</sup> Vacant parcels were defined as those with an improvement value less than \$10,000.

<sup>4</sup> Lands with redevelopment potential were defined as those with improvement values between \$10,000 and \$100,000.

Table 4 shows that 270 acres of land and 3.1 million square feet of new building space are needed to accommodate 6,056 future employees to 2020. The acreage needed could vary depending on the number of employees accommodated per acre. An additional 32 acres will be redeveloped to provide approximately 360 jobs in Albany over the 1999-2020 period.

**Table 4. New Land and Building Needs by Land Use Type in Albany, 2000-2020**

Land Use Type	Acres of Land		Building Sq. Footage	
Commercial	67.6	25.0%	1,182,300	37.8%
Office	81.2	30.1%	955,050	31.8%
Industrial	102.9	38.1%	802,750	25.6%
Public	18.1	6.7%	163,200	5.2%
<b>Totals</b>	<b>269.8</b>	<b>100%</b>	<b>3,143,300</b>	<b>100%</b>

Source: City of Albany, Economic Opportunities Analysis 2000.

### BACKGROUND INFORMATION

The following report provides additional information about the local economy. The report may be acquired from the Albany Community Development Department at 333 Broadalbin Street SW and is also found in the Albany Comprehensive Plan Background Reports 2000.

#### Albany Economic Opportunities Analysis 2000:

- a. Current Economic Conditions & Trends
- b. Factors Affecting Economic Development in Albany
- c. Buildable Lands Analysis
- d. Findings, Policies and Strategies
- e. Buildable Lands Inventory, Methods & Results

[Ord. 5543, 10/23/2002]

# **ECONorthwest**

ECONOMICS • FINANCE • PLANNING

Phone • (541) 687-0051  
FAX • (541) 344-0562  
info@eugene.econw.com

Suite 400  
99 W. 10th Avenue  
Eugene, Oregon 97401-3001

Other Offices  
Portland • (503) 222-6060  
Seattle • (206) 622-2403

**September 16, 2007**

**TO: Helen Burns Sharp and Heather Hansen**  
**FROM: Beth Goodman and Bob Parker (ECONorthwest) and Greg Winterowd (Winterbrook Planning)**  
**SUBJECT: UPDATE OF ECONOMIC OPPORTUNITY ANALYSIS FOR THE CITY OF ALBANY**

---

## **Contents**

Introduction..... 1  
Part I: Recent economic activity in Albany ..... 3  
Part II: Demand for commercial and industrial land in Albany..... 8  
Part III: Site needs..... 12  
Part IV: Suitable sites inventory ..... 19  
Part V: Comparison of employment land demand and supply ..... 23  
Conclusions and Recommendations ..... 24

## **INTRODUCTION**

The City of Albany contracted with ECONorthwest in 2000 to prepare the Albany Economic Opportunities Analysis (EOA). Since then, the City has experienced industrial and commercial development, and has identified development constraints (primarily wetlands and floodplain) on lands designated for employment uses.

State policies guiding the completion of economic opportunity analyses have also changed since 2000. In 2005, the Land Conservation and Development Commission (LCDC) adopted substantial amendments to OAR 660-009, the administrative rule that implements Statewide Planning Goal 9 (Economy). Most notably, OAR 660-009-0025 requires that cities of 2,500 or more residents identify needed sites that are suitable for a variety of industrial and other employment uses. The rule amendments also clarified definitions of buildable lands for industrial and other employment uses and created a new requirement that cities provide a short term supply of sites (sites that can be made ready for development in one year or less).

Statewide Planning Goal 9 now requires cities to provide an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and other employment uses. An adequate land supply provides sites suitable for the 20-year planning period as well as for the short-term to meet development opportunities as they occur. This is necessary to accommodate a varied range of small, medium and large employers, for new and expanding businesses and to ensure land is available for immediate development. The 2000 EOA did not address site suitability.

Changes to state planning policy, development activity since 2000, and overall growth in Albany suggest that now is an appropriate time to review the City's EOA to determine whether the City has an appropriate range of employment sites (industrial and other) to accommodate expected growth over the 2007 to 2027 period.

In 2007, the City of Albany contracted with Winterbrook Planning to address the new state planning policy and administrative rule requirements related to the EOA. Winterbrook Planning served as the prime consultant on the Albany EOA update, with ECONorthwest as a subconsultant. Both consultants worked closely with City staff to make sure that the Albany EOA addressed recent economic development activity in the community and its impacts on the supply of suitable industrial sites. ECONorthwest conducted most of the technical analysis in the revised document and Winterbrook Planning provided the policy context and recommendations.

This memorandum presents an update to Albany's EOA. It includes the following sections:

- **Recent economic activity in Albany** describes the employment trends, business activity, and potential growth industries in the City of Albany since the 2000 EOA.
- **Employment forecast and land demand** presents an updated forecast of employment and suitable land needed to accommodate employment growth.
- **Site needs** presents the number, type, and characteristics of sites needed to accommodate expected future employment growth.
- **Suitable sites inventory** presents the serviceable land area and sites with required site characteristics.
- **Comparison of employment site needs with the supply of suitable sites** presents the deficit or surplus of employment land within the Albany UGB.

## PART I: RECENT ECONOMIC ACTIVITY IN ALBANY

This section presents a brief overview of economic activity in Albany since 2000.

### EMPLOYMENT TRENDS

Since 2000, the economy of Linn and Benton Counties has experienced changes in employment sectors. Tables 1 and 2 show covered employment in Linn and Benton Counties for 2001 and 2005. Over the four-year period, employment grew from 75,273 employees to 76,260 employees, an increase of 987 jobs or 1.3%.

While the number of jobs added has been relatively modest, the distribution of employment by sectors has changed over the four-year period. The sectors that experienced the largest declines in jobs were Manufacturing (1,474 jobs or 10%), Wholesale (274 jobs or 13%), and Information (263 jobs or 16%). The sectors that experienced the greatest growth in jobs were Health and Social Assistance (879 jobs or 12%), Accommodations and Food Services (636 jobs or 13%), and Finance and Insurance (318 jobs or 22%).

**Table 1. Covered employment in Linn County, 2001 and 2005**

Sector	2001	2005	Change from 2001 to 2005		
			Difference	Percent	AAGR
Agriculture, Forestry, Fishing & Hunting	2,062	1,684	(378)	-18%	-4.9%
Mining	23	13	(10)	-43%	-13.3%
Construction	2,142	2,147	5	0%	0.1%
Manufacturing	8,783	8,400	(383)	-4%	-1.1%
Utilities	168	192	24	14%	3.4%
Wholesale	1,540	1,370	(170)	-11%	-2.9%
Retail	4,398	4,762	364	8%	2.0%
Transportation & Warehousing	2,032	2,096	64	3%	0.8%
Information	634	458	(176)	-28%	-7.8%
Finance & Insurance	848	1,128	280	33%	7.4%
Real Estate Rental & Leasing	485	443	(42)	-9%	-2.2%
Professional, Scientific & Technical Services	629	630	1	0%	0.0%
Management of Companies	493	445	(48)	-10%	-2.5%
Admin. Support & Cleaning Services	2,091	2,442	351	17%	4.0%
Education	232	250	18	8%	1.9%
Health & Social Assistance	3,638	3,683	45	1%	0.3%
Arts, Entertainment & Recreation	302	241	(61)	-20%	-5.5%
Accommodations & Food Services	2,290	2,605	315	14%	3.3%
Other Services (except Public Admin.)	1,383	1,425	42	3%	0.8%
Private Non-Classified	13	10	(3)	-23%	-6.3%
Government	6,536	7,018	482	7%	1.8%
<b>Total Covered Employment &amp; Payroll</b>	<b>40,722</b>	<b>41,442</b>	<b>720</b>	<b>2%</b>	<b>0.4%</b>

Source: Oregon Employment Department

**Table 2. Covered employment in Benton County, 2001 and 2005**

Sector	2001	2005	Change from 2001 to 2005		
			Difference	Percent	AAGR
Agriculture, Forestry, Fishing, Hunting & Mining	1,161	1,274	113	10%	2.3%
Construction	1,021	1,101	80	8%	1.9%
Manufacturing	6,443	5,352	(1,091)	-17%	-4.5%
Wholesale	527	423	(104)	-20%	-5.3%
Retail	3,233	2,998	(235)	-7%	-1.9%
Transportation, Warehousing & Utilities	423	490	67	16%	3.7%
Information	964	877	(87)	-9%	-2.3%
Finance & Insurance	570	608	38	7%	1.6%
Real Estate Rental & Leasing	459	508	49	11%	2.6%
Professional & Business Services	2,870	2,840	(30)	-1%	-0.3%
Education	257	305	48	19%	4.4%
Health & Social Assistance	3887	4,721	834	21%	5.0%
Arts, Entertainment & Recreation	420	486	66	16%	3.7%
Accommodations & Food Services	2,574	2,895	321	12%	3.0%
Other Services (except Public Admin.)	1,238	1,239	1	0%	0.0%
Private Non-Classified	12	13	1	8%	2.0%
Government	8,492	8,688	196	2%	0.6%
<b>Total Covered Employment &amp; Payroll</b>	<b>34,551</b>	<b>34,818</b>	<b>267</b>	<b>1%</b>	<b>0.2%</b>

Source: Oregon Employment Department

Table 3 shows a summary of covered employment in the Albany UGB in 2003.<sup>1</sup> Albany had more than 1,300 firms that employed about 18,650 people in 2003. The following sectors accounted for 70% of employment in Albany: Government (3,939 employees), Retail Trade (2,607 employees), Health Care & Social Assistance (2,564 employees); Manufacturing (2,341 employees), and Accommodations & Food Services (1,641 employees).

The 2000 Economic Opportunities Analysis (adopted in 2002) reported that Albany had about 20,659 employees at 1,380 firms in 1999. This suggests that Albany lost about 2,000 jobs between 1999 and 2003. However, making comparisons between the covered employment summary in the 2000 Economic Opportunities Analysis and the data in Table 3 is difficult for a number of reasons. The summary in the 2000 Economic Opportunities Analysis summarized employment based on the zip code 97321, while this analysis is based on employment within the Albany UGB. The Quarterly Census of Employment and Wages (QCEW) data used in this analysis was edited by City Staff to correct for inaccuracies in employer location, adding employers that were excluded, and other inaccuracies in the data.

The main problem in comparing the 1999 and 2003 covered employment data is the shift in the way that employment is classified into sectors and industries. Until 2001, industries were classified under the Standard Industrial Classification (SIC) system, which grouped industries according to their primary activity. Although the SIC classification structure was updated periodically to include new industries, its structure was essentially unchanged since its development in the 1930s. The North American Industrial Classification System (NAICS) was developed by the U.S., Canada, and Mexico address deficiencies in SIC.

<sup>1</sup> The 2003 covered employment data is the most current data available that has been reviewed and edited for inaccuracies. Covered employment is self-reported and includes many incorrect addresses, omissions, and other errors.

**Table 3. Covered employment, Albany UGB, 2003**

<b>Sector/Industry</b>	<b>Establishments</b>	<b>Employees</b>
<b>Agriculture, Forestry, Mining, &amp; Utilities</b>	<b>8</b>	<b>224</b>
<b>Construction</b>	<b>122</b>	<b>582</b>
Construction of Buildings	38	175
Heavy and Civil Engineering Construction	5	12
Specialty Trade Contractors	79	395
<b>Manufacturing</b>	<b>79</b>	<b>2,341</b>
Food Manufacturing	7	867
Fabricated Metal Product Manufacturing	18	176
Chemical Manufacturing	4	126
Furniture and Related Product Manufacturing	6	87
Printing and Related Support Activities	7	69
Transportation Equipment Manufacturing	6	69
Machinery Manufacturing	4	62
Other Manufacturing	27	885
<b>Wholesale Trade</b>	<b>61</b>	<b>357</b>
Merchant Wholesalers, Durable Goods	25	152
Merchant Wholesalers, Nondurable Goods	20	190
Wholesale Electronic Markets and Agents and Brokers	16	15
<b>Retail Trade</b>	<b>199</b>	<b>2,607</b>
General Merchandise Stores	15	845
Motor Vehicle and Parts Dealers	22	356
Food and Beverage Stores	20	298
Building Material & Garden Equip. & Supplies Dealers	13	266
Clothing and Clothing Accessories Stores	23	247
Miscellaneous Store Retailers	31	169
Gasoline Stations	14	120
Sporting Goods, Hobby, Book, and Music Stores	15	103
Other Retail Trade	46	203
<b>Transportation and Warehousing</b>	<b>22</b>	<b>928</b>
<b>Information</b>	<b>15</b>	<b>234</b>
<b>Finance and Insurance</b>	<b>78</b>	<b>704</b>
<b>Real Estate and Rental and Leasing</b>	<b>77</b>	<b>362</b>
<b>Professional, Scientific, and Technical Services</b>	<b>93</b>	<b>403</b>
<b>Management of Companies and Enterprises</b>	<b>9</b>	<b>261</b>
<b>Administrative and Support and Waste Management</b>	<b>76</b>	<b>555</b>
<b>Private Education Services</b>	<b>7</b>	<b>97</b>
<b>Health Care and Social Assistance</b>	<b>136</b>	<b>2,564</b>
Ambulatory Health Care Services	94	1,127
Other Health Care	22	1,259
Social Assistance	20	178
<b>Arts, Entertainment, and Recreation</b>	<b>15</b>	<b>156</b>
<b>Accommodation and Food Services</b>	<b>116</b>	<b>1,641</b>
Accommodation	9	123
Food Services and Drinking Places	107	1,518
<b>Other Services (except Public Admin.)</b>	<b>137</b>	<b>701</b>
<b>Government</b>	<b>66</b>	<b>3,939</b>
Federal Government	6	151
State Government	4	110
Local Government	56	3,678
<b>Total</b>	<b>1,316</b>	<b>18,656</b>

Source: Oregon Employment Department

## OUTLOOK FOR GROWTH IN ALBANY

The Oregon Employment Department (OED) forecasts employment growth for 15 economic regions across Oregon. Albany is located in Region 4, which includes Linn, Benton, and Lincoln Counties. Albany is likely to experience growth in the sectors that are forecast to grow the most in Region 4. Table 4 shows the OED's forecast for nonfarm employment by industry in Region 4 for the period 2004 to 2014. The sectors that are expected to lead employment growth in Region 4 are Transportation and Utilities, Professional and Business Services, Education, and Health Services. Together, these sectors are expected to add 10,230 jobs, or 91% of the employment growth in Region 4 between 2004 and 2014. The sectors that are projected to lead employment growth in Oregon for the ten-year period are: Professional and Business Services, Health Services, Leisure and Hospitality, and Retail Trade. Together, these sectors are expected to add 146,900 new jobs, or 61% of the employment growth in Oregon.

**Table 4. Nonfarm employment forecast by industry in Region 4, 2004-2014**

Sector/ Industry	2004	2014	Change 2004-2014	
			Number	Percent
<b>Natural Resources &amp; Mining</b>	<b>950</b>	<b>890</b>	<b>-60</b>	<b>-6.3%</b>
<b>Construction</b>	<b>3,620</b>	<b>4,270</b>	<b>650</b>	<b>18.0%</b>
<b>Manufacturing</b>	<b>14,960</b>	<b>13,940</b>	<b>-1,020</b>	<b>-6.8%</b>
Durable Goods	11,350	10,530	-820	-7.2%
Wood Product Manufacturing	2,810	2,570	-240	-8.5%
Nondurable Goods	3,610	3,410	-200	-5.5%
Food manufacturing	1,170	1,090	-80	-6.8%
<b>Transportation, &amp; Utilities</b>	<b>15,550</b>	<b>18,300</b>	<b>2,750</b>	<b>17.7%</b>
Wholesale Trade	1,890	2,120	230	12.2%
Retail Trade	10,500	11,910	1,410	13.4%
Transp., warehousing, & utilities	3,160	4,270	1,110	35.1%
<b>Information</b>	<b>1,550</b>	<b>1,760</b>	<b>210</b>	<b>13.5%</b>
<b>Leisure &amp; Hospitality</b>	<b>10,400</b>	<b>11,930</b>	<b>1,530</b>	<b>14.7%</b>
Accommodation & Food Services	9,470	10,890	1,420	15.0%
Accommodation	2,320	2,610	290	12.5%
Food svcs. and drinking places	7,150	8,280	1,130	15.8%
<b>Financial Activities</b>	<b>3,740</b>	<b>4,140</b>	<b>400</b>	<b>10.7%</b>
<b>Professional &amp; Business Services</b>	<b>7,050</b>	<b>8,980</b>	<b>1,930</b>	<b>27.4%</b>
Administration and support svcs.	3,410	4,570	1,160	34.0%
<b>Education</b>	<b>10,270</b>	<b>13,140</b>	<b>2,870</b>	<b>27.9%</b>
<b>Health Care &amp; Social Assistance</b>	<b>9,710</b>	<b>12,390</b>	<b>2,680</b>	<b>27.6%</b>
<b>Other Services</b>	<b>3,130</b>	<b>3,510</b>	<b>380</b>	<b>12.1%</b>
<b>Government</b>	<b>22,320</b>	<b>23,960</b>	<b>1,640</b>	<b>7.3%</b>
Federal Government	1,330	1,280	-50	-3.8%
State Government	9,360	9,880	520	5.6%
Local Government	11,630	12,800	1,170	10.1%
Local Education	6,120	6,630	510	8.3%
Indian Tribal	1,100	1,280	180	16.4%
<b>Total Nonfarm Payroll Emp.</b>	<b>93,540</b>	<b>104,820</b>	<b>11,280</b>	<b>12.1%</b>

Source: Oregon Employment Department. Employment Projections by Industry 2004-2014. Projections summarized by ECONorthwest.

\*Note: The Oregon Employment Department issues employment forecasts by region. Region 4 is Benton, Lincoln and Linn Counties combined.



## **BUSINESS ACTIVITY SINCE 2000**

Albany has experienced expansion and location of a number of firms since the completion of the Economic Opportunities analysis in 2000. Business activity in Albany since 2000 includes:

### **Retail and services:**

- Costco opened near the Heritage Mall;
- Expansion at Heritage Mall: Old Navy store was constructed; Kohl's is constructing a building on a site formerly occupied by Mervyns;
- North Albany: A new commercial center developed, including a Ray's grocery store, Starbucks, a salon, and restaurants, and a new medical building is under construction;
- Signal Northwest call center opened;
- Albany has experienced development of numerous retailers, restaurants, and services.

### **Industrial:**

- PepsiCo plans to build a production and packaging facility in Albany, which is expected to employ approximately 200 people when it opens and may employ 500 people within five years. PepsiCo has delayed development of this facility until at least September 2008;
- The Target Distribution Center in South Albany doubled its size;
- Rare Metals: Allvac (formerly Oregon Metallurgical) is planning to add six new buildings, and WahChang added new jobs;
- Food Processing: Eugene Freezing and Storage, National Frozen Foods, and Oregon Freezedry are all expanding;
- The City of Albany's Municipal Airport has added hangars;
- Synthetech Inc. added new bio-science jobs ;
- Viper Northwest added 12 new jobs;
- Pacific Cast Technology added 25 new jobs.

## PART II: DEMAND FOR COMMERCIAL AND INDUSTRIAL LAND IN ALBANY

To provide for an adequate supply of commercial and industrial sites consistent with plan policies, Albany needs to have an estimate of the amount of commercial and industrial land that will be needed over the planning period. Demand for commercial and industrial land will be driven by the expansion and relocation of existing businesses and new businesses locating in Albany. The level of this business expansion activity can be measured by employment growth in Albany. This memo presents a projection of future employment levels in Albany for the purpose of estimating demand for commercial and industrial land.

The projection of employment in this chapter has four major steps:

1. **Establish base employment for the projection.** We start with the estimate of covered employment in Albany UGB presented in Table 3. Covered employment does not include all workers, so we adjust covered employment to reflect total employment in Albany in Table 5. Employment by sector will be summarized into employment by land use type for the purposes of estimating land demand by type.
2. **Identify potential growth industries in Albany.** Given trends in economic activity and expected growth in Oregon, and Albany comparative advantages, we identify the types of firms and industries that may locate in Albany.
3. **Project total employment.** The projection of total employment uses the safe harbor provision in OAR 660-024-0040 (8) (a) (i) to forecast employment growth in Albany from 2007 to 2027.
4. **Allocate total employment to land use types.** This allocation will use assumptions based on expected trends in employment growth by Industrial and Commercial/Other land uses.

The remainder of this section is organized by headings that correspond to these four major steps for the projection.

### EMPLOYMENT BASE FOR PROJECTION

The updated employment forecast uses a base year of 2007. Obtaining an accurate estimate of total employment in 2007 requires estimating the difference between 2003 covered employment and 2003 total employment and then extrapolating that figure to 2007. Table 10 shows ECONorthwest's estimate of total employment in the Albany UGB in 2003. The estimate of covered employment in the Albany UGB is based on confidential QCEW data provided by the Oregon Employment Department. Covered employment, however, does not include all workers in an economy. Most notably, covered employment does not include sole proprietors. Analysis of data shows that covered employment reported by the Oregon Employment Department for Linn County was only about 81% of total employment reported by the U.S. Department of

Commerce.<sup>2</sup> ECONorthwest compared the percent of total employment that is covered by sector for Linn County to develop covered to total employment ratios. We then applied the covered to total ratios for the County to develop an estimate of total employment in Albany. Table 5 shows Albany had an estimated 24,616 employees within its UGB in 2007.

**Table 5. Estimated total employment in the Albany UGB by land use type, 2007**

Land Use Type/ Sector	Covered Employment		Total Employment		
	2003	% of 2003 Total Empl.	2004	2007	% of All 2007 Empl.
Industrial	4,432	87%	5,116	5,354	22%
Commercial/Other					
<i>Retail and Services</i>	10,285	72%	14,229	14,892	60%
<i>Government/Other</i>	3,939	94%	4,175	4,370	18%
<b>TOTAL EMPLOYMENT</b>	<b>18,656</b>	<b>79%</b>	<b>23,560</b>	<b>24,616</b>	<b>100%</b>

Source: 2003 covered employment from confidential Quarterly Census of Employment provided by the Oregon Employment Department. Employment summarized by land use type by ECONorthwest. Covered employment as a percent of total employment calculated by ECONorthwest using data for Linn County employment from the U.S. Department of Commerce, Bureau of Economic Analysis (total) and the Oregon Employment Department (covered). 2003 total employment converted to 2007 total employment by ECONorthwest using an annual growth rate of 1.15% over four years.

## POTENTIAL GROWTH INDUSTRIES

Albany's mix of productive factors is the foundation of the region's comparative advantage. A primary comparative advantage in Albany is its location on I-5 and central location in the Willamette Valley. This makes Albany attractive to businesses that need easy access to I-5, and Highways 20 and 34.

The industries that have shown growth and business activity in Linn and Benton Counties over the past few years are indicative of businesses that might locate or expand in Albany. The characteristics of Albany will affect the types businesses most likely to locate in Albany:

- **Warehousing and transportation.** Albany's access to I-5 and central location within the Willamette Valley may make Albany attractive to warehousing and distribution firms. Large warehouse facilities that serve large areas appear to favor central locations, similar to Albany's location. Albany has attracted one large retail distribution center (Target) and another company (PepsiCo) has proposed developing a large distribution center at their manufacturing and packaging site in Albany.
- **Manufacturing.** The type of manufacturing businesses likely to locate in Albany are those that need easy access to transportation, a skilled labor force, proximity to existing businesses, or proximity to agricultural production. Examples include: recreational vehicle manufactures or suppliers, food processing, metals manufacturing, and other specialty manufacturing. Albany has attracted a large manufacturing and packaging plant (PepsiCo).

<sup>2</sup> We used the comparison of covered to total employment in Linn County, rather than Benton County, because about 97% of Albany's employment was located in Linn County in 2003.

- **Retail and local government.** Population growth will drive the growth of retail and local government. Albany may attract a variety of retailers as it grows, including: national large format retailers, food and beverage stores, restaurants, and specialty retailers.
- **Health care services and government.** Health care and government services, especially schools, will grow as population increases.

## PROJECTION OF TOTAL EMPLOYMENT

OAR 660-024-0040 (8) (a) (i) allows the City to determine employment land needs based on “The county or regional job growth rate provided in the most recent forecast published by the Oregon Employment Department.” The Oregon Employment Department forecast that employment in Region 4, which includes Benton, Linn, and Lincoln Counties, would grow from 93,540 jobs in 2004 to 104,820 jobs in 2014, a change of 11,280 jobs at an average annual growth rate of 1.15%. Based on the safe harbor, employment in Albany can be assumed to grow at 1.15% annually.

Table 6 shows the forecast for employment growth in Albany between 2007 and 2027. Employment in Albany is forecast to grow by nearly 6,300 jobs over the twenty-year period. The majority of this growth will be in Retail and Services.

To estimate employment growth by land use type in the Albany UGB, the forecasted level of total employment in 2027 (30,911) was distributed among the three categories of land use types shown in Table 5. The forecast by land use category does not anticipate a shift in the distribution of employment between 2007 and 2027. Employment growth is expected in each of the categories of employment land use.

**Table 6. Employment growth by land use type in the Albany UGB area, 2007–2027**

Land Use Type	2007 Total	% of Total	2027 Total	% of Total	2007-2027 Growth
Commercial/Other					
<i>Retail and Services</i>	14,892	60%	18,547	60%	3,655
<i>Government/Other</i>	4,370	18%	5,564	18%	1,194
Industrial	5,354	22%	6,800	22%	1,446
<b>Total Employment</b>	<b>24,616</b>	<b>100%</b>	<b>30,911</b>	<b>100%</b>	<b>6,295</b>

Source: ECONorthwest.

Note: shaded cells indicate assumptions by ECONorthwest.

## ALLOCATION OF EMPLOYMENT TO LAND-USE TYPES

Employment growth in Albany will drive demand for industrial and other employment (includes all non-industrial jobs, such as commercial and government) land. To estimate the demand for land generated by employment growth, ECO used factors for the number of employees per acre for each of the three land use types used in the employment forecast. ECO began this step by making a deduction from total new employment. This deduction accounts for:

- **Percent of total employment growth that requires no commercial or industrial built space or land.** Some new employment will occur outside commercial and industrial built

space or land. For example, some construction contractors may work out of their homes, with no need for a shop or office space on non-residential land.

- **Percent of employment growth on non-residential developed land currently developed.** Some employment growth will be accommodated on existing developed or redeveloped land, as when an existing firm adds employees without expanding space.

Typical refill (infill and redevelopment) deductions range from 10% in small cities to 30% or more for larger areas. For example, Portland Metro estimated refill at around 40% for 1996 and 1997 in a small empirical study they conducted. The 2000 Economic Opportunities analysis assumed a refill rate of about 10%. However, because the current Buildable Lands Inventory already accounted for infill and redevelopment, we assumed 0%.

The next set of assumptions needed to estimate non-residential land need is employees per acre (EPA). This variable is defined as the number of employees per acre on non-residential land that is developed to accommodate employment growth. There are few empirical studies of the number of employees per acre, and these studies report a wide range of results. Ultimately the employees/acre assumptions reflect a judgment about average densities and typically reflect a desire for increased density of development.

The final assumption is a net to gross factor. The EPA assumptions are employees per *net* acre (e.g., acres that are in tax lots). As land gets divided and developed, some of the land goes for right-of-way and other public uses. The net to gross factor varies by land use, but 10% is a reasonable assumption for employment lands based on existing development patterns in the Buildable Lands Inventory.

Table 7 shows estimated demand for employment land in the Albany UGB by land use type for the 2007-2027 period. These results indicate that Albany needs an estimated 473 gross acres of suitable land for employment within its UGB for the 2007-2027 period. At this stage, the analysis does not account for the site needs, such as size and location, of specific types of industries. That is addressed in Part III.

**Table 7. Estimated demand for suitable employment land in the Albany UGB by land use type, 2007–2027**

Land Use Type	Total New Employment	Employees per Net Acre	Land Need (Net Acres)	Land Need (Gross Acres)
2007-2027				
Commercial/Other				
<i>Retail and Services</i>	3,655	20	183	201
<i>Government</i>	1,194	10	119	140
Industrial	1,446	12	120	132
<b>Total</b>	<b>6,295</b>		<b>422</b>	<b>473</b>

Source: ECONorthwest.

## PART III: SITE NEEDS

OAR 660-009-0015(2) requires the EOA to identify the number of sites, by type, reasonably expected to be needed for the 20-year planning period. Types of needed sites are based on the site characteristics typical of expected uses.

The Goal 9 rule provides flexibility in how jurisdictions conduct and organize this analysis. For example, site types can be described by plan designation (i.e., heavy or light industrial), they can be by general size categories that are defined locally (i.e., small, medium, or large sites), or it can be industry or use-based (i.e., manufacturing sites or distribution sites).

City of Albany staff identified the following trends in development activity and inquiries since 2000 that illustrate the types of sites for which there is demand in the City:

- *Regional Commercial sites.* Over the last five years, the City has received inquiries from businesses looking for 10 to 15 acre properties for development of retail centers.
- *Large sites for national retailers.* The City has heard from national retailers that are interested in siting in Albany (e.g., Wal-Mart, Lowes, Kohls).
- *Sites for light manufacturing.* Commercial realtors have been making inquiries with the City about land or buildings appropriate for light manufacturing, such as manufacturing medical bandages, custom prosthetics, and biodiesel.
- *Sites for other development.* Buildings in Albany's historic downtown are being purchased and remodeled and used for cafes and stores. In addition, the City is experiencing more infill and redevelopment in downtown Albany. Development along the waterfront is underway, mostly mixed-use development that includes cafes/restaurants, office space, and condominiums.

The analysis of site needs presented in this section builds from existing development patterns in Albany, an employment forecast, recent inquiries about sites, and an evaluation of the types of sites that will be needed by prospective industries in Albany. The analysis is presented in aggregate and by major uses (e.g., industrial and retail/services).

### Site requirements for new and expanding firms

Firms wanting to expand or locate in Albany will be looking for a variety of site and building characteristics, depending on the industry and specific circumstances. Previous research conducted by ECO has found that while there are always specific criteria that are industry-dependent and firm-specific, many firms share at least a few common site criteria. In general, all firms need sites that are relatively flat, free of natural or regulatory constraints on development, with good transportation access and adequate public services. The exact amount, quality, and relative importance of these factors vary among different types of firms. This section discusses the site requirements for firms in industries with growth potential in the mid-Willamette Valley, as indicated by the Oregon Employment Department forecast shown in Table 9.

Employment growth in Albany is expected in each of the categories defined by type of land use: Retail and Services, Industrial, and Government. There are a wide variety of firms within

each of these categories, and the required site and building characteristics for these firms range widely. As such, a variety of parcel sizes, building types, and land use designations in Albany are required to accommodate expected growth.

Table 8 summarizes the site area typically needed for firms in selected industries with growth potential in the mid-Willamette Valley. The emphasis in Table 8 is on new large firms that have the most potential to generate employment growth. For example, while the number of convenience stores in Albany is likely to grow, the site needs for these stores is not included in Table 8 because they are unlikely to generate substantial employment growth. Large grocery stores, which are typically 50,000 to 100,000 sq. ft. in size, are more likely to generate substantial employment growth in Albany, and these stores require sites of 5 to 10 suitable acres.

**Table 8. Typical suitable site area requirements for mid- to large-sized firms in selected industries**

<b>Industry</b>	<b>Lot Size (acres)</b>
<b>Manufacturing</b>	
Printing & Publishing	5 - 10
Stone, Clay & Glass	10 - 20
Fabricated Metals	10 - 20
Industrial Machinery	10 - 20
Electronics - Fab Plants	50 - 100
Electronics - Other	10 - 30
Transportation Equipment	10 - 30
<b>Transportation &amp; Wholesale Trade</b>	
Trucking & Warehousing	varies
<b>Retail Trade</b>	
General Merchandise & Food Stores	5-10
Eating & Drinking Places	0.5-5
<b>FIRE &amp; Services</b>	
Non-Depository Institutions	1 - 5
Business Services	1 - 5
Health Services	1 - 10
Engineering & Management	1 - 5

Source: ECONorthwest.

There are exceptions to these site size ranges. For example, in 2006, PepsiCo purchased 243 acres in South Albany. PepsiCo plans to build a production and packaging facility, which is expected to employ approximately 200 people when it opens and may employ 500 people within five years. PepsiCo has delayed development of this facility until at least September 2008. More specific site needs and locational issues for firms in potential growth industries include the following issues address in Table 9.

**Table 9. Summary of site characteristics**

<b>Characteristic</b>	<b>Description</b>	<b>Comments</b>
Flat, developable sites	Flat topography (slopes with grades below 10%) is needed by almost all firms in every industry except for small Office and Commercial firms that could be accommodated in small structures built on sloped sites. Flat sites that are relatively free from development constraints such as wetlands and floodplains are particularly important for Industrial firms in manufacturing, trucking, and warehousing, since these firms strongly prefer to locate all of their production activity on one level with loading dock access for heavy trucks.	Most of Albany's industrial and commercial sites are located in relatively flat areas.
Parcel configuration and parking	Large Industrial and Commercial firms that require on-site parking or truck access are attracted to sites that offer adequate flexibility in site circulation and building layout. Parking ratios of 0.5 to 2 spaces per 1,000 square feet for Industrial and 2 to 3 spaces per 1,000 square feet for Commercial are typical ratios for these firms. In general rectangular sites are preferred, with a parcel width of at least 200-feet and length that is at least two times the width for build-to-suit sites. Parcel width of at least 400 feet is desired for flexible industrial/business park developments and the largest Commercial users.	Albany may not have sufficient large parcels for industrial and commercial firms that require large, undeveloped parcels.
Soil type	Soil stability and ground vibration characteristics are fairly important considerations for some highly specialized manufacturing processes, such as microchip fabrications. Otherwise soil types are not very important for Commercial, Office, or Industrial firms—provided that drainage is not a major issue.	Soils do not appear to be a constraining factor on most sites in Albany.
Road transportation	All firms are heavily dependent upon surface transportation for efficient movement of goods, customers, and workers. Access to an adequate highway and arterial roadway network is needed for all industries. Close proximity to a highway or arterial roadway is critical for firms that generate a large volume of truck or auto trips or firms that rely on visibility from passing traffic to help generate business. This need for proximity explains much of the highway strip development prevalent in urban areas today.	Not all of Albany's large vacant industrial and commercial sites have direct access to Interstate 5, Highway 20, or Highway 99E.
Rail transportation	Rail access can be very important to certain types of heavy industries. The region has good rail access to many industrial sites.	The following railroads provide service in Albany: Union Pacific, BNSF (Salem-Eugene line), Portland and Western Rail Road, and the short-line Albany & Eastern Rail Road.
Air transportation	Proximity to air transportation is important for some firms engaged in manufacturing, finance,	Albany has sites that are close to the airport, including the State



Characteristic	Description	Comments
	or business services.	Certified site.
Transit	Transit access is most important for businesses in Health Services, which has a high density of jobs and consumer activity, and serves segments of the population without access to an automobile.	Albany has a bus system with four routes that operates along major streets. Busses run most frequently during commuting hours.
Pedestrian and bicycle facilities	The ability for workers to access amenities and support services such as retail, banking, and recreation areas by foot or bike is increasingly important to employers, particularly those with high-wage professional jobs. The need for safe and efficient bicycle and pedestrian networks will prove their importance over time as support services and neighborhoods are developed adjacent to employment centers.	Within Albany, the street grid provides easy pedestrian and bicycle access to most parts of the City.
Labor force	Firms are looking at reducing their workforce risk, that is, employers want to be assured of an adequate labor pool with the skills and qualities most attractive to that industry. Communities can address this concern with adequate education and training of its populace. Firms also review turnover rates, productivity levels, types and amount of skilled workers for their industry in the area, management recruitment, and other labor force issues in a potential site area.	Albany has access to skilled labor existing within the City and can access labor from communities throughout the mid-Willamette Valley. Employers needing employees with special skills can work with Linn-Benton Community College to develop customized training programs.
Amenities	According to the International Economic Development Council <sup>3</sup> , attracting and retaining skilled workers requires that firms seek out places offering a high quality of life that is vibrant and exciting for a wide range of people and lifestyles.	Albany offers urban amenities, with easy access to outdoor recreation and rural lifestyle opportunities. Albany is within an easy drive of Portland, Salem, and Eugene, which offer cultural and shopping amenities that may be lacking in Albany.
Fiber optics and telephone	Most if not all industries expect access to multiple phone lines, a full range of telecommunication services, and high-speed internet communications.	Albany has access to high-speed telecommunications facilities.
Potable water	Potable water needs range from domestic levels to 1,000,000 gallons or more per day for some manufacturing firms. However, emerging technologies are allowing manufacturers to rely on recycled water with limited on-site water storage and filter treatment. The demand for water for fire suppression also varies widely.	The City has sufficient water to meet current and future demand for water.

<sup>3</sup> International Economic Development Council. "Economic Development Reference Guide," <http://www.iedconline.org/hotlinks/SiteSel.html>. 10/25/02.

Characteristic	Description	Comments
Power requirements	Electricity power requirements range from redundant (uninterrupted, multi-sourced supply) 115 kva to 230 kva. Average daily power demand (as measured in kilowatt hours) generally ranges from approximately 5,000 kwh for small business service operations to 30,000 kwh for very large manufacturing operations. The highest power requirements are associated with manufacturing firms, particularly fabricated metal and electronics. For comparison, the typical household requires 2,500 kwh per day.	Albany has access to sufficient power supply to accommodate most commercial and industrial users.
Land use buffers	According to the public officials and developers/brokers ECO has interviewed, industrial areas have operational characteristics that do not blend as well with residential land uses as they do with Office and Commercial areas. Generally, as the function of industrial use intensifies (e.g., heavy manufacturing) so too does the importance of buffering to mitigate impacts of noise, odors, traffic, and 24-hour 7-day week operations. Adequate buffers may consist of vegetation, landscaped swales, roadways, and public use parks/recreation areas. Depending upon the industrial use and site topography, site buffers range from approximately 50 to 100 feet. Selected commercial office, retail, lodging and mixed-use (e.g., apartments or office over retail) activities are becoming acceptable adjacent uses to light industrial areas	XX

Source: ECONorthwest

In summary, the site requirements for industries have many common elements. Firms in all industries rely on efficient transportation access and basic water, sewer and power infrastructure, but may have varying need for parcel size, slope, configuration, and buffer treatments. Transit, pedestrian and bicycle access are needed for commuting, recreation and access to support amenities.

Table 10 shows site needs by site size and major employment use. The estimate of needed sites builds off of the 20-year employment forecast. Employees and employers are distributed in ratios similar to those in 2003. The distribution assumes that Albany will continue to attract similar types of employers in the future as exist in the City now. It also assumes that the average number of employees per firm (16.1) will continue into the future.

**Table 10. Estimated needed sites by site size and major use, suitable acres, Albany, 2007-2027**

Size of firm	Est Acres Needed	Avg. Site Size	Total Sites Needed		Other Emp.
			Industrial		
250 +	200	50+ ac	1-2	1-2	-
100-250	220	20-50 ac	5-9	3-6	2-3
50-99	90	5-20 ac	10-14	6-9	4-5
25-49	80	2-5 ac	20-25	10-13	10-12
10-24	50	1-2 ac	35-45	10-15	25-30
1-9	80	<1 ac	75-150	25-50	50-100
<b>Total</b>	<b>720</b>		<b>146-245</b>	<b>55-95</b>	<b>91-150</b>

Source: estimates by ECONorthwest

The results show that Albany needs to provide between 146 and 245 sites to accommodate employment growth between 2007 and 2027. The largest sites (50-acres and larger) will be needed for development by major industries, such as large manufacturing firms or transportation and warehousing firms. Industrial development will also require smaller sites. The majority of the smallest sites (2 acres and less) will be used for other employment, such as retail, services, government, and institutional uses.

The identified site needs shown in Table 10 do not distinguish sites by comprehensive plan designation. It is reasonable to assume that industrial uses will locate primarily in industrial zones, along with supporting office and service uses. Retail and service uses could locate in commercial zones, mixed-use zones, and to a lesser extent in residential zones.

### Industrial Sites

Albany's Interstate 5 location attracts large-site industrial users such as PepsiCo and the Target Distribution Center. Winterbrook Planning worked with the City to apply the general siting characteristics described in Table 9 to identify specific site requirements for targeted, large-site industrial firms. Suitable large industrial sites typically require:

- Large blocks of land contiguous to or within the existing UGB;
- Direct access (not more than two miles) to an I-5 interchange via an arterial street;
- A location that avoids truck traffic through, and minimizes common boundaries with, existing or planned urban residential neighborhoods;
- Adjacent to existing industrial or commercial development;
- Slopes of five percent or less that are relatively free of wetlands and floodplain areas;
- Sanitary sewer, water and storm drainage facilities.

Many industrial firms also benefit from rail access to the site and/or nearby air service.

As noted above, PepsiCo purchased 243 acres in South Albany for its manufacturing plant, bottling and distribution plant. The PepsiCo site:

- Has large blocks of land within the existing UGB;
- Has direct access (not more than two miles, and preferably less) to I-5 via State Highways 99E and 34;

- Has direct rail access;
- Avoids routing truck traffic through existing or planned urban residential neighborhoods;
- Is adjacent to existing industrial or commercial development;
- Have five or less percent slope;
- Has immediate access to sanitary sewer, water and storm drainage facilities;
- Is relatively flat and has a completed wetlands delineation so wetland impacts are known in advance.

### **Retail and Service Sites**

Large retail and service centers have somewhat less demanding site requirements. Community shopping centers or large format retail uses typically require:

- Large blocks of land contiguous to or within the existing UGB;
- Direct access to – and visibility from – a high volume arterial street with adequate capacity to serve planned commercial needs;
- Accessibility from existing or planned urban residential neighborhoods;
- Slopes of 10 percent or less; and
- Access to sanitary sewer, water and storm drainage facilities.

We recommend that the City consider designating one or two large sites as “business parks” to meet industrial, limited retail and service uses in a master planned park setting. The business park concept recognizes that the line between “commercial” and “industrial” uses has become increasingly blurred and that many “industrial” uses have relatively minor external impacts, especially when contained within a building. Business parks typically provide for a wide range of relatively low-impact employment uses in “flex” buildings with copious landscaping. Unlike heavy industrial uses, business parks are compatible with nearby residential development.

Business parks typically require sites of 20-50 acres and should:

- Be comprised of large blocks of land contiguous to or within the existing UGB;
- Have direct access to an arterial street with adequate capacity to serve planned commercial and industrial needs;
- Have 10 or less percent slope; and
- Have access to sanitary sewer, water and storm drainage facilities.

## PART IV: SUITABLE SITES INVENTORY

The 2002 City of Albany Economic Opportunities Analysis included a buildable lands inventory. This section presents the 2007 updates to the buildable lands inventory and analyzes site suitability. It summarizes the acreage and number of sites in Albany that are suitable for industrial and other employment uses. It is based on recent development data, environmental constraints, correction of errors in the Assessors data found by City staff, verification with recent aerial photos, exclusion of small remnants of land, trends in residential development on employment lands, and land that is in the process of being developed.

OAR 660-009-0005 includes definitions of developed and vacant land. City staff used the following assumptions in completing the Buildable Lands Inventory:

- *Developed* (not likely to be redeveloped in the next 20 years). Land with an improvement value of \$100,000 or more and a committed use (e.g. wetland mitigation, a parking lot adjacent to a commercial use, etc.).
- *Redevelopable* (developed, but likely to be redeveloped in the next 20 years). Land with an improvement value of less than \$100,000 and a size of at least 0.5 acres was considered redevelopable.
- *Partially vacant*. Parcels greater than five acres with less than 0.5 acres occupied by buildings were considered partially vacant.
- *Vacant*. Parcels greater than 0.5 acres with no improvements was considered vacant.
- *Vacant-Committed*. Land that is in the process of being developed was considered committed, e.g., the PepsiCo site. If a building permit was issued for the land, it was considered vacant-committed and was excluded from the summary of vacant and partially vacant land.
- *Environmental Constraints*. Land in the floodway, riparian corridor, with locally significant wetlands or slopes of 25 percent or greater was considered unsuitable for development. However, 50 percent of the industrial land within the 100-year floodplain, non-significant (but jurisdictional) wetlands, and slopes 12-25% was considered to be suitable for development. This is consistent with development patterns. State guidelines allow all land with environmental constraints to be excluded from the inventory, but City staff did not want to exclude all constrained land since some wetlands and land in floodplains are filled.
- *Residential Uses*. Some commercial and mixed use zoning districts allow residential development. To estimate the mix of commercial and residential uses in these zones, City staff analyzed current residential development patterns in commercial and mixed use zones that permit residential development. This is consistent with allowable uses and development patterns.

Table 11 shows the percent of land that is expected to be used for commercial purposes by zoning district. These assumptions were applied to vacant and partially vacant land in these zones, resulting in a reduction of the amount of suitable lands because of expected residential development in these zoning districts.

**Table 11. Percent of suitable land likely to be used for commercial uses by zoning district, Albany**

<b>Albany Commercial/Mixed Use Zoning Districts</b>	<b>Percent Commercial</b>
Central Business	75%
Neighborhood Commercial	75%
Office Professional	75%
Historic Downtown	67%
Mixed Use Commercial	50%
Waterfront	50%

Source: City of Albany

Table 12 shows the gross acres of suitable vacant and partially vacant industrial and other employment land by plan designation within the Albany UGB as of June 2007. Albany has 120 gross suitable acres of commercial land and 299 gross buildable acres of industrial land, for a total of 419 gross buildable acres within its UGB. The majority of this land (364 acres) is within the Albany city limits. About 381 acres are vacant or partially vacant and 27 acres are redevelopable.

**Table 12. Suitable vacant and partially vacant employment land by plan designation, gross acres, Albany UGB, June 2007**

	<u>Vacant</u> <sup>1</sup>		<u>Redevelopable</u> <sup>2</sup>		<u>TOTAL</u> <sup>3</sup>	
	<i>short-term</i>	<i>long-term</i>	<i>short-term</i>	<i>long-term</i>	<i>short-term</i>	<i>long-term</i>
<b><u>Inside City Limits</u></b>						
<b>COMMERCIAL</b>	<b>95</b>	<b>5</b>	<b>0</b>	<b>8</b>	<b>95</b>	<b>13</b>
Commercial-General	73	5	0	7	73	11
Commercial-Light	13	0	0	0	13	0
Village Center	9	0	0	1	9	1
<b>INDUSTRIAL</b>	<b>223</b>	<b>22</b>	<b>0</b>	<b>12</b>	<b>223</b>	<b>33</b>
Light Industrial	215	22	0	9	215	31
Heavy Industrial	7	0	0	2	7	2
<b><u>Outside City Limits/Inside UGB</u></b>						
<b>COMMERCIAL</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>12</b>
Commercial-General	0	0	0	0	0	0
Commercial-Light	0	8	0	4	0	12
Village Center	0	0	0	0	0	0
<b>INDUSTRIAL</b>	<b>0</b>	<b>39</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>42</b>
Light Industrial	0	39	0	4	0	42
Heavy Industrial	0	0	0	0	0	0
<b><u>TOTAL Gross Suitable Acres Inside UGB</u></b>						
<b>COMMERCIAL</b>	<b>95</b>	<b>13</b>	<b>0</b>	<b>12</b>	<b>95</b>	<b>25</b>
<b>INDUSTRIAL</b>	<b>223</b>	<b>60</b>	<b>0</b>	<b>15</b>	<b>223</b>	<b>76</b>
<b>TOTAL</b>	<b>317</b>	<b>73</b>	<b>0</b>	<b>28</b>	<b>317</b>	<b>101</b>
					<b>418</b>	

Source: City of Albany

OAR 660-009-025 (3) requires that “cities and counties that adopt policies relating to short-term supply of land must designate suitable land to respond to economic development opportunities as they arise” by maintaining a short-term supply of land. OAR 660-009 defines a short-term supply of land as “suitable land that is ready for construction within one year of an application for a building permit or request for service extension.”

Table 12 also shows Albany’s short-term supply of land for industrial and other employment development. Of Albany’s 418 gross acres of suitable employment land, 318 gross acres are available and serviceable in the short-term. This includes an approximately 59-acre property located east of Interstate 5 that is certified by the State’s Certified Industrial Lands program.

Tables 13 and 14 show the number of suitable sites by size category within the Albany UGB. Albany has a total of 138 employment sites, of which 63 are available in the short term (0-5 years). Table 13 shows suitable sites that are available in the short term. Of the 63 suitable short-term sites, 34 are designated for commercial, and 29 are designated industrial. Most of these sites are less than five acres. However, Albany has ten suitable employment sites that are five acres or larger. Of these, three are designated for commercial use and seven are designated for industrial use. Albany’s only state-certified industrial site is, by definition, available in the short term.

**Table 13. Suitable short-term industrial and other employment sites by plan designation, Albany UGB, June 2007**

	< 1 acre	1-2 acres	2-5 acres	5-20 acres	20-50 acres	> 50 acres	Total Sites
<b><u>Inside City Limits</u></b>							
<b>COMMERCIAL</b>	<b>17</b>	<b>7</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>34</b>
Commercial-General	11	4	2	1	1	0	19
Commercial-Light	2	2	2	1	0	0	7
Village Center	4	1	3	0	0	0	8
<b>INDUSTRIAL</b>	<b>3</b>	<b>10</b>	<b>9</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>29</b>
Light Industrial	3	10	6	4	2	1	26
Heavy Industrial	0	0	3	0	0	0	3
<b><u>Outside City Limits/Inside UGB</u></b>							
<b>COMMERCIAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Commercial-General	0	0	0	0	0	0	0
Commercial-Light	0	0	0	0	0	0	0
Village Center	0	0	0	0	0	0	0
<b>INDUSTRIAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Light Industrial	0	0	0	0	0	0	0
Heavy Industrial	0	0	0	0	0	0	0
<b><u>TOTAL Inside UGB</u></b>							
<b>COMMERCIAL</b>	<b>17</b>	<b>7</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>34</b>
<b>INDUSTRIAL</b>	<b>3</b>	<b>10</b>	<b>9</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>29</b>
	<b>20</b>	<b>17</b>	<b>16</b>	<b>6</b>	<b>3</b>	<b>1</b>	<b>63</b>

Source: City of Albany

Table 14 shows suitable sites that will be available later in the 20-year planning period. Of the 75 suitable long-term sites, 31 are designated for commercial or other employment, and 44 are designated industrial. Only six of the sites are five acres or more.

**Table 14. Suitable long-term industrial and other employment sites by plan designation, Albany UGB, June 2007**

	< 1 acre	1-2 acres	2-5 acres	5-20 acres	20-50 acres	>50 acres	Total Sites
<b><u>Inside City Limits</u></b>							
COMMERCIAL	14	4	4	1	0	0	23
Commercial-General	7	2	4	1	0	0	14
Commercial-Light	2	1	0	0	0	0	3
Village Center	5	1	0	0	0	0	6
INDUSTRIAL	19	9	6	1	1	0	36
Light Industrial	17	9	5	0	1	0	32
Heavy Industrial	2	0	1	1	0	0	4
<b><u>Outside City Limits/Inside UGB</u></b>							
COMMERCIAL	2	0	5	1	0	0	8
Commercial-General	1	0	0	0	0	0	1
Commercial-Light	1	0	5	1	0	0	7
Village Center	0	0	0	0	0	0	0
INDUSTRIAL	1	0	5	1	1	0	8
Light Industrial	1	0	5	1	1	0	8
Heavy Industrial	0	0	0	0	0	0	0
<b><u>TOTAL Inside UGB</u></b>							
COMMERCIAL	16	4	9	2	0	0	31
INDUSTRIAL	20	9	11	2	2	0	44
<b>TOTAL</b>	<b>36</b>	<b>13</b>	<b>20</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>75</b>

Source: City of Albany



## PART V: COMPARISON OF EMPLOYMENT LAND DEMAND AND SUPPLY

This section summarizes from data and analysis presented in the site needs analysis to compare “demonstrated need” for suitable commercial and industrial sites with the supply of such sites currently within the Albany UGB and city limits.

Table 15 compares industrial and commercial site need with site supply within Albany UGB between 2007 and 2027. Generally speaking, Albany has an adequate supply of small to medium industrial sites and commercial sites in the two to five acre category. However, Albany has an unmet need for:

- A very large industrial site in the 50-150 acre range;
- Several large commercial, industrial or business park sites in the 20-50 acre range; and
- Several medium commercial and industrial sites in the 5-20 acre range.

**Table 15. Comparison of industrial and commercial land need and land supply, gross acres, Albany UGB, 2007-2027**

Site Sizes	Total Employment Site Need		Acres in Supply	Industrial Sites			Commercial Sites				
	Site Need	Total Acres Needed		Site Need	Site Supply	Site Surplu s (Deficit )	Site Need	Site Supply	Mixed Use Sites	Sites for Employment Use	Site Surplus (Deficit)
>50 acres	1-2	200	61	1-2	1	(1)	0	0	0	0	0
20-50 acres	5-9	220	161	3-6	4	(1-2)	2-3	1	0	1	(1-2)
5-20 acres	10-14	90	64	6-9	6	(1-3)	4-5	4	0	4	(1)
2-5 acres	20-25	80	71	10-13	20	7-10	10-12	16	3	15	3-5
1-2 acres	35-45	50	25	10-15	19	4-9	25-30	11	4	9	(16-21)
<1 acre	75-150	80	35	25-50	23	(2-27) <sup>1</sup>	50-100	33	10	29	(21-71) <sup>2</sup>
<b>Total</b>	<b>146-245</b>	<b>720</b>	<b>417</b>	<b>55-95</b>	<b>73</b>		<b>91-150</b>	<b>65</b>			

Source: City of Albany; analysis by ECONorthwest

<sup>1</sup> assumes some of the surplus sites 1-2 and 2-5 acres in size can be used to meet this need, as well as through infill & redevelopment

<sup>2</sup> assumes some of the surplus sites 2-5 acres in size can be used to meet this need, as well as through infill and redevelopment, and development on residentially zoned property

Table 16 identifies site needs that are not met within the existing Albany UGB. This amounts to a deficit of approximately 225-340 industrial and commercial acres. In order to meet identified site requirements, Albany should: (a) re-designate residential land within the existing UGB that is suitable for employment; and/or (b) add land to the UGB. Overall, Albany needs one very large industrial site, one large industrial site and one large commercial site, and one medium industrial site and one medium commercial site. These sites should meet the large-site industrial and commercial site suitability requirements described in Part IV of this memorandum.

**Table 16. Unmet Industrial and Commercial Site Needs**

Size Category	Industrial		Commercial		TOTAL Employment	
	Sites	Acres	Sites	Acres	Sites	Acres
>50 Acres	1	120-150	0	0	1	120-150
20-50 Acres	1-2	50-100	1-2	40-60	2-4	90-160
5-20 Acres	1-2	10-20	1	5-10	2-3	15-30
<b>TOTAL</b>	<b>3-5</b>	<b>180-270</b>	<b>2-3</b>	<b>45-70</b>	<b>5-8</b>	<b>225-340</b>

Source: City of Albany; analysis by ECONorthwest

We recommend that the City consider designating a site for a “business park” that would allow a combination of industrial, limited retail and service uses in a master planned park setting. Business parks typically require sites of 20-50 acres. The business park concept recognizes that the line between “commercial” and “industrial” uses has become increasingly blurred and that many “industrial” uses have relatively minor external impacts, especially when contained within a building. Business parks typically provide for a wide range of relatively low-impact employment uses in “flex” buildings with copious landscaping. Unlike heavy industrial uses, business parks are compatible with nearby residential development. The City's Industrial Park zoning district is consistent with the business park concept.

## CONCLUSIONS AND RECOMMENDATIONS

Albany has a number of sites that are suitable for meeting a portion of the community’s short- and long-term needs for buildable employment land.

However, relative to expected demand, there is an unmet need for approximately 225-340 industrial and commercial acres. In order to meet identified large site requirements, Albany should either: (a) re-designate residential lands within the existing UGB that are deemed suitable for employment uses; or (b) add land to the UGB.

Overall, in addition to the existing supply of suitable employment land in the Albany UGB, we recommend that Albany designate:

- 1 very large industrial site in the 120-150 acre range;
- 1-2 large industrial sites in the 20-50 acre range, including a business park site;
- 1-2 large commercial sites in the 20-50 acre range for community shopping centers or large format retail;
- 1-2 medium industrial sites in the 5-20 acre range for smaller manufacturing uses; and
- 1 medium commercial site in the 5-20 acre range for health services and larger neighborhood retail

These sites should meet the site suitability requirements described in Part IV of this memorandum.



# Community Development Department

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

Phone: (541) 917-7550 Facsimile: (541) 917-7598

## STAFF REPORT Comprehensive Plan Amendments

**HEARING BODY**

CITY COUNCIL

**HEARING DATE**

Wednesday, March 12, 2008

**HEARING TIME**

7:15 p.m.

**HEARING LOCATION**

Council Chambers, Albany City Hall, 333 Broadalbin Street SW

**GENERAL INFORMATION**

DATE OF REPORT:

March 5, 2008

FILE:

CP-01-08

TYPE OF REQUEST:

Adopt text amendments to Chapter 3-Economic Development of the Albany Comprehensive Plan (Comp Plan) in the 'Economic Development Background Summary' section that would:

- (1) Add the *Healthy Economy* goal from the City of Albany Strategic Plan 2007-2012;
- (2) Update the 'Albany Economic Profile' subsection; and
- (3) Replace the trends and projections subsections with more current information from the 2007 Economic Opportunities Analysis (EOA) Update, including potential growth industries, site requirements for new and expanding firms, suitable sites inventory, and comparison of employment land demand and supply.

Adopt the 2007 EOA Update as a Background Report to the Comprehensive Plan.

REVIEW BODY:

City Council  
(The Planning Commission had a public hearing on March 3, 2008, and recommended the City Council approve the amendments.)

APPLICANT:

City of Albany Planning Division

APPLICANT REP:

Heather Hansen, Planner III

## **INTRODUCTION**

An Economic Opportunities Analysis (EOA) was completed in 2000 and used as the basis for the information in the 'Economic Development Background Summary' section Albany Comprehensive Plan Chapter 3-Economic Development. This information is currently outdated. Consideration of environmental constraints and other factors that limit development potential, development activity since 2000, and overall growth in Albany suggested that it was time to review the City's EOA to determine whether the City has an appropriate range of employment sites to accommodate expected growth over the 2007 to 2027 period. Winterbrook Planning, with the assistance of ECONorthwest, was hired to update the 2000 EOA. The 2007 EOA Update was based upon the City's adopted economic development goals and policies.

The updated information will be used to help determine the types of employment sites that are needed in the Albany Urban Growth Boundary (UGB). The current Planning Commission action does not include site-specific recommendations for redesignation of residential land or locations of potential UGB expansions. Those will be addressed and public comment sought at a future time and will include an evaluation of locational factors, such as infrastructure capacity, market demand, and compatibility with surrounding land uses.

The findings in this staff report list the relevant review criteria and respond to them. The proposed amendments to the text of the Comprehensive Plan are shown in Exhibit A and the 2007 EOA Update memo is attached as Exhibit B.

## **NOTICE INFORMATION**

A notice of public hearing was published in the *Albany Democrat-Herald* on February 25, 2008, and a press release was issued on February 26, 2008.

## **PLANNING COMMISSION AND STAFF RECOMMENDATIONS**

APPROVAL of the proposed Comprehensive Plan amendments to the 'Economic Development Background Summary' section of Chapter 3-Economic Development and adoption of the 2007 Economic Opportunities Analysis Update as a Background Report to the Comprehensive Plan.

## **RECOMMENDED CITY COUNCIL ACTION**

Adopt the attached Ordinance.

## **APPEALS**

Within five days of the City Council's final action on this application, the Community Development Director will provide written notice of the decision any parties entitled to notice. A City Council decision can be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal.

## STAFF ANALYSIS

### Comprehensive Plan File CP-01-08

The Albany Development Code (ADC) contains review criteria for Albany Comprehensive Plan amendments. Amendments to the Comp Plan will be approved if the Council finds that the applicant has shown that the following applicable criteria are met. [NOTE: Code criteria are written in *bold italics* and are followed by findings and conclusions.]

*(1) A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.*

#### FINDINGS OF FACT

- 1.1 The City of Albany Strategic Plan 2007-2012 includes a *Healthy Economy* goal. A relevant strategy under this goal is to *"ensure an adequate supply of zoned and serviced industrial and commercial property for growth and expansion."*
- 1.2 Albany Comprehensive Plan, Chapter 3-Economic Development (Goal 9), Land Use Goal #1 states *"Ensure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Albany, including commercial, professional, and industrial development."*
- 1.3 Statewide Planning Goal 9-Economic Development requires that comprehensive plans for urban areas be *"based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base."* The comprehensive plans *"shall include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends"* and *"Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies."*
- 1.4 Oregon Administrative Rule (OAR) 660-009 implements Goal 9-Economy. 660-009-0015 requires cities to *"review and, as necessary, amend their comprehensive plans to provide economic opportunities analyses"* that include a review of economic trends, identification of required sites, an inventory of industrial and other employment lands, and an assessment of the community economic development potential. *"The analysis will compare the demand for land for industrial and other employment uses to the existing supply of such land."*
- 1.5 The information in the current 'Economic Development Background' section in Chapter 3-Economic Development of the Albany Comprehensive Plan was based upon data and analysis done as part of the 2000 Economic Opportunities Analysis (EOA).
- 1.6 The 2000 EOA was adopted as a Background Report to the Comprehensive Plan in 2003.
- 1.7 The analysis of buildable employment lands done in 1999 as part of the EOA, did not address wetlands or other factors that limit the development potential of property.
- 1.8 Several commercial and industrial sites that were available for development in 1999 have since been developed or committed for development.

#### CONCLUSIONS

- 1.1 The proposed amendments will update the 'Economic Development Background' section in Chapter 3-Economic Development of the Albany Comprehensive Plan with more recent information and analysis from the 2007 EOA Update. The updated information will enable the City to make more informed planning decisions related to the appropriate range of employment sites needed to accommodate expected business growth over the next twenty years. This is consistent with the goals and policies of the state and city.

1.2 This criterion is satisfied.

***(2) A legislative amendment is needed to meet changing conditions or new laws.***

#### FINDINGS OF FACT

- 2.1 The analysis of buildable employment lands done in 1999 as part of the EOA did not address wetlands or other factors that limit the development potential of property. New data is available to address these factors, such as inventories of wetlands and riparian corridors.
- 2.2 Several commercial and industrial sites that were available for development in 1999 have since been developed or committed for development.
- 2.3 In 2005, the state adopted amendments to the administrative rule that implements Goal 9- Economy (OAR 660-009), including the required content of EOAs. The amendments include clarification and streamlining of the definitions and methodology for the inventory of existing land supply.

#### CONCLUSIONS

- 2.1 By incorporating the updated information, the City is staying current with State requirements, and will be able to make more informed decisions related to commercial and industrial land needs.
- 2.2 This criterion is satisfied.

The following Comprehensive Plan goals and policies are relevant to review of the proposed Comprehensive Plan amendments. The Comprehensive Plan is organized by the statewide planning goals. [NOTE: Each relevant goal and policy will be written in ***bold italic*** type and considered as a separate review criterion.]

***(3) Chapter 9, Goal 1-Citizen Participation: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.***

***Policy 2: When making land use and other planning decisions:***

- a. Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.***
- b. Utilize all criteria relevant to the issue.***
- c. Ensure the long-range interests of the general public are considered.***
- d. Give particular attention to input provided by the public.***
- e. Where opposing viewpoints are expressed, attempt to reach consensus where possible.***

***Policy 2: Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process.***

#### FINDINGS OF FACT

- 3.1 Public notice was posted in the local paper regarding the public hearing and a press release was issued that described the proposed amendments, process, and potential outcome of the decision. It also explained that there will be opportunities for public involvement at the time site specific decisions will be made regarding redesignation of residential land or expansion of the UGB.
- 3.2 At the time site specific decisions will be considered, such as redesignation of residential land or expansion of the UGB, there will be an opportunity for public involvement.

## CONCLUSIONS

3.1 The public notice and press release informed the public of the proposed amendments, opportunities to provide input, and expected process outcomes.

3.2 This criterion is satisfied.

**(4) Chapter 9, Goal 2-Land Use Planning: Undertake periodic review and update of the Albany Comprehensive Plan to ensure the Plan:**

- 1. Remains current and responsive to community needs**
- 2. Retains long-range reliability**
- 3. Incorporates the most recent and reliable information,**
- 4. Remains consistent with state laws and administrative rules**

***Policy 1: Applications for Comprehensive Plan Amendments submitted by property owners shall be reviewed semiannually by the Planning Commission. The City Council or Planning Commission may also initiate Plan amendments at any time they determine that the public interest would be best served by so doing.***

***Policy 2: Base approval of Comprehensive Plan amendments upon consideration of the following:***

- a. Conformance with goals and policies of the Plan.***
- b. Citizen review and comment.***
- c. Applicable Statewide Planning Goals.***
- d. Input from affected governmental units and other agencies.***
- e. Short- and long-term impacts of the proposed change.***
- f. Demonstration of public need for the change.***
- g. Demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.***
- h. Any additional information as required by the Planning Commission or City Council.***

***Policy 4: Undertake periodic review and/or update of the Albany Comprehensive Plan at least every four to seven years.***

## FINDINGS OF FACT

4.1 See Findings 2.1-2.3, which address the issues of updated information and consistency with state laws and administrative rules.

4.2 The proposed Comprehensive Plan amendments will enable the City to use the most current information as the basis for planning decisions.

4.3 The last EOA was done in 1999-2000 and the data and conclusions are no longer relevant to today's conditions.

## CONCLUSIONS

4.1 The background information in Chapter 3-Economic Development of the existing Comprehensive Plan is outdated and no longer relevant to current conditions. The updated information will enable the City to remain current, retain long-term reliability, incorporate the most recent and reliable information, and remain consistent with state laws and administrative rules.

4.2 Using the most current information as the basis of land use decisions serves the public interest.

4.3 This criterion is satisfied.



TO: Albany City Council

VIA: Wes Hare, City Manager  
Don Donovan, Planning Manager *Don*

FROM: Anne Catlin, Community Development Planner II *alc*

DATE: March 5, 2008, for the March 12, 2008, City Council Meeting

SUBJECT: Linn-Benton MicroBusiness Program Assistance Grant Support

Action Requested:

Adoption of the attached Resolution that declares the City's support for a Microenterprise Assistance Grant submitted by the Linn-Benton MicroBusiness Program.

Discussion:

The Linn-Benton MicroBusiness Program hopes to obtain grant funds from the State Community Development Block Grant (CDBG) to operate a Regional Microenterprise Assistance Program. The grant funds help to fulfill the mandates of the Oregon Microenterprise Act, which recognizes microenterprise programs as important elements in the Oregon economy and job creation. Microenterprise includes self-employment and start-up businesses.

The Linn-Benton MicroBusiness Program (LBMP) started in 2005 as a collaboration between Willamette Neighborhood Housing Services (WNHS, formerly Corvallis Neighborhood Housing Services) and Linn-Benton Community College (LBCC). The LBMP is being managed by a program coordinator, who is staffed through WNHS, and an instructor, who is staffed through the Small Business Development Center at LBCC. Attached is information on the program and its past accomplishments.

The grant is available on a first-come, first-serve basis. The grant must include at least three non-entitlement communities. The LBMP is asking Albany to participate in the program again this year. WNHS is coordinating the grant application on behalf of the program and the participating communities (Albany, Benton County, Linn County, Lebanon and Sweet Home). Benton County will be the lead applicant. (Note: Because Corvallis is an entitlement community, Corvallis residents are not eligible for the grant.)

Participating in the regional microenterprise grant will not count against Albany's maximum of three open CDBG grants.

Budget Impact:

None.

alc

Attachments: Resolution and Linn-Benton MicroBusiness Program Development handout



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION DECLARING THE SUPPORT OF THE CITY OF ALBANY FOR A MICROENTERPRISE ASSISTANCE GRANT SUBMITTED BY WILLAMETTE NEIGHBORHOOD HOUSING SERVICES FOR THE LINN-BENTON MICROBUSINESS PROGRAM.

WHEREAS, the Oregon Economic & Community Development Department has announced guidelines for its 2008 Method of Distribution for Community Development Block Grants for Microenterprise Assistance; and

WHEREAS, Willamette Neighborhood Housing Services has prepared a project proposal to request such a grant for the Linn-Benton MicroBusiness Program; and

WHEREAS, the City of Albany, as a public agency, supports the development of microenterprise businesses commonly defined as a business with fewer than five employees and with capital needs of under \$35,000; and

WHEREAS, the City of Albany is forming a regional microenterprise assistance program with the Cities of Lebanon, Sweet Home, and Linn and Benton Counties to support economic development through microenterprise services; and

WHEREAS, the City of Albany recognizes that Benton County is the lead applicant for this proposal and will act on the regional program's behalf as lead applicant,

THEREFORE, BE IT RESOLVED THAT the City of Albany declares its support of the Linn-Benton MicroBusiness Program grant application for microenterprise development services throughout the area of the regional program.

DATED AND EFFECTIVE THIS 12TH DAY OF MARCH 2008.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## LINN-BENTON MICROBUSINESS PROGRAM DEVELOPMENT

The third year of the Linn-Benton MicroBusiness program has been a year of growth – both in the number of entrepreneurs served and in the various resources we have available for our entrepreneurs.

We hold three 12-session (36-hour) workshops each year. Two of the three are held in the non-entitlement areas of Linn and Benton Counties, including one in Albany.

### **Number of Entrepreneurs Served**

Since the programs' inception, we have served over 100 people in non-entitlement areas, including 28 Albany residents. Of the people assisted, over 40% have started or maintained a business. Some examples of the businesses located in Albany include a diesel engine mechanic, quilter, massage therapist, graphic designer, and human resource consultant.

Please note that these numbers do not include Corvallis residents served through our program. Corvallis is an entitlement area and their residents are supported with separate funding.

### **Supportive Resources**

Access to Capital. This year there were significant changes to the eligibility rules for the Valley Individual Development Account (VIDA) program, increasing the number of entrepreneurs who can benefit from the matched savings program. Under the new rules, entrepreneurs who make less than 80% AMI can enter into the VIDA program. Enrollment in the VIDA program lasts anywhere from six months to three years and can save a maximum of \$1,000 per each 12-month period. At the end of the program participant savings are matched by the VIDA program on a 3 to 1 basis up to a maximum of \$9,000 in matching funds. If the applicant is at 200% of the poverty line they may qualify for an additional \$2,000 if they save an extra \$667. Total savings could potentially reach \$14,667. Our Microentrepreneurs are then able to use these savings to purchase necessary capital for their business.

Entrepreneurs also have access to micro-loans through OSU Federal Credit Union microloan program and the Oregon Microenterprise Network's CapitalLink program.

Access to Markets. In addition to organizing tradeshows and offering networking opportunities, we now offer our entrepreneurs access to MarketLink. MarketLink, a program of the Oregon Microenterprise Network, provides entrepreneurs with access to a system of databases that enable them to research their industry and competition, and build mailing lists of potential customers.

Mentoring Program. The Linn-Benton MicroBusiness Program, in collaboration with the Corvallis Independent Business Alliance, Downtown Corvallis Association, and the Chamber Coalition began a two-county mentoring program. This program links new business owners with experienced entrepreneurs and professionals in a mentor/protégé relationship. Currently 8 of our participants have mentors, including 3 Albany residents.



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Ed Hodney, Director of Parks and Recreation *EH*

DATE: March 5, 2008, for the March 12, 2008 City Council Meeting

SUBJECT: Resolution to Relinquish title of City Property on Adah Street to Habitat for Humanity

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

APPROVE A RESOLUTION AUTHORIZING THE RELIQUISHMENT OF TITLE TO SURPLUS REAL PROPERTY TO HABITAT FOR HUMANITY FOR LOW INCOME HOUSING PURPOSES

Discussion:

At the work session on January 28, 2008, the Council directed staff to place this item on a future meeting agenda.

Budget Impact:

None

Attachment: Proposed resolution

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE RELIQUISHMENT OF TITLE TO SURPLUS REAL PROPERTY TO HABITAT FOR HUMANITY FOR LOW INCOME HOUSING PURPOSES.

WHEREAS, the City of Albany owns a parcel of real property of approximately 0.37 acres at 3437 Adah Street, Albany, Oregon, which is surplus to the City's needs; and

WHEREAS, Albany Area Habitat for Humanity is a qualifying non-profit corporation pursuant to the terms of ORS 271.330(2); and

WHEREAS, Albany Area Habitat for Humanity has requested that the City relinquish title to the surplus property to enable Albany Area Habitat for Humanity to utilize the property for low income housing; and

WHEREAS, the City Council of the City of Albany determines that it is in the public interest of the City to allow the surplus property to be utilized for low income housing purposes.

NOW, THEREFORE, BE IT RESOLVED that:

1. The property described in Exhibit "A," attached hereto, is hereby declared to be surplus and not needed for public use.

BE IT FURTHER RESOLVED that the City Manager of the City of Albany is authorized to relinquish title to the surplus property described in Exhibit "A" to Habitat for Humanity for low income housing purposes.

DATED AND EFFECTIVE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_

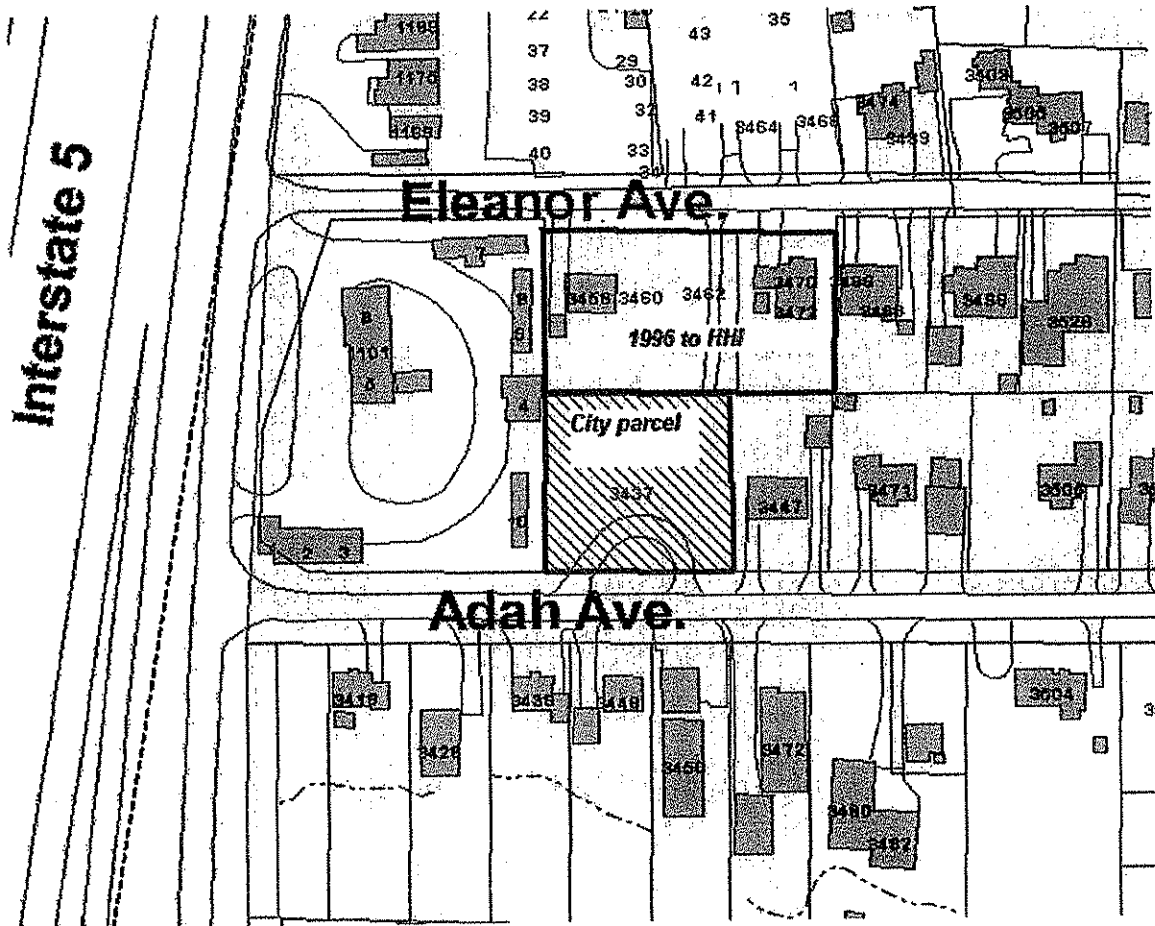
Mayor

ATTEST:

\_\_\_\_\_

City Clerk

SITE MAP  
Exhibit A



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ACCEPTING A GIFT OF APPROXIMATELY 11.97 ACRES OF PROPERTY FROM THE ALBANY BOYS AND GIRLS CLUB FOR PARK PURPOSES.

WHEREAS, the City of Albany has determined the need to acquire land for a neighborhood park in central Albany in accordance with the adopted 2006-2010 Parks and Recreation Master Plan; and

WHEREAS, a gift of approximately 11.97 acres has been offered for park purposes by the Boys and Girls Club of Albany ("the Club"), said property being located on Oak Street, south of 9<sup>th</sup> Avenue; and

WHEREAS, the Albany City Council approved Resolution No. 5529 on December 10, 2007, authorizing the City Manager to enter into an Agreement for Conveyance of Real Property and indicating the City Council's intent to accept a gift of the 11.8 acre tract of land from the Club; and

WHEREAS, the conditions of the Agreement for Conveyance have been met and the Club is now prepared to execute a gift deed;

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby authorizes the City Manager to accept a deed of gift for the property described.

DATED AND EFFECTIVE THIS 12<sup>th</sup> DAY OF MARCH, 2008.

---

Mayor

ATTEST:

---

City Clerk

APPROVED: \_\_\_\_\_

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, December 12, 2007  
7:15 p.m.

MINUTES

CALL TO ORDER

Council President Sharon Konopa called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Sharon Konopa, Ralph Reid, Jr., Dan Bedore, Dick Olsen, Bessie Johnson, and Jeff Christman

Council members absent: Mayor Doug Killin

SCHEDULED BUSINESS

Communications

Accepting letter of resignation from Anne Peltier from the Planning Commission.

MOTION: Councilor Johnson moved to accept a letter of resignation from Anne Peltier from the Planning Commission. Councilor Bedore seconded the motion and it passed 6-0.

Supporting sustainable management of Oregon's public forests.

Doug Heiken, Eugene, representing Oregon Wild, formerly known as the Oregon Natural Resources Council, provided a Power Point presentation (in agenda file) reviewing the history of public forests and the Western Oregon Plan revision. They are a conservation organization and oppose the changes that will change areas from protective status to unprotected status. He reviewed the Northwest Forest Plan, the O & C Lands Act, and the Western Oregon Plan Revision. He said protecting the Bureau of Land Management (BLM) land is a value to Oregonians and the environment.

Anna Morrison, 25160 Broadway, former Lane County Commissioner, is in favor of the Council endorsing the document. She referenced an article in the *Register Guard* newspaper and a pamphlet written by a group of private citizens interested in opening the BLM lands. She said the counties are losing funding because of reduced federal sharing of revenues from forest cutting. Her citizen group is working with "Alternative Two" in the pamphlet, which would provide the most revenue to Lane County. Under the Secure Rule Schools Act, Lane County received \$50,000,000. That Act is now over and funds are being cut to \$3,000,000. She said the impacts are statewide. She said her group supports sustainable management of the forests so services can continue at the same level in the counties.

Councilor Olsen would like to review the literature Morrison provided and asked if clear cutting would be allowed under this plan. Morrison said that forests in rural communities are dependent on recreation, tourism, and cutting. She believes the private sector can clean up forests and still have trees for natural settings. Heiken said that clear cutting will be allowed as a result of this measure. It would be a dramatic increase in clear cutting.

Konopa asked if the Oregon State University Forestry Department supports this plan. Heiken said at one time they had a committee to review it, but it has been disbanded. To his knowledge they have not weighed in on the plan.

Bedore doesn't want to take any action tonight.

Johnson said counties will be affected, if they don't get O&C money. She wants to study the information.

Councilor Reid said forest areas need something. He considers this a reasonable job of harvesting. He told the Council about his private property and the types of forestry management he and his family do. He said it can be done. Reid told about his experience with services and costs, and said if it is federal land it should be paid with federal funds. He believes reserving forests for recreational use only is not the best option.

MOTION: Reid moved to table this item to the next regularly scheduled Council meeting. Bedore seconded the motion and it passed 6-0.

Approving an additional loan request from Albany Helping Hands for \$100,000 from the General Fund Housing Program.

Kim Sass, 806 South 5<sup>th</sup> Avenue, a member of the HEART Inc. Steering Committee and several other community boards and committees, said that she objects to this request because of its process and capacity. She talked about the Central Albany Revitalization Area (CARA) process for loans in the downtown area and the requirements attached to those loans, including accountability. She was concerned that these dollars from the General Fund Housing Program weren't made available to other agencies involved with the homeless. She doesn't believe there is enough oversight or accountability in the process required for these dollars. She was also concerned with "capacity" in the sense of social services to help people. Social services need to be in place before opening their doors to 200 people. Servicing those people puts pressure on the working poor's ability to receive services. HEART Inc. has been working for a year and they are making progress. There are other homeless services throughout the community. HEART is looking at a 10-year plan to end homelessness. She said we aren't offering people at Helping Hands any real hope, only a physical roof over their heads. She said the shelter has known about the deadline for over a year. She asked the Council to hold the shelter responsible the same way they require businesses to be responsible in the downtown area.

Konopa asked if HEART Inc. was in contact with the Helping Hands Shelter regarding the type of case management they have offered. Sass said they have few dollars for social services and their case manager works half time. Other agencies take up the rest of the cases. She thinks other areas, like Corvallis and Sweet Home, should be providing more services.

City Manager Wes Hare said that he and the Fire Marshall met with Albany Helping Hands regarding overcrowding in their dining hall. They have been attempting to fix overcrowding by constructing another building, which has been under construction. They didn't want to get to February with the building half done with no other plans of completing it. The funds traditionally used for this type of project are from a special account that has been repaid from an original federal grant to assist people with low-income housing. There has never been a formal process associated with these funds.

Olsen asked, is the money in the fund strictly for housing? Hare said under the policy of the City those moneys were to be used for low-income housing.

Ben Atchley, 394 Breezy Way NE, representing the HEART Inc. Advisory Board, said that they were created to advise everyone in Albany on how they can best help the homeless in the short-term and long-term. Helping Hands is an integral part of what they feel is a plan to address homelessness in Albany. They are concerned that there is not enough information provided to make a wise decision about loaning the money. There is nothing regarding how they will repay the loan, they haven't raised any capital money to pay for the construction, and they are currently 30 percent over budget. There are mortgage companies willing to lend at six percent and this loan is at nine percent. HEART is also concerned about their ability to repay the funds. The monies will be coming from a transitional housing fund and they are concerned that there will not be money available for another plan. What happens if they default on the loan? The City should not be in the business of running shelters. If the Council gives money or not, the Council should require that they seek a commercial loan for less than nine percent to pay off the loan or start a capital campaign to pay it off. If the Council does approve the request, HEART suggests the funds be released only if the building is inhabitable and conforms to the agreement with Fire Department. He is unsure that the construction can be completed in eight weeks, by February 15. HEART is willing to help relocate people currently staying at Helping Hands.

Reid asked, as a member of HEART, do you think their board will act as a policy agency? Atchley said, we are not that kind of board; we are an advisory board. There are philosophical differences between Helping Hands and HEART.

Reid asked, can you work with the City Attorney and Helping Hands for repayment and operations? Reid feels the Council should require a timeline for construction and repayment procedures.

City Attorney Jim Delapoe said, if what you are suggesting is that the Council's willingness to loan be dependent on certain conditions, a contract can be drafted. But, he cannot write up an agreement that has not been reached.

Johnson said, these are two different organizations. One can't make rules for the other.

Atchley said, we are a collaborative group from all areas that deal with the homeless.

John Donovan, 739 Calapooia Street, representing the Albany Helping Hands Board, said they would be willing to have discussions with any interested parties about what is going on at the shelter. He mentioned that they have raised \$539,000 from individuals and \$400,000 from grants. They have 1,000 people on their donor list who give regularly. They have paid all their bills. The Board is made up of excellent business people. They have started three businesses and they are thriving. A conservative estimate of income from the business is around \$125,000. The previous loan has been repaid. They are now asking for funding to finish the project. They are pleased to work with anyone with transitional housing. They place



people in apartments regularly every month. Donovan assured the Council that they will repay the loan. They have a good working relationship with the state and federal governments and feel they have a good working relationship with the City. They are willing to be totally transparent.

Konopa asked, what is the ratio of men to women currently being housed? Donovan said they usually have two-thirds men and one-third women.

Bedore asked, is the current building mortgaged? Donovan said yes. He added that this loan will allow them to meet the City's deadline.

Olsen said from what he has read, they would be receiving the money for one year with no interest and then it would go to nine percent.

Bedore said he would feel more comfortable to lend them the money while they sought conventional financing to pay off the debt.

Delapoer said the Council can lend the funds through a demand note.

Bedore said he is opposed to the City being landowners any more than is necessary.

Councilor Christman asked, even with the new dormitory, will they be overcrowded? Donovan said, only if they are unable to move people into transitional housing. Currently they have 40-45 chronically mentally ill people ready for transitional housing. He believes that Helping Hands is in a good financial position.

Christman asked, will the Fire Marshall be satisfied on February 16 that there will be no overcrowding? Donovan will abide by rules put down by the Fire Marshall and will have people in the dormitory if completed. They will have a definite limit of the number of people that can stay at their facility.

MOTION: Johnson moved to approve the additional loan request from Albany Helping Hands for \$100,000 from the General Fund Housing Program with the condition that the loan is disbursed on an actual reimbursement basis and a one-year demand payment clause be added to the loan contract. Olsen seconded the motion.

Reid asked if they would be abandoning overflow housing in the dining room. Donovan said that is the goal.

Christman said he believes it is a community problem and the community needs to step up.

VOTE: A vote was taken on the motion and it passed 4-2, with Christman and Bedore voting no, and was designated Resolution No. 5538.

#### Business from the Public

No one wished to speak.

#### Decisions

##### SD-05-07 and SP-14-07, appealing the Planning Commission's approval of a Subdivision Tentative Plat and Site Plan Review for Thornton Lake Estates.

Konopa explained that this is a continued Consolidated Quasi-Judicial Public Hearing regarding an appeal of the Planning Commission's approval of a Subdivision Tentative Plat that would divide 24.2 acres of land into 78 residential single-family lots and two open space tracts; and a Site Plan Review to remove 21 trees from the property to construct the subdivision previously referenced. The subject property is located on the east side of North Albany Road NW, south of East Thornton Lake. The appellant is the North Albany Citizens in Action. These are City of Albany case files SD-05-07 & SP-14-07. She noted that on December 10, 2007, the Council held a continued public hearing on these applications. The applicant requested the public hearing be continued to tonight's meeting for their final rebuttal statement. At this time, the public hearing will be re-opened to allow the applicant an opportunity provide rebuttal testimony only. The testimony should be limited to argument and any new evidence offered will be deemed out of order and not received into the record.

Delapoer explained that tonight's hearing is different from normal public hearings as it is limited to argument, not evidence. He shared the transcript from the November 5, 2007, meeting in which both party's attorneys agreed to these procedures. He said the applicant tonight must confine his remarks to argument and can not bring up new evidence, any new data, or new studies. Delapoer also explained "argument" and "evidence" as defined by the Oregon Revised Statutes by reading ORS 197.763.

Konopa called to order the Continued Consolidated Quasi-Judicial Public Hearing at 9:02 p.m.

Applicant's Rebuttal testimony

Brian Moore, 250 Church Street, Salem, representing the applicant, Thornton Lake Estates, said they will be giving a summary of all their reports. It doesn't contain any new evidence. Their goal is to show that there is more than substantial evidence to support affirming the Albany Planning Commission's approval of the subdivision's plat and site plan review. He said this is not a conditional use permit, this is a subdivision application. Moore said they will show how evidence submitted by the opponents is incomplete, under informed, or contradictory. All requests from staff have been met and their evidence is sound and can withstand scrutiny. The criteria to be met are in the Albany Development Code 11.180, 1-5, in particular subsections 3 and 4, which deal with streets, traffic, and service by various public utilities.

Transportation

Richard Woelk, PO Box 3047, Salem, a registered Civil Engineer, said he has been doing this type of work for over 30 years. He said traffic studies are never done in a vacuum. They are open to scrutiny from staff at all levels. He has been working on this project for over a year. He has met with the Albany staff many times. The report that Mr. Nys, of Greenlight Engineering, gave on Monday is his opinion, not fact. Item 1 of Nys' report said that they should have reviewed and analyzed Springhill Road. Springhill Road was analyzed in 2005 and the impact was negligible. What Nys overlooked was that in Section 7 of the City of Albany Traffic Impact Analysis requirements, it says that staff shall define the area prior to the study. Staff did define the area for the applicant and Springhill Road wasn't part of it. Nys also points out that there is a difference between existing distribution and the applicant's distribution data. What the applicant provided was based on data supplied by City staff. Traffic studies have to be consistent. If not consistent, conclusions will be all over the place. There have been multiple traffic studies done in the last five years on Thornton Lake Road based on the same distribution that the applicant used. It enables the City staff to incrementally analyze the impact on streets and intersections. The process is stringent.

Woelk said that Item 2 of the Nys report had 13 pages regarding analysis that the Oregon Department of Transportation's (ODOT) Portland metro region standards should be met. This is not the Portland region. The standards for review are the City of Albany's, not ODOT's. The Region Planner for ODOT says that the analysis should be to the City of Albany's standard. The City of Albany's level of service requirement is "D." The applicant can show that their analysis is at a level of service "C" through the year 2014. The Nys report also contains an ODOT signal timing sheet on page six and says that because the south leg of Highway 20 and North Albany Road leads into the park, the Council should disregard the 25 seconds that is allocated and only use 75 seconds. The Signal is operated on a split phase with a 25 second approach on that leg. The study can't disregard it because, it is a low volume approach. It must add up to 100 seconds. It does with the inclusion of the 75 second approach. Nys continues in his report to say there are too many errors for it to be a valid study when compared to the metro study. Every region of ODOT is different. The applicant must conform to the City of Albany's standards.

Woelk said that Item 3 of the Nys report says not all elements or subdivisions were accounted for in the applicant's traffic study. All subdivisions with a Traffic Impact Analysis (TIA) were in the report but Laurel Hill wasn't in there because they were not required to have a TIA. But, the applicant's study did include a growth factor of two percent, recommended by City staff, to account for smaller subdivisions that had not been required to have a TIA.

Woelk said that Item 4 of the Nys report said the applicant didn't include traffic counts and therefore the report is invalid. The traffic counts were taken but weren't included in the report. They were significantly lower than the one taken previously for Crocker Lane Estates. The applicants felt that indicated that when the counts were taken people were not on the road because of the time of year. Having talked with the City, the applicant took the newer traffic counts from the Crocker Lane Estates and applied the City standard of growth.

Woelk said that Item 5 of the Nys report is asking the City of Albany to use the city of Portland metro region ODOT requirements for lane utilization. But, ODOT is not involved as stated on page 405 by the ODOT Manager. The City of Albany requirements apply.

Woelk said that Item 6 of the Nys report comments on the accident rate. The accident rate was calculated using state of Oregon criteria. Nys wants the Council to think that the accident analysis should be from the north leg of Hickory Street and go to Quarry Road. The Hickory Street intersection is four legged and requires the fourth leg. The report shows no accidents from Hickory Street to Highway 20 and therefore is included.

Woelk said that in Item 7, that Nys claims that there is no record of the staff reviewing the traffic study. He apparently did not review all of the record.

Woelk said that regarding Item 8, Nys concurs with the applicants conclusions.

Woelk said Nys says in Item 9, that queuing or stacking is not addressed. The City of Albany requires that the analysis identify traffic intersection queuing. Their appendix sheets have it at the bottom of the pages, so it was provided.

Woelk said that Nys reported that he felt the traffic gap study was taken at the wrong intersection. Woelk said it was taken at the south end of the bridge, as indicated on page 47 of his summary. Professional traffic people are hired for these kinds of studies and generally it is done by cameras. It was taken at the bridge but it referenced the nearest public street, Thornton Lake Drive. There are both a.m. and p.m. gaps in the report. The gap study, as it exists now, was supplied as a courtesy. The critical information about future gaps possibilities is provided in the study and says that there are still adequate gaps for traffic to enter the roadway.

Woelk said Nys identified items that he said were not addressed in the applicants report: The peak hour factor was corrected in other submissions that he apparently didn't receive: The 2014 a.m. analysis uses two lanes and was originally used for the roundabout. It was corrected with the information given the Council on November 5. It meets the City's criteria. Queuing is addressed at bottom of the sheets. SIMS traffic analysis showed there was no queuing at the railroad track. Nys said there were missing pages, the ones he was referring to were replacement sheets. Traffic studies are required to follow a process dictated by City staff. The staff's process was detailed and staff was involved in all aspects of the traffic study. He believes their local knowledge is much better than Mr. Nys.

#### Storm water and soil removal

Mark Grenz, 1155 13<sup>th</sup> Street, Project Engineer for the development, spoke regarding water quality. He was concerned about the testimony presented by Mr. Strecker on behalf of the opponents regarding the storm water drainage problems. Grenz outlined the information that Strecker provided. Grenz believes Strecker had narrative and hydrograph information, and drawings. Grenz believes Strecker didn't have the geo-tech report, all the plans for the storm drain system, a grading map and storm drain map, and didn't have some information from the November 3, 2008, presentation. Grenz said that if Strecker had been provided with all the information he would have come to a different conclusion. He also stated that storm water quality reports were not provided to Strecker. Grenz said that information was addressed in the October 9, 2007, report. Strecker had several concerns that he said he didn't have answers for. Grenz said that Strecker states that they did a good job on the design of the treatment facility. Then he states that pollutant cisterns should be developed so the design could focus on removal of the pollutants. He said the water quality reports weren't available. They were there in the October 9 reports. They specifically talk about water temperature, oxygen, fecal coliforms, and heavy metals. Strecker was concerned that he didn't have information, but it was available. Regarding the ponds, Strecker said that the pollutants the applicant was trying to treat weren't named. They were, but he didn't have the information. Grenz continued to review Strecker's report. He said that maintenance of water temperature is part of the developer's plan. The items presented that night, orally, Strecker did not have. There was also concern about size. This pond was designed for this project only. The water quality facility has been sized to the project. Retention for treatment of the pond he said wasn't available, but it was and he didn't have. Information provided on May 3 and October 9 Strecker never received. Grenz reviewed several more of Strecker's concerns and explained that if he had been provided with the full information, his concerns would have been covered. Grenz mentioned that the steps they would take regarding the water quality would likely improve the quality of the water in the lake. If Strecker had all the information, he would have come to the same conclusions they had. The developers can answer every one of his questions. He said that City staff has reviewed all of his testimony.

Moore added that there is good that will come from this subdivision. It provides emergency street conductivity consistent with and as required in the City's Transportation Plan. It provides the alignment of Jones Avenue, storm water runoff control and treatment, preserves wildlife habitat, and provides affordable housing at a density planned for this property. It provides sidewalks where none previously existed. It provides substantial sums of money to fix problems on North Albany Road.

Attorney Ed Schultz objected to this testimony saying that the presentation wasn't argument. The issues being discussed are a presentation. He feels the issues for tonight are about traffic and water quality. The other issues being presented are beyond the scope of the hearing tonight.

Delapoer said that the applicant, by the prior rules that were announced, is allowed to give a rebuttal argument about all the issues that have come up, in the hours and hours of testimony. The previous rebuttal was limited to responding to the evidence that the opponents had raised. He believes the Council should let Mr. Moore continue.

The Council agreed to have Moore continue.

Moore said their impact hasn't caused any City standards to fail. They have met all City standards regarding streets. Much was said about ODOT standards. ODOT knows of the subdivision and they have not made any comments. The applicant satisfies the standards. They have provided two intersection options, including a design feasible for a round-about. They are not creating unsafe conditions. They are creating sidewalks. North Albany Road will be safer. The proposed water quality basin works. All storm water in the City goes to a lake, a stream, or a creek and basically, is not treated. Their plan will treat the water more than other properties currently surrounding the lake. The Highway 20 intersection satisfies City standards with "Level of Service (LOS) D". He said the comments about traffic requirements for the Highway 20 intersection are inappropriate. He believes it would violate Mr. Hendricks "constitutional" rights to require him to reconfigure those intersections. He said the constitution requires that similar

property owners must be treated the same. He does not recall the same requirement for the other 911 lots approved in North Albany.

Moore said of all the property owners around Thornton Lake, the applicant is the only person willing to offer a solution and money for a solution for the storm water problem. Moore said the applicant has provided open space to separate their lots from the lake; they are preserving habitat; providing sidewalks on North Albany Road; upgrading intersections; providing for secondary access for emergency vehicles; and providing conservation easement for trees. He said their 6,500 square foot lots are consistent with the zoning for the area. The applicant has been accommodating and followed every request made by City staff. All homes will be constructed above the flood plain without impacting any surrounding properties. They have been working on this subdivision for three years and are asking the Council to affirm what the Planning Commission already decided; to approve the application. He believes City staff will say they meet City standards and provide for the property to be served by public utilities. The right decision is to approve.

Konopa closed the public hearing at 10:24 p.m.

Planning Manager Don Donovan read the staff's response, saying that opponents of the Thornton Lake Estates subdivision have offered a number of interpretations of the Albany Development Code in making their case why the subdivision should be denied. Staff recognizes that the code is not always clearly written and that sometimes it is hard to figure out how it is intended to be applied. However, the City has an interest in consistent code interpretations and has an interest in the long term implications of how we interpret the code. We do not want to adopt code interpretations that are inconsistent with past interpretations, or that compromise the long term interests of the City in reviewing development applications. More simply put, we don't want to interpret the code in a particular case in a way that will not allow us to apply the code the way it was intended in the future.

With these interests in mind, staff believes it is necessary to identify code interpretations that have been suggested in relation to the Thornton Lake Estates subdivision application that are not consistent with the longer term interests of development review. We prepared a document that lists the code questions that have been presented so far, and listed our responses. We believe it is important that the City Council adopt these clarifications of how the Code applies if you decide to approve the subdivision.

Whether the City Council decides to approve or deny the Thornton Lake Estates subdivision, staff recommends that these interpretations be validated by the Council. The interpretations will be used to respond to issues raised by opponents of the subdivision if the Council approves the subdivision, or they will be used to exclude findings for denial that are not consistent with the Code if the subdivision is denied. In this way the longer term interests of the City will be preserved. The document was placed before the City Council prior to the meeting.

Delapoe advised the Council to deliberate, come to a tentative decision, and have staff return with findings for their approval.

Recess

The Council recessed at 10:27 p.m.

Reconvene

The Council reconvened at 10:38 p.m.

Public Works Director Diane Taniguchi Dennis said that Engineering has a staff analysis prepared by Traffic Engineer Ron Irish. Irish explained that his memo (in agenda file) was to document City staff's position concerning the various traffic-related issues surrounding this development, which were raised by Greenlight Engineering in their memo of December 10, 2007, to the City Council. He started with Item 1 of the memo saying the opponents said they underestimated the site-generated trips. Staff disagrees. At that intersection out-of-area southbound drivers on Independence Road routinely divert to North Albany Road to avoid a long delay and safety issues on Highway 20 and then make southbound left turn from North Albany Road. These out-of-area drivers are not a requirement for site-generated trips. Because the applicant used a reasonable distribution for site generated trips, staff does not believe it possible to deny based on this issue.

Irish said Item 2 was the performance standard at Highway 20/North Albany Road. The current ODOT requirement at the intersection is a LOS D. Greenlight Engineering raised the question of which analysis procedure to use, ODOT's or the City's. ODOT has said they will not get involved in the decision. Irish believes that does not mean that ODOT's criteria should not apply but that the basis for the Council's decision should be the City's criteria standards of the "...best economic, safe, and efficient circulation of traffic possible under the circumstances." He believes ODOT didn't imply that their standards should not be considered. He provided an example of using ODOT's performance criteria and cautioned that it would then require that it be used on every development applicant forward from this point. The City hasn't provided for any solution, other than another bridge over the river, for that minimum standard.

Irish said Item 9 is a queue storage issue. Greenlight Engineering points out that the projected length of the queue for the westbound right turn lane from Highway 20 onto North Albany Road will be 600 feet. The current length of the westbound right turn pocket is 245 feet, so it is too short for the volumes being looked at. He does not believe it is possible to add a condition to this development regarding this issue. In the future it would be desirable to lengthen the turn lane and the Council could require the development to contribute its proportionate share through a Petition for Improvement/Waiver of Remonstrance condition. He finds it difficult to consider a highway improvement with a Local Improvement District as the funding source.

Hare asked, does this development meet the standards of the Albany Development Code and are we creating any safety risks by going forward? Irish said the development meets our performance standards. The intersection of Highway 20 and North Albany Road is a concern, but it is not a current requirement.

Konopa said it seems that North Albany Road is not up to City standards. She asked Irish, do you feel that road is safe to handle the increased traffic, or should it be brought up to City standards first? Irish said, bringing it up to City standards with curb, gutter, and a sidewalk doesn't add capacity to the road. Things that bring safety to the road are bike and pedestrian access, and center turn lanes at some intersections. At the moment, the road meets the City safety criteria.

Konopa asked, with this development what would be the level of service? Irish said at Highway 20 it would be level "C". At other intersections it is at LOS "E or F" and is based on the delay factor depending on the type of intersection (stop or signal control.)

Assistant Public Works Director/City Engineer Mark Shepard answered questions regarding storm drainage.

Konopa asked, if North Albany Road is widened, the five foot right-of-way required would be very close to the detention pond. Is the City concerned? Shepard said the City will be getting the dedicated right-of-way that we need now from the development to bring the road up to standards. Konopa asked if having it so close to the road is a concern. Shepard said he is not aware of any concerns regarding it being able to function as designed or being close to the street.

Reid asked if the liner in the pond would float up if the ground water rises. Shepard said that is a possibility. They will be asking that question when it is under review.

Johnson believes the applicant has done very well, has a plan for saving trees, a conservation easement, is willing to fence the pond and create a water quality basin, and is doing a storm water basin. She is concerned about putting the responsibility for maintenance on a neighborhood association, but feels the applicant has done more than is required. They have met all the City's criteria.

**MOTION:** Johnson moved to have the City Council tentatively approve, with conditions, the application of a Subdivision Tentative Plat and Site Plan Review for Thornton Lake Estates and direct staff to prepare findings for consideration at the next meeting. Reid seconded the motion.

Christman commented about receiving so many documents at the same meeting that they have to make a decision. They are not able to review them in order to make a well informed decision.

Reid asked, where are we on the 120 day clock? Donovan said they need a tentative decision tonight in order to make the final decision by January 9. The Council will receive the findings document in advance to review.

Christman said he understood they would be receiving the findings in advance to review, but was concerned that what he won't have the opportunity to do is ask questions of the experts. Delapoer commented that when so much documentation is provided on the night of the decision, it seems to be provided for a record to the Land Use Board of Appeals (LUBA).

Konopa doesn't feel the environment is being protected with this subdivision and the North Albany Road traffic issues are too great. She believes the roads need to be brought up to City standards; it is a safety issue. Olsen agreed with Konopa.

**VOTE:** A vote was taken on the motion and it passed 4-2, with Konopa and Olsen voting no.

Konopa said that this matter will come before the Council for final decision at their meeting on January 9, 2008.

SD-07-07 and SP-19-07, appealing the Planning Commission's denial of a Subdivision Tentative Plat that would divide a 4.52-acre parcel of land into 11 residential single-family lots (Fabian Estates) and Site Plan Review to remove 129 trees from the property to construct the subdivision.

Konopa said that on December 10, the Council made a tentative decision to approve the applications and directed staff to bring back findings and conclusions to support approval. Staff has presented the Council with a Supplemental Findings document which provides findings, conclusions, and conditions in addition to the staff report to support the council's decision and is on the dais on blue paper. She asked the Council to take a moment to review the document, for questions over the proposed supplemental findings document, and to consider if the document is satisfactory.

There were no questions.

MOTION: Bedore moved to have the City Council approve, with conditions, the Subdivision Tentative Plat application for Fabian Estates Subdivision and the Site Plan Review Tree-Felling application to remove up to 129 trees to construct the subdivision (Files SD-07-07 and SP-19-07), based on findings and conclusions of the Staff Report, the Supplemental Findings submitted to the Council on December 12, 2007, and the testimony presented at the public hearing. Johnson seconded the motion.

Reid said that under Supplemental Conditions, page 4 of the Supplemental Findings of Fact, 4.2, he would like to require that the water be treated before it goes into the pipe rather than into the lake. Shepard said the original finding was to pipe the water from the subdivision to the lake and then the issue of water quality was brought up by Council so staff included water quality as part of the conditions. After further consideration in giving the most flexibility to the developer to attain that water quality, staff thought to change it a little so they could treat the water at the subdivision, which could be difficult because of the topography, or along West Thornton Lake Drive, or south of West Thornton Lake Drive. Staff did not want to condition them into a box in which they could not meet the quality requirement.

VOTE: A vote was taken on the motion and it passed 4-2, with Konopa and Olsen voting no.

Konopa explained that within five days of the decision, 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.

#### Adoption of Consent Calendar

- 1) Approving liquor license for Save-A-Lot, #983.
- 2) Approving lease agreement with Peak for wireless service.
- 3) Acceptance of right-of-way dedication from:
  - a) Glorietta Bay, LLC.

RES. NO. 5539

Christman asked that item 2) be pulled for discussion.

MOTION: Johnson moved to adopt the Consent Calendar with item 2) removed for discussion. Bedore seconded the motion and it passed 6-0.

Christman asked, if after 18 months the City isn't satisfied with the service, can it be canceled? Delapoer said yes. Christman asked, do they have exclusive rights? Delapoer said no, another company can come in.

Christman asked about costs after the initial free period. Information Technology Director Jorge Salinas provided the information saying it depends on bandwidth and the costs range from \$19.95 to \$49.95.

MOTION: Christman moved to adopt item 2) of the Consent Calendar. Bedore seconded the motion and it passed.

#### Reports

Economic opportunities analysis update.

This item was postponed to the next regularly scheduled Council meeting.

Water Avenue Streetscape options.

Civil Engineer II Chris Cerklewski explained that staff got public input, with positive feedback. The railroad was the main issue that came up. Staff is presenting two options: Option A is to decide which streets would be closed; Option B is to discontinue with the streetscape plan until the railroad issues are resolved. With Option B all plans would stop.

MOTION: Bedore moved to adopt "Option A: Adopt the streetscape recommendations as presented on page 50 of the December 12, 2007, City Council agenda, but clarify that the closure plan is tentative and does not obligate the City to close any particular crossing at this time." Johnson seconded the motion.

Cerklewski said proposing the crossings is in the City's favor when negotiating with the railroad.

Delapoer said with Option B there would be no plan in place and we would have nothing to bargain with.

VOTE: The motion was voted on and passed 6-0.

#### BUSINESS FROM THE COUNCIL

Christman mentioned the amount of paper that is generated by appeals of subdivisions not only to the Council, but also to the Planning Commission and to LUBA. It shows that Oregon land use laws have too much duplication and they need to be fixed.

Delapoer mentioned the option of the Council appointing a Hearings Officer form of decision making, similar to the city of Bend. Land use decisions would be appealed to the Hearings Officer who would make a decision and then if necessary, appeal to the Council. The Council can then decide if they want to take it up because it has significant community interest or not. The position would provide greater fairness and quicker decisions.

There was Council discussion regarding a Hearings Officer form of appeal.

Hare mentioned that the state's Big Look Committee will reconvene in January. He is a member of the Committee.

#### NEXT MEETING DATE

The next City Council Work Session is scheduled for Monday, January 7, 2008, at 4:00 p.m., in the City of Albany Municipal Court Room, at City Hall. The next City Council Regular Session is scheduled for Wednesday, January 9, 2008, at 7:15 p.m., in the Council Chambers, at City Hall.

#### ADJOURNMENT

There being no other business, the meeting was adjourned at 11:39 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, CMC  
City Clerk

Stewart Taylor  
Finance Director

APPROVED:

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, January 23, 2008  
7:15 p.m.

MINUTES

CALL TO ORDER

Council President Sharon Konopa called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Jeff Christman, Bessie Johnson, Dick Olsen, Dan Bedore, Ralph Reid, Jr., and Sharon Konopa

SCHEDULE BUSINESS

Communication

Albany Visitors Association biannual report.

Jimmie Lucht, Director of Albany Visitors Association (AVA), passed out a packet which contained: an AVA brochure, a Calendar of Events, a Historic Albany Newspaper, a document about Nationally Registered Historic Homes, a document on Albany Visitors, the AVA Strategic Plan, the AVA Marketing Plan, two magazine ads, and a cooperative advertisement (see agenda file). AVA staff passed out seed packets to the Council. Lucht says they distribute 8,000 packets a year and provide them for Rotarians or missions trips.

Lucht gave a Power Point presentation (see agenda file).

Lucht introduced Rebecca Bond, Historic Resources Coordinator, and Kathy Hansen, Marketing Manager. Bond and then Hansen continued the presentation.

Councilor Dick Olsen asked, do you have owners of bed and breakfast establishments on the AVA Board or have you asked them for advice? Lucht said they have worked with the owners of the Train House in the past and he has been on a few committees with them. They are not represented on the Board now, but there are a couple of Board vacancies.

Olsen asked, does the AVA advertise the Albany Airport? Lucht said they have not had a publication that was applicable to the Airport, but he can look into it. Hansen is working with the Oregon Pilot Association on an upcoming event.

Olsen asked, does the AVA advertise that there is a train station in Albany so visitors could ride Amtrack and stop here? Lucht said they used to include Amtrack coupons with their materials but have not received any coupons lately. Olsen thinks it is good to advertise the Airport and Amtrack and the ease of access to Albany.

The Council thanked the AVA for the presentation.

Konopa asked for members of the audience to raise their hands if they wished to speak regarding the selection of a new Mayor. Due to the response she moved that agenda item up.

Consider selection of Mayor

On the dais was a web comment from Diane Hunsaker (see agenda file); a web comment from Jim Schulte (see agenda file); and a web comment from Carol Hiler (see agenda file).

Bill Root, 2634 Valley View Drive, is the Chairman of the North Albany Neighborhood Association (NANA). Root said that NANA would like to express regrets to former Mayor Doug Killin's family, residents of Albany, and to the City Council. Killin will be missed. Root said, it is time to move on and appoint a new Mayor. The challenge is to appoint the person that is the best qualified. The logical choice is a person that has been elected to the Council many times, has served on various committees, has devoted their life to making Albany a better place to live, and has been presiding over Council meetings in the absence of the Mayor. Root said that person is Konopa; she has done an excellent job as Council President. Root asked the Council if they have heard the Presidential debates. All the candidates say they want change. "Change" is a good word for Albany, too. We have not had a female Mayor yet, and it's time for a change. Root said Konopa is the most qualified, yet chances are she will not be voted in because there are four Councilors that tend to vote together. If the coalition



of four will not support Konopa, and will only support one of the four, then the most qualified person in that group would be Councilor Ralph Reid Jr. If he is not interested, then the next most qualified candidate would be Councilor Bessie Johnson. Root said that of the four, only one has not been elected by the people but rather was appointed, and that is Councilor Dan Bedore. Bedore was appointed to the Planning Commission, then ran for Councilor in Ward I and was defeated. Olsen is qualified to be Mayor and he has been an Albany Mayor in the past and would be a great candidate, but he is a realist and believes there is no chance he would be appointed. Root said there are other qualified people for Mayor such as Lloyd Henion, who ran a well-done campaign against Killin. Root said that any of the Councilors would work as Mayor, but he thinks the least qualified is Bedore because he has never been elected. Unfortunately, he will likely be appointed tonight. Root said, it is a shame that four of the Councilors can't vote to do what is right for a change.

Mark Azevedo, 1210 Skyline Drive, wants to share his perception of how this process has occurred and what he feels a Mayor should be. The process started at the last Council meeting, with a move made that he feels was inappropriate. There was a motion to appoint Bedore to be Mayor upon the Friday of the week of the last Council meeting. He feels it was not an appropriate time in relation to the passing of Killin. The public comment in the newspaper relative to the process, as well as interviews with various Councilors about who they prefer to be Mayor, seemed to hinge on single issues. For Azevedo, the issue is not a single issue such as being in favor or against PepsiCo or if meetings take too long. Rather, it's about leadership and doing what is right for the citizens of Albany. Whoever is appointed as Mayor needs to understand that the citizens of Albany want a leader with integrity, and a leader they can trust to represent the interests of the whole community, not small subsegments of the community. He asked the Council to give thought to who is the person that can lead with integrity. Obviously, this is a divided Council. The City won't move forward with 4-2 votes. Eventually, citizens will have an opportunity to weigh in on the performance of anyone who is put in the position of Mayor.

Mike Quinn, 4455 Sunset Ridge Drive, thinks this decision is already a "slam dunk." It has been that way for 4-5 years because at Monday work sessions, a lot of discussion takes place by the Council when public attendance is low, so lots of folks do not hear the discussion. Then on Wednesday night at the Council meeting when the Council makes the decision, they don't have "mud on their face". He hopes that the Council will listen to the people. He talked with Reid approximately three years ago about a Council meeting where only seven citizens showed up. Quinn said that Reid said, "those are the people we listen to." With all that is happening now in North Albany but no one is listening to its residents; and because North Albany is a cash cow for the City since only 50 percent of the properties have services such as storm water, sewer, and water all the while being taxed at the same rates as those in town; he hopes that the Council will listen tonight.

Quinn said he is here tonight to give a political view point. Personally, it doesn't matter to him who ends up in the Mayor position, but he thinks they should be elected. Because of the passing of a good Mayor, we now have to pick someone short-term. He thinks that by appointing Konopa, the Council can get away from having to fight dog, cat, and tree ordinances every six months by not having a consistent 4-2 vote. As Mayor, Konopa would be a non-voting entity. In November, if she has the support of all of Albany, it would be apparent in a Mayoral election between her and Bedore. There hasn't been a Mayor in a long time that has offered prospective platforms for visions for Albany. Quinn said a lot of people think that Konopa is narrow minded and that Bedore has the experience to bring PepsiCo to town; however, if anyone has stock in PepsiCo, like Quinn does, then they would know that 18 months ago PepsiCo was floundering and was looking at different entities and was not going to proceed full force, like they had in the last ten years. Quinn said that if PepsiCo comes, it won't be because Bedore brought it here, nor will Konopa be able to stop it singlehandedly because the Council majority would prevail. He hopes the Council does the politically correct thing. If someone is not a grass roots person but moved here because their family moved here to take a job, such as Bedore did, then there is also the potential that he may not be here in a couple of years if his wife wants to move on to bigger and brighter jobs in the school district. Quinn has lived in Albany his whole life. He thinks this a "grass roots" issue and the Council really needs to look at it.

Tony Nelson, 1515 12<sup>th</sup> Avenue, moved here in 1978. He graduated from Linn Benton Community College, was student body president, went to Western Oregon State University, married an Albany woman, has three kids in the Greater Albany Public School District, and is a public employee on behalf of Oregon's children and families for over 20 years. He is here tonight as a citizen of Albany but also because he cares about government and about the process. He encouraged the Council to step back from the vote they must take tonight, and consider that public trust is at an all time low, including with local government. He feels that if the Council continues with what he perceives as a rush decision, and appoint Bedore, it will send a bad message to the citizens when the Council is trying to get citizens more involved. This would send the exact opposite message. Nelson is asking the Council to make not the easy choice, but the difficult choice. If they appoint Bedore he would have been selected, not elected, and would be replaced with someone else who was selected, not elected. He encouraged the Council to consider what the job of Mayor is. It is not about who can run the most efficient meeting or for voting for the candidate that voted the same way on a particular issue, especially on an issue that involved millions of dollars of the taxpayer's money. He respects Konopa for posing questions about PepsiCo, not because he necessarily agrees with her vote but because she was outspoken about it on behalf of the tax payers. Nelson said, appoint a Mayor that can bring a vision and that can represent that vision to the public. He said the Council should choose Konopa. He does not know her personally, but as he read about it in the paper, the Council should consider what is in the public's best interest and think about how what they are doing is being perceived.

Tom Cordier, 2240 NW Park Terrace, has lived in Albany for 38 years. If the Council decides tonight to appoint a Mayor, then he advocates on Konopa's behalf. The previous speakers spoke to the discontinuity of appointing someone new to the City to this position. Konopa has served her constituents well for many years. She has openness about her and a demeanor that helps her to connect with and listen to folks. The idea of the Council voting Bedore into this position, in Cordier's opinion, is crazy. He does not know Bedore hardly at all, but at his recent experience with the Council regarding recycling plastic bags, he watched and listened to Bedore. When Bedore said to Cordier that if he doesn't want plastic bags then he should tell his wife not to shop at a place that uses plastic bags, to Cordier that shows that Bedore's demeanor is at odds with what Cordier wants in a Mayor. He urged the Council that if they want to proceed with an appointment, it should be Konopa since she has a long history of serving us well and has the right temperament for the job.

Bedore asked to respond to Cordier's comment. Bedore said he made no reference at all to Cordier's wife. What he said was, you have choices when you shop, you can shop and choose paper instead of plastic or take recycled bags. Cordier said that only applies to check-out bags, not to bags that are used in food packaging, such as at Costco. Cordier said this is a worldwide problem, and he urged the Council to take appropriate action and have Allied Waste Services return in six months with a recycling plan. He at least expected from Bedore a "thank you for your concerns, we will consider that", instead of being told, "you don't have to shop at Costco."

Ray Hiltz, 3012 Takena Street, met Bedore several years ago. Hiltz ran for the Ward I Councilor position against Bedore and Olsen. To Cordier's comment about plastic bags, Hiltz said he was at that meeting too and he did not hear Bedore say what Cordier accused him of, so there is a difference of opinion about what was said at the meeting. He has the results for the votes for the three Ward I candidates. The people in the audience that spoke before Hiltz are all, with the exception of one, from North Albany. They do not want growth. During their campaign, Olsen, Bedore, and Hiltz discussed growth. Bedore was the Mayor of Junction City and has been on the Albany Planning Commission. Hiltz's experience is that Bedore listens to the citizens of Albany, not just the citizens of North Albany. Bedore does believe in growth, if it is well planned, not scattered here and there. Hiltz believes the Council and Bedore especially, looks at issues, listens to people, and then makes a vote accordingly. It is not a matter of Olsen and Konopa voting for something and then the other four voting the opposite. He has observed Bedore sitting in the audience at Council meetings a year before he even ran for the Ward I Council position. He and Hiltz were there, in the audience, not the others - unless they had a specific agenda. He believes that because of his past experience, Bedore should be Mayor even though he was not elected to Ward I. He would do the best job. He listens to people and makes decision based on facts and also based upon what the staff advises. When he was the Governor of the Optimist Club, Hiltz said someone once suggested that a person who was not in the Optimist Club long enough shouldn't be the President; yet that person had lots of past experience in running other organizations. He feels the Council made the appropriate appointment with Bedore as Councilor and that the Council should appoint him as Mayor now.

Jason Katzenstein, 2878 41<sup>st</sup> Avenue SE, is a second generation Albany Fire Firefighter and is also the current President of the Fire Union. He thanked those on the Council for their continued support of firefighters. He has the opportunity to attend lots of conventions and he knows firefighters that work across state, and Albany definitely has a good reputation. Our City supports us more than other communities support their Fire Departments. The Fire Union supports Konopa as Mayor. Katzenstein worked with her during the last Public Safety Levy campaign. Both levies were successful due to her leadership and tireless work. Her work was truly amazing. The Union believes that she represents leadership, experience, and the respect Albany needs in a Mayor.

Dick Owen, 810 Cox Street, said that Konopa is a wonderful person, as is Bedore. He talked to Councilor Christman yesterday, and in Owen's opinion he does not represent Ward III. Owen thinks he may have a hard time getting reelected. The people in Ward III are for Konopa. Owen said he tried to call Councilor Johnson but she did not do the honor of returning his call, so he does not know where she stands. He hopes that Johnson will stand by Konopa. Owen feels that Christman needs to listen to the people of Ward III and hear what they are saying. If he is not going to listen and represent the people, then he has no business being on the Council. Owen said that Bedore should support Konopa as Mayor because she deserves to be Mayor. He said all the Councilors are wonderful people, and he wonders why they can't get together and come to an agreement. Owen said that no matter who wins the appointment to Mayor, he will support them 100 percent.

Janet Steele, 1540 Patrick Court, represents the Albany Chamber of Commerce (ACC). She has been the President of ACC and an Albany resident for 13 years. She has worked with every City Councilor, in some form, over the last 13 years. She said it is a disservice to the Council, especially to the four Councilors that have been told they do not have the right idea, or the experience, or the knowledge, or the trust of this community, because they do. They would not be elected if they did not have community support. Some have been elected more than once, and the people here trust the decision they are going to make. Steele represents the business community of over 720 people and 20 businesses with 18,000-20,000 employees. They do want someone selected for this position that believes in business, understands how important jobs are to this community, and will give an open voice to those that represent businesses. The business community supports Bedore as Mayor. Steele asked Councilor Dick Olsen to refrain from dismissing her when she speaks. She said she does not laugh at Olsen when he speaks, yet he does it to her often. She trusts the Council will make the right decision.

Mark Gasperino, 1417 NE Sherman, said the Council has heard strong opinions and points. One important point is that citizens of Albany wish to be heard and for the most part, they do not feel that they are. It has brought division between the City and the citizens, which is tragic. Gasperino said the Killin family is in our prayers, he

will be greatly missed. To the Council he said, the decision you make tonight will speak volumes to what you want to represent to the citizens of Albany. He thinks the Mayor should be an elected position. Also, it should be filled by an elected official. His family supports Konopa. Her leadership can bring our city back together.

Karen Elliot, 1427 Skyline Drive, asked, does the decision of whether to appoint the Mayor position have to be made right away, or could there be an interim period to recover from the loss, and then review candidates? She suggested asking former Mayor Chuck McLaran to step in for the interim until there can be an election. Konopa explained the City Charter says that a Mayoral vacancy can be appointed, so the Council has the authority to decide how to proceed.

Olsen said, there are a lot of audience members that have spoken, and most have been for Konopa. He finds that interesting. He sat on the Council for eight years in the 1970's and for almost nine years most recently. He knew many of those who spoke and they had good things to say about Konopa.

**MOTION:** Olsen moved to nominate Konopa for Mayor. The motion died for lack of a second.

Johnson said, Elliot had a good point. Johnson wants to assure the audience that the Council is making this decision according to the Charter's authority, which has been approved by the voters. She said she realizes some in the audience do not feel like they have been heard. This is not an easy decision for the Council, but they are doing the best they can. The Mayor is an ambassador for the City of Albany; not north or south Albany, but all of Albany. There are 45,000 citizens that are not represented in the audience tonight. She said that Christman, Bedore, Reid, and she do not always agree like they have been accused of. She and Bedore disagreed on the Human Relations Committee, and they had to work it out. These same four are accused of having agendas, yet Konopa and Olsen have agendas as well. If an issue is related to business and growth, they usually vote no, and Johnson does not feel like that is being an ambassador for Albany. Killin and McLaran listened, and made decisions for all of Albany when they were Mayor, not just their own agenda.

Christman said, there is not a lot he can say to those who spoke against him. Christman said that last night Owen told him that a recall for him will be started in the morning. Christman said, this is not easy regardless of what the audience thinks.

**MOTION:** Christman moved to appoint Bedore as Mayor with the appointment to be effective after the Council has voted to select a successor to his Ward I Council position; the motion seeks to avoid the occurrence of a vacancy among the voting members of the Council; and further requires that immediately after Bedore's successor is selected by the Council, Bedore will be sworn in as Mayor and his successor then sworn in to fill the Ward I vacancy. Reid seconded it.

Reid said that because he was unavailable for the NANA meeting, Root has come out against him. To Katzenstein, he said, because we had a discussion, you too have come out against me. Reid does not think Katzenstein's past actions have not been for Reid's betterment but aside from that, Reid has supported the Fire Department as well as North Albany citizens. He has voted to approve subdivisions because the criteria that were set in the Planning Department were met. When North Albany was annexed it became part of the City. With Senate Bill 100, all subdivisions would be inside city limits, and the population is going to grow and has to go somewhere. Since the property was zoned for residential, it was going to be developed that way. To the audience Reid said, you weren't here when the zoning was discussed, you weren't here when North Albany annexation was being discussed, but you come out against it when it is being developed. There is a group of folks in the audience who are interested in this one topic, so they came tonight. Reid thinks we need someone that will represent Albany as it should be represented, for everyone - not just those with specific agendas.

Johnson said Quinn alleged that Bedore might move from Albany in a few years based on his wife's employment. It may or may not be true, but regardless it is not relevant to this discussion. The Council cannot make decisions based on personal feelings. Rather, they have to follow rules for approval or disapproval of subdivisions. Just because some of the public do not like the final decision, does not mean that the Council was not listening.

Beverly Dumont, 1650 27<sup>th</sup> Avenue, wished to speak. She asked the Council how many phone calls they received after the *Democrat-Herald* ran the article about Konopa and Bedore vying for the Mayor position. Christman said he received four: two supporting Konopa and two supporting Bedore. Dumont said the Council already have their minds made up who they will vote for, so they did not listen to the public. She happened to see the meeting on the television and that is how she got involved. She said, your minds were made up and that is not fair.

Konopa allowed Root to speak a second time.

Root clarified that he did support Reid.

Konopa allowed Quinn to speak a second time.

Quinn asked Bedore, can you stand before all these people and say that you still want this position no matter what all these folks in the audience are saying tonight? Bedore said yes, he will answer Quinn's question. He too has support in the community and in fact many offered to come to the meeting tonight to speak on his

behalf. But Bedore told them not to come, because he did not want to turn the meeting into a public debate or into some sort of circus that would further divide the Council and the community. He has heard everything the people in tonight's audience have said. He thinks the kindest thing his non-supporters have called him tonight was a carpetbagger, which he is not. It is true he followed his wife to Albany when she accepted a job, but they intend to stay in Albany. He noted that it is unfortunate that those who do not know him whatsoever, have come out in opposition of him tonight rather than simply being in support of Konopa. He has enjoyed working with Konopa and he looks forward to working with her in the future in whatever capacity he will be serving the community. That is his primary interest, to serve the community, as he did on the Planning Commission as well as the other Boards he is a part of in the community. He understands there are those who disagree with decisions he has made, but he will echo Johnson's remarks when he states that he made those decisions based on the legal obligation he has to represent all citizens of the City of Albany.

Konopa said she thinks it would be an honor to be Mayor and it is a position that should be earned. She hopes that Bedore will do his best to earn it. She thinks if it is her path to be Mayor it will be by the electorate of this town. That would be the honor and that would be really earning the position.

Konopa called for the question.

**VOTE:** A vote was taken on the motion and it passed 4-2 with Konopa and Olsen voting no.

Konopa called for a short recess.

RECESS

The Council recessed at 8:59 p.m.

RECONVENE

The Council reconvened at 9:07 p.m.

Reid apologized to Root, explaining that they talked during the recess and it was the other North Albany group that came out against him, not NANA.

#### Consolidated Quasi-Judicial Public Hearing

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).

Konopa apologized to the audience for delaying this public hearing.

Konopa said, next on tonight's agenda is a Quasi-Judicial Public Hearing regarding an appeal of 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. The applicants are Joan and Perry Packard. The appellant is Phyllis Vollstedt. This is City of Albany case file SD-14-06.

Konopa called the Quasi-Judicial Public Hearing to order at 9:10 p.m.

Konopa asked if any members of the Council wished to abstain. None did.

Konopa asked if any members of the City Council wished to declare a conflict of interest, or report any significant ex parte contact, or a site visit. None did.

Konopa said, for all those wishing to testify, please be aware that you must raise an issue with enough detail to afford the Council and parties an opportunity to respond to the issue if you later want to raise that issue on appeal to the Land Use Board of Appeals. Testimony and evidence must be directed towards the approval standards that staff will describe or other criteria in the plan or Albany Development Code (ADC) which you believe apply to the decision. If additional documents or evidence are provided by any party, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension to the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

Konopa called for the staff report.

Planning Manager Don Donovan used several overheads from the Council agenda packet during his presentation.

Donovan used an overhead to show the location of the property. He explained that the application before the Council is a Subdivision Tentative Plat application to divide a 3.77-acre parcel of land into 12 residential single-family lots (Links Club Estates). The Planning Commission approved this application in October 2007. Phyllis

Vollstedt, an owner of nearby property, appealed the Planning Commission's decision to the City Council. This is a new hearing where the Council can discuss any aspect of the subdivision related to the review criteria.

The property is owned by Perry and Joan Packard and Gene and Margaret Klingler. The subdivision plat and application were done by K&D Engineering. A traffic study, a flood study, and a drainage study were submitted with the application. The property where the subdivision would be built is located on the north side of Quarry Road, west of Ferguson Drive in North Albany. Donovan used an overhead. The property is zoned Residential Reserve (RR), but the zoning will automatically convert to Residential Single Family (RS-10) when public improvement requirements for the subdivision are met. The minimum average lot size in RS-10 zoning districts is 10,000 square feet. The average size of the lots in this subdivision is 10,671. Donovan used an overhead of the subdivision plat. He pointed out Quarry Road.

Donovan explained the ADC includes standards for development in Albany. The ADC includes five review criteria that must be met if a proposed development is to be approved. When the City receives a subdivision application, City planning staff reviews the application and writes a staff report that explains how the proposed subdivision will meet the review criteria, or how the subdivision can meet the review criteria if conditions of approval are met. Sometimes the review criteria cannot be met and an application is denied.

Donovan said the staff report for Links Club Estates is 20 pages long. The staff report went to the City Council a week earlier and was also available to the public to review. The staff report lists the subdivision review criteria and explains how the proposed subdivision meets the review criteria, or how the subdivision can meet the review criteria if conditions of approval listed in the staff report are met. Donovan showed the criteria on an overhead.

Donovan said he will not go over everything in the written staff report at this meeting, but he would talk about some of the issues that staff found to be the most important and that people who testified at the Planning Commission hearing identified as important to them. People who testify tonight may bring up other questions.

The first subdivision review criterion requires that "development of any remainder of property under the same ownership can be accomplished in accordance with this Code." The proposed subdivision will divide the entire 3.77 acre parcel owned by the Klingler's and Packard's, so there won't be any remainder to be considered.

The second review criterion requires that "adjoining land can be developed or is provided access that will allow its development in accordance with the Code." All of the properties to the north and east are developed and have access to public streets. Quarry Road runs along the south boundary of the subdivision. There is a parcel of land to the west owned by the Rummerfield's, who requested that a street and utilities be extended with the proposed subdivision so the Rummerfield property can be divided into more lots in the future. The subdivision plat shows a street and utilities will be extended to their property.

The third review criterion requires that "the proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances." A first version of this subdivision plat showed that Country Club Lane would be extended from where it ends now, to Quarry Road. Donovan used an overhead. He said that neighbors objected to this plan because traffic from Quarry Road could drive through the subdivision to Springhill Country Club (Club). There were concerns that traffic that now goes to Springhill Road and uses Country Club Lane off Springhill Road, would cut through the subdivision and create more traffic on the west end of Country Club Lane.

The applicants submitted a revised plan that shows Country Club Lane will be extended into the subdivision, but the street will end in a cul-de-sac before it gets to Quarry Road. Donovan used an overhead of the plat.

The applicants submitted a traffic study with the subdivision application. 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 and travel to Springhill Road. The existing traffic volume on Country Club Lane now is estimated to be about 820 vehicle trips per day and volume of vehicle trips on the street with subdivision construction is estimated to be the 106 trips per day generated by the subdivision, for a total of 926 vehicle trips per day. The City generally considers that minor local streets like Country Club Lane should have less than 1,000 trips per day, so that standard would be met on Country Club Lane with construction of the subdivision.

The ADC encourages a connected street plan. Country Club Lane is a dead-end now. It does not have a turnaround at the end of it. The subdivision would provide a turnaround and a street stub to the west. Eventually, the street stub may be connected through the Rummerfield property to Quarry Road, which would provide a connected street system in a way that discourages cut through traffic. He said, this seems like the best street plan under the circumstances. There will be a 20-foot wide concrete pedestrian and emergency vehicle access between the cul-de-sac on Country Club Lane to Quarry Road.

Donovan said the traffic study shows that the three intersections nearest the subdivision property would all operate at acceptable levels of service. The intersections studied are the Quarry Road/Springhill Drive intersection; the Quarry Road/North Albany Road intersection; and the Springhill Drive/Country Club Lane intersection. The City's Transportation Analyst reviewed the traffic study and agrees with its conclusions. A condition of approval of the subdivision would require that Quarry Road be improved to City standards across the frontage of the subdivision now, so that the City won't have to come back later and ask the people who buy lots in the subdivision to pay their share of Quarry Road improvements.

Donovan said the fourth review criterion for subdivisions requires that the location and design allows development to be conveniently served by various public utilities. The sewer system proposed for the subdivision would drain to a private pump station on Quarry Road where the sewage would be pumped to an existing 3 inch pressure main now used by the Club to pump the sewage to the nearest public main near North Albany Road. The sewer system for the subdivision would be private to start, but must be built to City standards so that it can become part of the public system in the future. Staff has a letter from the Club from December, that says they have no objections concerning this plan.

Water service for the subdivision would be provided by looping a new main through the subdivision from an existing main in Country Club Lane to an existing main in Quarry Road.

A storm drainage system will be built in the subdivision to drain the lots and streets. A new pipe would be constructed along the north side of Quarry Road to the west where the subdivision storm drainage would be discharged to an existing drainage that runs toward the golf course.

The applicants submitted a "Drainage Study," done by K&D Engineering, Inc. 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.

The applicants propose to construct drainage catch-basins on the south side of Quarry Road and near the north boundary of the subdivision to capture storm water that has previously affected the subdivision property. This was made a condition of approval by the Planning Commission.

Donovan said the last review criterion for subdivisions requires that "any special features of the site be adequately considered and utilized." Part of this property is shown on Federal Emergency Management Agency (FEMA) maps as being in a floodplain. The City participates in the FEMA flood insurance program and regulates fill and construction in floodplains. The object of the floodplain regulations is to make sure that any activity that takes place in a floodplain does not raise the water elevation of a 100-year flood more than one foot. New buildings must be built at least one foot above the 100-year flood elevation, so they will not be flooded in a 100-year storm.

The applicants submitted a flood study with the subdivision application that concludes that if the entire subdivision property is filled, it would raise the 100-year flood elevation about 0.2 tenths of a foot. This is less than the one foot allowed by FEMA regulations. The City hired a consulting engineer with experience in floodplain analysis to evaluate the flood study. He concluded, after the applicants did some revisions to their first submittal, that the flood study appropriately modeled the existing and proposed conditions, and that the study can be accepted as reliable. The City's Engineering Division was involved in reviewing the flood study throughout the process and agrees with its conclusions. The applicants would have to get a fill permit before they begin filling the property. The application for the fill permit will have to show the shape of the fill and where drainage from the property will go. Neighbors are mailed notice when the fill permit application is received and will have the opportunity to review it and comment.

Donovan said that Vollstedt filed the appeal of the Planning Commission decision to approve the Links Club Estates subdivision. Attorney George Heilig also signed the appeal. The appeal lists seven separate reasons that they believe the subdivision application does not meet ADC requirements, Oregon Revised Statutes and Administrative Rules, the Oregon Constitution, and the civil law of Oregon relating to drainage.

Donovan said Heilig also submitted a letter that says Rummerfield, the owner of an adjacent property, made a claim in Benton County Circuit Court to part of the subdivision property. Benton County records show the subdivision property is owned by the Klingler's and a court has not made a decision that would contradict this evidence.

The applicants provided a response to the issues raised in Vollstedt's appeal. Planning and Engineering staff generally agree with the responses in the letter.

Donovan said the applicant's attorney Ed Schultz, responded to the drainage issues raised in the appeal. Planning and Engineering staff do not have opinions about the legal matters related to drainage raised in the appeal, however the City Attorney will be able to advise the City Council.

Donovan said the applicants also provided a letter that explains some history that they believe is important for the City Council to know. Each of these documents referred to were included with a memo that went to the City Council with the staff report.

In addition, Donovan said staff placed on the dais tonight a letter dated January 17, 2008, from Heilig which addresses Schultz's opinions about drainage laws (see agenda file). This letter was not received in time to include in the Council agenda packet. Staff also received a letter from Douglass and Diana Stennett, whose property abuts the proposed subdivision on the east (see agenda file). This letter is also on the dais tonight. The Stennett's have two specific questions: what will be required for a drainage system along the east boundary of the subdivision to keep runoff from going on to the adjacent properties, and if the required drainage is not adequate, what is their recourse? The applicants responded to these questions at the Planning Commission

meeting and should do so again tonight.

Donovan asked if the Council had any questions.

Christman asked Donovan to explain the improvements to Quarry Road. Donovan said the staff report conditions, on page 42 of the agenda packet, explains improvements under item 3.3. Donovan read that section. In other words, Donovan said, they are responsible for partial improvements to their half of the street for the full frontage of the subdivision.

Johnson asked, are drainage ditches normally considered City property or private property? Donovan said the attorneys would have to answer because it comes down to a question of laws.

Olsen asked, for the partial improvements to the street, is there a way to collect partial funds in-lieu of doing the paving and put them in the bank and do it when it's an appropriate time? Donovan said yes, we can accept cash payment in-lieu-of doing the improvements now, so that the full street can be improved at the same time later on. He added that it is Benton County's road so they would have to be included in that decision.

Konopa asked if it is common to have subdivisions with private sewer. Donovan said it is not common, but deferred to Public Works Director Diane Dennis Taniguchi to explain the sewer situation. Dennis said the only way to provide sewer to this property at this time is to provide a pump station for this subdivision. When a gravity line comes through the sewer will be redirected to the City sewer. But at this time, this is the only way to do it and it does not make sense for it to become a City facility since it is for the sole benefit of this subdivision. She said, we do not do this very often.

Olsen asked, is the City limits one lot over from the lot that is to be improved? Donovan said Vollstedt's property is outside the City limits and the urban growth boundary (UGB). Olsen asked, on the map on page 55 of the agenda packet, does the flooding route mean it is a flood way? Donovan said the FEMA map is used to determine if it is a flood way or flood plain. The water comes into this property from the south, from West Thornton Lake and sits there, and also backs up from the Willamette River on the north. The flood study looked very carefully at this. Discussion followed.

Olsen asked, would the Vollstedt's be able to add fill to the point that their property can be developed sometime in the future? Donovan said the property is outside the UGB, and he is not sure what Benton County would allow. If this property were inside City limits, they would be allowed to fill the flood plain, but not the flood way. He suspects the Vollstedt's may have been allowed to add fill on the property, but the City has not been involved.

Olsen asked, would it be difficult to get this annexed to the City? Donovan has no opinion on that.

Olsen read item 3.3 on page 41 of the agenda packet, regarding street connectivity and cul-de-sacs. He asked, how can the stub be connected to Quarry Road if they can't fill up the flooding route? Donovan said the staff report says that someday, the street stub could be extended into another property and then brought down to Quarry Road. Olsen said the road would run down a very narrow strip of land right next to a house on the Rummerfield property. Donovan agreed it was narrow, and explained that the original plan asked for an easement but it was the Rummerfield's that said they wanted a public street. They may have determined, at some point, that a road was more advantageous to them. Olsen explained that his point is, the City has rules about the length of cul-de-sacs and connectivity, and this subdivision violates those rules. Item 3.3 seems to excuse those rules and he thinks that is inadequate. Donovan said the review criteria makes provisions with the caveat "best possible under the circumstances." Ultimately it would be a decision of the Council if it meets the criteria or not.

Konopa asked, was there consideration to have the cul-de-sac on the north and access on Quarry Road so there is less impact to neighborhood? Donovan said it was considered but he does not remember why it was rejected. Other Engineering staff could answer that if Konopa is interested.

Konopa asked for the applicant's presentation.

Dan Watson, 710 East Thornton Lake Drive, works for K & D Engineering and represents the applicants. He hopes the Council has read the letter by the Packard's about the history of this subdivision and why it has been going on so long.

Watson said, we came to the City in 2004 with a request to handle the sewer in the fashion we have proposed. Staff reviewed it and did capacity studies as directed by the Council. In 2005, the City concluded it would work and the Council approved it. The sewer system they would build meets all the standards of a public system. It would eventually be connected to a gravity system once the City extends lines to that area. In the meantime, it will run from that connection point to a private pump station and our pressure line will adjoin an existing pressure line that is already out there. It is very likely we will be upsizing the discharge line. In effect, it will be akin to having public sewers in the street. Homeowners will be in charge of running the pump station and incurring the costs in the interim between now and when the City brings a gravity sewer to the area.

Watson said that Joan Packard grew up on this property and her father, husband, and brother have assisted others in the neighborhood when they needed back up drainage for their septic systems as they built their homes. Now it is the Packard's turn to develop, and they have been trying to do everything they can to address the reasonable concerns of neighbors. At neighborhood meetings there were concerns. The first concern was that those visiting the Club would cut through the new street. Traffic studies typically are not required for subdivisions with less than 50 lots; Links Club Estates has just 11 lots, but they did a traffic study anyway. The City was concerned about a site distance at a proposed intersection at Quarry Road; our traffic engineer was not. Watson received a written request from the Rummerfield's for a public street to be stubbed to their property instead of the easement which was originally proposed by the applicant. They wanted a public street so they could subdivide their lot in the future. To solve both issues, they wanted to make a circuitous route so fewer vehicles would cut through, and provide a public street to the Rummerfield's to the west in such a way that they would not lose the lot. The plan before the Council is the Packard's best attempt to solve all issues brought by the neighbors. There is one issue they cannot solve, and that is that the neighbors do not want more homes there.

Watson said the last big issue with neighbors and staff is flood and storm drainage. They did two different studies. One was a major flood study that reviewed a 100 year storm and how it runs through the project to see what the impacts would be to the neighbors. One of the questions asked was, how does the water travel at different elevations of the flood as water rises? The flood route, which Olsen referred to earlier in the meeting, is where the water goes before the water is high enough to get to the Packard property. This was reviewed by an expert hired by the City. The Packard property is not the lowest property there. The lowest is a drainage channel that runs across Quarry Road where all the culverts are, down the edge of the Vollstedt property, onto the Club property, back onto the Vollstedt property, back onto the Club property, and then through a field. They knew intuitively that filling the small area would not have significant impact with floods and that was verified with the study. When they had the other consultant review their work, they provided them with the computer models so they could use them.

Watson used a series of overheads and pictures that are in the flood study submitted by the applicant or that are in the staff report.

Watson used an overhead to show the profile on Quarry Road, and the culverts across it. The top of the road is at elevation 190 and moves to 196, where the Packard property sits. During a major flood the water could enter the Packard's property but it would have to get up to elevation 196 to even begin to get into the property. By that time, the water would be flowing over Quarry Road at six feet deep. The 100 year flood zone is at elevation 197.3. There is a small area that would flow through the Packard property, which is shaped like a bowl.

Watson used an overhead to show that the lowest area on the property, at elevation 192, is higher than Quarry Road. The Sackron home was built across what was historically a floodway fringe, also known as floodplain.

Watson used an overhead to show the floodplain. The dark area shows what FEMA identifies as floodplain, which is not necessary for the capacity carrying portion of the channel. He pointed out the Sackron property.

Watson used an overhead of a cross section view that shows the fill on the Sackron property. Before the house was built the water flowed to the road. The applicant would put a storm drain in at the low spot to catch the water that is currently draining onto Packard's property.

Watson used an overhead to show a picture of the 1996 flood. The water did not get as high as Packard's property.

Watson used an overhead to show a picture of the 1964 flood.

Watson showed an overhead of a map that shows the flood control dam system by the Army Corp of Engineers. The dams are marked with the year they went into operation. Since 1964 there have been four new dams added to the river system which will help to mitigate floods of the Willamette River. Also, there are the Green Peter Dam and Foster Dam on the Santiam River. The Army Corp of Engineers told Watson that in 1964 the South Santiam flooded so heavily that it created what they call a water dam at the confluence, and it backed water all the way up into Albany. The good news is that there are more dams now and we should not see a flood like 1964 again.

Konopa asked, have you seen studies on how much pavement has been added to the valley since 1964? Watson said flood elevations have been updated fairly recently and the elevations were raised about one foot to accommodate those types of issues.

Watson said the second study was to address concerns the Vollstedt's had about water from the new subdivision entering into the existing drainage course that runs through the Vollstedt property. Watson used an overhead of a picture that shows the location of the culverts. He traced the route the water flows currently. The Vollstedt's are concerned that with the new subdivision water will be piped down Quarry Road into another drainage way, which is a different course. Watson evaluated the results of a 100 year flood to the route. He put up an information sheet on the overhead that showed the results would be 13 cubic feet and a depth of .8 feet. They also used a profile to figure out the hydraulic equations and depth of the grade and plotted it along the ground surface, which Watson illustrated on a large map attached to a foam core board. Once the water from the



Willamette River starts to flow over Quarry Road, the 13 cubic feet increases to 12,000 cubic feet. The magnitude of difference is dependent on whether the evaluation is for a Willamette River flooding event or for water from the subdivision site. Instantaneous maximum peak flow that could come off the site, assuming full build out, is an increase of 5 cubic feet per second.

Konopa asked, will there be fill all the way up to the property lines of the properties on the eastern boundary of the subdivision? Watson said along the east side the property is about five feet above the flood elevation. They will remove 1-2 feet of fill from those lots and make them lower than the neighbors behind them, so the lots will not drain to the neighbors behind, but will instead drain to the street. Konopa asked, will it be an abrupt edge, or will it be sloped, or will you use drainage tile? Watson said it will be sloped. The subdivision will be lower so it won't be adding to neighbor's drainage problems.

Konopa asked if any member of the audience wished to speak in support of the applications. There were none.

Konopa asked if any member of the audience wished to speak in opposition to the applications.

George Heilig, PO Box 546, Corvallis, represents Phyllis Vollstedt. He introduced Links Club Estates Appellant's Exhibits, Tabs 1-7 (see agenda file).

Heilig said Tab 1 is the property viewed from Quarry Road. Tab 2 is looking west along Quarry Road from the southwest corner of the property. The road dips and turns, which will impact public improvements to this area, the transportation of drainage, and the location of the private septic system. All of this is in the Benton County right-of-way (ROW).

Heilig said the first criterion is ADC 11.1804, which requires the subdivision to be conveniently served by various public utilities. However, there are no public utilities to this property. The Council would be setting a precedent that public utilities are not necessary by approving this application.

Heilig said under Tab 3 is a November 16, 1992, letter from the City to Val Nova. The letter says that the Club septic was failing and in order to keep the Club afloat and eventually build a new club house, there was an agreement by which the City allowed a 3 inch sewer line to connect to North Albany sewer. As a condition to the approval, no additional connections to the force main or pump station could be made. Additions to mains by the Club would require approval by the City and additional connection charges. Heilig said this Council's predecessors have already decided this issue about whether this development can connect to the Club's 3 inch sewer line. He hopes this Council will keep faith with those conditions of approval and not allow others to connect to it. In the staff report the proposal for the sewer line is to connect 14-15 homes to a 2 inch pressure line connected to 3 inch pressure line. Yet, the City standard is an 8 inch line which the City wants in the cul-de-sac, and this will be a private facility. Discharge from 14 homes through a 2 inch line does not make sense. Heilig submits that the technical specification for this many dwellings is not correct.

Under point D listed on the letter, Heilig asked the Council, what will you say about the next development that is immediately adjacent to the City limits and wants to connect to the public system? Think of the precedent you set by saying it is necessary to do it in this case. Why is it necessary? Why are you treating this subdivision differently than you would a subdivision in east Albany, where the City demands that properties are annexed and connected to the public facilities? Setting this precedent could be far reaching.

Heilig said the sewer line would go 1,500 feet to the North Albany sewer and will be privately maintained. But if it breaks and the health of residents in 14-15 homes is at risk, and the homeowner association is not adequately capitalized, what is the likelihood the City would fix it anyway? His point is that merely saying on paper that the homeowner's association is skilled and adequately capitalized, should require some pause.

Heilig said Rummerfield worked in California on privately maintained systems and would like to speak to this issue.

Bruce Rummerfield, 325 Quarry Road, said he started doing underground work in 1962, and retired from city government as the senior maintenance position for sewer and storm drainage for all their pumps. He installed, maintained, and sometimes designed. He said the 3-4 inch pipe proposed will not hold eight hours of sewage. When it breaks, where will the sewer go? It will go into the stormwater and cause a big contamination problem. He said he does not want any contamination on his property. He has experienced failures in privately maintained systems in his previous employment. Once it spilled onto city property, the city was responsible for it, including using HAZMAT resources.

Heilig explained that the map under Tab 3 shows the sewer lines in relation to the property. When compared to the photograph under Tab 2, it is clear the line is in Benton County ROW. He wonders if Benton County has agreed to allowing the use of their ROW.

Heilig said one of the criteria is for safe and efficient circulation of traffic. Olsen has already raised the issue that this cul-de-sac is over 400 feet long, and in fact if built as proposed it will be 1,825 feet serving 31 residents in addition to the new subdivision. The Club has 556 members. It has not been shown that there is a need for 12 additional homes in the City. With the tradeoffs being made for the inability of the subdivision to connect to

City facilities, and the issues with the length of the cul-de-sac, Heilig believes the Council should proceed carefully. The City engineer has not made a formal written opinion about the length of the cul-de-sac.

Heilig called on two residents of Country Club Lane to speak.

Patti Daskalos, 255 Country Club Lane, said her house abuts the property to the north of proposed subdivision. She is a stay-at-home mom of three school age kids. She is concerned about this proposed subdivision for the safety issues it creates. She believes that one of the focuses of the City Council should be to ensure safe neighborhood conditions. In 1965 when Country Club Lane was developed, sidewalks were not included. The street was designed to be 45 feet wide with no sidewalks. The new subdivision has sidewalks and the street is only 30 feet wide, making for an awkward transition from one neighborhood to the next. When pedestrian traffic leaves the new neighborhood and enters the Country Club Lane neighborhood, they will most likely walk across Daskalos' driveway, or they will be funneled into the street. Daskalos said, our street is unique with joggers, walkers, and golf carts in addition to regular vehicle and pedestrian traffic. There are a lot of children on the street. The street is often peppered with overflow parking when the Club has large tournaments. She is concerned about neighborhood traffic, especially for the kids. As it is, when kids ride bikes they have to pick their way through parked cars and oncoming traffic since there are no sidewalks. With no sidewalks and extra traffic from the Club, adding more density with this proposed subdivision will only exacerbate the problem.

Daskalos said the design of the subdivision is also very concerning to her because of the stub-out towards the vineyard. It may look harmless, but it was added when site distance issues in the original plan became obvious. It is scary because that road is intended to eventually connect Country Club Lane to Quarry Road. She hopes it is not feasible because of continuing site distance issues, but if it were allowed it would make her street completely unsafe, as it would become a thoroughfare for the 500 plus members of the Club to get to the parking lot. In closing, Daskalos said that in February 2006, she got a letter from Joan Packard, stating, "We live on a very busy corner now, that when we bought the house 14 years ago was quiet with very little traffic. Now my daughter has to be very careful retrieving her basketball from the road as she plays in the driveway." Knowing that, Daskalos doesn't understand why Packard would want to put someone else's children into the same position. She thanked the Council for keeping the safety of her neighborhood and the children their priority.

Heilig noted that the letter Daskalos read from is under Tab 5. Another passage has been marked on the letter, which states "Our original intent was to have Country Club Lane end in a large cul-de-sac, as that would increase the value of the lots and keep a nice quiet neighborhood. The City opposed that idea and has wanted that street to go through from the beginning. They say it is a hazard to have such a long dead end street with not a large enough area for a fire truck to turn around in quickly and safely." Heilig pointed out that the current design is just that, a long cul-de-sac, which City staff said was dangerous previously. He added that the Club is attempting to gain 500 full members and 150 association members.

Alyson Richards, 245 Country Club Lane, spoke about Quarry Road. There is a picture of Quarry Road under Tab 2. She thanked the Council for their time and effort. She has run with her dog regularly since 2001 on Quarry Road. It is hazardous for pedestrians and bicyclists. They are proposing to widen it and put in a sidewalk along a small portion of the road, and only on one side. She thinks that will create even more of a distraction and hazard for children, pedestrians, and bicyclists. She has two young kids who have been going onto the Packard property, along with other children, for the last seven years. While she appreciates all the work Watson has done, he has not lived in the neighborhood so has not experienced kids in the mud. Rainwater doesn't just come across Quarry Road, but it comes around the back side as well. It comes from behind the Club. Her kids come back with knee high mud. She is concerned for her neighbors if this subdivision is approved.

To Olsen's suggestion of depositing a sum of money now for future road improvements on Quarry Road, Heilig said, whatever is deposited now would pale in comparison to the inflationary pressures of the cost of building roads so the City would eventually be subsidizing the developer. This property, the way it is designed, cannot support itself so it seems the solution is to export problems to the neighbors. The way to control surface water is at the risk of diminishing the number of lots, but could be done by building an onsite retention facility that would catch the water and then release it at the same rate it is naturally released into existing natural channels. If the Council won't require the property to bear its own load, then by default the Council is considering the exportation of problems to the neighbors. The exportation is the sewer and traffic on an extended, non conforming cul-de-sac.

The flood impact to Vollstedt's property is also unacceptable. Heilig displayed two maps taped to poster board, which were the same flood plain maps Watson used, and also a photo of the property. He said Tab 6 shows the pertinent elevations and has a picture of the 1964 flood with the Packard property outlined in black. Watson said the water would go to the west, but when a dam is created by filling in the low level, from elevation 192 up to elevation 200, the water would migrate east in a greater volume than Watson claimed. Legally, the Council probably cannot approve the exportation of water onto a neighbor's property, however Heilig would argue that it is a "takings". The water, in its natural drainage way, goes to the north by the Club. The applicant wants to export it the other way, because the Club won't give them an easement for an additional channel, nor will the adjacent property owner. Rather than having a retention pool on their own property, the applicant wants to export water to the Vollstedt's property. It is a taking of the Vollstedt's property for a public purpose. Even if it is not a takings it is a trespass, and the Council would be allowing it to occur. If Watson is wrong and staff

approves this, yet should have known that they should not have, then the City will have liability issues. To avoid that, the Council should tell the developer to make the subdivision take care of itself, even if they lose lots or have to spend money. Heilig said, don't let this subdivision export its problems to its neighbors.

In closing, Heilig argued that this subdivision does not comply with the approval criteria for public utilities, for safe and efficient traffic, and the development standards for cul-de-sacs. To manage the floodway they would be taking someone else's property for the financial gain of the developer which is something the Council should not allow. Also, if the Council denies a North Albany resident connection because they are outside the UGB, yet have allowed this development, they would have a difficult time explaining why. He urged the Council to follow the law.

Bill Root, 2634 Valley View Drive, thanked Reid for apologizing. To Bedore, Root said his only objection to him being Mayor is that he had not been elected to the Councilor position first. He congratulated Bedore on his appointment as Mayor.

Root said he has four issues with this subdivision. First of all, he talked to the neighbors and they complain that now, during heavy rains, their septic fail. The drain fields do not drain effectively and if the City allows property to be developed it will get worse. Secondly, as has already been discussed in detail, is the flooding. Root's third issue is the rule about connectivity and the cul-de-sac. Finally, regarding the privately owned sewer system, it is a clear violation of the requirement to provide public utilities before a zoning change is made from RR, its current zoning, to RS10. The development will clearly impact adjacent owners without providing them with any improvements. If private sewer systems are allowed, he suggests that other neighbors and future developments also be allowed to connect to the system. He thinks things can be done so it can meet the criteria. He suggests that storm drainage should not be allowed to leave without treatment and should only travel through pipe, to its final destination whether that be Thornton Lake or the Willamette River. The Council made the same requirement for Fabian Estates.

Linda Hallmark, 250 Country Club Lane, said her property sits on the lowest elevation in this area, at 191. She pays flood insurance and believes she may be the only one on that side that does. Her house has a foundation of only 6-8 inches. She does not understand how this will work without water being dumped onto her property from the street. There are two other houses next to her, and all three have water behind them following heavy rains. Their septic may be compromised if there is even more water poured over the area. Her home was built in 1967 and was legally permitted at the time. She doesn't understand how this will keep her property safe, or even dry. This is not even addressing the fill that could be used. Water goes downhill and it will flow onto her property.

Linda Sims, 451 Quarry Road, thanked the Council for listening. Her primary job at Vollstedt's Farm is to take care of the cow herd, which she has done now for 40 years. It is not always an easy job. Sims said, sometimes when you, the Council, make decisions, you impact others by making their lives harder. That is why she is here tonight. She explained that in a normal year, water that flows through the ditch on the property does so by coming through the culverts or coming off the pastures and goes through a normal filtration. During a flood, water comes barreling through even faster and is carrying pollutants. They are always aware of that. When it floods, they worry about the cow herd and the pollutants. Increased nitrates in the water can cause a cow to abort. She can't say that in 1996 the nitrate levels were high because she did not do water testing, but she does know that on occasion during a flood year they do have a cow abort. The Council is now considering allowing water that has flowed over sidewalks, streets, and driveways, and could include such contaminants as soap and fertilizer, to gather in a pipe, and be pumped directly into that ditch. That is polluted water. She is now forced to decide what to do with the cattle. Now she will have to make the decision about how much risk to withstand for the sake of the herd. She is the one that buries dead calves, and she hates it more than anything else in the world. After the Council makes their decision, the rest of the decision is hers about how to handle the herd.

Sims described what happened this year. In December there was a lot of rainfall. There was no standing water in the ditch, even in the first part of January. If the Council is now allowing water that would normally percolate into the soil to be piped into their ditch, they will have water in the ditch that would not have been there under normal circumstances. It would be polluted. She can't tell the cows not to drink the water. If nothing else, she asked the Council to please require filtration systems. It is a basic requirement in the City. It only makes sense. It makes even more sense to require that they retain the water on their own property. Sims said that the path Watson described the water taking, is not correct. She has walked those pastures for 40 years and the water did not follow a route that went to the Club and then back to Vollstedt's. The water went north, across the Club, along where the golf carts are, and back into the ditch. She said, this is an area of North Albany with no sewer or storm drainage systems, yet the Council will allow it to be developed and she does not understand why. She is not opposed to development in North Albany, but she is opposed to bad development. That property could support five homes on the high ground with a swale system to contain its water. But to impact the neighbors, isn't fair.

Konopa asked Sims to show on the map the path water flows through. Sims used Exhibit A to illustrate the path the water takes. She has not seen the water come across Quarry Road during a flood stage, but rather it comes in behind the houses.

Phyllis Vollstedt, 425 Quarry Road, used a map to show where the water flows. By looking at the topography, the water won't flow like Watson said it will. The northwest corner of the subject property is 191 feet. The

applicant is not taking into consideration the natural terrain or where they will dump it. She said she is only two houses away from the applicant's but she has never been invited to a meeting or talked to about the subdivision. Yet, they want to dump their water on her land. She said, it would be like if your neighbor wanted to dump garbage on your land instead of his. We are talking about water, not garbage, but the principle is the same. Vollstedt said if the applicant wants to make money off this development that is fine, but they should stand the expenses. Don't put the expense on the neighbors; it is not right. She said if the farm loses a good bull calf, it is a loss of \$50,000-100,000. Economically, they can't afford to have polluted water. If she were to fence off the area where the water will run, she would lose about 15 acres, or \$15,000 worth of land, that could not be used for fear the cattle would get sick and die.

Andy Cyrus, 435 Quarry Road, owns the property where the storm water will discharge to. He reiterated that the untreated water will have all the chemicals that are used on rooftops, driveways, and yards, and it will be dumped directly onto his pasture where his pet goats and alpacas graze. If the development were required to retain their own storm water then he and the Vollstedt's would not have to deal with it.

Konopa asked, does any member of the audience wish to speak who is neither in favor nor opposed to the applications?

Mark Gasperino, 1417 Sherman Road SE, said this is the first time he has seen a development in North Albany that is holding true to the character and livability of North Albany with its lot sizes, by not piling houses on top of houses. He does have a couple of questions. How high will the property be raised? He is concerned because he remembers floods across Quarry Road, and for three days it was like a river and was so bad it undermined the road. They had to put large culverts in. If this is raised eight feet, then everything from the south, where the water comes from, and given the recent approval of Thornton Lake Estates, there will be consequences. This proposed subdivision creates consequences for neighbors with its run off. He supports reasonable, responsible development. He thinks that with all the development that has been done in North Albany, and Albany as a whole, it will be a disaster if we have a significant event. He is very concerned.

Konopa asked, does the applicant have any rebuttal testimony?

Ed Schultz, PO Box 667, Albany, is the attorney for the applicant. He said he has not seen Heilig's submitted material until tonight. Schultz pointed out that they did provide a letter, which Donovan referred to at the beginning of the hearing, that addressed each of these particular issues. Schultz said one of the issues that faces this project, and which has been discussed, is that the natural drainage goes out to the northwest. The problem is that when the house was constructed, in addition to the fill where the house is, there was a fence made from tires with fill in it. As has been discussed tonight, the water now pools on that property then goes out. The Packard's offered to pay for an easement on that property but their offer was rejected. Schultz said, we do not have the physical ability to put the water in its natural drainage. As a result, in discussions with the City, there was a conversation about where to put the storm water so it would do the most good. One issue that apparently has not been made clear, is that the City requires, and the project will have, a manhole at the end to do the filtering process. The water is not just discharged, but rather has to go through the City-required system before it is discharged. One other issue is that in 2004, the applicant asked the City, and the City studied, if we were now at a point in time to reconsider the 1992 agreement regarding the Club. A year later the City approved the pressurized system, so the applicant moved forward with this project. While Heilig may have presented the 1992 agreement, it is the 1994 agreement and the 2005 letter from City staff instructing the applicant they can move forward which the applicant has been relying on for the last two and a half years. If there is one thing to be said about the people on this project, it is that they have tried to meet every one of the concerns that have arisen to the best of their ability.

Schultz said, under Tab 2 of Heilig's submittal you can see the house and the contours and how the angle of the property runs off to the northwest because of the existing dwelling. Schultz said Watson will address the natural drainage issues. Regarding road access and the cul-de-sac, Schultz explained that when the project was started, because of the connectivity requirements of the City, the applicant proposed that Country Club Lane be extended to Quarry Road. Donovan indicated there was substantial opposition to that idea, so the applicant asked the City how to address the problem. They looked at a variety of solutions, including turning the subdivision upside down. The City was not in favor of that because it did not provide a turn-around at the end of Country Club Lane. Once there was a request to put in the stub street, they went with that proposal to allow two ways for emergency access to Country Club Lane. It would also allow the ability for the roadway to be extended. In trying to resolve this problem, we talked about the length of the cul-de-sac. As the applicant understands the City's code and after discussions with City staff, the length of the cul-de-sac is the distance from where there will not be an existing street. The cul-de-sac that will be created is from the end of the street, to the west, and will be approximately 350 feet. The street width and sidewalks are necessary to be in compliance with City code. They were designed to meet the City standards and were not intended to do anything more than that. Regarding the development across the front of the property on Quarry Road, they thought the best way to do that was to pay the City imposed sum of money, so that when the City and the County decided to improve the road the money would already be collected. Regardless of when or how that happens, the question will be, what will happen to the water that runs off of Quarry Road? Throughout the City, the water is collected in the storm water system. The water then travels to the point where the City chooses to have it discharged back into the system. Sometimes the water is treated, sometimes it is not; but the idea of maintenance of the City system is to discharge the water into the most applicable natural drainage way that

exists. The applicant's understanding is that that is one of the reasons for City approval, because if and when Quarry Road is brought up to City standards, the water off of that road will go into the natural drainage. We can modify, by construction, the heights of the dips and curves that are in the road now, but we must discharge that water in some location where it has the ability to flow away. It won't just be water from the Packard property, but also from the property to the east, properties along the Quarry Road, and the road surface itself. Schultz said, this is not a case where the applicants have chosen to discharge to the neighbors without having given any thought about it whatsoever. One of the reasons the City asked Watson to do a second set of studies was to find out, if the water was placed there, would there be likelihood of any damage to that property. The study was also reviewed by City staff and an outside expert. In the materials cited by Heilig, in each case the issue was whether or not damage occurred; not whether the water was there, but whether the water caused damage. The issues that exist for rural property owners in Oregon and elsewhere is whether or not there is a legal obligation to fence animals out of drainage ways. Simply, if the animals are not in the drainage way, then their fecal material does not become dissolved and it reduces the amount of not only contaminants, but coliform bacteria. So, there are other issues beyond just the discharge of the water.

Schultz said the applicant would be willing to look at reasonable conditions that would not be unique to this project. Schultz does not believe that any other project in the City has been required to keep all of its storm water onsite. The Council has required storm water systems, and our system design has been approved by City staff. In addition to fill, there will be storm drainage collection points to pick up the drainage water so it will not flow to the north or east, but to the center of the property and be collected in the same manner as every other City street in a City-approved storm drain system. Regarding the septic system proposal, Schultz said he has sat through at least 100 hearings involving sewer. Tangent has a sewer system that is all pressurized. Bend does also, because Bend sits on rock and it is not possible to dig 20 feet deep through rock. This is a standard system that is used successfully throughout Oregon. The system works because it is under pressure. It does not use an 8 inch line, because an 8 inch line would be used in a non-pressurized gravity system. This system would use hydraulic pressure to move waste in a standard design system that is very similar to what the City uses. For example, lift stations take waste from south of Oak Creek, put it through the pump station, move it north, lift it up, and move it into the natural drainage to the system.

As far as funding for backup systems, Schultz said that is something the Council can discuss and require in the final plat approval as a condition of approval. It could be a threshold that is reasonable for when the system is turned over to a homeowner's association. The other issue is whether or not the Council wishes to impose as a condition of final approval that they want a City staff person to be designated as ex-officio to serve on the homeowner's association board. This would allow the City to have a liaison on the board so the Council could be apprised of any shortfall of leadership or financial capabilities in time to address them before a problem occurs. There are practical alternatives to address these concerns.

Watson said regarding Hallmark's concerns about drainage, they are extending a storm drain to their common property line so that any water on her property can get into the storm drainage system. With respect to treatment of the storm drainage, before we discharge water to a natural drainage we have to put it through a state of the art pollution control system, so there will not be raw runoff from that location. Regarding detaining runoff and then releasing it at a slower rate, it can be done with a larger pipe in the ROW. Typically cities and engineers try to reserve that for areas where a large peak flow could cause a flooding problem. In this case he does not see that it is necessary, but it could be done. Regarding sewer, the subdivision sewer would discharge to the same location where the Club sewer is pumped to the lift station. K & D Engineering has designed pump stations for the City of Albany, so they know how to do it. Pump stations are designed with extra capacity so that the pumps can continue to go off and on, and so that if there is a power outage there is time to remedy the problem. Also, there are two pumps. The pump stations are usually maintained by a contracted employee. The pump station will actually call the contractor's cell phone to alert him of a problem in the pump. In other words, this is a standard, competent system.

Regarding traffic safety, Watson said Quarry Road was not connected for safety reasons and a circuitous route was proposed instead. Currently, it is a dead end street with no turn around. The subdivision would be providing a fire-code compliant hammer-head style turn around. Additionally, they will be providing a secondary emergency access, which is something that does not exist now. Regarding frontage improvements, there will be eighteen feet on the subdivision side and six-foot bike paths.

Christman asked, at what point will filtration of the storm water happen? Watson said at Quarry Road, at the last manhole before the water leaves the ROW. There are 2-3 proprietary systems in the ROW already.

Konopa asked, what is the elevation of the road in the cul-de-sac? Watson said, about 199-200, which is the same as the terminus of Country Club Road. The road will be above the flood plain.

Konopa asked, what is the elevation of the lots? Watson referred Konopa to the correct map.

Johnson asked, is there any place that will be built up eight feet? Watson said yes. He described the fill on lots 7, 8, 6, and 5. The street will be lower than the lots.

Konopa asked, does any staff member wish to respond to any testimony presented?

City Attorney Jim Delapoer explained that Oregon drainage law prohibits one property from disrupting the natural drainage pattern in a way that damages another property. Delapoer said both attorney's are correct, in part. If damage is caused, it creates a civil liability. It works both ways, though, with the property that is discharging water, and the property that is receiving the water. The property discharging cannot discharge to an unnatural place or in an unnatural manner that causes damage. The property that is receiving water cannot block the natural drainage in a way that causes the water to back up upstream. It is always the City's preference to have public storm drain systems where the City has easements and control over the ditches, and can pipe water around, change its location, and discharge into public ditches. It is more problematic when we don't have public ditches; in that case, our goal should be to try to have private development discharge its water at the same places and in the same volumes as the natural flow. Delapoer said it was interesting to listen to what would happen when Quarry Road is ultimately improved to City standards and the need to deal with water issues. The same burden will be on the City then, to acquire an easement to have a public drainage system, or to make changes which will have to conform to the existing drainage patterns. Delapoer said he is addressing the law, not the facts as stated by each party. He is not comfortable with the notion that we would allow a development that knowingly is discharging in a way that does not mirror the preexisting drainage pattern. Part of the problem here, is the testimony that there is a blockage in the drainage pattern caused by someone else's property many years ago. The solution for a blockage is to seek legal recourse, although it may be time-barred at this point, to remove the blockage and restore the natural course. The fact that there is a blockage, or that it is difficult or impossible, does not create a legal justification to depart from the natural drainage pattern.

Delapoer disagrees with Heilig's assertion that the City's approval of this subdivision would constitute a "takings." A takings is a situation where a government, by its action, is taking property away from the owner to use for a public purpose. He does agree with Heilig, however, that if we err in the analysis and approve the system, and damage is caused, there is civil liability for the City and for the property owner responsible for the damage.

In closing, Delapoer said, if the City approves the subdivision, we are not effecting a change in the ownership of land. We cannot give someone permission to violate Oregon drainage law. City approval, in other words, does not exempt someone from the Oregon drainage law and the consequences of their actions. Subdivision approval does not create a new right that did not already exist; all we have said is that, for purposes of our regulation, we are satisfied.

Donovan said there is one more Council meeting before the 120 day clock ends. The decision will be made on February 13. They need a tentative decision tonight, unless the applicant wishes to extend the 120 days again.

Delapoer reiterated that he is not comfortable with the Council knowingly approving a departure from the natural drainage pattern, although he agrees with Schultz that civil liability only follows if that departure causes damage.

Reid is concerned about Department of Environmental Quality (DEQ)'s recent tightening rules on storm drainage. The Council took a positive action with conditional approvals of Fabian Estates, and he wonders if the Council should take a more proactive approach for handling storm drainage now.

Konopa closed the public hearing at 11:36 p.m.

Olsen asked, when the public meeting was held, who was notified? Donovan said neighbors within 300 feet were notified, using the same mailing list as the application mailing. Olsen wonders if the owners on the far side of Country Club Lane were notified. Olsen said in his neighborhood, on 8<sup>th</sup> Avenue, the canal attracted kids but parents of school age kids use it as a thoroughfare. Yet he could not, in good conscience, pursue the closure of 8<sup>th</sup> Avenue because he believes connectivity is important. He intends to vote no for this subdivision because he feels strongly that the street should connect with Quarry Road. If sidewalks are needed on Country Club Lane, the City could supervise their construction.

Bedore asked, is the property currently zoned RR? Donovan said, yes. At the point where public utilities become available it will be automatically rezoned to RS-10. The staff report quotes the ADC. Donovan said this scenario is not an exception. Portions of sewer are always private, though this subdivision had a larger private component than most. Bedore asked, have there been any subsequent connections to the Club? Staff said no, it is just serving the Club. The homes on Country Club Lane are on septic. Staff is not aware of any septic failures, though some of the lots on the north provide drain field easements.

Konopa asked, since this property will have a higher elevation than what is north and south, how will it be different than the flooding issues experienced on Springwood Road, 13<sup>th</sup> Avenue, and Montgomery Street? Will this affect properties south of Quarry, or to the north? Dennis explained that on 13<sup>th</sup> Avenue and Montgomery Street, the ground water raises to the ground level and causes the septic to fail. When it occurs, the City institutes pumping. The contaminated ground water is pumped by Operations. Dennis is not sure what will happen to the septic tanks in this neighborhood. Olsen said that in 1998 the Council considered putting in a pump for that purpose. He thinks it is time to look at this whole area again and find a way to deal with storm water, other than dumping it onto the Vollstedt farm. He thinks this whole area is being planned in a vacuum. We need to decide what to do with storm water and septic.

Konopa agrees with Olsen and added that she has not seen any development on Quarry Road since Cascade Heights. She asked, why are we adding to capacity of storm drainage that goes outside the City limits, such as onto Vollstedt's property, instead of keeping it inside the City limits? Dennis said drainage does not follow political or jurisdictional lines. It drains downhill to a water body and in this particular case, the water body it is trying to get to is the Willamette River. Historically the drainage in this area travels through these ditches, such as those on the Vollstedt's property. Dennis said on the Packard property, the drainage currently goes to the north. Because of the issues with this proposal, the engineers tried to design a system that would deal with the drainage, though it is changing the drainage to travel south to a different location. In the end it will go into the river; the change is the point at which it will enter the drainage ditch. Konopa said, since we are adding to the capacity to the ditch that is on the Vollstedt's property, we should have an easement. Dennis said ultimately that is the goal, to try to get easements for these natural drainage areas. As Delapoer said, if we dealt with the drainage off of Quarry Road with a road improvement, then we would be seeking easements through that process.

Delapoer clarified an easement is not necessary if the effect of the drainage is going to be at the same location and of the same character of the natural drainage flow. The drainage law applies regardless of political boundaries. If we alter the natural drainage through development, that is where we need to plan for public drainage systems so we can reroute the water in logical ways consistent with development patterns. When we don't have public drainage, then by default the Oregon drainage laws apply.

Christman asked, how many other private systems do we have in the City? Dennis said, less than five. In cases where we cannot gravity the system, but it is in the City's interest to allow it, we do allow pump stations. Pump stations are the only way it can be done now, but if the trunk line down Quarry Road and Springhill Road is built in the future, it has been set up so it could migrate to that line. That may be a long way out though, as there has not been any interest shown.

Johnson asked Delapoer, as currently designed, will this subdivision disrupt the natural drainage way? Delapoer replied that if in fact this proposal will discharge the water at a location where it would not otherwise discharge, it could potentially violate Oregon drainage law if it causes damage. Property owners do have the right for the water to flow in the natural path. Delapoer is troubled by the notion that as presented, this subdivision would allow water to flow at a location where it would not otherwise naturally flow.

Delapoer said if the Council is not comfortable with the drainage issue, they could direct staff to prepare findings for denial unless, staff, working with the applicant, can come up with conditions that could be presented at the next meeting. This would require that the applicant allow for an extension so that staff and the applicant have time to work together.

Schultz said they are willing to work with the City further.

Johnson said she feels the Packard's have gone above and beyond trying to work with the neighbors. They have had this land for generations as an investment. She would like staff to work with the applicant to address the drainage concerns.

**MOTION:** Johnson moved to direct staff to work with the applicant on a drainage system that will not discharge the water onto another property and change the natural course of the water.

Delapoer asked to clarify. He asked if the motion includes that during the continuance that was offered by Schultz, the Council would be tabling the decision tonight, and have a continuance for 30 days. At that point, the Council can decide if the conditions of approval are adequate. The problem is that there needs to be a mechanism for the opponent's to equally weigh in. Delapoer suggests that the Council table the hearing until a date certain; direct staff to work with the applicant to find a technical solution to the storm water discharge; and then reopen the public hearing so that those who have testified tonight can see if they agree with the solutions. The Council can limit the public hearing to testimony about the proposed conditions and their adequacy only; issues other than drainage would not be discussed.

Heilig said they have not heard discussion on the other issues they have raised. Delapoer said, they may or may not hear discussion on the other issues.

Delapoer asked Schultz if he is in agreement with Delapoer's suggestions. Schultz said yes.

**SECOND:** Christman seconded the motion for the sake of discussion.

Christman has an issue with the private sewer and the ability for it to be maintained. He asked, can capitalizing the homeowners association be a condition of approval? City Manager Wes Hare said yes, he thinks it can be done. Delapoer said he is not aware of a condition of capitalization to a maintenance fund in the past. Christman asked, if the motion on the table passes as is, could we add other conditions, such as capitalization requirements, at the future meeting date? Delapoer said no. If the Council is uncomfortable with the private sewer system, they may want to direct staff to do findings of denial. If the Council wants to allow private sewer, then ask staff to come up with the best conditions possible to minimize City risk.

Konopa thinks the private sewer goes against City policy and is reminiscent of the five lots outside the UGB originally owned by Dr. Wood, that eventually asked for sewer connections.

Bedore clarified that this private sewer is not being proposed as the result of a failing septic. Dennis agreed. Bedore asked, are there other properties that may propose this? Dennis said, any property that is adjacent to Quarry Road in this area, if they wanted to develop, would need access to sewer. Discussion followed.

Konopa called for a vote on the motion. Konopa restated the motion, which was made by Johnson and clarified by Delapoer, to be: that the Council table the matter and direct staff to work with the applicant to find technical solutions to the storm water discharge. Delapoer said, his issue with the motion as it was restated is that it may be a set up for failure, because there may not be a technical solution. He suggested the Council direct staff to work with the applicant to see whether or not there are conditions that can resolve the concern, and report back to the Council if a condition that was negotiated makes staff comfortable. If not, then staff will say they are not able to resolve it.

Delapoer said if there are conditions other than storm water that the Council wants to explore, staff needs to know what they are. He cautioned though, that if there were simple solutions, certainly they would have already been discussed. Solutions may be costly and thus prohibitive. Delapoer said that legally, the City cannot deny that which we can lawfully condition in a way that satisfies the criteria.

Given the late hour, Council and staff discussed scheduling a meeting on January 30, 2008, in order to finish the rest of the agenda.

Bedore has concerns about the private sewer system, but is not comfortable making a decision tonight. He would like to table the rest of the subdivision discussion to January 30, 2008.

**MOTION WITHDRAWN:** Johnson withdrew the motion and Christman agreed.

**CONSENSUS:** There was Council consensus to continue this discussion at the January 30, 2008, Special City Council meeting at 7:15 p.m.

Schultz said they will agree to a corresponding extension of the 120 day clock.

#### Business from the Public

There was no business from the public.

Konopa moved item h.2., under Reports, up on the agenda.

#### Reports

##### Update of sale of Archibald property

Assistant Public Works Director/Operations Manager Mike Wolski said staff is seeking direction on the selection of a preferred offer for continued negotiation on the Archibald property.

On December 3, the Council discussed two offers on the property, from Ralph and Diane Nauman and from Kim and Cory Koos. The Nauman's made two offers, one for cash and the other for land plus cash. The Koos had one offer for land easements plus cash. Details are in the staff report. At that meeting, Council directed staff to get updated appraisals on the Archibald property and on the Koos' easements. Council also established a deadline of Friday December 7, 2007, at 5:00 p.m. as the deadline for any additional offers.

Wolski said both parties turned in amended offers. The Nauman's amended their offer from \$1,050,000 to \$1,100,000. The Koos' amended their offer from \$900,000 to \$1,101,000, including the value of the easements. The easements still need to be appraised. The Koos' have asked for the option to pay cash instead if they do not agree with the appraiser's value of the easements. Wolski said the Koos have the higher offer.

For the Archibald property appraisal, Wolski contacted Duncan & Brown, who did the original appraisal. The offers on the table are 41 percent higher than the appraisal done in April 2006, when it was appraised at \$780,000. Duncan & Brown said it would not be useful to reappraise now because there is no way the land would appraise at a value higher than the current offers. The cost of an appraisal would be \$3,300. Staff recommends we do not conduct the appraisal.

Wolski said the appraisal for the easements on the Koos property was more difficult to schedule. It is set for early March with Williams Appraisal. It is a very specialized appraisal and they are booked until then. Other appraisers were contacted, including Duncan & Brown, but all suggested Williams would be the best option for this type of appraisal. The cost would be \$4,200. These appraisals would be necessary eventually anyway with the construction of the Burkhart Creek project.

Hare said staff recommends that we negotiate with the Koos', recognizing that their offer contains easements the City has been interested in for some time. If for some reason the negotiations break down, staff can then pursue



negotiations with the Nauman's. He agrees with Wolski that we should not proceed with the appraisal on the Archibald property.

Delapoer clarified that the Nauman's could remove their offer from the table at anytime if they choose to.

**MOTION:** Bedore moved to authorize staff to continue negotiations with the Koos' in preparation for the sale of the Archibald property and Johnson seconded it.

Reid asked where the easements are. Wolski said they are south of the Albany-Lebanon Canal, east of Burkhart Creek, and through a field where construction will take place. The value of the easements will be decided by the appraiser and will be included in the cash offer for \$1,101,000. Dennis clarified that some of the land will be new.

**VOTE:** A vote was taken on the motion and it passed 6-0.

Hare gave an update on the PepsiCo project. The City is expecting a payment of \$910,000 according to the contract. They still plan to come to Albany, with the timing dependent on the demand for their product.

#### Adoption of Resolution

##### Establishing a public records policy and setting fees.

There was Council consensus to move this item to the January 30, 2008, Special City Council meeting.

#### Adoption of Consent Calendar

- 1) Accepting right-of-way dedications from:
  - a) Jim Hammel. [Pages 87-91]
  - 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]
- 2) Accepting warranty deeds from:
  - a) Patton Park LLC. [Pages 101-104]
  - b) BBF Development (Clover Ridge) LLC, and Breadner Parker & Associates (Clover Ridge) LLC. [Pages 105-110]

There was Council consensus to move this item to the January 30, 2008, City Council meeting.

#### Award of Contracts

##### SS-07-04, North Albany Lift Station property acquisition.

There was Council consensus to move this item to the January 30, 2008, Special City Council meeting.

##### WWTP 08-02, Wetlands Treatment Project.

There was Council consensus to move this item to the January 30, 2008, Special City Council meeting.

#### Personnel Request

##### Approving FTE increase for a regular, part-time Transit Operator position.

There was Council consensus to move this item to the January 30, 2008, Special City Council meeting.

#### Reports

##### Receiving Code Enforcement Team Second Quarter Report for Fiscal Year 2007-2008.

There was Council consensus to move this item to the January 30, 2008, Special City Council meeting.

##### Update of sale of Archibald property.

This item was moved on the agenda to take place after Business from the Public.

#### BUSINESS FROM THE COUNCIL

##### Consider selection of Mayor.

This item was moved on the agenda to take place after Communications.

There was no other business from the Council.

Albany City Council Regular Session  
January 23, 2008

NEXT MEETING DATE:      Work Session, January 28, 2008  
                                 Special City Council Session, January 30, 2008  
                                 Work Session, February 11, 2008  
                                 Regular Session, February 13, 2008

ADJOURNMENT

There being no other business, the meeting was adjourned at 12:24 p.m.

Respectfully submitted,

Mary A. Dibble, CMC  
Deputy City Clerk

Reviewed by,

Stewart Taylor  
Finance Director

**NOTICE OF PUBLIC MEETING  
CITY OF ALBANY  
SPECIAL CITY COUNCIL MEETING  
Albany City Hall  
Municipal Court Room  
333 Broadalbin Street SW  
Monday, February 11, 2008  
7:00 p.m.**

**MINUTES**

**CALL TO ORDER**

Council President Konopa called the meeting to order at 7:00 p.m.

**ROLL CALL**

Councilors present: Sharon Konopa, Jeff Christman, Bessie Johnson, Dan Bedore, Ralph Reid, Jr., Dick Olsen

**SCHEDULED BUSINESS**

Ward I-b Councilor Applicant Interviews.

Konopa discussed the interview process and rules. The Councilors decided to have each candidate wait out in the hall until it is their turn to be interviewed and after being interviewed. The Councilors also wanted to have the candidates wait in the hall during deliberations. The interview questions were divided up among the Councilors so each Councilor would ask two questions each. Sharon said the same questions need to be asked of each candidate so it would be fair.

Vi Anderson

Councilor Christman said the Council acts as the Albany Revitalization Agency and along with that as part of CARA. He asked, what kind of projects and priorities should CARA be involved in? Anderson said she is pleased to see the intermingling of uses in the downtown core area bringing life back into the area in the form of residences, apartments, and stuff like that. CARA should continue to focus on its current objectives.

Councilor Johnson said, please describe your experiences with municipal government and explain how your experience relates to your interest in serving on the Albany City Council. Anderson said she feels there have been some adversarial relationships here. She said we may have differences of opinions to what the best course to follow is regarding development in the City of Albany. This has sparked interest because she has qualities and abilities to help everyone work together to help the team effort.

Councilor Olsen asked, what do you see as a solution to the traffic problems in North Albany? Anderson said it starts by putting everybody back on two feet and two tires, but that's not where we are at. She doesn't know if any one person can come up with a solution that everyone will be happy with. We are going to have to meet in the middle to work together to pull the infrastructure together. Anderson said there is not an easy answer, but its going to have to be an answer that everyone can buy into. Involve the citizens to find out what they need and what their answers to the problems are. People need to be heard and involved in the process instead of someone imposing an answer on them.

Councilor Bedore asked, what do you consider to be the three top issues facing the City of Albany over the next three years? Anderson said the first issue is transportation; whether you're talking about drivers, pedestrians, bicyclists, or retail merchants. The second would be economic growth; without it we stagnate, but economic growth brings its own hazards, which means more people and more housing. Population and development is the third issue. Anderson said she is not against development; it just needs to be done in a reasonable manner.

Councilor Reid asked, what attributes will you bring to the Council if you're selected? Anderson said she will listen to what the issues are and will ask questions. She will try to find the middle ground that will provide the best answers for the situation. Anderson said we need to live above the circumstances. She said she tends to be totally honest, but she has been known to say sorry too.

Councilor Konopa said, as decision makers we should all have a vision for Albany and the mid-Willamette Valley and population, and how the landscape will look for the next century. Do you want to see Albany and our Willamette Valley look like Southern California? If so, why? If not, how would you advocate to prevent this trend from happening? Anderson said she's a country girl. There are metropolitan places in this country that have a small community feel to them. The Albany of the future should have a small town feel no matter how much it grows. Tom Paul had the right answer, leave your money and go home, but that's not the way life is. People want to move here because of the rural atmosphere. Anderson doesn't want Albany to look like Los Angeles.

Christman asked, the economy and economic development is an issue in Albany; what are your thoughts about the Pepsi/Gatorade project? Anderson said the lead up to the project was conducted with excessive quietness. She has read and heard about the project, but the whole process left something to be desired. Anderson said large plants that spring for tax credits frequently don't maintain a presence in a community for an extended period because it's cheaper to go somewhere else. Anderson said that is her opinion, but she doesn't have any facts to base that on.

Johnson said, Albany water consumers are not happy about the price they pay for water. What can be done about this? Anderson said that when the income on water revenue exceeds the outgo, then those funds should be put back into the repair fund to keep everything up-to-date. People on fixed incomes need to have a cap for what they have to pay for water.

Olsen asked, do you think it's appropriate for the city, county, and state to spend taxpayer's dollars to attract and entice business and industry to come to Albany? Anderson said the major income creators are not the large firms, they are the small businesses. We need to focus on small businesses and making an area where they can prosper and grow. We don't want to become a one or two business town. We need to be very judicious about enticing large businesses where we are giving them potentially more than we can get. Whereas a small business is going to stay here because this is his lifeblood and he is our lifeblood.

Bedore asked, what time commitment are you willing to make toward Council duties? Describe your flexibility in being available during the week. Anderson said she would be available because she has a flexible work schedule.

Reid asked, what style do you use to resolve conflicts? Anderson said that in the general way of things she goes with reason of understanding and finding common ground. Anderson said she tends to take the bull by the horns.

Konopa said, state law doesn't allow cities to impose system development charges for police, fire, and libraries in order to expand those facilities. Do you feel the cost of growth is distributed fairly? Do you think the cost of growth needs to be addressed in our strategic plan and when updating our required goals for periodic review? Anderson said if the cost of growth is not addressed up front then we are going to be playing catch up. In Albany, we are in a position where we are playing catch up, take North Albany for example. If we don't anticipate growth, then we are going to have a big mess to clean up.

Konopa asked, do you have any questions or comments for us? Anderson said she thinks it is imperative that this community involve as much of the populous as possible in the government function.

Mark Azevedo

Christman said the Council acts as the Albany Revitalization Agency and along with that as part of CARA. He asked, what kind of projects and priorities should CARA be involved in? Azevedo said CARA acts as a revitalization group for the downtown core. Azevedo said downtown Albany looks the best it has in a long time. The improvements he has seen are very good. Azevedo said if he was involved, he would look at what would be an investment in the future for the downtown core both as a business community and in some circumstances, for private individuals.

Johnson said, please describe your experiences with municipal government and explain how your experience relates to your interest in serving on the Albany City Council. Azevedo said his entire working career has been spent in the public sector. Being in the public sector is much like the city government because of the bureaucracy. You have to work through the bureaucracy. Azevedo said he thinks he has the tools necessary to serve the City Council.

Olsen asked, what do you see as a solution to the traffic problems in North Albany? Azevedo said there needs to be some modulation and control between the rapid expansion of the housing Azevedo particularly in North Albany. Azevedo would try to have an open conversation with ODOT and Benton County to figure out what short-term measures can be done and what the reality of population increase that the infrastructure can bear. Azevedo said growth can be facilitated by maintaining the infrastructure.

Bedore asked, what do you consider to be the three top issues facing the City of Albany over the next three years? Azevedo said that the first issue is going to be employment. The economic base needs to be realistic for family wage jobs. The second is maintaining the infrastructure to have a good community. Azevedo said Albany needs to have a diverse range of economic opportunities to have stability during hard times and good times, and the bottom line for that is education.

Reid asked, what attributes will you bring to the Council if you're selected? Azevedo said he looks at things in a factual way to get information and make a decision. He has the ability to bring people together to work as a team to solve a problem.

Konopa said, as decision makers we should all have a vision for Albany and the mid-Willamette Valley and population, and how the landscape will look for the next century. Do you want to see Albany and our Willamette Valley look like Southern California? If so, why? If not, how would you advocate to prevent this trend from happening? Azevedo wants Albany to maintain its character and uniqueness. He wouldn't develop for the sake of development. He would advocate that we think about what we are doing and do it in a way that maintains the special place that Albany is.

Christman asked, the economy and economic development is an issue in Albany; what are your thoughts about the Pepsi/Gatorade project? Azevedo can't really react to it because he doesn't know the details of the project, but his understanding is it is an ongoing project that is not a done deal. He would have to read the specifics of what the proposal is, what infrastructure needs to be put in, how it would be funded, and who would benefit or be hurt by the project.

Johnson said, Albany water consumers are not happy about the price they pay for water. What can be done about this? The improvement of infrastructure that is outdated, undersized, and has a 20 percent leak rate needs to be taken care of. What he heard sitting in the audience at a City Council meeting is that the current economic condition of the project was sufficiently funded and that the costs for improvements for the year had come in less than the model had predicted. He understood that a model was developed as a way to figure out what rate increases were appropriate. Having worked with models in research, he knows that models are built on assumptions and you need to know and understand the assumptions of that model to be able to know when it's appropriate to use a model and when it is appropriate to modify the model based on the facts. What he heard sitting in the audience is that the project was on target for funding and there was a comment that the funding level was sufficient for the year.

There were comments from the community that the water rates were hurting some individuals in the community, and with ten percent of citizens below the poverty level in the community he understands why some folks were upset with the idea of raising the water rates. Based on what he saw there and with the facts he had, he probably would have voted against raising the rates for that particular circumstance. The project needs to move forward to allow the infrastructure to be put in place not only for repairing current systems but to give the robustness of systems so that you can attract additional investors to the city.

Olsen asked, do you think it's appropriate for the city, county, and state to spend taxpayer's dollars to attract and entice business and industry to come to Albany? Azevedo said it depends on what you are trying to attract. There needs to be a concerted effort to understand what the advantages and disadvantages are to attracting a specific type of business or increase of population to an area. Everybody wants economic stability; everybody wants a chance to have a job. He is in favor of trying to attract the right kinds of businesses to a community and each community has to decide what that is. If you want a mixture of opportunities, which is what he is in favor of, then you have to be careful about how actively you recruit various types of industries.

Bedore asked, what time commitment are you willing to make toward Council duties? Describe your flexibility in being available during the week. Azevedo said this has been a dilemma as he is dealing with some parents that are having health issues, but he thought it was important to go through the process to have a shot at serving the community. If he was selected, he would serve the Council as he does his research and would make a total commitment to it. As far as flexibility during the week, he is still working, so he would have to have some consideration for work responsibilities just as some of the other folks on the Council do. If given the opportunity, he wouldn't accept something if he didn't feel he could make the commitment to the Council and the City.

Reid asked, what style do you use to resolve conflicts? Azevedo said he is not confrontational. He works with people in a respectful way, in a way in which everyone has value in what they say even if he doesn't agree with what they are saying. He doesn't discount anyone's opinion or right to express themselves. We all have different experiences, different world views, different politics; but we're all here for similar reasons and we want to try to do what's best for the community. He holds no grudges; he is not that sort of individual.

Konopa said, state law doesn't allow cities to impose system development charges for police, fire, and libraries in order to expand those facilities. Do you feel the cost of growth is distributed fairly? Do you think the cost of growth needs to be addressed in our strategic plan and when updating our required goals for periodic review? Azevedo said Albany is pretty low on the list of communities statewide for what is charged for system development fees. If the community is going to rapidly expand in population there should be an equitable cost for those that benefit from the improved infrastructure. There is a need to look at ways to disburse that financial responsibility and it would be prudent to look at system development charges and what is appropriate for everyone to pay in the process. He did notice that in the breakdown that there is no infrastructure charge for storm water. Storm water is going to be an issue, particularly in North Albany and south Albany as those areas expand. If he was on the Council, he would advocate looking at ways to pay for the infrastructure and what is appropriate for all parties that benefit from it; he wouldn't want to stick it all on the developer, but he thinks the developer does have a responsibility in addition to the citizen that benefits.

Konopa asked, do you have any questions or comments for us? Azevedo had none.

#### Floyd Collins

Christman said the Council acts as the Albany Revitalization Agency and along with that as part of CARA. He asked, what kind of projects and priorities should CARA be involved in? Collins said when CARA was first formed, a list of projects were reviewed to get a qualifying group. A land-use consultant from Portland said we should be looking at a seven to one multiplier.

You have to have some infrastructure and support for wherever that development is and you have to be looking for different partnerships. You've got to have something that will attract businesses to make the investments.

Johnson said, please describe your experiences with municipal government and explain how your experience relates to your interest in serving on the Albany City Council. Collins said he has 35 years of employment, 36 years in this community. He worked 15 years for the City of Corvallis water/wastewater utility management, 15 years for Salem Public Works, and five years for the City of Albany as Public Works Director. He moved to North Albany in 1972. He got involved when Benton County and the City of Albany had joint sessions. He got involved with the Planning Commission. He helped consolidate 12 of the 13 water districts into the counties circuit district. He helped resolve the drought issue in 1977, and the health hazard and annexation issue later on.

Olsen asked, what do you see as a solution to the traffic problems in North Albany? Collins said we need to bring ODOT to the table and make them face the reality of this regional problem; we have to look for a regional solution. Unfortunately, ODOT has a very restricted view of the problem they are attempting to resolve. It's a very complicated issue and we only have limited opportunities and none of them are inexpensive solutions.

Bedore asked, what do you consider to be the three top issues facing the City of Albany over the next three years? Collins said the first is separate taxing districts. The second is the transportation master plan. Thirdly is balancing our inevitable growth with livability.

Reid asked, what attributes will you bring to the Council if you're selected? Collins said he has a good sense of humor. He tries to find a solution so that there is something in it for everybody. He likes to listen to all sides of a issue before he makes a decision.

Konopa said, as decision makers we should all have a vision for Albany and the mid-Willamette Valley and population and how the landscape will look for the next century. Do you want to see Albany and our Willamette Valley look like Southern California? If so, why? If not, how would you advocate to prevent this trend from happening? Collins said no, he doesn't want Albany to look like Southern California. The urban growth boundary concept is a good one, but it also needs to be developed with reality. Each community will have growth; industrial, commercial, and residential; and it should be balanced on a statewide basis. We need to plan for and implement our long-term visions through the Comprehensive Plan and the Development Codes in the infrastructure master plan.

Christman asked, the economy and economic development is an issue in Albany; what are your thoughts about the Pepsi/Gatorade project? Collins said he looks for the diversification of the economy while minimizing the contributions from the resource side.

Johnson said, Albany water consumers are not happy about the price they pay for water. What can be done about this? Collins said the rates are driven by pipe replacement to get the water losses down, and the new water facility, which gives us capacity and is a Azevedoetable item. We need to balance what we can sell as a product versus what people need. We need to test the model for calculating costs. If we've collected more money than we need, we can afford for the rates to go down and vice versus.

Olsen asked, do you think it's appropriate for the city, county, and state to spend taxpayer's dollars to attract and entice business and industry to come to Albany? Collins said yes, but in the right balance. You need to look at how to maintain a community that is moving forward and not stagnate. We should look at what types of businesses and industries we want to attract.

Bedore asked, what time commitment are you willing to make toward Council duties? Describe your flexibility in being available during the week. Collins said he has a lot of time to dedicate to the Council. Collins said his interest is here whether he gets appointed or not.

Reid asked, what style do you use to resolve conflicts? Collins said he likes to talk to people to understand where their interests are. He will look to find common ground and he is a firm believer about focusing on what we agree upon.

Konopa said, state law doesn't allow cities to impose system development charges for police, fire, and libraries in order to expand those facilities. Do you feel the cost of growth is distributed fairly? Do you think the cost of growth needs to be addressed in our strategic plan and when updating our required goals for periodic review? Collins said it shouldn't be one-sided. The system development charges are one of the tools we have for infrastructure. It becomes a policy choice on how we utilize the SDC's tool and that is a process that takes a lot of community involvement to help set the vision and to hear feedback from all sides. He doesn't think it should be funded completely by the developer or the citizens. There needs to be a balance and the degree of that balance is a policy choice for the Council.

Konopa asked, do you have any questions or comments for us? Collins emphasized he has 36 years in the community and has worked through many issues.

#### Dan Conway

Christman said the Council acts as the Albany Revitalization Agency and along with that as part of CARA. He asked, what kind of projects and priorities should CARA be involved in? Conway said we need to figure out where we want to go as a city; what kind of city we want to be in 10, 15, and 20 years. Dan said CARA should focus on projects that will enhance the quality of life and increase the job opportunities.

Johnson said, please describe your experiences with municipal government and explain how your experience relates to your interest in serving on the Albany City Council. Conway said he has been before the Council a couple of times concerning the historical homes. He and his wife elected to live here because they fell in love with Albany. He wants to contribute to the growth, prosperity, and quality of life in the City of Albany.

Olsen asked, what do you see as a solution to the traffic problems in North Albany? Conway said he travels through North Albany almost everyday. North Albany faces a lot of challenges as far as traffic goes. As a city, we need to figure out how we are going to handle it over the next couple of decades because it's going to continue to grow and develop.

Bedore asked, what do you consider to be the three top issues facing the City of Albany over the next three years? Conway said the first thing is the quality of streets and sidewalks. The second is having job opportunities for the current population. The third issue would be pollution and industry which affects the quality of life.

Reid asked, what attributes will you bring to the Council if you're selected? Conway said he will listen to input and distinguish between factual and nonfactual information. He has the ability to sit and listen to staff and the public and then put that information together to make the best decision.

Konopa said, as decision makers we should all have a vision for Albany and the mid-Willamette Valley and population and how the landscape will look for the next century. Do you want to see Albany and our Willamette Valley look like Southern California? If so, why?

If not, how would you advocate to prevent this trend from happening? Conway said he was last stationed in Southern California and his wife is from Southern California, but neither of them wanted to stay there. Conway said Albany has a small town atmosphere, which most people like. The quality of life needs to be maintained as the City continues to grow.

Christman asked, the economy and economic development is an issue in Albany; what are your thoughts about the Pepsi/Gatorade project? Conway said he has only read about it briefly. It sounds like a quality business, but he would have to research the quality of life impact aspect of it.



Johnson said, Albany water consumers are not happy about the price they pay for water. What can be done about this? Conway said his main complaint is that the water isn't as good as it was ten years ago. He would tactfully remind consumers that the cost of bottled water is much more expensive and the City strives to keep it as economical as possible.

Olsen asked, do you think it's appropriate for the city, county, and state to spend taxpayer's dollars to attract and entice business and industry to come to Albany? Conway said that anytime we spend taxpayer money, we need to be thoughtful and wise stewards. If it is a good investment and will provide a good return for the community, it would be well worth looking at.

Bedore asked, what time commitment are you willing to make toward Council duties? Describe your flexibility in being available during the week. Conway said he is available to attend meetings. He does work full-time, but his schedule would be flexible.

Reid asked, what style do you use to resolve conflicts? Conway said he resolves conflicts peacefully. The best resolution in conflict is to let the parties speak; if they feel they have been hurt, listen to them and try to reach a solution that will be acceptable to both parties. You have to weigh the arguments.

Konopa said, state law doesn't allow cities to impose system development charges for police, fire, and libraries in order to expand those facilities. Do you feel the cost of growth is distributed fairly? Do you think the cost of growth needs to be addressed in our strategic plan and when updating our required goals for periodic review? Conway said the cost of growth is a huge consideration. The impact of new homes and more people impact the city as a whole. Conway said we have to figure out what the demand on City services will be and where the revenue is going to come from because of growth.

Konopa asked, do you have any questions or comments for us? Conway appreciates the hard decisions the City Council makes and said thanks as a taxpayer and citizen.

Recess

The session was recessed at 8:55 p.m.

Reconvene

The session was reconvened at 9:05 p.m.

John McDaniel

Christman said the Council acts as the Albany Revitalization Agency and along with that as part of CARA. He asked, what kind of projects and priorities should CARA be involved in? McDaniel said it is important to maintain the historical aspect of downtown Albany. CARA should continue on the track they are on.

Johnson said, please describe your experiences with municipal government and explain how your experience relates to your interest in serving on the Albany City Council. McDaniel said he has very limited experience, but he is fascinated by the process and would like to be a part of it.

Olsen asked, what do you see as a solution to the traffic problems in North Albany? McDaniel said he thought at one time a second bridge was being considered. He thinks the traffic that feeds into North Albany has outgrown its infrastructure.

Bedore asked, what do you consider to be the three top issues facing the City of Albany over the next three years? McDaniel said the first issue would be police services because of property and drug crimes. The second would be traffic. The third would be livability. Albany is a thriving city and is still a good place to live. He hopes that his kids will choose to continue to live in Albany when they get older.

Reid asked, what attributes will you bring to the Council if you're selected? McDaniel said he has a willingness to take responsibility for his decisions and to communicate that. It is important to have a unified front.

Konopa said, as decision makers we should all have a vision for Albany and the mid-Willamette Valley and population and how the landscape will look for the next century. Do you want to see Albany and our Willamette Valley look like Southern California? If so, why? If not, how would you advocate to prevent this trend from happening? McDaniel said the Willamette Valley is unique and is a great place to live. He would like to see the valley keep its greenness and its vitality.

Christman asked, the economy and economic development is an issue in Albany; what are your thoughts about the Pepsi/Gatorade project? McDaniel said that you have to bring in dollars from the outside to keep the economy going. Stagnation is not a good thing and a way to combat that is to bring in potential employers.

Johnson said, Albany water consumers are not happy about the price they pay for water. What can be done about this? McDaniel said making improvements to the infrastructure is necessary. The water rates are high and the reason why needs to be explained to citizens.

Olsen asked, do you think it's appropriate for the city, county, and state to spend taxpayer's dollars to attract and entice business and industry to come to Albany? McDaniel supports the theory of the state being more business friendly, but it should be for appropriate opportunities for growth. It takes some forecasting and planning.

Bedore asked, what time commitment are you willing to make toward Council duties? McDaniel said he can put in the hours necessary to serve the Council.

Reid asked, what style do you use to resolve conflicts? McDaniel said he looks for opportunities to learn the issue and try to see it from both sides. He works towards reaching a compromise.

Konopa said, state law doesn't allow cities to impose system development charges for police, fire, and libraries in order to expand those facilities. Do you feel the cost of growth is distributed fairly? Do you think the cost of growth needs to be addressed in our strategic plan and when updating our required goals for periodic review? McDaniel said sharing the cost and sharing the burden is responsible. He thinks, in new subdivisions, costs should be assessed to the price of the home up front. It is necessary to review where the dollars are coming from to cover the growth.

Konopa asked, do you have any questions or comments for us? McDaniel said his enthusiasm for Albany is great and he is actively involved in the community. McDaniel said this is where he grew up and where he wants to retire.

#### Bill Root

Christman said the Council acts as the Albany Revitalization Agency and along with that as part of CARA. He asked, what kind of projects and priorities should CARA be involved in? Root said they need to continue to be involved in the historical and downtown area. The waterfront area and industrial area needs to get cleaned up. The riverfront is a great place for housing.

Johnson said, please describe your experiences with municipal government and explain how your experience relates to your interest in serving on the Albany City Council. Root said his experience has been with getting involved in Albany's local government as a member of the North Albany Neighborhood Association. He loves the people he works with at the City of Albany.

Olsen asked, what do you see as a solution to the traffic problems in North Albany? Root said another bridge would be helpful.

Bedore asked, what do you consider to be the three top issues facing the City of Albany over the next three years? Root said traffic would be one. He said the second would be homelessness, and livability would be the third. He and his wife really love Albany because of its livability.

Reid asked, what attributes will you bring to the Council if you're selected? Root said he is a problem solver. He will stick with an issue until he has figured it out.

Konopa said, as decision makers we should all have a vision for Albany and the mid-Willamette Valley and population and how the landscape will look for the next century. Do you want to see Albany and our Willamette Valley look like Southern California? If so, why? If not, how would you advocate to prevent this trend from happening? Root likes the idea of having open space in North Albany. Although North Albany is in city limits, it's still a rural area. Root said NANA is trying to get organizations like the Wildlife Fund to buy up property in North Albany to save it for wildlife.

Christman asked, the economy and economic development is an issue in Albany; what are your thoughts about the Pepsi/Gatorade project? Root said any new type of industry needs to be nonpolluting and pay living wages.

Johnson said, Albany water consumers are not happy about the price they pay for water. What can be done about this? Root said the City needs to be aggressive about getting rid of the old water pipes and getting the leaks repaired to have less water loss. He said the City is in the process of trying to come up with a way to rebuild the hydro-electric facility. The big advantage of hydro-electric is there is no cost for fuel and it is nonpolluting.

Olsen asked, do you think it's appropriate for the city, county, and state to spend taxpayer's dollars to attract and entice business and industry to come to Albany? Root said you have to do whatever it takes to entice businesses that can provide living wages.

Bedore asked, what time commitment are you willing to make toward council duties? Root said he is retired, and although he does have commitments, he will be available.

Reid asked, what style do you use to resolve conflicts? Root said he discusses problems to resolve them.

Konopa said, state law doesn't allow cities to impose system development charges for police, fire, and libraries in order to expand those facilities. Do you feel the cost of growth is distributed fairly? Do you think the cost of growth needs to be addressed in our strategic plan and when updating our required goals for periodic review? Root said infrastructure gets impacted by growth. He feels the developers should pay a percentage of those costs.

Konopa asked, do you have any questions or comments for us? Root said he would like to see somebody from North Albany be chosen for the position. It would look good to have someone representing North Albany on the Council.

#### Deliberation

Konopa asked if the Council wanted to make a decision tonight or wait until tomorrow night. Reid said that the process could get started tonight. The Councilors decided to verbally state who their number one choices were.

Christman's choice was Floyd Collins because he lives in North Albany and he would be able to come up to speed quickly.

Johnson's choice was Floyd Collins because he knows a lot of the things about past issues, including issues with North Albany.

Olsen's choice was Mark Azevedo.

Bedore's choice was Floyd Collins because there would be a shorter learning curb; he lives in North Albany and he attends a variety of meetings at the City of Albany.

Reid's choice was Floyd Collins because of his experience and because he is from North Albany.

Konopa's choice was Mark Azevedo because of how he researches and analyzes things and he is from North Albany

#### **MOTION**

Johnson moved to approve the appointment of Floyd Collins as the new Councilor for Ward I, Reid seconded it. It passed 4-2, with Olsen and Konopa voting no.

#### **NEXT MEETING DATE**

The next Regular Session of the City Council is scheduled for Wednesday, February 13, 2008, at 7:15 p.m., in the City Council Chambers, at City Hall.

#### **ADJOURNMENT**

There being no other business, the meeting was adjourned at 10:08 p.m.

Respectfully submitted by,

Diana Eilers  
Administrative Assistant I



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Kevin Kreitman, Fire Chief *KK*  
DATE: March 6, 2008, for the March 12, 2008, City Council Meeting  
SUBJECT: Declaration and Disposal of Fire Department Surplus Property  
RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

City Council approval to declare two Fire Department vehicles as surplus property and authorize the Fire Department to dispose of the assets in accordance with Albany Municipal Code 266.080 Disposition of Surplus Property.

Discussion:

The Fire Department recently purchased two new fire engines to replace existing apparatus. With the new engines, the plan was to surplus two of our oldest fire apparatus, a 1973 Ford/Western States fire engine and one of two 1982 Kenworth/Pierce fire engines, which are all currently reserve apparatus.

Subsequent to that plan, a local fire district asked if we would consider selling our 1999 Freightliner/H&W four-wheel drive engine that the City purchased for Fire Station 14. Due to the apparatus' operational constraints and street design standards, it has not met the original intended use for Albany Fire and was earmarked for reserve status once the new engines went in service. The local fire district's interest in this vehicle prompted a re-evaluation of which fire apparatus were most appropriate to declare surplus at this time.

The following items were discussed with the Public Safety Commission on March 5, 2008:

- Sale of the 1999 Freightliner; apply proceeds to the Fire Department's equipment replacement fund; and evaluate purchase of a used engine to more adequately meet the Fire Department's needs.
- Sale of the 1999 Freightliner and apply proceeds to the Fire Department's equipment replacement fund to accelerate other vehicle replacements.
- Sale of the 1999 Freightliner would maximize the value of that engine, while also eliminating a vehicle that is not meeting current operational needs.
- Replacing the 1999 Freightliner could result in delaying the replacement of the two 1982 reserve engines by two to three years.
- The 1982 reserve engines do not meet national standards, including the standard for having fully enclosed cabs.

Based on discussions and the support of the Public Safety Commission, the Fire Department is proposing that the following apparatus be declared surplus property:

Asset #0000036	1973 Ford/Western States Fire Engine (VIN# U91TVQ77373)
Asset #0000316	1999 Freightliner/H&W Fire Engine (VIN#1FV2JLCB1XH961923)

Budget Impact:

Proceeds from the sale of the proposed surplus fire apparatus would be applied to the Equipment Replacement Fund for the Fire Department.

KK:ljh  
Attachment



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Kevin Kreitman, Fire Chief *KK*  
DATE: March 6, 2008, for the March 12, 2008, City Council Meeting  
SUBJECT: Wage Adjustment for Deputy Fire Marshal Position  
RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Council approval for re-classification of two Deputy Fire Marshal I positions.

Discussion:

The State of Oregon has adopted new standards and training requirements that affect the Fire Department's Deputy Fire Marshal classifications. To reflect the state's changes, we have combined the current Deputy Fire Marshal I (DFM I) and II (DFM II) job descriptions into two new classifications: Deputy Fire Marshal I & II-Compliance and Deputy Fire Marshal I & II-Public Education positions.

The expectation with the revised DFM classifications is that current and new employees will be required to meet additional education and training benchmarks, at which time they would be elevated from Level I to Level II within the new DFM classifications.

The Department currently has two DFM I positions that require reclassification to the new combined DFM I/II position. This request has been reviewed and approved by the City Human Resources Department.

Budget Impact:

Total approximate wage increase of \$936/month plus benefits (based on Wage Schedule, Step F) upon meeting Level II requirements in the new DFM I/II positions.

KK:ljh



TO: Albany City Council

VIA: Wes Hare, City Manager  
Ed Hodney, Director of Parks and Recreation

FROM: Craig Carnagey, Parks and Facilities Manager *etc*

DATE: March 5, 2008 for the March 12th, 2008 City Council Meeting

SUBJECT: Reclassification of Park Maintenance II position in the Parks and Recreation Department

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Staff requests Council authorization to reclassify one currently vacant Park Maintenance II position to a Park Maintenance III effective March 14, 2008. This item is scheduled for the March 12, 2008, council agenda for formal approval.

Discussion:

The FY 2007-08 Parks and Recreation Fund budget anticipates filling a currently vacant Park Maintenance II position (1.0 FTE, Park Maintenance program). Additional duties and responsibilities have been placed on this position which the Human Resources Department determined to require a reclassification. This position will now be responsible for performing technical and program coordination work in forestry and horticulture. It is recommended that the current Park Maintenance II position be elevated to a Park Maintenance level III. This will also allow us to attract more qualified candidates with experience directly related to the department's objectives for this position.

Budget Impact:

There is no budget impact this fiscal year. The existing position has been vacant since October 2007. The savings from this position vacancy over the past five months will offset any costs to fill the position through the remainder of this fiscal year. The annualized cost of this reclassification is estimated at \$2,196 for FY 2008-2009.





TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Edward Boyd, Chief of Police  
Marilyn Smith, Management Assistant/Public Information Officer

*Ed Boyd (sa)*

*Marilyn Smith (sa)*

DATE: March 7, 2008, for the March 12, 2008, City Council Meeting

SUBJECT: Abandoned Shopping Carts

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods  
● Effective Government

Action Requested:

Set a public hearing for March 26, 2008, to consider an ordinance (attached) amending the Albany Municipal Code to establish procedures for retrieving and reclaiming abandoned shopping carts. Also attached is a draft list of businesses.

Discussion:

Abandoned shopping carts have created transient blight throughout Albany for many years. Several times during its tenure, the Code Enforcement Team has discussed a shopping cart roundup to temporarily tidy up streets, sidewalks, and vacant lots. Such a roundup would be done as a public service rather than code enforcement, however, because currently we have no specific code to enforce.

The 2007 Oregon Legislature passed Senate Bill 645, which was sponsored in part by the Northwest Grocery Association. The bill gives local governments the authority to deal with abandoned shopping carts. It calls for all carts to be marked with the store name and a tollfree number to call when a cart is found abandoned. Signs are to be posted at each store, advising the public that removing a cart is against the law. Cities can pick up the carts after 72 hours and charge the cart's owner a fee to get them back.

The City of Beaverton adopted an ordinance that mirrors the new state law in December 2007. The City of Gresham is participating in a pilot program with other cities in the Portland metropolitan area, where at least one private business contracts to retrieve carts. The City of Salem is waiting for six months to see how things work out in other communities.

Our Parks Maintenance crews have been retrieving abandoned carts from city rights-of-way and other city property for years and returning them, free of charge, as a courtesy to the store that owns them. Dick Conolly, Parks & Facilities Maintenance Manager, reports that his crews pick up 300-500 carts each year. Carts that are not clearly marked or come from a place that is out of business go to scrap. Whether we adopt a specific shopping cart ordinance or not, Parks Maintenance crews will continue to remove them from city property.

City staff met on January 11, 2008, to review Senate Bill 645 and discuss how it might work in Albany. The proposed ordinance replicates state law, with two changes:

1. We suggest that the cart owners maintain not just a tollfree telephone number but an e-mail address as well to provide a second quick method of reporting carts.
2. We propose to send a monthly bill to owners of carts who do not retrieve them within 30 days, with fines doubling every 30 days following. We already use this method for responding to multiple false alarms.

A third suggestion, proposed by Parks Maintenance, is to send a similar bill to owners of carts that have been retrieved by city staff in the course of their regular duties, as described on the previous page. We see no reason to let an abandoned cart, once discovered, clutter a park or city canal or stream for up to 72 hours while the owner is notified and finds time to respond. The proposed amount is \$20 per cart.

The proposed ordinance does not include the emergency clause in order to allow the stores some time to get the phone line and e-mail address set up, do signage on their premises, and mark their carts accordingly.

Copies of the proposed ordinance will be mailed to Albany businesses that use shopping carts prior to the public hearing.

Budget Impact:

Dependent upon fine revenue.

EHB:MMS:de  
Attachments 2

c: Jim Delapoer, City Attorney  
Ed Hodney, Parks & Recreation Director  
Dick Conolly, Parks & Facilities Maintenance Manager

*U:\Administrative Services\City Manager's Office\Shopping Carts Memo for 3-12-08.doc*

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE TITLE 7.84, PUBLIC NUISANCE, BY ADDING SECTION 7.84.200 RELATING TO SHOPPING CARTS

WHEREAS, local governments may enact ordinances to provide for the salvage or reclamation of an abandoned shopping cart; and

WHEREAS, shopping carts frequently litter public streets, sidewalks, and parks and are found abandoned in ditches and waterways.

NOW, THEREFORE, the Albany City Council does ordain as follows:

Section 1. AMC 7.84.200 is hereby added to read as follows:

**Section 7.84.200 SHOPPING CARTS**

AMC 7.84.200 shall be known and may be cited as the "Shopping Cart Ordinance."

**7.84.210 Requirements for Shopping Cart Providers**

- A. A person that supplies shopping carts for public use at the person's business shall:
1. Post signs in sufficient number to give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is a crime under ORS 164.015 and provide a toll-free telephone number **and an e-mail address** that members of the public may use to report abandoned shopping carts.
  2. Identify the person's business on each shopping cart and post a sign on the shopping cart that:
    - a. notifies any member of the public using the shopping cart that unauthorized appropriation of a shopping cart is a crime under ORS 164.015;
    - b. provides a toll-free telephone number **and an e-mail address** for use in reporting an abandoned shopping cart.
  3. Establish, maintain, and make available to the public, at the person's own expense, a toll-free telephone line **and e-mail address** for the purpose of reporting abandoned shopping carts. The person shall forward each report the person receives concerning an abandoned shopping cart to the owner of the shopping carts and to the Police Community Resource Unit.
  4. Retrieve or contract for the retrieval of abandoned shopping carts.

**7.84.220 Retrieval and Disposal of Carts; Fees.**

- A. A person may agree with other persons to share and to pay expenses related to the toll-free telephone line **and e-mail address** described in AMC 7.84.210(A)(3). The agreement shall provide that any person designated to operate the toll-free telephone line **and monitor the e-mail account** and receive reports concerning abandoned shopping carts must forward the reports in accordance with AMC 7.84.210(A)(3).
- B. A person shall retrieve a shopping cart that the person owns within 72 hours after receiving notification that the shopping cart has been abandoned.
- C. If the City identifies, salvages, or reclaims an abandoned shopping cart, it shall use the toll-free telephone line **or e-mail address** described in AMC 7.84.210(A)(3) to report the existence and location of an abandoned shopping cart, if the owner is identifiable.

- D. The City may take custody of an abandoned shopping cart and impose a fine of \$50 on the owner of the shopping cart if the owner does not retrieve the shopping cart within 72 hours after the City makes a report under subsection (C ) or after the owner receives a report under AMC 7.84.210(A)(3).
- E. The City may release a shopping cart in the City of Albany's custody to the owner upon payment of the \$50 fine.
- F. The City may take title to a shopping cart in the City of Albany's custody and dispose of the shopping cart as the City of Albany deems appropriate if the owner does not claim the cart within 30 days.
- G. If the shopping cart owner fails to claim their cart within 30 days, the City may levy an additional \$50 fine, by mail. The assessed fines will double every 30 days for nonpayment. The City may also pursue other civil penalties as allowed by statute.

Section 2. The sections and subsections of this ordinance are severable. If any part of this ordinance is held unconstitutional or otherwise invalid, the remaining parts shall remain in force.

Passed by the Council: \_\_\_\_\_

Approved by the Mayor: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Albany businesses with shopping carts  
(February 2008)**

Albertsons  
1177 Waverly Drive SE  
97322

BiMart  
2272 Santiam Highway SE  
97322

Bob's Family Market  
2515 Geary Street SE  
97322

Coastal Farm & Home Supply  
1355 Goldfish Farm Road SE  
97322

Costco Wholesale  
3031 Killdeer Avenue SE  
97322

The Dollar Tree (next to Rite-Aid)  
1307 Waverly Drive SE  
97322

The Dollar Store (at Pacific & Queen)  
635 Pacific Boulevard SW  
97321

Fred Meyer  
2500 Santiam Highway SE  
97322

Goodwill Industries  
1605 Pacific Boulevard SE  
97322

Grocery Outlet  
1950 14<sup>th</sup> Avenue SE  
97322

The Home Depot  
3500 Spicer Drive SE  
97322

JoAnn Fabrics  
2248 Santiam Highway SE  
97322

Kmart  
3100 Pacific Boulevard SE  
97322

Kohl's  
410 Airport Road SE  
97322

Northwest Grocery Association  
8565 SW Salish Lane Suite 100  
Wilsonville, OR 97070

Ray's Food Place  
621 Hickory Street NW  
97321

Rite Aid  
1235 Waverly Drive SE  
97322

Ross Dress for Less  
2005 14<sup>th</sup> Avenue SE  
97322

Safeway  
1990 14<sup>th</sup> Avenue SE  
97322

Save a Lot  
1740 Geary Street SE  
97322

Salvation Army  
1224 Santiam Road SE  
97322

Shop N Kart  
c/o Lyon Associates (Gary Nathanson)  
101 Ocean Avenue Suite 600C  
Santa Monica, CA 90402

Staples  
2000 Santiam Highway SE  
97322

Target  
2255 14<sup>th</sup> Avenue SE  
97322

Walgreen Drugstore  
1700 Pacific Boulevard SE  
97322