



**NOTICE OF PUBLIC MEETING**  
**CITY OF ALBANY**  
**CITY COUNCIL**  
 Council Chambers  
 333 Broadalbin Street SW  
 Wednesday, May 28, 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. SPECIAL PRESENTATION
  - a. Historic Preservation Awards. [Page 1]
 Action: \_\_\_\_\_

5. SCHEDULED BUSINESS
  - a. Consolidated Quasi-Judicial Public Hearing
    - 1) PA-01-08 and VR-05-08, appealing the Planning Commission's approval of a tentative partition plat that would divide a 1.59-acre parcel of land into two parcels (north side of Valley View Drive NW). [Pages 2-40]
 Action: \_\_\_\_\_

- b. Public Hearing
  - 1) ST-08-04, Somerset Drive to school, and ST-08-06, school to Knox Butte; adopting the engineering and financial investigation reports and authorization to secure easements, obtain bids, increase appropriations, and issue warrants for construction. [Pages 41-58]
 Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_  
 Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

- c. Business from the Public
- d. Second Reading of Ordinance
  - 1) Establishing procedures for retrieving and reclaiming abandoned shopping carts. [Pages 59-60]
 Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_

- e. Adoption of Resolutions
    - 1) Appropriating \$200,000 for costs incurred in development of the SVC modification agreement. [Pages 61-62]
 Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_  
 2) Accepting the conveyance of tax foreclosed properties from Linn County to the City of Albany. [Pages 63-68]
- Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

f. Adoption of Consent Calendar

1) Approval of Minutes

- a) April 9, 2008, City Council Meeting
- b) May 5, 2008, City Council Work Session

2) Annual liquor license renewals. [Page 69]

3) Approving liquor licenses for:

- a) Johnny Carino's of Albany, LLC, D/B/A Carino's Italian Restaurant, 1825 14<sup>th</sup> Avenue SE. [Page 70]
- b) Szabo's and Loafer's, Inc., D/B/A Szabo's Steak and Seafood/Loafer's Deli, 222 Washington Street SW. [Page 71]

4) Accepting a grant from the Oregon State Historic Preservation Office. [Pages 72-73] RES. NO. \_\_\_\_\_

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

g. Reports

1) Authorizing renewal of the Albany Community Pool lease. [Pages 74-80]

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

2) 2007-2008 Landmarks Advisory Commission report. [Pages 81-83]

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

6. BUSINESS FROM THE COUNCIL

7. RECESS TO EXECUTIVE SESSION TO DISCUSS REAL PROPERTY TRANSACTIONS IN ACCORDANCE WITH ORS 192.660 (2)(e)

8. RECONVENE

9. NEXT MEETING DATE: Work Session June 9, 2008  
Regular Session June 11, 2008

10. ADJOURNMENT

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

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



TO: Albany City Council  
VIA: Wes Hare, City Manager  
Don Donovan, Planning Manager *Don.*  
FROM: Anne Catlin, Planner II *alc*  
DATE: May 21, 2008, for the May 28, 2008, City Council Meeting  
SUBJECT: Historic Preservation Awards

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

May is National Preservation Month. This year's theme is "This Place Matters." To celebrate this event, the Mayor will give awards to property owners selected by the Landmarks Advisory Commission for their good stewardship and taking pride in preserving their historic buildings.

The Landmarks Advisory Commission invites you to dessert social before the Council meeting at 6:45 p.m.

*The Landmarks Advisory Commission  
invites you to celebrate this year's preservation success stories at  
a dessert social Wednesday, May 28th, beginning at 6:45 p.m. in the City Hall  
foyer outside the Municipal Court Chambers.*



alc



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Don Donovan, Planning Manager *DD*  
DATE: May 21, 2008 for the May 28, 2008 City Council Meeting  
SUBJECT: Appeal Hearing – Partition and Variance Applications  
Files PA-01-08 and VR-05-08

On April 21, 2008, the Planning Commission held a public hearing on the applications referenced above. The Planning Commission approved the applications with conditions. On April 28, 2008, Ms. Daryl Bechtolt filed an appeal of the Planning Commission decision. The appeal is attached to this memo as Attachment A. Appeals are heard by the City Council.

The appeal hearing has been scheduled for the May 28 City Council meeting. The hearing is on a partition application to divide a 1.59-acre parcel of land into two parcels. The property that would be divided is located on the north side of Valley View Drive in North Albany. There is one existing house on the parcel that will be divided. The existing house would be on Parcel 1 of the partition. Parcel 2 would be a vacant parcel that could have one house built on it.

Part of the property is inside the city limits and part of the property is outside the city limits. Benton County must decide if the partition meets their requirements for the part of the property that is outside the city limits, so they are also reviewing the partition application. As of the date of this memo, Benton County had not made a decision on the application.

The property has steep slopes on it. The property also has a drainage swale on it. The applicant has requested a variance to allow four properties to use an easement when the maximum number is usually three properties.

Several neighbors wrote letters and expressed opposition to the partition at the Planning Commission hearing. They object to tree cutting (not proposed with the partition, but eventually necessary to build a house on Parcel 2). They are concerned about drainage because Parcel 2 includes the drainage swale. They wonder if a new house on this parcel would obstruct the drainage swale. The applicants respond that there are ways to build a house that would not obstruct drainage.

Neighbors point out that the parcel that would be divided is in Countryman Estates subdivision. Conditions, Covenants, and Restrictions (CC&R's) for Countryman Estates apparently set the minimum lot size for parcels in the subdivision at one acre. Both parcels created by the partition would be less than one acre. CC&R's are private agreements between owners of parcels in the subdivision. CC&R's cannot be enforced by the city, so they are not part of the review criteria for the partition. The City Attorney will be able to elaborate on this if necessary at the hearing.

At the Planning Commission hearing, the applicants agreed to record a "Deed and Building Restriction" with the deed to Parcel 2 of the partition. Neighbors were concerned that the parcel could be divided in the future. The restriction would impose a requirement that the parcel will not be divided into additional lots in the future. The restriction would be binding on future owners. It is most likely not possible to require the restriction, but the applicants offered it and the Planning Commission accepted it. The applicants may again offer the restriction. The Deed and Building Restriction is attached to this memo for information as Attachment B.



Albany City Council  
Page 2  
May 21, 2008

The staff report concludes that the partition and variance applications meet the applicable review criteria and the applications can be approved. The City Council may hear additional information at the hearing and/or may see the facts differently.

Please let me know if you have questions before the hearing.

DD/smd  
Attachments: Attachments A-C and Exhibits A-D for Attachment C.

*U:\Community Development\Planning\Current\2008\08pa01ccm.dd.docx*



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

ATTACHMENT A

## Notice of Appeal

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

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

of a decision made on April 21, 2008 (date)

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

relating to a request for PA-01-08 & VR-05-08 (case file name and number)

pertaining to Tax Lot(s) No.(s) 5100 on Assessor's Map No.(s) 105-4W-25BC  
Benton County

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

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

Name <u>DARYL H. Bechtolt</u>	Name _____
Address <u>2567 NW VALLEY VIEW DR</u>	Address _____
<u>Albany, ORE. 97321</u>	_____
Signature <u>Daryl H. Bechtolt</u>	Signature _____
Date <u>April 28, 2008</u>	Date _____

### TO BE FILLED OUT BY STAFF

Case No. (Same as application request) \_\_\_\_\_

APR 28 2008

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

Request for Public Hearing	\$720*
Appeal to City Council	\$720 <u>\$750</u>
Appeal to Planning Commission	\$240
Appeal to Hearings Officer	\$300 deposit/max \$500

\*The fee for a public hearing on a tentative decision shall be paid by the applicant, not the person requesting the hearing.

Date Filed: 4/28/08 Fee Paid: \$750.00

Receipt No.: R9034543 Received By: DW/KLJ

Revised 12/13/2007

April 26, 2008

Community Development Department  
333 Broadalbin Street SW  
Albany, OR 97321

APR 23 2008

Notice of Appeal  
Re: PA-01-08 and VR-05-08

To Whom It May Concern:

I challenge the rulings made by the Albany, Tree City, Planning Division on April 21, 2008.

- 1) I challenge these rulings citing as my authority the Residential and Protective Covenants as set forth by the Countryman Acres Property Owners Association. Part C; Residential Area Covenants states one house per acre. An acre is 43,560 S.F. PA-01-08 would set the existing house on 27,617 S.F. (not an acre) and the proposed parcel on 42,970 S.F. (not an acre).

VR-05-08 is also at odds with the Residential and Protective Covenants as set forth in Additional Conditions and Restrictions for Countryman Acres paragraph III which mandates underground wiring. VR-05-08 threatens my underground wiring by paving right over it and/or damaging the wiring in other ways.

- 2) I challenge these rulings using as my authority the documents sent by Albany, Tree City, Community Development Department, specifically the map provided by K&D Engineering. This map clearly shows the unsuitability of Parcel 2 as a building site. This property is a partial ravine and the recipient of drainage from the septic system of the existing house, not withstanding an easement. This property is also the recipient of drainage from Kingston Heights, rain and other water which accumulates in the ravine and gurgles in a culvert under Valley View Dr.
- 3) I challenge these rulings citing as my authority the former forest now know as St. James Estates. This evidently is an example of what the Albany, Tree City, Forester thinks of forests. Destroy!
- 4) I challenge their rulings citing as my authority the State of Oregon and Albany, Tree City. These entities are purported to cherish trees. These rulings would destroy the tiny forest and the oxygen it produces. These rulings would destroy the ambiance of my neighborhood. These rulings would endanger my underground wiring.



On this Earth Day and these times of Global Warming, I find it ironic that Albany, Tree City, would even consider the destruction of a forest and the ambiance of a neighborhood. The tiny forest directly impacts 7 households and indirectly impacts the Earth by the oxygen it produces. What we face, in microcosm, is what all of North Albany faces; destruction. To wit: St. James Estates.

One house per acre! That is stated in our Homeowners Residential & Protective Covenants. One house per acre. The Orezona Building Co. wishes to ignore this dictate and have graciously offered to widen our road to better serve emergency vehicles. I have had 3 occasions to use emergency services and at no time did the little street hinder the vehicles. In fact, the wider road is needed to facilitate the heavy equipment needed to destroy the tiny forest (the oxygen it produces, the ambiance of my neighborhood, and endanger my underground wiring).

One house per acre! The homeowners on my little street have promised to abide by One House per acre. For 27 years I have lived on this little street and this covenant has been honored.

One house per acre is to be dishonored because the Orezona Building Co. made a bad business deal and my little street must suffer the consequences of their actions?

I put it to Albany, Tree City; are the tax revenues of one house so desirable that my little neighborhood must be destroyed? For shame! Albany, Tree City For Shame!

Submitted by,



Daryl H. Bechtolt  
2567 NW Valley View DR  
Albany, OR 97321

COUNTRYMAN ACRES  
Residential and Protective Covenants

BENTON COUNTY  
DEED RECORDS  
DATED:  
RECORDED: 2-14-62  
BOOK 180 PAGE 499

Part A. PREAMBLE

The undersigned, Charles McCormack, and Barbara McCormack, husband and wife and W. F. Holman, unmarried, fee owners of the following described property:

Beginning at a point 25 chains South and 29.925 chains East of the Northwest corner of the Donation Land Claim of William W. Walton, Not. No. 7079 in Township 10 South, Range 4 West of the Willamette Meridian in Benton County, Oregon, running thence South 55 chains to the center line of Section 26 in said Township and Range; thence East along the center line of said Section 26 and Section 25 in said Township and Range and running 29.925 chains to a point 10 chains East of the Northeast corner of the Southeast  $\frac{1}{4}$  of said Section 26; thence North 55 chains to a point due East of the point of beginning; thence West 29.925 chains to the point of beginning, in the County of Benton and State of Oregon.

Hereby make the following declarations as to limitations, restrictions and uses, to which the lots and tracts constituting said subdivision may be put, hereby specifying that said declaration shall constitute covenants to run with all of the land provided by law, and shall be binding and all persons claiming under them and for the benefit of, and limitations upon, all future owners in said land, this declaration of restrictions being designed for the purpose of keeping said addition of land desirable, uniform and suitable, in architectural design and use as herein specified.

Part B. Area of application

B-1 Fully Protected Residential Area.

The residential area covenants in Part C in their entirety shall apply to all of that land platted to residential purposes.

Part C. Residential Area Covenants

C-1 Land Use & Building Type.

No acre shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any one acre other than one detached single family dwelling not to exceed two stories in height and a private garage for not more than 3 cars. Provided and excepting that lots may be used for utility facilities of water, sewer and electricity. If however, upon agreement with the fee owners may use said acre of ground for purposes of raising other animals or construction of a stable that are agreed not to be offensive to other adjoining land owners.

C-2 Architectural Control

No building shall be erected, placed, or altered on any acre until the construction plans and specifications and a plan showing the location of the structure have been approved by the architectural control committee, Charles McCormack, Howard Hickam and Harrison Weatherford, as to quality of workmanship and materials, harmony of external design and with existing structures, and as to location with respect to topography and finish grade.

No fence or wall shall be erected, placed or altered on any acre nearer to any street than the minimum building setback line as per F. H. A. regulations unless similarly approved.

APR 28 2008



### C-3 Dwelling Quality and Size

It is the intent of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which would result from full compliance with the uniform building code, Latest Edition, published and copyrighted by the International Conference of Building Officials, Pacific Coast Building Officials Conference Subsidiary. The ground floor area of the main structure exclusive of one story open porches and garages shall be not less than 1,000 square feet for a one story dwelling nor less than 860 square feet for a dwelling of more than one story.

### C-4 Building Location

No building shall be located on any lot nearer to the street line than the minimum building set back line of 25 feet provided the sum of side yard dimensions on each acre, measured along front building line, may be 15% of the width of acre but not less than 10 feet. No building shall be located nearer than (10) ten feet to an interior side lot line, except that no side yard shall be required for a garage located 30 feet or more from the minimum building setback line. No dwelling shall be located on any interior lot or acre nearer than 25 feet to the rear acre line. For the purposes of this covenant, eaves, steps and open porches shall not be considered as a part of a building.

### C-5 Easements.

Easements for installation and maintenance of utilities and drainage facilities are reserved.

### C-6 Nuisances

No noxious or offensive activity shall be carried on upon any acre, nor shall anything be done whereon which may or may become an annoyance or nuisance to the neighborhood.

### C-7 Temporary Structures.

No structures of a temporary character, trailer, basement, tent, shack, garage, barn, or other building, or outbuilding shall be used on any lot at any time as a residence either temporary or permanently, except as permitted by the Architectural Control Committee.

### C-8 Signs.

No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than 5 square feet advertising the property for sale or rent, or signs used by a building to advertise the property during the construction and sales period.

### C-9 Livestock and Poultry.

No animals, livestock, or poultry of any kind shall be raised, bred or kept for any commercial purposes on any one acre. Under no circumstances may swine be kept.

### C-10 Garbage and Refuse Disposal.

No acre shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

### C-11 Sight Distance at Intersections.

No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular acre formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

Part D

D-1 Term

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from date, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the acres had been recorded, agreeing to change said covenants in whole or in part.

D-2 Enforcement

Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

D-3 Severability

Invalidation of any one of these covenants by judgment or court order shall in no wise effect any of the other provisions which shall remain in full force and effect.

Countryman Acres

By: Charles McCormack, Barbara McCormack and W. F. Holman.

ACK:



ADDITIONAL CONDITIONS AND RESTRICTIONS FOR COUNTRYMAN ACRES

The undersigned, Carl Eugene Nygren and Joan M. Nygren, husband and wife fee owners of a portion of that tract of land described in instrument recorded February 14, 1962, in Book 180, page 499, hereby make the following declarations as to limitations, restrictions and uses to which those lots and tracts of land we own may be put, hereby specifying that said declarations should constitute covenants to run with all the land provided by law and shall be binding on all persons claiming under them and for the benefit of, and limitations upon all future owners in said land, this declaration of restrictions being designed for the purpose of keeping said addition of land desirable, uniform and suitable in use and scenic beauty as herein specified.

I: All public roads will be maintained by the undersigned or their successors in interest to the unsold portion of Countryman Acres until December 31, 1976.

II: After December 31, 1976 individual tract owners shall be assessed and will be requested to pay a pro-rata share of the cost of maintenance of said public roads, amounts to be spent being determined by a majority of tract owners.

III: All utilities including but not limited to power lines and the telephone poles and lines are to be placed below the surface of the ground.

IV: These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from date, after which the said covenants shall be automatically extended for successive period of 10 years unless an instrument signed by a majority of the then owners of the acres has been recorded, agreeing to change said covenants in whole or in part.

V: Invalidation of any one of these covenants by judicial or court order shall in no wise effect any of the other provisions which shall remain in full force and effect.

Signed: \_\_\_\_\_  
Carl Eugene Nygren  
\_\_\_\_\_  
Joan M. Nygren

AFTER RECORDING RETURN TO:  
K & D Engineering Inc.  
276 NW Hickory St.  
Albany, Or. 97321

DEED and BUILDING RESTRICTION

I, \_\_\_\_\_, being the owner of the premises identified as future Parcel 2 of "Partition Plat 2008-\_\_\_\_\_", a partition recorded in Benton County, Oregon, hereby declare the following deed and building restrictions on said Parcel 2:

- 1) Parcel 2 cannot be further subdivided or partitioned.
- 2) The placement of pre-manufactured home on Parcel 2 is prohibited.
- 3) Parcel 2 is reserved for a single family residence and accessory buildings.

Date this \_\_\_\_\_ day of \_\_\_\_\_, 2008

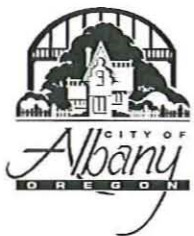
\_\_\_\_\_  
By:

STATE OF OREGON    )  
                                  ) ss  
COUNTY OF BENTON )

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2008, did personally appeared the above-named \_\_\_\_\_, and acknowledged the foregoing to be freely and voluntarily.

\_\_\_\_\_  
Notary Public of Oregon

My Commission Expires: \_\_\_\_\_



# Community Development Department

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

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

## STAFF REPORT Partition and Variance

<b><u>HEARING BODY</u></b>	CITY COUNCIL
<b><u>HEARING DATE</u></b>	Wednesday, May 28, 2008
<b><u>HEARING TIME</u></b>	7:15 p.m.
<b><u>HEARING LOCATION</u></b>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

### **GENERAL INFORMATION**

DATE OF REPORT:	May 21, 2008
FILES:	PA-01-08 and VR-05-08
TYPES OF APPLICATIONS:	<p><u>PA-01-08</u>: Tentative Partition Plat that would divide a 1.59-acre parcel of land into two parcels. Parcel 1 would be 27,617 square feet (outside city limits). Parcel 2 would be 42,970 square feet (inside city limits). The existing house would be on Parcel 1.</p> <p><u>VR-05-08</u>: Variance to allow four parcels to share an access easement where usually no more than three parcels are allowed to share an access easement (ADC 12.090).</p>
REVIEW BODY:	City Council
STAFF REPORT PREPARED BY:	Evan Fransted, Project Planner Don Donovan, Planning Manager
PROPERTY OWNER/ APPLICANT:	Orezona Building Company LLP; Jason Schaefer 1645 9th Avenue SE, Suite 323; Albany, OR 97321
APPLICANT REP:	K & D Engineering; Jason Cota; PO Box 725; Albany, OR 97321
ADDRESS/LOCATION:	2543 Valley View Drive NW
MAP/TAX LOT:	Benton County Assessor's Map No. 10S-4W-25BC; Tax Lot 5100
ZONING:	RS-10 (Residential Single Family) and Benton County RR-2
TOTAL LAND AREA:	70,588 square feet
EXISTING LAND USE:	There is a single-family house on this property.
NEIGHBORHOOD:	North Albany
SURROUNDING ZONING:	North: Benton County RR-2 South: RS-10 (across Valley View Drive NW) East: RS-10 West: RS-10



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

PRIOR HISTORY: No other land use applications for this property have been reviewed by the Planning Division.

**PLANNING COMMISSION DECISION AND APPEAL**

On April 21, 2008, Planning Commission held a public hearing on these applications. The Planning Commission approved the applications with conditions. On April 28, 2008, an owner of adjacent property filed an appeal of the Planning Commission decision. An appeal of a Planning Commission decision heard by the City Council.

**NOTICE INFORMATION**

A notice of the City Council public hearing was mailed to surrounding property owners on May 15, 2008. The property was posted on April 11, 2008, with a sign that advertised the Planning Commission public hearing. A copy of the Notice of Public Hearing for the City Council hearing was attached to the sign on May 20, 2008.

**PLANNING COMMISSION AND STAFF RECOMMENDATIONS**

**APPROVAL with CONDITIONS** of the Partition Tentative Replat and Variance applications. The proposed conditions of approval are listed in this staff report.

**CITY COUNCIL DECISION**

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

**MOTION TO APPROVE WITH CONDITIONS**

*If the findings in the staff report address all of the testimony heard at the public hearing, the City Council may approve the applications based on the findings and conclusions of the staff report.*

I MOVE that the City Council APPROVE WITH CONDITIONS the Tentative Partition Plat application that would divide a 1.59-acre parcel of land into two parcels; and the Variance application to allow four parcels to share an access easement (Files PA-01-08 and VR-05-08). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

**MOTION TO APPROVE WITH CONDITIONS AS MODIFIED**

*If the findings in the staff report address all of the testimony heard at the public hearing, but the City Council believes that additional conditions are necessary for the applications to meet the review criteria, the City Council may add additional condition(s) and approve the applications based on the findings and conclusions of the staff report.*

I MOVE that the City Council APPROVE WITH CONDITIONS AS MODIFIED *[City Council: specify additional condition(s)]* the Tentative Partition Plat application that would divide a 1.59-acre parcel of land into two parcels; and the Variance application to allow four parcels to share an access easement (Files PA-01-08 and VR-05-08). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

MOTION TO GRANT TENTATIVE APPROVAL WITH CONDITIONS

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

I MOVE that the City Council TENTATIVELY APPROVE WITH CONDITIONS the Tentative Partition Plat application that would divide a 1.59-acre parcel of land into two parcels; and the Variance application to allow four parcels to share an access easement (Files PA-01-08 and VR-05-08). I also MOVE that the City Council direct staff to prepare findings that address the new information presented at the public hearing for consideration at the next meeting.

OR

MOTION TO DENY

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

I MOVE that the City Council DENY the Tentative Partition Plat application that would divide a 1.59-acre parcel of land into two parcels; and the Variance application to allow four parcels to share an access easement (Files PA-01-08 and VR-05-08). I also MOVE that the City Council direct staff to prepare findings to support denial based on the testimony presented at the public hearing and to present these findings for consideration at the next meeting.

APPEALS

Within five days of the City Council's final decision on these applications, 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 [ADC 1.520(6)].

*U:\Community Development\Planning\Current\2008\08pa01.sr.ef.doc*



**STAFF ANALYSIS**  
**Partition File PA-01-08**

Descriptions of the Applications

The Partition application proposes to divide a 1.59-acre property into two parcels. The property that would be divided is located partly with the Albany city limits and partly outside the city limits. Benton County is reviewing a concurrent partition application because part of the property is under its jurisdiction.

There are steep slopes on the property. There is a drainage swale on the property. There are trees on the property to the extent that at least one neighbor describes the property as "forested." The applicant does not propose to cut any trees with the partition application.

The Variance application proposes to allow four lots to use an access easement when Albany Development Code 12.090 says, "[n]o more than two parcels or uses are to be served by the proposed access easement." This provision is interpreted to mean that the owner of the property has the right to use the access because they own the property and not more than two other properties may be granted an easement to use the access. So, a total of three properties may use an access that has easements over it.

Review Criteria

The Albany Development Code (ADC) contains the following review criteria which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

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

FINDING OF FACT

- 1.1 The Partition application proposes to divide the 1.59-acre parcel of land shown on Benton County Assessor's Map No. 10S-4W-25BC as Tax Lot 5100. This parcel is owned by Orezona Building Company LLP. The entire parcel will be included in the partition.

CONCLUSION

- 1.1 There will be no remainder of property to be considered. This review criterion is not applicable.
- (2) *Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.*

FINDINGS OF FACT

- 2.1 This review criterion has been interpreted by the City Council to require only that adjoining land either have access, or be provided access, to public streets.
- 2.2 ADC 12.060 requires that development must have frontage on, or approved access to, a public street currently open to traffic.
- 2.3 ADC 12.110 says that new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties.
- 2.4 Property to the north: The properties to the north and northwest have access to an unimproved public right-of-way to the north and to Valley View Drive NW on easements.

Property to the south: Valley View Drive NW abuts the partition property on the south.

Property to the east: The subdivision lots to the east have access to Kingston Way NW.

Property to the west: The property to the west has access to Valley View Drive NW.

#### CONCLUSIONS

- 2.1 All of the adjoining land has access to public streets.
- 2.2 This criterion is met.
- (3) *The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.*

#### FINDINGS OF FACT

- 3.1 The property that would be divided is located on north side of Valley View Drive NW, about 140 feet west of Kingston Way NW. The property has about 150 feet of frontage on Valley View Drive NW.
- 3.2 Valley View Drive NW is classified as a major collector street and is under the jurisdiction of Benton County. It is not constructed to City standards. The road does not have curb, gutter, or sidewalk. The width of the paved road is about 22 feet, which provides for a vehicle travel lane in each direction. The right-of-way width is 60 feet.
- 3.3 Access to this property is currently on a shared driveway that is located along the western boundary of the property. The driveway is shared by two other parcels. These two parcels have access and utility easements across the partition property. The easements are recorded in Benton County Deed Records (M-65983). Currently, three parcels use the same shared driveway for access. The partition would create one new parcel that would share the driveway.
- 3.4 ADC 12.090 limits the number of parcels that can share an easement to three parcels. The applicant has submitted a Variance application to allow four parcels to share the easements on the driveway. The review that follows this review of the partition application finds that the review criteria for the variance are met.
- 3.5 A traffic study was not required with the partition application. The City's Traffic Impact Study Guidelines require a traffic study only when a proposed development is expected to generate at least 50 vehicle trips during the peak hour, or if there are specific capacity or safety issues that need to be addressed.

Staff uses Institute of Transportation Engineers (ITE) trip generation rates to estimate the volume of traffic that will be generated by development. Based upon ITE trip generation rates, single-family houses generate 9.57 vehicle trips per day. The partition will create one new parcel. When a house is built on that parcel it is expected that ten new vehicle trips will be generated on the street system.

- 3.6 Albany's Transportation System Plan (TSP) does not identify any level-of-service or congestion problems on Valley View Drive NW adjacent to the property that would be divided.
- 3.7 ADC 12.060 requires that streets within and adjacent to a development must be improved to City standards. Where the City Engineer determines that a required street improvement would not be timely, the City Engineer may accept a Petition for Improvement/Waiver of Remonstrance for a future assessment district.
- 3.8 The City Engineer has determined that it is not timely to improve Valley View Drive NW along the frontage of this property with the partition because the partition creates only one new lot which will



generate only ten additional vehicle trips per day and the property is located in the middle of long block which would make it difficult to determine the grade of the street improvements that would be required.

#### CONCLUSIONS

- 3.1 Access for the house on this property is currently provided on a driveway along the west boundary of the property. The driveway is shared by two other houses that have easements on the driveway. The partition would create one new parcel that would share the driveway.
- 3.2 The applicant has applied for a variance that would allow four lots to share the driveway with easements when usually only three lots may share an access with easements.
- 3.3 ADC 12.060 requires that Valley View Drive NW across the frontage of the partition property be improved to City standards unless the City Engineer determines that the improvement is not timely. The City Engineer has determined that the improvement is not timely.
- 3.4 The City Engineer will accept a Petition/Waiver for the future improvement of Valley View Drive NW.
- 3.5 Valley View Drive NW, in its present condition, can accommodate the ten new trips per day that will be generated by a new house on the one new parcel that will be created by the partition.
- 3.6 The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.
- 3.7 This review criterion will be met when the following condition of approval is met.

#### CONDITION

- 3.1 Before the City will sign the final partition plat, the property owner must sign a Petition for Improvement/Waiver of Remonstrance for construction of street improvements on Valley View Drive NW. The City will provide the form.

Signing the Petition/Waiver obligates the property to be part of a local improvement district (LID) if one is formed to improve the street. A public hearing will be held if an LID is formed and the property owner may participate in the discussion about how costs will be allocated to the properties that benefit from the street improvements.

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

#### FINDINGS OF FACT

##### Sanitary Sewer

- 4.1 ADC 12.470 requires that all new development must extend and connect to the public sewer system when service is available within 300 feet of the property. A land division (partition) is included in the definition of development (ADC Article 22).
- 4.2 ADC 12.490 requires that sewer collection mains must be extended along the full length of a property's frontage, or to a point identified by the City Engineer as necessary to accommodate likely system expansion.
- 4.3 The City's utility maps show that there is a public sanitary sewer main in Valley View Drive NW that extends to the east boundary of this property. The existing house on the northern portion of the property is outside the Albany city limits and Urban Growth Boundary. The house is currently served by a private septic system. The existing house will remain on the septic system, since it is outside the city limits.



#### Water

- 4.4 ADC 12.410 requires that all new development, including a single-family residence, must extend and connect to the public water system when service is available within 150 feet of the property.
- 4.5 ADC 12.430 requires that water distribution mains must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. Main extensions may be required through the interior of properties when necessary to provide for service to other properties or to provide looping for fire flows.
- 4.6 The City has the sole right to determine size, location and type of facilities to be constructed. All engineering of public water facilities must be based on both domestic and fire protection design criteria, and in accordance with the City's water facility plan [AMC 11.01.120 (2)(c)].
- 4.7 The City's utility maps show 10-inch and 12-inch water mains in Valley View Drive NW, and a 2-inch line running along the west boundary of this property. The 2-inch line currently serves the existing house on the property and two other parcels outside the city limits west of the house.
- 4.8 There does not appear to be a public utility easement over the existing public 2-inch line that runs through the property. In order to provide adequate access to this main for City personnel, the property owner must provide a minimum 15-foot-wide public utility easement centered over the main and its appurtenances (i.e., water services and meters).

#### Storm Drainage

- 4.9 The City's utility maps show that there are no piped storm drainage facilities along the property's Valley View Drive NW frontage. Valley View Drive NW is under the jurisdiction of Benton County and is not constructed to City standards. There is a culvert under Valley View Drive NW that carries stormwater from the partition property to the area south of Valley View Drive NW. The partition will not alter this drainage pattern.
- 4.10 This partition will create one new parcel. The property is zoned RS-10, Residential Single Family. The new parcel can have one new house on it. There is a natural drainage swale on this property that provides drainage for this property and about 3-4 acres of surrounding property.
- 4.11 Benton County has jurisdiction over Valley View Drive NW and drainage within the public road right-of-way.

#### CONCLUSIONS

- 4.1 An 8-inch public sanitary sewer extension must be constructed along the frontage of this property before the City will sign the final plat.
- 4.2 The public water mains along the property's full Valley View Drive NW frontage are adequate to provide water service to this area, so no public water main extension will be required. New development on Parcel 2 will be required to connect to the public water system.
- 4.3 The property owner must provide a minimum 15-foot-wide public utility easement centered over the existing water line (and appurtenances) that exists along the property's west boundary.
- 4.4 There is a natural drainage swale on this property. Public storm drainage within the Valley View Drive NW right-of-way is under the jurisdiction of Benton County.

## CONDITIONS

- 4.1 Before the City will approve the final partition plat, the applicant must construct an 8-inch public sanitary sewer main extension along the property's Valley View Drive NW frontage.
  - 4.2 Before the City will approve the final partition plat, the applicant must provide a public utility easement over the existing public water line and appurtenances within the western portion of the subject property. The applicant must submit a legal description for a public utility easement. The City's Engineering Division must approve the legal description and will create a document for the applicant to sign.
  - 4.3 When a house is built on the new parcel, if drainage is directed to the public right-of-way for Valley View Drive NW, the property owner must obtain permits from the Benton County Road Department.
- (5) *Any special features of this site (such as topography, floodplains, wetlands, vegetation, historic sites, etc.) have been adequately considered and utilized.*

## FINDINGS OF FACT

- 5.1 Topography: *Comprehensive Plan, Plate 7: Slopes*, shows that there are steep slopes on this property. Contours on the tentative plat show that the elevation of the property varies from about 416 feet to 438 feet.

The highest elevation of the property is in the north area where the existing house is located. Parcel 2 slopes generally towards the middle from east to west and down toward the south boundary of the property. The southern portion of the Parcel 2 is a low area that collects stormwater runoff from a relatively small watershed of approximately 3-4 acres. Runoff that is collected in this area flows through a culvert under Valley View Drive NW to the south. There is no mention of this drainage feature in any storm drainage plans for the City that identifies it as a significant drainage feature. The proposed partition would not alter the current drainage patterns on the subject property.

- 5.2 ADC 6.170 through 6.230 includes Hillside Development Standards.
- 5.3 ADC 6.200 says that the applicant must provide a geologic and soils report prepared and stamped by a certified engineering geologist or a licensed civil engineer, licensed in the specialty of geotechnical engineering with the State of Oregon. The report must identify the following:
  - (1) All geologic and soils hazards and certify that the site, and each individual lot if land division is proposed, are suitable for the proposed development.
  - (2) Area(s) suitable for building and describe how slopes will be stabilized.
  - (3) Suitable building footprint(s) for development on each lot.
  - (4) Any requirements that must be met from the time construction begins to the time construction is completed.
  - (5) Any requirements that must be met after construction is completed (e.g., maintenance requirements for continued slope stabilization).

The applicants provided a Geotechnical Site Assessment done by Branch Engineering, Inc., dated April 7, 2008. The report is attached to this staff report as Exhibit D.

The report concludes that “[t]here are no adverse geologic or geotechnical site conditions that preclude residential development of the site. The only area not suitable for building pad construction is the south central portion below elevation 418 due to water drainage to this area.”

The report explains that all other areas will require excavation to remove soft topsoil and roots, and proper control and routing of surface and near surface drainage. Depending on building pad placement, footing drains may be required. Excavation depths of 12-24-inches are expected in the building pad area



to remove soft soil; however, the subgrade condition should be verified at the time of building pad construction. Onsite slopes and fill slopes, comprised of native soil, shall not exceed 5 feet in height, or an angle of 2:1 (horizontal: vertical) without geotechnical oversight.

5.3 Grading, Cut and Fill Standards. ADC 6.220 requires that no cut and fill slopes may exceed a two (horizontal) to one (vertical) ratio. Slopes which are steeper (i.e. 1:1-1/2 or 1:1) may be conditionally approved by the Public Works Director upon certification by a qualified soils engineer or geologist that the slope will remain stable under foreseeable conditions. The certification must delineate any specific stabilization measures deemed necessary by the soils engineer or geologist.

5.4 Grading Permit. Albany Municipal Code (AMC) 18.04.015 requires that a grading permit be obtained from the City of Albany Building Division if more than 50 cubic yards of material are to be excavated or filled on slopes steeper than 12 percent. (The City's Engineering Division now reviews grading permits.)

The grading permit is not the subject of this Partition application. Albany Development Code (ADC) specifically excludes grading from the definition of development in the Code. Grading is regulated by AMC Title 18. At the time the application for a grading permit is received, the City will mail out a notice to property owners within 100 feet of the property where grading is proposed. Neighbors will have an opportunity to review and comment on the proposed grading.

5.5 Floodplains: *Comprehensive Plan, Plate 5: Floodplains*, does not show a 100-year floodplain on the property. FEMA/FIRM Community Panel No. 410137 0001F, dated 7/07/99, shows the property is in Zone X, an area determined to be outside any 100-year floodplain.

5.6 Wetlands: *Comprehensive Plan, Plate 6: Wetland Sites*, does not show wetlands on the property. The U.S. Department of Interior, Fish and Wildlife Service National Wetland Inventory Map dated 1994, does not show wetlands on the property. This property is included in the "North Albany Local Wetlands Inventory." The Local Wetlands Inventory does not show any wetlands on the property.

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

There are many large trees on the property. The Partition application does not propose to remove any trees.

ADC 9.207 requires Site Plan Review Tree Felling if 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) are to be removed. AMC 7.98.040(2) requires that a permit be obtained from the City Forester to remove any tree larger than 25 inches in diameter.

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

## CONCLUSIONS

5.1 There are no floodplains, wetlands, or historic sites on this property.

5.2 The property has steep slopes and is subject to the Hillside Development Standards. The applicant submitted a Geotechnical Site Assessment. The report concludes that there are no adverse geologic or geotechnical site conditions that preclude residential development of the site.

5.3 The proposed partition would not alter the current drainage patterns on the property.

5.4 There are large trees on the property. No trees will be removed with the partition. If 5 or more trees larger than 8 inches in diameter are to be removed at any time in the future, Site Plan Review will be required.

5.5 This criterion will be met when the following conditions are met.

CONDITIONS

- 5.1 Grading Permit. The property owner must obtain a grading permit if more than 50 cubic yards of material are to be excavated or filled on slopes steeper than 12 percent (AMC 18.04.015).
- 5.2 All of the recommendations included in the Geotechnical Site Assessment that was submitted with the Partition application must be followed for any grading and/or construction on this property. The report was done by Branch Engineering, Inc. The report is dated April 7, 2008.
- 5.3 ADC 9.207 requires Site Plan Review Tree Felling if 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) are to be removed. AMC 7.98.040(2) requires that a permit be obtained from the City Forester to remove any tree larger than 25 inches in diameter.

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STAFF ANALYSIS  
Variance File VR-05-08

(1) *The proposal will be consistent with the desired character of the area.*

FINDINGS OF FACT

- 1.1 Albany Development Code (ADC) 12.090 says, “[n]o more than two parcels or uses are to be served by the proposed access easement.” This provision is interpreted to mean that the owner of the property has the right to use the access because they own the property and not more than two other properties may be granted an easement to use the access. So, a total of three properties may use an access that has easements over it.
- 1.2 Three properties currently use the shared driveway that provides access for this property. The easements for utilities and access are recorded on the Benton County Deed Records (M-65983).
- 1.3 The partition would create one new parcel that would also share the driveway.
- 1.4 The partition property is densely forested and has steep slopes on it.
- 1.5 If the new parcel shares the driveway, this would avoid the need to construct a separate driveway access to Valley View Drive NW.
- 1.6 A geotechnical report provided by the applicant concluded that the area of the property adjacent to Valley View Drive NW is not suitable for building. A new house will have to be located on the north area of the property.

CONCLUSIONS

- 1.1 General opinion of North Albany residents and letters from neighbors about the proposed partition indicated that construction should avoid steep slopes and removal of trees where possible.
  - 1.2 Construction of a new driveway for the new parcel that would be created by the partition would make it necessary to clear existing trees and vegetation over a strip of land approximately 30 feet wide.
  - 1.3 Allowing the new parcel to use the same driveway will avoid the necessity to construct a new driveway on steep slopes and remove trees.
  - 1.4 The proposed variance is consistent with the desired character of the area.
  - 1.5 This review criterion is met.
- (2) *If more than one variance is being requested, the cumulative effect of the variances results in a project which is still consistent with the overall purpose of the zone.*

FINDING OF FACT

- 2.1 Only one variance is requested.

CONCLUSION

- 2.1 This review criterion is not applicable.



(3) *The requested variance is the minimum necessary to allow the proposed use of the site.*

FINDING OF FACT

3.1 The requested variance would allow one more parcel to use a shared access easement than is usually allowed by ADC 12.090.

CONCLUSIONS

3.1 The requested variance is the minimum necessary to allow the proposed use of the site.

3.2 This review criterion is met.

(4) *Any impacts resulting from the variance are mitigated to the extent practical*

FINDINGS OF FACT

4.1 Granting the variance would add about ten new vehicle trips per day on the existing shared driveway.

4.2 One additional house on the new parcel that would be created would increase the risk and chance that the Fire Department or emergency personnel would need to use the existing access during an emergency response.

4.3 The applicant proposes to create a 40-foot-wide access easement along the west boundary of the property, and widen the existing paved driveway from about 12 feet wide to 20 feet wide.

4.4 The 40-foot-wide easement will allow more area to align the driveway in a way that saves as many trees as possible.

CONCLUSIONS

4.1 The impact of more traffic on the shared driveway and the increase in the potential for emergency vehicles to use the driveway will be mitigated by providing a 40-foot-wide easement and widening the paved driveway to 20 feet. The 20-foot width allows two vehicles to pass each other in opposite directions and is the minimum width needed by emergency vehicles.

4.2 Locating the driveway within a 40-foot-wide easement will allow the driveway to be located so as to save as many trees as possible.

4.3 This review criterion will be met when the following conditions are met.

CONDITIONS

4.1 The property owner must provide the 40-foot-wide shared access easement along the west boundary of the site as shown on the tentative plat.

4.2 The property owner/developer must widen the shared driveway from its existing (12 foot) width to 20 feet in width. The driveway must be constructed to a standard that will withstand the weight of the City's heaviest emergency vehicles. Contact the Fire Department for construction details.

4.3 The new driveway must be aligned within the 40-foot easement so as to minimize the impacts on trees, other vegetation, and site grading.

4.4 The alignment of the driveway must be approved by the City Forester.

FILE PA-01-08, OREZONA BUILDING COMPANY LLP

Comments from Surrounding Property Owners

The Planning Division received the following letters in response to the notice of filing:

1. Daryl Bechtolt: "I am the property owner of tax lot #4900 and I object to this partition because:

1. An additional residence will impinge on our very narrow access road."

*Staff Response: The existing driveway is 12 feet wide. The applicant proposes to widen the driveway to 20 feet. Traffic and the road width are addressed in Review Criterion (3) of the Partition and Review Criterion (4) of the Variance.*

2. "The property in question is a ravine that serves as a drain field for the septic system of the existing residence as well as a drain for adjoining properties on Kingston."

*Staff Response: The tentative plat shows the existing drain field for the house on Parcel 1 and that an easement for the drainfield will be provided. No information that shows any other property has a drainfield or easement on the property has been provided. Storm drainage is addressed under partition Review Criterion (4).*

3. "The three homeowners on this little street are all members of the Countryman Acres Property Owners Association (CAPOA) which advocates an anti-subdivision policy."

*Staff Response: The property where the partition is proposed is not in Countryman Acres subdivision and is not subject to the policies of the CAPOA.*

4. "The property in question is a forest which shelters a herd of deer, birds, rabbits and other wildlife. It also filters the carbon monoxide from Valley View Drive."

*Staff Response: The applicant does not propose to remove trees from the property with either the partition or variance application. Natural features of the property are addressed under partition Review Criterion (5).*

2. Donald Kerr: "You will note some 16 ft drop from north to south draining...this drainage is served by a 30" concrete culvert...directly south is the culvert outlet. Parcel 2 feeds this drainage...hence I am concerned with a developer putting 3 or 4 houses on parcel 2."

*Staff Response: Neither the partition application nor the variance application proposes three or four houses. One new parcel is proposed, which would allow one new house. Storm drainage is addressed under partition Review Criterion (4).*

"I would also add there are about 30 large trees on the land, yet only 4 appear to be marked on K & D map attached to the city letter."

*Staff Response: Some trees are shown on the tentative plat and a note on the plat acknowledges that the rest of the property has "dense trees 8" to 20" dia. firs" on it. The applicant does not propose to remove trees from the property with either the partition or variance application.*

"Also I am concerned about precise zoning applied to this project. County vs. City issues are raised and seem very cloudy regarding the footage required for houses."

*Staff Response: The zoning of the property located within the city limits is RS-10 which allows for a minimum lot size of 10,000 square feet. Parcel 2 would be within the city limits. Parcel 2 is shown on the*



tentative plat to be 42, 970 square feet. This exceeds the minimum 10,000 parcel size required in RS-10 zoning districts. Benton County will also review a partition application for this property and will review the size of the parcel outside the city limits.

“I would ask for a revisit of the wetlands...”

*Staff Response: The City looked at three sources of wetland information for this property. None of the three sources shows wetlands on this property. Wetlands are addressed under partition Review Criterion (5).*

3. Michael & Karen Johnston: “The lot is currently zoned RR-2 which is defined as: ‘intended to recognize areas, because of topography, level of service or other natural or development factors are best served by a large lot designation. Two acre minimum lot size.’

“As described in Article 6.085 (ADC); ‘Watercourse: Any natural or artificial stream, river, creek, ditch, channel, conduit, culvert, drain...this also includes any topographic feature not meeting the above definition which is identified in the Storm Water Drainage Master Plan for North Albany as needing preservation.’

“I believe this lot was zoned primarily because of its topography. The large gully-shaped lot provides natural runoff of surrounding lots and feeds the protected wetlands located just across Valley View. Nothing has changed to the topography of this lot since its original zoning – it is a natural watercourse as described in the Albany Development Code and needs to be preserved. If the land were allowed to be split and developed, it would have a devastating environmental impact on the designated wetlands it feeds.”

*Staff Response: The area of this property inside the city limits is zoned RS-10. The minimum lot size in RS-10 zoning districts is 10,000 square feet. Parcel 2 is inside the city limits and will be larger than 10,000 square feet. The rest of the property is outside the city limits (and outside the Albany Urban Growth Boundary). A separate partition application has been submitted to Benton County and will be reviewed by them. They will decide whether the parcel outside the city limits meets their standards. Benton County expects to make a decision on the partition application on or about April 18th.*

*There is a drainage swale on this property. The drainage swale is not identified in the Storm Water Drainage Master Plan for North Albany as needing preservation. The drainage swale collects storm water runoff from a relatively small watershed of approximately 3-4 acres. Runoff that is collected in this area flows through a culvert under Valley View Drive NW to the south. There is no plan to fill or alter the drainage. The applicants submitted a geotechnical report that explains no construction should take place in this drainage swale below elevation 418 feet. If at some time in the future someone proposes to grade the property in excess of 50 cubic yards, a grading permit must be obtained from the City. See additional discussion under Review Criterion (5).*

“What prevents the person who takes possession of the city lot zoned RS-10 from splitting that into 4 parcels...”

*Staff Response: The minimum lot size in RS-10 zoning districts is 10,000 square feet. Parcel 2 would be 42,970 square feet. Theoretically, this parcel could be divided into four lots. But, the topography will create a challenge in providing access and utilities to four lots. A review of any proposal to divide Parcel 2 again would require that a new land division application be submitted to the City.*

4. Greg & Beth Hawk: “We purchased the property in 1998 for several reasons and will also explain our concerns and reflect on the Countryman Acres Convent that we belong to. We have agreed to and have been told by YOUR office that all properties within the convent cannot be subdivided if they are below the standard of 2 acres. We believe that subdividing the properties effect the following:



- security and safety issues are increased
- increased traffic and noise
- aesthetic and natural beauty, wildlife are misplaced
- decreases the value of what we own.”

*Staff Response: The property where the partition is proposed is not in Countryman Acres subdivision. Whatever covenants exist for Countryman Acres do not apply to the partition property.*

*City is required to review the partition application based on the partition review criteria. Security and safety issues, noise, and the effect of the partition on “the value of what we own” are not included in the review criteria and therefore cannot be considered in the partition review. Traffic is addressed under partition Review Criterion (3). Special features of the site, such as wildlife, are addressed under Review Criterion (5).*

*The remainder of the Hawk’s letter is the same as the Johnston letter referenced above.*

5. Mark & Donna Van Eaton: “If we continue to allow unsafe development, all North Albany residents in the lower elevations can find themselves in disastrous situations, i.e. flooding.

“Wetland, springs, water flowways and sloughs need to be protected. The project could also have an impact and/or destroy the adjacent wetland on the West side of Valley View Drive.

“The development of this area will contribute substantially to the destruction of one of the few remaining areas in upper North Albany. It would also destroy rare core foraging habitat for the upper North Albany wildlife residents.”

*Staff Response: Storm drainage is addressed under partition Review Criterion (4). Special features of the site, such as floodplains, wetlands, and wildlife habitat are addressed under Review Criterion (5).*

6. Eric & Kristie Briggs: “Many of the surrounding houses storm drainage feeds into the lower acre of this lot.”

*Staff Response: Storm drainage is addressed under partition Review Criterion (4).*

“We are very concerned that our septic drain field at 2543 Valley View Dr NW may extend into the new partitioned lot.”

*Staff Response: 2543 Valley View Drive is the address of the property where the partition is proposed. The property is owned by Orezona Building Company LLP. The existing house would be located on Parcel 1. The drainfield is shown on the tentative plat. The drainfield is located partly on Parcel 1 and partly on Parcel 2. An easement will be provided for the part of the drainfield that is on Parcel 2.*

“A large amount of trees will need to be cleared in order to make room for the construction as there is not enough room currently on the existing roadways to support machinery and materials.

“The abundance of trees is a refuge to many wildlife including; deer, squirrels, and many different types of nesting birds.”

“Will cutting down the trees in this lot in order to prepare it put added strain on remaining trees around existing homes.”

*Staff Response: No tree removal is proposed with the partition application. Albany Development Code Section 9.207 says, “[s]ite plan review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone.” A Site Plan Review application will be*



*required if the owner of Parcel 2 proposed to remove five or more trees larger than eight inches in diameter. Special features of the site, including wildlife habitat, are addressed under partition Review Criterion (5).*

“The terrain of the proposed lot slopes down on all sides which would more than likely require large amounts of fill material to support development, therefore, changing the drainage of the entire neighborhood.”

*Staff Response: Storm drainage is addressed under partition Review Criterion (4). Steep slopes are addressed under Review Criterion (5).*

“With the 3 houses that already occupy the private county drive, there is already a strain on space for Allied Waste containers. With the new change to the recycle carts, we will be even more space constrained. Our recycle, yard waste, and glass tubs must be put at the entrance at Valley View Dr.”

*Staff Response: The City's Development Code does not include standards or requirements for solid waste management.*

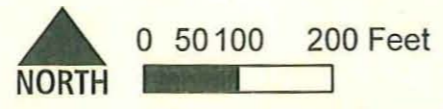
“Increase wear and tear on our very narrow private drive.”

*Staff Response: Access for the partition is addressed under partition Review Criterion (4) and in the review of the variance application.*

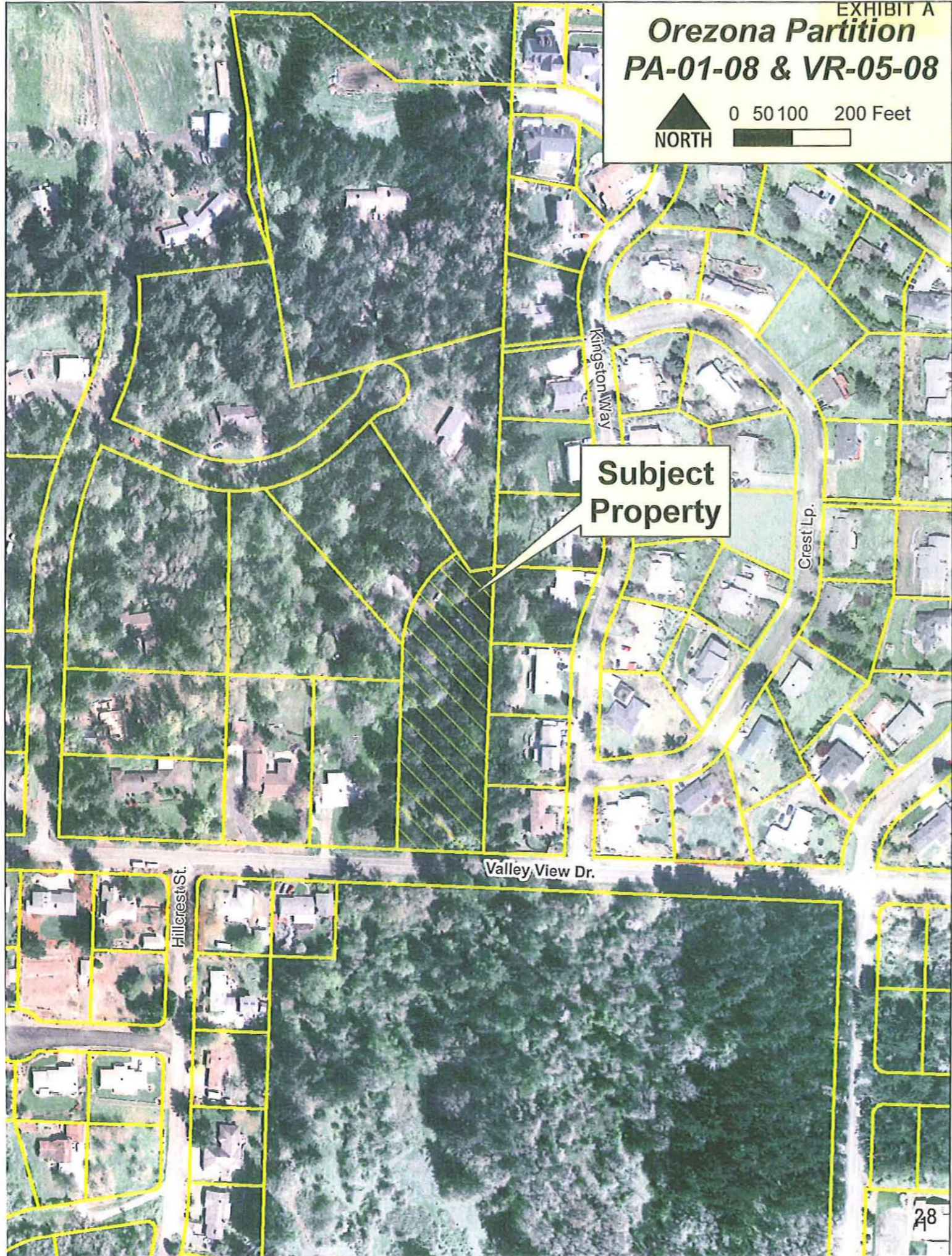
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EXHIBIT A  
**Orezona Partition**  
**PA-01-08 & VR-05-08**

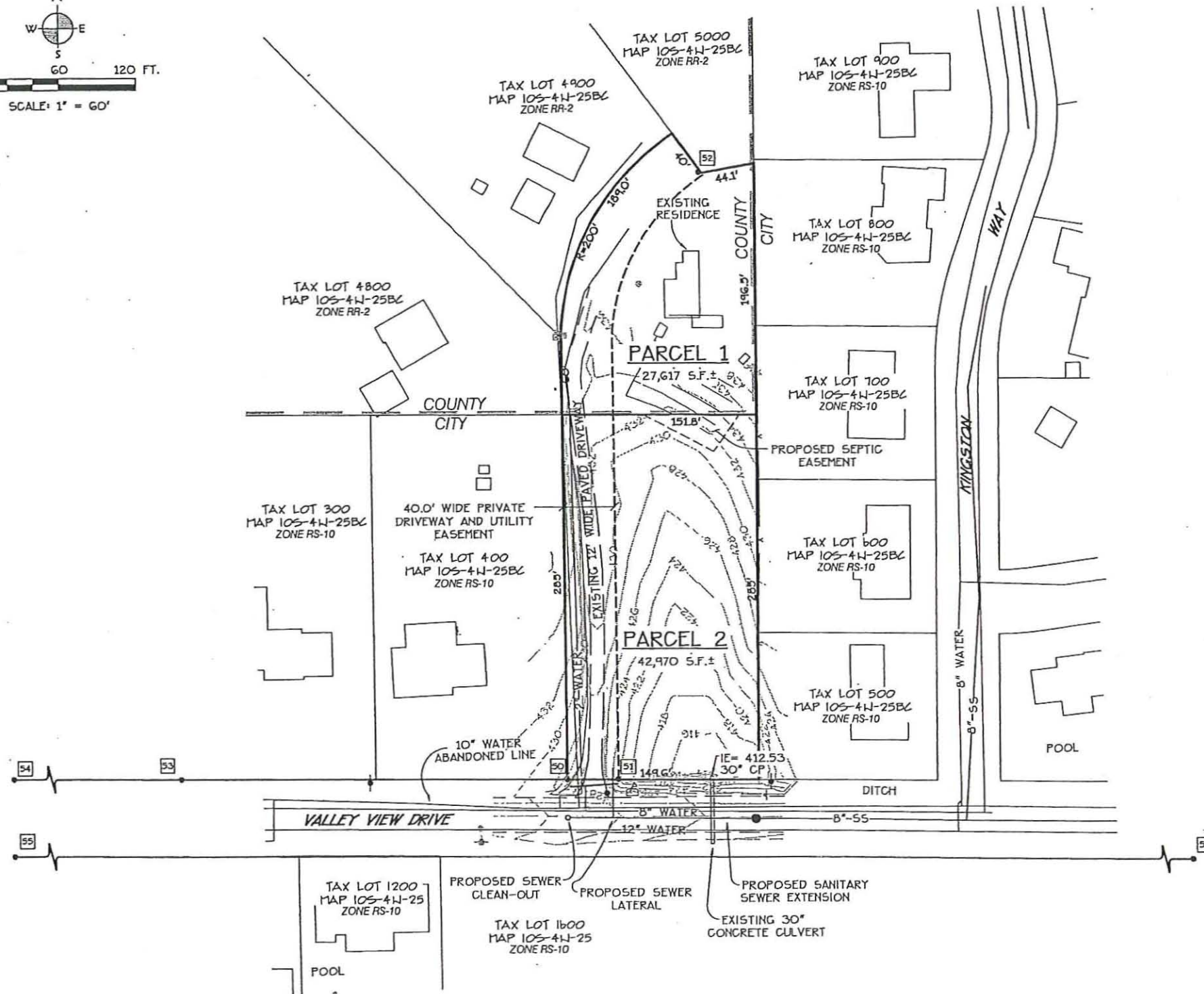
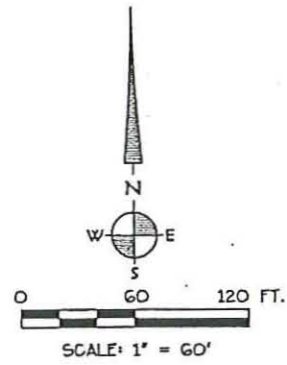


**Subject Property**





TENTATIVE PARTITION PLAT  
 FOR  
**OREZONA BUILDING CO., LLP**  
 LOCATED IN  
 NW 1/4 SEC. 25, T. 10 S., R. 4 W., W.M.  
 IN THE  
 CITY OF ALBANY, BENTON COUNTY, OREGON  
 DECEMBER 19, 2007



**PROPERTY OWNER:**

OREZONA BUILDING CO., LLP  
 2543 VALLEY VIEW DRIVE NW  
 ALBANY, OREGON 97321

**APPLICANT:**

JASON SCHAEFER  
 OREZONA BUILDING CO., LLP  
 1645 9TH AVENUE SE, SUITE 323  
 ALBANY, OREGON 97321

**ENGINEER/SURVEYOR:**

K+D ENGINEERING, INC.  
 276 NW HICKORY STREET  
 ALBANY, OREGON 97321  
 (541) 928-2583

**PARTITION INFORMATION:**

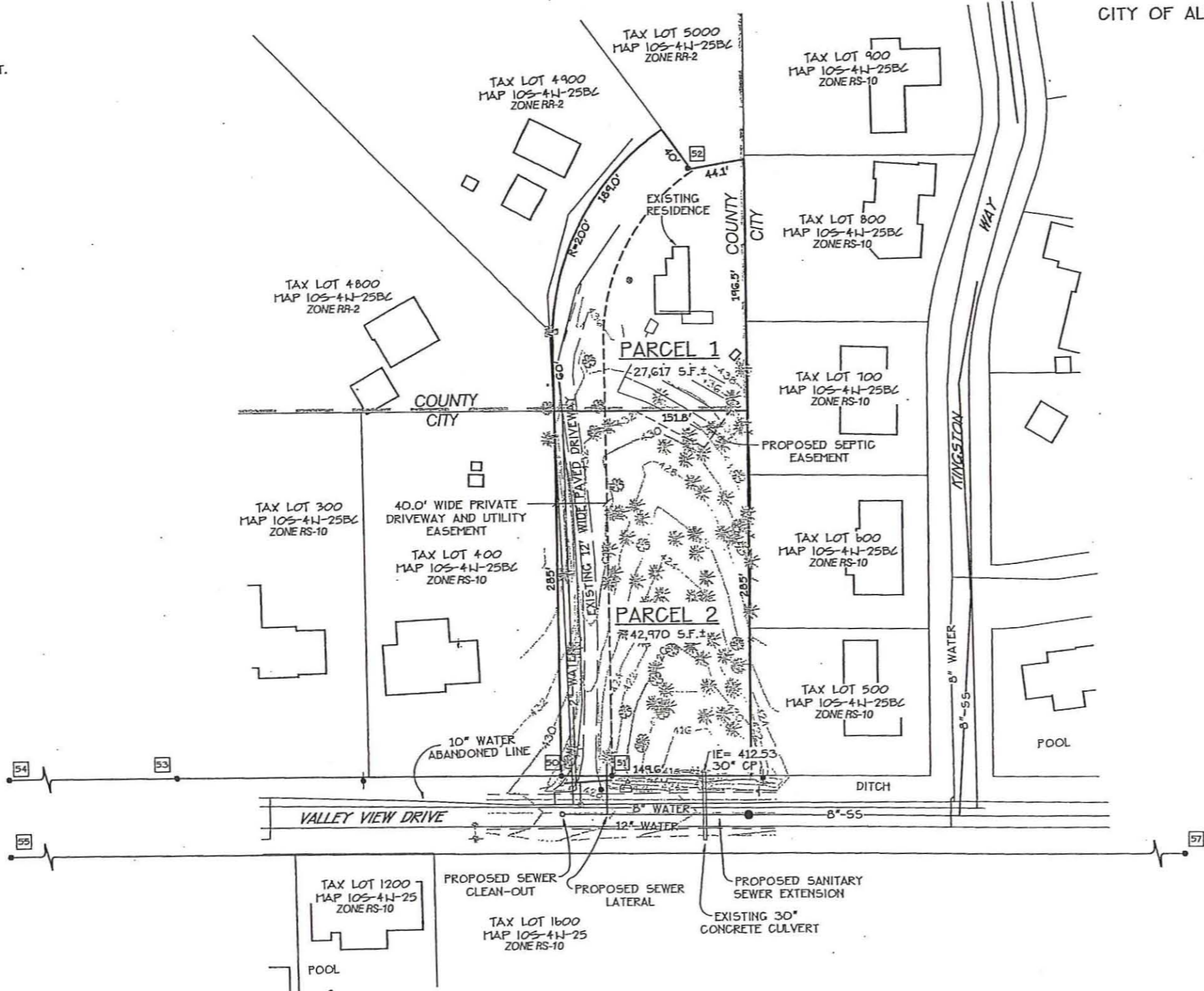
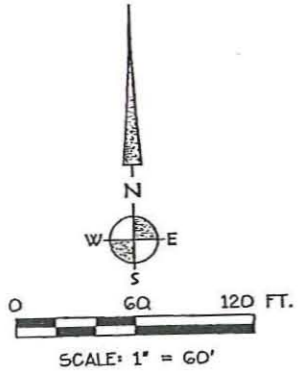
- TAX LOT:** TAX LOT 5100 [105-4W-25BC]
- ZONING:** CITY: RS-10 (RESIDENTIAL SINGLE FAMILY)  
COUNTY: RR-2 (RURAL RESIDENTIAL)
- CURRENT USE:** EXISTING RESIDENCE
- TOTAL PROJECT AREA:** 70,587 S.F.
- TOTAL NUMBER OF PARCELS:** 2
- AVERAGE PARCEL SIZE:** 35,294 S.F.



**K & D ENGINEERING, Inc.**  
 276 N.W. Hickory Street P.O. Box 725  
 Albany, Oregon 97321  
 (541) 928-2583

Date: 4/8/2008 Time: 9:24  
 Scale: 1=60  
 File: dvg\2007\07-177\07-177ba.dwg (Brian E)

TENTATIVE PARTITION PLAT  
 FOR  
**OREZONA BUILDING CO., LLP**  
 LOCATED IN  
 NW 1/4 SEC. 25, T. 10 S., R. 4 W., W.M.  
 IN THE  
 CITY OF ALBANY, BENTON COUNTY, OREGON  
 APRIL 11, 2008



**PROPERTY OWNER:**

OREZONA BUILDING CO., LLP  
 2543 VALLEY VIEW DRIVE NW  
 ALBANY, OREGON 97321

**APPLICANT:**

JASON SCHAEFER  
 OREZONA BUILDING CO., LLP  
 1645 9TH AVENUE SE, SUITE 323  
 ALBANY, OREGON 97321

**ENGINEER/SURVEYOR:**

K+D ENGINEERING, INC.  
 276 NW HICKORY STREET  
 ALBANY, OREGON 97321  
 (541) 928-2583

**PARTITION INFORMATION:**

- TAX LOT:** TAX LOT 5100 [105-4W-25BC]
- ZONING:** CITY: RS-10 (RESIDENTIAL SINGLE FAMILY) COUNTY: RR-2 (RURAL RESIDENTIAL)
- CURRENT USE:** EXISTING RESIDENCE
- TOTAL PROJECT AREA:** 70,587 S.F.
- TOTAL NUMBER OF PARCELS:** 2
- AVERAGE PARCEL SIZE:** 35,294 S.F.

**NOTE:** TREE SYMBOLS SHOWN ARE NOT TO SCALE.





# Branch Engineering, Inc.

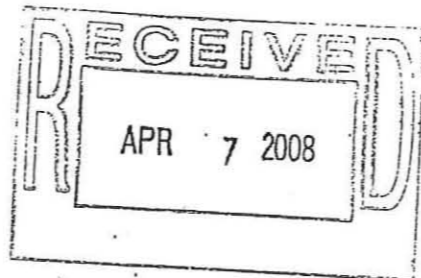
310 5<sup>th</sup> Street • Springfield, Oregon 97477 • (541) 746-0637 • FAX (541) 746-0389

April 7, 2008

K&D Engineering Inc.  
PO Box 725  
Albany, Oregon 97321  
Attn: Jason

**RE: GEOLOGIC SITE ASSESSMENT  
OREZONA BUILDING COMPANY LLC  
2543 VALLEY VIEW DRIVE NW  
ALBANY, OREGON  
FILE PA-01-08**

**PRINCIPALS:**  
James A. Branch, P.E., P.L.S.  
Rena Fabricant, P.E., S.E.  
Michael Lane Branch, P.E.  
Damien Gilbert, P.E.  
Renea C. Clough, P.E., P.L.S.



Pursuant to your request, an experienced geotechnical engineer from Branch Engineering Inc. (BEI) has conducted a geologic and soils hazard assessment of the subject site. The site was visited on April 4, 2008, and the following information was reviewed with respect to developing the site for residential building. The approximately 1.6 acres site is intended to be partitioned into two parcels, the north parcel will contain an existing residence, the approximately 1 acre south parcel is undeveloped, and is moderately forested with fir trees and an undergrowth of blackberry, fern, and scrub trees. The site slopes to the south as a broad swale and is bordered on the east and west sides by single-family residences and by Valley View Drive on the south side. A paved accessway is located on the west side of the site that serves three existing residence to the north. Site elevations range from about 415 to 440 feet.

#### Site Information Resources

The following site investigation activities were performed and literature resources were reviewed for pertinent site information:

- Review of the United States Department of the Interior Geological Survey (USGS) on-line Quadrangle Map, 7/1/1986.
- Review of the United States Department of the Interior Geological Survey (USGS) on-line aerial photograph, 7/30/2000.
- Site reconnaissance and hand-probing.
- Review of the Benton County area Web Soil Survey, United States Department of Agricultural (USDA) Natural Resources Conservation Service (NRCS), see Appendix A.
- Review of the USGS Geologic Map of Oregon, USGS 1991

2543 Valley View Drive  
BEI Project No. 08-089  
Page 2

- Review of Oregon Department of Water Resources Well Logs, see Appendix A.

#### Site Observations

The site is well drained with some water collecting in the southern most portion of the site near the culvert under Valley View Drive. Site slopes are gentle with maximum grades of 15% to 20% and no apparent gross land instability. It was observed that some of the properties adjacent to the east side of the site have placed fill in their backyards, thereby oversteepening the natural slopes off site. There are many tall (over 50 feet high) fir trees on site, most of which have straight trunks except for a couple of trees near the low point of the drainage, which is typical due to soil creep and erosion in drainages. Near surface probing indicates silty clay with abundant organic material in the upper 12- to 24-inches. Geologic mapping and my prior geotechnical investigation work near the site show the site to be underlain by upper to middle Eocene age tuffaceous silt/sandstone to depths of over 300 feet. The silt/sandstone has weathered to significant depths to light brown silty clay with low to moderate shrink/swell potential. The soil survey maps the site as part of the Willakenzie-Wellsdale complex, which is described as a well drained colluvial soil comprised of clay loam, and has ground water depths over 80 inches below ground surface.

#### Conclusions and Recommendations

There are no adverse geologic or geotechnical site conditions that preclude residential development of the site. The only area not suitable for building pad construction is the south central portion below elevation 418 due to surface water drainage to this area. All other areas will require excavation to remove soft topsoil and roots, and proper control and routing of surface and near surface drainage. Depending on building pad placement, footing drains may be required. Excavation depths of 12- to 24-inches are expected in the building pad area to remove soft soil; however, the subgrade condition but should be verified at the time of building pad construction. On-site cut slopes and fill slopes, comprised of native soil, shall not exceed 5 feet in height, or an angle of 2:1 (horizontal:vertical) without geotechnical oversight.

#### Limitations

The conclusions and recommendations described in this report are subject to the conditions described in this report and are intended for the exclusive use of the addressee and their representatives for use in design and construction of the development described herein. The recommendations may not be suitable for other structures or purposes. Services performed by the geotechnical engineer for this project have been conducted with the level of care and skill exercised by other current geotechnical professionals in this area under similar budget and time constraints. No warranty is herein expressed or implied. The conclusions in this report are based on the site conditions as they currently exist and it is assumed that the limited site locations that were physically investigated generally represent the subsurface conditions at the site. Should site development or site conditions change, or if a substantial amount of time goes by between our site investigation and site development, we reserve the right to review this report



2543 Valley View Drive  
BEI Project No. 08-089  
Page 3

for its applicability. This report is not intended to address any environmental impacts that may be associated with development of the site.

Sincerely,  
Branch Engineering Inc.



Ronald J. Derrick, P.E.



APPENDIX

A

MONITORING WELL  
REPORT LOGS  
& SOIL SURVEY





BENT 52226

STATE OF OREGON  
WATER SUPPLY WELL REPORT  
(as required by ORS 477.765)

*Bent*  
*52226*

(WELL I.D.) # L 61160  
(START CARD) # 153159

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number **3779**  
Name **Jim & Linda Allen**  
Address **1850 NW Valley View Dr.**  
City **Albany** State **Oregon** Zip **97321**

(2) TYPE OF WORK  
 New Well  Deepening  Alteration (repair/recondition)  Abandonment

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  Auger  
 Other

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Livestock  Other

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval  Yes  No Depth of Completed Well **334** ft.  
Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

Diameter		From		To		Material		From		To		Sacks or pounds	
10		0		99		Cement		20		99		23 sacks	
6		184		334				0		20		8 Sacks*	

How was seal placed: Method  A  B  C  D  E  
 Other "Poured dry"

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Marble	Welded	Threaded
Casing: 6	+1	99	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of sheets: \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Material	Coating	Liner
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Flowing	Drawdown	Drill stem at	Time	
<input type="checkbox"/> Pump <input type="checkbox"/> Boiler <input checked="" type="checkbox"/> Air <input type="checkbox"/> Artesian	40	All	330	1 hr.

Temperature of water **56** Depth Artesian Flow Found \_\_\_\_\_  
Was a water analysis done?  Yes By whom \_\_\_\_\_  
Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
County **Benton** Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township **10** S Range **4** W WM  
Section **25** SE 1/4 NW 1/4  
Tax Lot **400** Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) **1850 NW Valley View Dr.**  
**Albany, OR 97321**

(10) STATIC WATER LEVEL:  
**117** ft. below land surface, Date **11-07-02**  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
Depth at which water was first found **250**

From	To	Estimated Flow Rate	SWL
Existing		5gpm	117
250	310	35gpm	117

(12) WELL LOG:  
Ground Elevation \_\_\_\_\_

Material	From	To	SWL
Topsoil	0	2	
Red sandy clay	2	70	
Blue Sandstone	70	99	
Blue sandstone and Lime	184	334	117

**RECEIVED**  
NOV 13 2002

WATER RESOURCES DEPT  
SALEM, OREGON

**JONES DRILLING CO., INC.**  
29400 SANTIAM HWY  
LEBANON, OR 97355  
541-367-2560 541-451-2686  
1-800-915-8388

RECEIVED  
DEC 1 2003  
WATER RESOURCES DEPT  
SALEM, OREGON

Date started **11-06-02** Completed **11-07-02**

(unbonded) Water Well Constructor Certification:  
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
WWC Number \_\_\_\_\_  
Signed \_\_\_\_\_ Date \_\_\_\_\_

(bonded) Water Well Constructor Certification:  
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
WWC Number **16841**  
Signed *Burton* Date **11-8-02**

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER



NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

WATER WELL REPORT

STATE OF OREGON (Please type or print) (Do not write above this line)

RECEIVED

OCT 8 1974 STATE ENGINEER SALEM, OREGON

State Well No. 105/4W-25ba State Permit No.

(1) OWNER:

Name Bill Affolter Address 3512 N. W. Ridgeview Lane Albany, Oregon 97321

(2) TYPE OF WORK (check):

New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ] If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary [X] Driven [ ] Cable [ ] Jetted [ ] Dig [ ] Bored [ ]

(4) PROPOSED USE (check):

Domestic [X] Industrial [ ] Municipal [ ] Irrigation [ ] Test Well [ ] Other [ ]

CASING INSTALLED:

Threaded [ ] Welded [X] 6" Diam. from 0 ft. to 80 ft. Gage 250

PERFORATIONS:

Parforated? [ ] Yes [X] No. Type of perforator used Size of perforations in. by in. perforations from ft. to ft.

(7) SCREENS:

Well screen installed? [ ] Yes [X] No Manufacturer's Name Type Model No. Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level. Was a pump test made? [ ] Yes [X] No. If yes, by whom? Field: gal./min. with ft. drawdown after hrs.

(9) CONSTRUCTION:

Well seal—Material used cement Well sealed from land surface to 35 ft. Diameter of well bore to bottom of seal 10 in. Diameter of well bore below seal 6 in. Number of sacks of cement used in well seal 11 sacks

(10) LOCATION OF WELL:

County Benton Driller's well number 1541074K NE 1/4 NW 1/4 Section 25 T. 10S R. 4W W.M.

(11) WATER LEVEL: Completed well.

Depth at which water was first found 110 ft. Static level 145 ft. below land surface. Date 10-21-74 Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6" Depth drilled 225 ft. Depth of completed well 225 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation.

Table with columns: MATERIAL, From, To, SWL. Rows include Soil, light grey clay, light brown clay, grey clay, light brown clay, grey sand stone, brown sand stone, grey sand stone.

Work started 10-21 1974 Completed 10-21 1974 Date well drilling machine moved off of well 10-21 1974

Drilling Machine Operator's Certification: This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief. [Signed] Date 10/24, 1974

Water Well Contractor's Certification: This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. Name Schoen Electric & Pump Address 626 W. Queen Ave., Albany, Or., 97321 [Signed] Contractor's License No. 513 Date 10/25 1974



RECEIVED

SEP 21 1995

76118

STATE OF OREGON WATER WELL REPORT

BENT 4151

WATER RESOURCES DEPT. (START CARD) # SALEM, OREGON

Instructions for completing this report are on the last page of this form.

(1) OWNER: Name Thomas L. Ketscheger, Address 2409 NW Woodcrest Dr, Albany, OR 97112

(2) TYPE OF WORK: [X] New Well, [ ] Deepening, [ ] Alteration, [ ] Abandonment

(3) DRILL METHOD: [ ] Rotary Air, [ ] Rotary Mud, [X] Cable, [ ] Auger

(4) PROPOSED USE: [X] Domestic, [ ] Community, [ ] Industrial, [ ] Irrigation

(5) BORE HOLE CONSTRUCTION: Special Construction approval [ ] Yes, [X] No, Depth of Completed Well 126 ft.

Table with columns: Diameter, From, To, Material, Sacks or pounds. Rows show seal details for 10, 6, and 6 inch diameters.

How was seal placed: Method [ ] A, [ ] B, [X] C, [ ] D, [ ] E

Table for casing/liner with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded.

(7) PERFORATIONS/SCREENS: 916

Table for perforations/screens with columns: From, To, Slot size, Number, Diameter, Casing, Liner.

(8) WELL TESTS: Minimum testing time is 1 hour

Table for well tests with columns: Yield gal/min, Drawdown, Drill stem at, Time.

Temperature of water 52, Depth Artesian Flow Found, Was a water analysis done? [X] Yes

(9) LOCATION OF WELL by legal description: County Benton, Township 10 S, Range 4 W, Section 25 SW 1/4 NW 1/4

(10) STATIC WATER LEVEL: 9 ft. below land surface, Date 8-31-95

(11) WATER BEARING ZONES: Depth at which water was first found 85

Table for water bearing zones with columns: From, To, Estimated Flow Rate, SWL.

(12) WELL LOG: Ground Elevation 320

Table for well log with columns: Material, From, To, SWL. Rows include top soil, clay, sandstone, and gravel layers.

Date started 8-28-95, Completed 8-31-95

(Imbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards.

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above.



Soil Map-Benton County, Oregon  
(Orezona Building Co. Property, 2543 Valley View Drive)





**MAP LEGEND**

Area of Interest (AOI)		Very Stony Spot
Area of Interest (AOI)		Wet Spot
Soils		Other
Soil Map Units		<b>Special Line Features</b>
<b>Special Point Features</b>		Gully
	Blowout	Short Steep Slope
	Borrow Pit	Other
	Clay Spot	<b>Political Features</b>
	Closed Depression	<b>Municipalities</b>
	Gravel Pit	Cities
	Gravelly Spot	Urban Areas
	Landfill	<b>Water Features</b>
	Lava Flow	Oceans
	Marsh	Streams and Canals
	Mine or Quarry	<b>Transportation</b>
	Miscellaneous Water	Rails
	Perennial Water	<b>Roads</b>
	Rock Outcrop	Interstate Highways
	Saline Spot	US Routes
	Sandy Spot	State Highways
	Severely Eroded Spot	Local Roads
	Sinkhole	Other Roads
	Slife or Slip	
	Sodic Spot	
	Spot Area	
	Stony Spot	

**MAP INFORMATION**

Original soil survey map sheets were prepared at publication scale. Viewing scale and printing scale, however, may vary from the original. Please rely on the bar scale on each map sheet for proper map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: UTM Zone 10N

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Benton County, Oregon  
Survey Area Data: Version 5, Dec 23, 2008

Date(s) aerial images were photographed: 5/7/1994

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Soil Map-Benton County, Oregon

Orezona Building Co. Property, 2543 Valley View Drive

**Map Unit Legend**

Benton County, Oregon (OR003)			
Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
161	Wellsdale-Wilkenzie-Dupee complex, 2 to 12 percent slopes	7.3	54.3%
162	Wellsdale-Wilkenzie-Dupee complex, 12 to 20 percent north slopes	3.3	24.6%
167	Wilkenzie-Wellsdale complex, 12 to 20 percent south slopes	2.8	21.1%
Totals for Area of Interest (AOI)		13.4	100.0%





TO: Albany City Council

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

FROM: Mark Shepard, P.E., Assistant Public Works Director/City Engineer *MS*  
Jeff Woodward, P.E., Civil Engineer II *JW*

DATE: May 21, 2008, for the May 28, 2008, City Council Meeting

SUBJECT: ST-08-04, Infrastructure Improvements – Somerset to School  
ST-08-06, Infrastructure Improvements – School to Knox Butte  
Public Hearing and Submittal of Initial Engineer's Report

STRATEGIC PLAN: • Great Neighborhoods

Action Requested:

Staff requests that Council hold the scheduled public hearing and consider adoption of the attached resolutions to adopt the Initial Engineer's Report and Financial Investigation Reports. Adoption of these resolutions will form two Local Improvement Districts (LIDs) for the construction of public street, storm system, water, and sanitary sewer improvements between Somerset Drive and the school site, and from the school site to Knox Butte Road, and will authorize staff to proceed with design, bidding, and construction of the two projects.

In response to the Council discussion at the May 14, 2008, Council meeting, staff has increased the estimated roadway project costs to accommodate the potential of a wider roadway than initially recommended by staff and the addition of on-street parking along portions of the roadway improvements. This increase has been reflected in the updated street assessment estimates for the properties in the LID. This will allow Council to move forward with the formation of the LID while the issue of final roadway width and on-street parking is resolved in the near future. Staff will return to a Council work session in June to discuss the roadway width and on-street parking issue. At the Work Session, staff will further discuss the original design proposal as well as discuss other options for Council to consider.

Discussion:

Background

On March 26, 2008, Council directed staff to prepare an engineer's report and financial investigation for the establishment of an LID to construct public street, storm water, water, and sanitary sewer improvements between Somerset Drive and Knox Butte Road. These improvements will benefit the adjoining properties including property owned by the Greater Albany Public Schools (GAPS).

GAPS received a Notice of Decision (NOD) for the construction of a new school north of Knox Butte Road on August 29, 2007. At the time the NOD was issued for the school, it was anticipated that a private development project (Brandis Village) was going to be constructed between the school site and Knox Butte Road. The Brandis Village development would have extended a road north from Knox Butte Road to the south boundary of the school property. In addition, the development would have extended a water line along Knox Butte Road and along the new road alignment to the school's south property line. The School District and the private developer would have also coordinated efforts to extend a sewer line from Somerset Drive to the south side of Knox Butte Road.

However, the developers of Brandis Village have withdrawn their application with the Community Development Department and the project is currently inactive. Without the development of Brandis Village, the School District is faced with a significantly increased responsibility to complete off-site public infrastructure improvements in order to serve the new school. The School District approached the City with the idea of formation of an LID to facilitate the construction of the public improvements while distributing the project costs equitably among the properties receiving special benefit from the projects.

The timeline for completion of the infrastructure projects is extremely short. The School District is targeting a fall of 2009 opening for the new school. In order to meet this deadline, GAPS needs to be able to start construction of the building in the early summer of 2008. GAPS will be able to gain temporary access to the new school site with a temporary gravel roadway in order to start construction of the school building. However, additional infrastructure will need to be completed in a very short time frame in order to facilitate the construction and opening of the school.

The timing requirements for completing the school dictate that the improvements are best done as two projects through separate LIDs. The northerly improvements between the new school and Somerset Drive can be completed as one project under one LID. The infrastructure improvements south of the school property to Knox Butte Road can be completed as a separate project and LID with its own schedule. Attachments A and B show the two proposed LIDs respectively.

In order to start construction of the school building, which is a wood-frame structure, the Albany Fire Department requires that fire protection, in the form of working fire hydrants, be in place. The closest water line to the school property is in Somerset Drive north of the school site. Therefore, GAPS will need to extend a water line approximately 1,850 feet before the school construction can start in earnest.

Further complicating the timing of infrastructure improvements is the fact that the sanitary sewer service to the school property must also come from a sewer extension originating at Somerset Drive. The sewer in this area is deep. Previous projects have shown that the soil in this area is poor. Therefore, the sewer needs to be constructed prior to the water line to avoid significant construction challenges and increased costs of trying to construct the sewer after and below the water line. Both of these extensions are driving the schedule for the northerly improvements and would be a part of the northerly LID.

GAPS can use their engineering consultant to design the street, storm system, water, and sanitary sewer improvements for the improvements for the northern LID project. This will allow the School District to get these improvements completed to meet their schedule requirements. GAPS would complete these LID improvements acting as the City's agent under an Intergovernmental Agreement (IGA). The improvements include installation of sewer, water, street, and storm water infrastructure between the school site and Somerset Drive.

The southerly improvements between the school and Knox Butte Road, including a roundabout, can be completed as a second project and LID. These southerly improvements will require wetland and water quality permitting that was not completed by GAPS in their permitting work for the new school. These permitting requirements will delay construction of the south improvements such that they cannot be completed by the school opening in the fall of 2009. The City would manage the design and construction of the improvements in this second LID.



With the proposed LIDs and the schedule required to permit the southerly improvements, the school's primary access will be from Somerset Drive. However, when the school was approved in its location north of Knox Butte Road it was understood that the main roadway access to the school would be from Knox Butte Road. As a result, the existing homeowners in the Somerset Drive area are not anticipating this connection serving as the main access to the school. Therefore, GAPS will hold a neighborhood meeting for people in the Somerset area to inform them that the main access to the school for the first year or more will be along Somerset Drive.

### *Proposed Improvements*

Following is a description of the proposed improvements. The discussion has been broken out to define what work will be done in each LID with a description of the methodologies used in each LID.

#### North Local Improvement District (LID)

##### *Description of Improvements:*

- Transportation and Storm Drainage – Street and storm drain improvements will consist of the extension of Somerset Drive from its easterly terminus to a new north-south collector that will be constructed to the southerly GAPS property line. This section of street is approximately 1,850 feet long and will provide access to the new school until the fall of 2010. Somerset will be approximately 38-feet wide with parking on one side. The north-south collector will be between 32-feet wide and 43 feet wide with two travel lanes and two bikes lanes. Sidewalks will be constructed on both sides of the street. Additional storm system piping will be constructed along the northern property line of the GAPS property to the drainage way on the east side of the GAPS property. This portion of the storm system is required to properly route drainage from the new street improvements and will consist of approximately 195 feet of 18-inch storm line and approximately 773 feet of 24-inch storm line.
- Water – A 24-inch water line will connect to the existing line on Somerset Drive and extend approximately 400-feet east, and then a 12-inch water line will extend approximately 1,600-feet south along the right-of-way to the southerly GAPS property line. The placement of the water line along with this LID will allow the School District to begin building construction while meeting fire protection requirements.
- Sewer – The school and future developments will be served by a sewer that is currently installed to the eastern end of Somerset Drive. A 15-inch sewer will be extended approximately 400-feet east, and then a 12-inch sewer will extend approximately 1,590 feet south along the right-of-way to the southerly GAPS property line.

##### *Assessment Methodology:*

- Transportation, Storm Drainage, Water, and Sewer – Assessment of the transportation, storm drainage, water, and sewer costs are distributed on an area basis. There are two properties that will be affected by this development. The northwest property will be assessed for an area 150-feet deep, a standard lot depth, along the full length of the property fronting the north and east sections of the right-of-way, and for the entire developable property area southwest of the right-of-way. The GAPS property will be assessed for their entire property area. There are areas within the LID boundaries that are dedicated as greenways. These areas are undevelopable and as such have been removed from the assessable area. Attachment A shows the properties that will be included in the LID boundary.

It is estimated that the City could potentially contribute approximately \$76,000 for construction of the 12 and 24-inch water lines since they are identified as SDCi eligible in the City's adopted water SDC methodology. It is also estimated that the City could potentially contribute approximately \$16,000 for construction of the 15-inch sewer in Somerset since it is identified as an SDCi eligible project in the City's adopted sewer SDC methodology. However, the City's ability to participate at these levels is dependent on SDC revenues and other SDC fund obligations.

*Summary of Estimated Costs:*

The transportation and storm drainage improvement cost is estimated to be \$2,025,000. The preliminary cost for the water improvements and sanitary sewer are estimated to be approximately \$290,000 and \$992,000 respectively.

The City could potentially contribute approximately \$76,000 from Water SDCi funds for water pipe oversizing. Additionally, the City could potentially contribute approximately \$16,000 from sewer SDCi funds for sanitary sewer pipe oversizing.

The total estimated project costs for the North LID are summarized below. The project costs and assessable costs are shown on the assessment computation sheet shown on Attachment C.

Transportation and Storm Drainage	\$2,025,000
Water	\$290,000
Sewer	<u>\$992,000</u>
Total Project Cost Estimate	\$3,307,000
City - Water SDCi Contribution	(\$76,000)
City - Sewer SDCi Contribution	<u>(\$16,000)</u>
Estimated Net Assessable Costs	\$3,215,000

The estimated costs and assessments are based on preliminary design concepts and costs of similar work on other City of Albany projects. The final assessment amounts will be based on the actual final project costs for construction and administration and are expected to vary from this estimate. Assessments will be made on a cost per square foot basis.

*Proposed Project Schedule:*

As previously discussed, if the North LID is formed at the May 28, 2008, City Council meeting, an IGA with GAPS will also be presented to Council at the same meeting so that GAPS can begin construction of the school in the early summer of 2008, and thus be on track to open the new school in the fall of 2009.

The actual final project costs and final assessments will not be known until construction is complete and final accounting is done. Once construction is completed on the North LID during the summer of 2009, the final calculations will be completed in late 2009 or early 2010, with the first assessment payments due in early 2010.

South Local Improvement District (LID)

*Description of Improvements:*

- Transportation and Storm Drainage – Street and storm drain improvements will consist of completing the remainder of the collector street starting at the southerly GAPS property



line and continuing to Knox Butte Road. This section of street is approximately 1,000 feet long and will provide the primary access to the new school. This street section will be between 32-feet wide and 43-feet wide with two travel lanes and two bikes lanes. Sidewalks will be constructed on both sides of the street. Intersection improvements will be made where the new street connects to Knox Butte Road. The intersection improvements will consist of a single lane roundabout.

- Water – Approximately 700 feet of 24-inch water line will be extended along Knox Butte Road east to the roundabout, and then approximately 1,150 feet of 12-inch water line will be extended north to the southerly GAPS property line. The placement of the water line along with this LID will minimize the need for future development to cut through the new street in order to install water system improvements.
- Sewer – Approximately 1,150 feet of 12-inch sewer will be extended along the right-of-way starting at the southerly GAPS property line and continues across Knox Butte Road. Extending the sewer across Knox Butte Road will prevent future development in the area from cutting through the new street and roundabout to extend the sewer system.

*Assessment Methodology:*

- Transportation and Storm Drainage – Assessment of the transportation and storm drainage costs are distributed on an area basis. The intersection improvements are needed to make the transportation system work for all properties and are a benefit to all of the properties in the LID. Therefore, the construction costs of the roundabout on Knox Butte Road will be assessed to the full developable area of all four properties within the LID boundary. There are areas within the LID boundaries that are dedicated as greenways. These areas are undevelopable and as such have been removed from the assessable area.
- The construction costs of the road between Knox Butte Road and the southerly property line of the GAPS property will be assessed to the property fronting the new street north of Knox Butte Road. Attachment B shows the properties that will be included in the LID boundary.
- Water – Assessment of the water line costs are distributed on an area basis. There are two properties located on either side of Knox Butte Road that will be affected and assessed. The property north of Knox Butte Road will be assessed for an area 150-feet deep along the new road frontage for the 12-inch water line, and for an area 150-feet deep along the length of the property fronting Knox Butte Road from its westerly edge to the end of the roundabout for the 24-inch water line. The property south of Knox Butte Road will be assessed for an area 150-feet deep along the length of the property fronting Knox Butte Road from its westerly edge to the end of the roundabout for the 24-inch water line. It is estimated that the City could potentially contribute approximately \$29,000 for construction of the 12-inch and contribute approximately \$64,000 for construction of the 24-inch water line since they are identified as SDCi eligible in the City's adopted water SDC methodology. However, the City's ability to participate at this level is dependent on SDC revenues and other SDC fund obligations. Attachment B shows the properties that will be assessed.
- Sewer – Assessment of the sewer costs are distributed on an area basis. The single property North of Knox Butte Road will be affected and assessed for their full area. Attachment B shows the properties that will be assessed.

*Summary of Estimated Costs:*

The transportation and storm drainage improvement cost is estimated to be \$1,430,625. The preliminary cost for the water improvements and sanitary sewer are estimated to be approximately \$448,000 and \$623,000 respectively.

The City could potentially contribute approximately \$93,000 from Water SDCi funds for water system improvements.

The total estimated project costs for the South LID are summarized below. The project costs and assessable costs are shown on the assessment computation sheet shown on Attachment D.

Transportation and Storm Drainage:	
- Collector Street	\$905,625
- Roundabout	\$525,000
Water 12-inch	\$120,000
Water 24- inch	\$328,000
Sewer	<u>\$623,000</u>
Total Project Cost Estimate	\$2,501,625
City - 12-inch Water SDCi Contribution	(\$29,000)
City - 24-inch Water SDCi Contribution	<u>(\$64,000)</u>
Estimated Net Assessable Costs	\$2,408,625

The estimated costs and assessments are based on preliminary design concepts and costs of similar work on other City of Albany projects. The final assessment amounts will be based on the actual final project costs for construction and administration and are expected to vary from this estimate. Assessments will be made on a cost per square foot basis.

*Proposed Project Schedule:*

If the South LID is formed at the May 28, 2008, City Council meeting, City staff will then assume the responsibility of designing and constructing the improvements of the South LID by the beginning of the fall of 2010.

The actual final project costs and final assessments will not be known until construction is complete and final accounting is done. Once construction is completed on the South LID during the summer of 2010, the final calculations will be complete in late 2010 or early 2011, with the first assessment payments due in early 2011.

Budget Impact:

The costs of the improvements for both LIDs will be assessed to the benefiting properties. The City will participate in paying over sizing costs for the water and sewer improvements as outlined in the applicable SDCi methodologies. However, the City's ability to participate at the identified levels is dependent on SDC revenues and other SDC fund obligations.

*Council Questions*

During the City Council Meeting in which Council authorized staff to develop the engineer's report, questions about roadway width, alignment, and tree felling were brought up. Both the roadway width and alignment were analyzed by staff during the land use application process for the new school and the Brandis Village development. Staff considered safety and land use to



develop the standards to be used for the roadway width and alignment. Staff has also looked at alignment of the street to ensure a limited amount of trees will be affected by the new street.

Proposed Street Width. The street between Knox Butte Road and Somerset Drive is classified as a major collector in the City's Transportation System Plan (TSP). The land use approval for the new school calls for the public roadway to have a curb-to-curb width of 32-feet. The approval specified use of 11-foot-wide travel lanes and 5-foot-wide bike lanes. There will be no on-street parking. A significant amount of consideration was given in determining an appropriate roadway width.

Staff considered a wider street section of 34-feet with 11-foot travel lanes and 6-foot bike lanes, which would match what was constructed on Clover Ridge Road when it was improved north of Knox Butte Road. However, staff selected a narrower design because of the speed problems being observed on Clover Ridge Road, and to keep bike lanes narrow enough to prevent drivers from being able to park in it. Staff is comfortable that the road width will accommodate school buses.

On Clover Ridge Road, Linn County dropped the speed limit from 40 to 25 mph when the road was improved. A rigorous speed enforcement effort was made. However, these efforts have been unable to keep the speeds down to residential street levels. The new roadway built with the school will have fewer driveways and intersections than Clover Ridge, so it is likely that a roadway with a width similar to Clover Ridge Road with fewer conflicts (intersections and driveways) would result in even higher speeds than are experienced on Clover Ridge Road. Having a roadway section that may encourage higher speeds did not seem appropriate for a road leading to a school. The intent is to try and keep speeds down closer to 25 mph by using a slightly narrower section. There are several examples of where narrow lane widths have been used on collector streets in Albany.

- Waverly Drive south of Grand Prairie: 11-foot travel lanes, 6-foot bike lanes
- Hill Street south of 12<sup>th</sup> Avenue: 10.5-foot travel lanes, 5-foot bike lanes
- Del Rio Avenue west of Waverly Drive: 9-foot travel lanes, 5-foot bike lanes
- Ferry Street south of Queen Avenue: 11-foot travel lanes, 5-foot bike lanes (on street parking)

Street Alignment and Roundabout Location. Another question that came up at the March 26 Council Meeting was regarding the alignment of the roadway south of the school property and the location of the roundabout on Knox Butte Road. The right-of-way for the proposed road alignment has already been dedicated and accepted by the City. The right-of-way was dedicated in order to facilitate the construction of the new school. The right-of-way alignment mirrors both the alignment shown in the City's TSP and the alignment in the master plan developed for the area with the Brandis Annexation. The location of the roundabout on Knox Butte Road is also consistent with what is shown in the TSP and the Brandis Annexation master plan. The intersection was located to allow for a strip of medium density residential development south of Knox Butte between the west side of the road and a riparian corridor along Burkhart Creek.

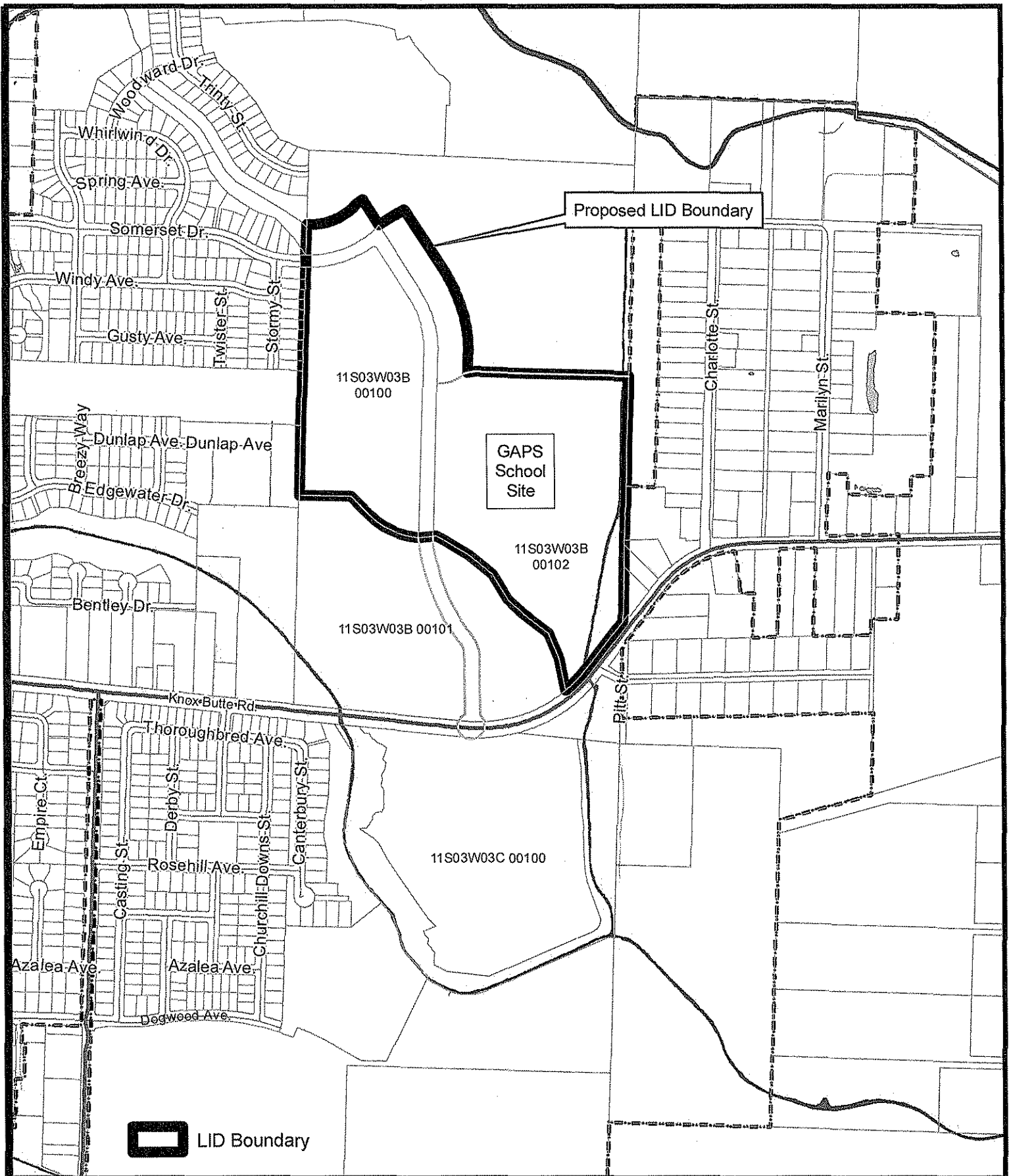
The question was asked if the roadway should be or could be straightened out such that the roundabout was shifted west away from the "S" curve in Knox Butte Road. Although changing the road's alignment and the location of the roundabout is possible, staff would not recommend this change. Shifting the intersection to the west would not leave enough land between the north/south road and the creek to allow for any development. As a result this would likely be opposed by the property owner and leave a portion of property with little development

potential. Staff had a traffic engineering consultant, Kittelson & Associates, review the roundabout location. They reviewed the operation and performance of a roundabout and found that the design had adequate sight distance and would function well at the proposed location.

Tree Felling. The alignment of the proposed improvements limits the number of trees affected by this project to the lowest level possible. The only trees affected by this new street are located at the end of Somerset Drive. At this location the road will cross perpendicular to the existing tree bank thus reducing the amount of trees to be removed to a minimum. In addition, south of the GAPS property is a large bank of trees that will not be affected because the new street alignment will pass directly through a gap where no trees are located.

CBG:MWS:kw  
Attachments (6)





Proposed LID Boundary: ST-08-04, Infrastructure Improvements, Somerset to School

Attachment A



Engineering

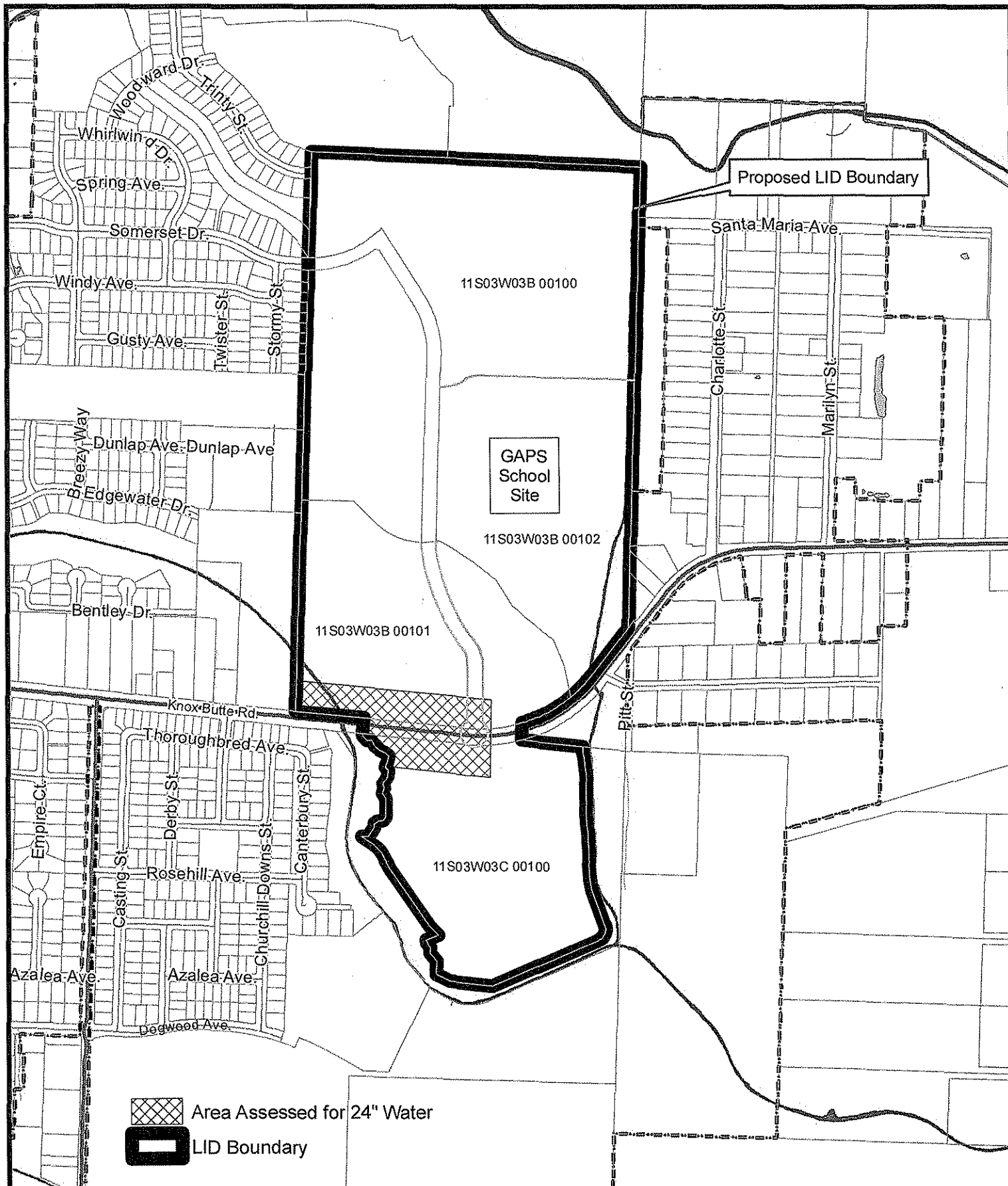
Jeff Woodward

1 inch equals 600 feet

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The City of Albany Infrastructure records, drawings and other documents have been gathered over many decades, using varying standards for quality control, documentation, and verification. All the information published represents correct information in a readily available format. While the information provided is generally believed to be accurate, no warranty is made for its accuracy, and the user is advised to verify the information contained within our records.





Proposed LID Boundary: ST-08-06, Infrastructure Improvements, School to Knox Butte

Attachment B



Engineering

Jeff Woodward

1 inch equals 600 feet

Wednesday, April 30, 2008 10:16:57 AM  
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The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, dissemination, and notation. All the information contained represents current information in a readily available format. While the information provided is generally intended to be accurate, no warranty is made as to the accuracy and completeness of the information. Prior to making any property purchases or other transactions, please refer to the information provided. It is specifically advised that you independently verify the information contained within our records.





INITIAL ENGINEER'S REPORT		ST-08-04, "Infrastructure Improvements – Somerset to School"							ATTACHMENT C	
									CITY OF ALBANY	
		Street	Total	San Sew	Total	Water	Total	Total	ST-08-04	
	Assessor's Map	Unit	Street & St Dr	Unit	San Sew	Unit	Water	Estimated	Estimated Assessments	
Name	Tax Lot	(Ac)	Assm't	(Ac)	Assm't	(Ac)	Assm't	Assm't	May 2008	
									NET ASSESSABLE COSTS	
Greater Albany Public	11S03W03B 00102	20.28	\$1,176,030.93	20.28	\$566,817.87	20.28	\$124,281.79	\$1,867,130.58		
School Dist									Street and Strom Drain	
									\$2,025,000.00	
									Sanitary Sewer	
									\$992,000.00	
									City Participation: San Sewer	
									(\$16,000.00)	
									Water	
									\$290,000.00	
Evelyn F Brandis	11S03W03B 00100	14.64	\$848,969.07	14.64	\$409,182.13	14.64	\$89,718.21	\$1,347,869.42	City Participation: Water	
Trust 1									(\$76,000.00)	
									Total Project Cost	
									\$3,215,000.00	
									NET UNIT ASSESSMENTS	
									Street and Strom Drain	
									Est. Cost	
									\$2,025,000.00	
									Unit	
									34.92 Ac	
									Unit Cost	
									\$57,989.69 per Ac	
									Sanitary Sewer	
									Est. Cost	
									\$992,000.00	
									City Particip.	
									(\$16,000.00)	
									Net Cost	
									\$976,000.00	
									Unit	
									34.92 Ac	
									Net Unit Cost	
									\$27,949.60 per Ac	
									Water	
									Est. Cost	
									\$290,000.00	
									City Particip.	
									(\$76,000.00)	
									Net Cost	
									\$214,000.00	
									Unit	
									34.92 Ac	
									Net Unit Cost	
									\$6,128.29 per Ac	
	TOTALS	34.92	\$2,025,000.00	34.92	\$976,000.00	34.92	\$214,000.00	\$3,215,000.00	Net Unit Cost	
									\$6,128.29 per Ac	

INITIAL ENGINEER'S REPORT		ST-08-06, "Infrastructure Improvements – School to Knox Butte"											ATTACHMENT D	
													CITY OF ALBANY	
													ST-08-04	
													Estimated Assessments	
													May 2008	
Name	Assessor's Map	Street	Total	Roundabout	Total	San Sew	Total	Water 12"	Total	Water 24"	Total	Total		
	Tax Lot	Unit	Street & St Dr	Unit	Roundabout	Unit	San Sew	Unit	Water 12"	Unit	Water 24"	Estimated		
		(Ac)	Assm't	(Ac)	Assm't	(Ac)	Assm't	(Ac)	Assm't	(Ac)	Assm't	Assm't		
Greater Albany Public School Dist	11S03W03B 00102			20.28	\$110,251.63							\$110,251.63	NET ASSESSABLE COSTS	
													Street and Storm Drain	\$905,625.00
													Roundabout	\$525,000.00
													Sanitary Sewer	\$623,000.00
													12-inch Water	\$120,000.00
													City Participation: 12-inch Water	(\$29,000.00)
													24-inch Water	\$328,000.00
Evelyn F Brandis Trust 1	11S03W03B 00100			34.98	\$190,167.75							\$190,167.75	City Participation: 24-inch Water	(\$64,000.00)
													Total Project Cost	\$2,408,625.00
													UNIT ASSESSMENTS	
													Street and Storm Drain	
													Est. Cost	\$905,625.00
													Unit	22.96 Ac
													Unit Cost	\$39,443.60 per Ac
Evelyn F Brandis Trust 1	11S03W03B 00101	22.96	\$905,625.00	19.30	\$104,923.89	19.30	\$623,000.00	7.92	\$91,000.00	3.10	\$158,400.00	\$1,882,948.89	Roundabout	
													Est. Cost	\$525,000.00
													Unit	96.57 Ac
													Unit Cost	\$5,436.47 per Ac
													Sanitary Sewer	
													Est. Cost	\$623,000.00
													Unit	19.30 Ac
													Unit Cost	\$32,279.79 per Ac
Mary Morris Trust 1	11S03W03C 00100			22.01	\$119,656.73					2.07	\$105,600.00	\$225,256.73	Net 12-inch Water	
													Est. Cost	\$120,000.00
													City Particip.	(\$29,000.00)
													Net Cost	\$91,000.00
													Unit	7.92 Ac
													Net Unit Cost	\$11,489.90 per Ac
													Net 24-inch Water	
													Est. Cost	\$328,000.00
													City Particip.	(\$64,000.00)
													Net Cost	\$264,000.00
													Unit	5.17 Ac
													Unit Cost	\$51,113.26 per Ac
	TOTALS	22.96	\$905,625.00	96.57	\$525,000.00	19.30	\$623,000.00	7.92	\$91,000.00	5.17	\$264,000.00	\$2,408,625.00		



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

A RESOLUTION FOR THE ADOPTION OF ENGINEERING AND FINANCIAL INVESTIGATION REPORTS, AUTHORIZATION TO SECURE EASEMENTS, TO OBTAIN BIDS, TO INCREASE APPROPRIATIONS, AND TO ISSUE WARRANTS FOR THE CONSTRUCTION OF ST-08-04, INFRASTRUCTURE IMPROVEMENTS – SOMERSET TO SCHOOL.

BE IT RESOLVED that the engineer's report of the Public Works Director and the financial investigation report of the Finance Director filed with the City Recorder on May 14, 2008, concerning ST-08-04, Infrastructure Improvements – Somerset to School, be the same and are hereby adopted.

BE IT FURTHER RESOLVED that the Council authorize the Mayor and City Recorder to sign agreements on behalf of the City of Albany for the purpose of obtaining easements to construct the said improvements, direct the City Manager to obtain bids for the construction of said projects as required by law, and authorize the Mayor and City Recorder to make, issue, and negotiate General Obligation Improvement Warrants for the performance of said improvements, bearing interest, and constituting general obligations of the City of Albany. The terms of conditions of such warrants shall be as provided by ORS 287.502 to 287.510.

BE IT FURTHER RESOLVED that funds budgeted within the Improvement Fund be appropriated as follows:

<u>Capital Replacement Fund, LID Construction Projects</u>	<u>Resources</u>	<u>Requirements</u>
402-10-1012-45007 Unbonded Assessments: Principal	\$3,215,000	
402-10-1012-85022 ST-08-04, Infrastructure Improvements – Somerset to School		\$3,215,000

DATED AND EFFECTIVE THIS 28TH DAY OF MAY 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

A RESOLUTION FOR THE ADOPTION OF ENGINEERING AND FINANCIAL INVESTIGATION REPORTS, AUTHORIZATION TO SECURE EASEMENTS, TO OBTAIN BIDS, TO INCREASE APPROPRIATIONS, AND TO ISSUE WARRANTS FOR THE CONSTRUCTION OF ST-08-06, INFRASTRUCTURE IMPROVEMENTS – SCHOOL TO KNOX BUTTE.

BE IT RESOLVED that the engineer's report of the Public Works Director and the financial investigation report of the Finance Director filed with the City Recorder on May 14, 2008, concerning ST-08-06, Infrastructure Improvements – School to Knox Butte, be the same and are hereby adopted.

BE IT FURTHER RESOLVED that the Council authorize the Mayor and City Recorder to sign agreements on behalf of the City of Albany for the purpose of obtaining easements to construct the said improvements, direct the City Manager to obtain bids for the construction of said projects as required by law, and authorize the Mayor and City Recorder to make, issue, and negotiate General Obligation Improvement Warrants for the performance of said improvements, bearing interest, and constituting general obligations of the City of Albany. The terms of conditions of such warrants shall be as provided by ORS 287.502 to 287.510.

BE IT FURTHER RESOLVED that funds budgeted within the Improvement Fund be appropriated as follows:

<u>Capital Replacement Fund, LID Construction Projects</u>	<u>Resources</u>	<u>Requirements</u>
402-10-1012-45007 Unbonded Assessments: Principal	\$2,408,625	
402-10-1012-85023 ST-08-06, Infrastructure Improvements – School to Knox Butte		\$2,408,625

DATED AND EFFECTIVE THIS 28TH DAY OF MAY 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

FINANCIAL INVESTIGATION REPORT (Cont.)  
ST-08-04, Infrastructure Improvements – Somerset to School  
(As of May 7, 2008)

*Section 3. Number of similar lots and property held by the City through foreclosure.*

The City is not holding any properties obtained through foreclosure. Fewer than ten properties are delinquent more than one year.

*Section 4. Delinquency rate of assessments and taxes in the area.*

Ninety-five percent of City assessments are current. Property tax collections are projected to be from 94 to 96 percent of current taxes levied.

*Section 5. Real estate value trends in the area.*

Real estate values within the City remain stable. Residential construction has been in a decline for the past six to nine months. Building activity is expected to continue at a slow pace during FY 2008-2009 due to the slowdown in the real estate market.

*Section 6. Tax levy trends and potential financial impact on the proposed LID.*

Taxes will remain stable. A small increase should be expected from an estimated four percent increase in property values.

*Section 7. Does the project conform to the City Comprehensive Plan?*

This project conforms to the City's Comprehensive Plan.

*Section 8. Status of City's debt.*

Costs attributable to this project will be incorporated into the final assessment roll.

*Section 9. Estimated cost of financing.*

The City's practice is to charge the property owners 1.50 percent more than the rate on the bonds to pay for the costs associated with billing the property owners and administering the LID. In 2002, assessment bonds sold at 5.05 percent; therefore, property owners paid 6.55 percent interest.

*Section 10. General credit worthiness of property owners within the LID.*

The estimated total assessments range from \$1,347,869.42 to \$1,867,130.58. The monthly payment for the proposed assessments project to range from \$15,338.83 to \$21,248.05 for a ten year term.

*Note: Financing under ORS223.215 provides financing for a longer term.*



FINANCIAL INVESTIGATION REPORT  
 ST-08-04, Infrastructure Improvements - Somerset to School  
 (As of May 7, 2008)

OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	TOTAL ASSESSMENT	BOND MAXIMUM	TRUE CASH VALUE 2007/2008			OTHER ASMNTS	ASMNT % TO TCV	10 YEAR MONTHLY PAYMENTS AT 6.55%
					LAND	IMPROVMENTS	TOTAL			
Brandis, Trust 1, Evelyn F c/o John S Brandis, et al PO Box 1087 Corvallis, OR 97339	11S03W03B 00100 Site: Acreage, Lot	41.92%	1,347,869.42	4,870,780	2,435,390	-	2,435,390	-	55.35%	15338.83
Greater Albany Public School District c/o Russell Allen 718 7th Avenue SW Albany, OR 97321	11S03W03B 00102 Site: Acreage, Lot	58.08%	1,867,130.58	-	-	-	-	-	0.00%	21248.05
Totals			3,215,000.00	4,870,780	2,435,390	-	2,435,390	-	55.35%	36,586.88

FINANCIAL INVESTIGATION REPORT (Cont.)  
ST-08-06, Infrastructure Improvements – School to Knox Butte  
(As of May 7, 2008)

*Section 3. Number of similar lots and property held by the City through foreclosure.*

The City is not holding any properties obtained through foreclosure. Fewer than ten properties are delinquent more than one year.

*Section 4. Delinquency rate of assessments and taxes in the area.*

Ninety-five percent of City assessments are current. Property tax collections are projected to be from 94 to 96 percent of current taxes levied.

*Section 5. Real estate value trends in the area.*

Real estate values within the City remain stable. Residential construction has been in a decline for the past six to nine months. Building activity is expected to continue at a slow pace during FY 2008-2009 due to the slowdown in the real estate market.

*Section 6. Tax levy trends and potential financial impact on the proposed LID.*

Taxes will remain stable. A small increase should be expected from an estimated four percent increase in property values.

*Section 7. Does the project conform to the City Comprehensive Plan?*

This project conforms to the City's Comprehensive Plan.

*Section 8. Status of City's debt.*

Costs attributable to this project will be incorporated into the final assessment roll.

*Section 9. Estimated cost of financing.*

The City's practice is to charge the property owners 1.50 percent more than the rate on the bonds to pay for the costs associated with billing the property owners and administering the LID. In 2002, assessment bonds sold at 5.05 percent; therefore, property owners paid 6.55 percent interest.

*Section 10. General credit worthiness of property owners within the LID.*

The estimated total assessments range from \$110,251.63 to \$1,882,948.89. The monthly payment for the proposed assessments project to range from \$1,254.67 to \$21,428.06 for a ten year term.

*Note: Financing under ORS223.215 provides financing for a longer term.*

FINANCIAL INVESTIGATION REPORT  
 ST-08-06, Infrastructure Improvements - School to Knox Butte Road LID  
 (As of May 7, 2008)

OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	TOTAL ASSESSMENT	BOND MAXIMUM	TRUE CASH VALUE 2007/2008			OTHER ASMNTS	ASMNT % TO TCV	10 YEAR MONTHLY PAYMENTS AT 6.55%
					LAND	IMPROVMENTS	TOTAL			
Brandis, Trust 1, Evelyn F c/o John S Brandis, et al PO Box 1087 Corvallis, OR 97339	11S03W03B 00100 Site: Acreage, Lot	9.30%	190,167.75	4,870,780	2,435,390	-	2,435,390	-	7.81%	2164.12
Brandis, Trust 1, Evelyn F c/o John S Brandis, et al PO Box 1087 Corvallis, OR 97339	11S03W03B 00101 Site: Acreage, Lot	80.46%	1,882,948.89	-	-	-	-	-		21428.06
Greater Albany Public School District c/o Russell Allen 718 7th Avenue SW Albany, OR 97321	11S03W03B 00102 Site: Acreage, Lot	5.39%	110,251.63	-	-	-	-	-		1254.67
Morris, Trust 1, Mary c/o Timberhill Corp 5737 SW Corbett Avenue Portland, OR 97329	11S03W03C 00100 Site: 4350 Knox Butte Rd E Acreage, Lot	4.85%	225,256.73	5,336,340	2,646,110	22,060	2,668,170	-	8.44%	2563.43
<b>Totals</b>			2,408,625.00	10,207,120	5,081,500	22,060	5,103,560		16.25%	27,410.28



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:

AMC 7.84.200 shall be known and may be cited as the "Shopping Cart Ordinance."

Section 1. AMC 7.84.200 is hereby added to read as follows:

**Section 7.84.200 SHOPPING CARTS**

**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 or local telephone number 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 or local telephone number 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 or local telephone line 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 Albany Police Department Community Resource Unit.
  4. Retrieve 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 or local telephone line described in AMC 7.84.210(A)(3). The agreement shall provide that any person designated to operate the toll-free or local telephone line 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 or local telephone line 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.

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



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Stewart Taylor, Finance Director *ST*  
DATE: May 19, 2008, for the May 28, 2008 City Council Meeting  
SUBJECT: Modification Agreement Appropriation

RELATES TO STRATEGIC PLAN THEME: ● Healthy Economy  
● Effective Government

Action Requested:

By resolution, appropriate the \$200,000 received from SVC Corporation for expenditures related to development of the modification agreement.

Discussion:

The Economic Development Fund has been incurring costs for legal and consulting services, postage, and miscellaneous office supplies in support of the negotiations to develop the modification agreement with SVC Corporation. The modification agreement was developed at the request of SVC Corporation to identify the terms and costs of delays in the construction of the Gatorade and bottle manufacturing facilities required in the Development Agreement.

The terms of the modification agreement require SVC Corporation to pay the City \$200,000 for costs associated with development of the agreement; and \$710,000 in January of each year for up to three years if SVC requests a delay. In January, 2008, the City received \$910,000 for the modification fee and the first year of delay. The \$710,000 payment does not need to be appropriated since it will not be expended in the current budget year. The \$200,000 payment needs to be appropriated since it pays for the costs incurred with development of the modification agreement.

The balance of the \$200,000 not expended in the current year will be appropriated as the beginning balance in the Oak Creek Urban Renewal Area budget for Fiscal Year 2008-2009.

Budget Impact:

The resolution appropriates \$200,000 in the Economic Development Fund for costs associated with the development of the modification agreement with SVC Corporation.

ST  
Attachment

*G:\Mary\CCMemos\SVC Approp 200K.doc*



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

**A RESOLUTION APPROPRIATING \$200,000 FOR COSTS INCURRED IN DEVELOPMENT OF THE SVC MODIFICATION AGREEMENT**

WHEREAS, the Economic Development Fund has been incurring costs for legal and consulting services, postage, and miscellaneous office supplies in support of the negotiations to develop the modification agreement with SVC Corporation; and

WHEREAS, the modification agreement was developed at the request of SVC Corporation to identify the terms and costs of delays in the construction of the Gatorade and bottle manufacturing facilities required in the Development Agreement; and

WHEREAS, the terms of the modification agreement require SVC Corporation to pay the City \$200,000 for costs associated with development of the agreement; and

WHEREAS, the \$200,000 payment was received in January, 2008 and needs to be appropriated since it was not anticipated at the time the budget was adopted and since it pays for the costs associated with development of the modification agreement; and

WHEREAS, Oregon Local Budget Law allows expenditures in the year of receipt of grants, gifts, bequests, or devises for specific purposes after enactment of a resolution or ordinance authorizing the expenditure [ORS 294.326(3)].

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby appropriates the payment as follows:

Resource	Requirement
211-16-1101-42825 Pepsico	211-16-1101-61060 Oak Creek Expenditures
\$200,000	\$200,000

DATED AND EFFECTIVE THIS 28TH DAY OF MAY, 2008.

\_\_\_\_\_  
Mayor

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



TO: Albany City Council

VIA: Wes Hare, City Manager  
Stewart Taylor, Finance Director

FROM: Diane M. Wood, Purchasing Coordinator DW

DATE: May 20, 2008, for the May 28, 2008, City Council Meeting

SUBJECT: Acceptance of Tax Foreclosed Property Conveyance from Linn County

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Staff requests that Council adopt the attached resolution accepting the conveyance of two tax foreclosed properties from Linn County to the City of Albany. The location of the properties are shown as Exhibit "A" on the resolution and the deeds attached as Exhibit "B".

Discussion:

Linn County contacted the City of Albany regarding two parcels they had obtained through tax foreclosure and intended to advertise and sell. At the time of notice, there was one parcel with a sealed bid already received by Linn County. Time was of the essence to obtain Council authorization to purchase the two lots if the City needed the lots for public use. The Public Works Department was notified and was interested in purchasing these lots, which lie north of Knox Butte Road between Marilyn Street and Charlotte Street, for property transportation access (alley or street) and for maintenance of the drainage ditch.

Parcel 11S-03W-03A, Tax Lot 4500 is a narrow lot along the back lot line of the parcels in Draper's Subdivision. It is approximately 326 feet long by 20 feet wide.

Parcel 11S-03W-03A, Tax Lot 10900 is directly north of Tax Lot 4500 and is approximately 1200 feet by 20 feet.

On August 21, 2006, at a Council Work Session, a memo was submitted requesting Council to authorize purchase of the two tax foreclosed properties mentioned above. According to the minutes "Linn County just contacted the City about the opportunity to purchase these two strips of land for \$1,000...Staff needs Council authority to make the purchases." Johnson moved to authorize staff to acquire the two lots and the motion was passed.

It has come to staff's attention that the deeds for the above parcels were never accepted by Council.

Budget Impact:

Conveyance fees totaled \$1,000.00 for the two parcels and was paid by Public Works.

Attachments (4)

*H:\Data\Word\PROPERTY\linn Cty fc propty.52808.ccmno.doc*





NOW, THEREFORE, BE IT RESOLVED by the City of Albany Council to hereby accept the conveyance of two tax foreclosed properties from Linn County.

DATED AND EFFECTIVE THIS 28TH DAY OF MAY 2008.

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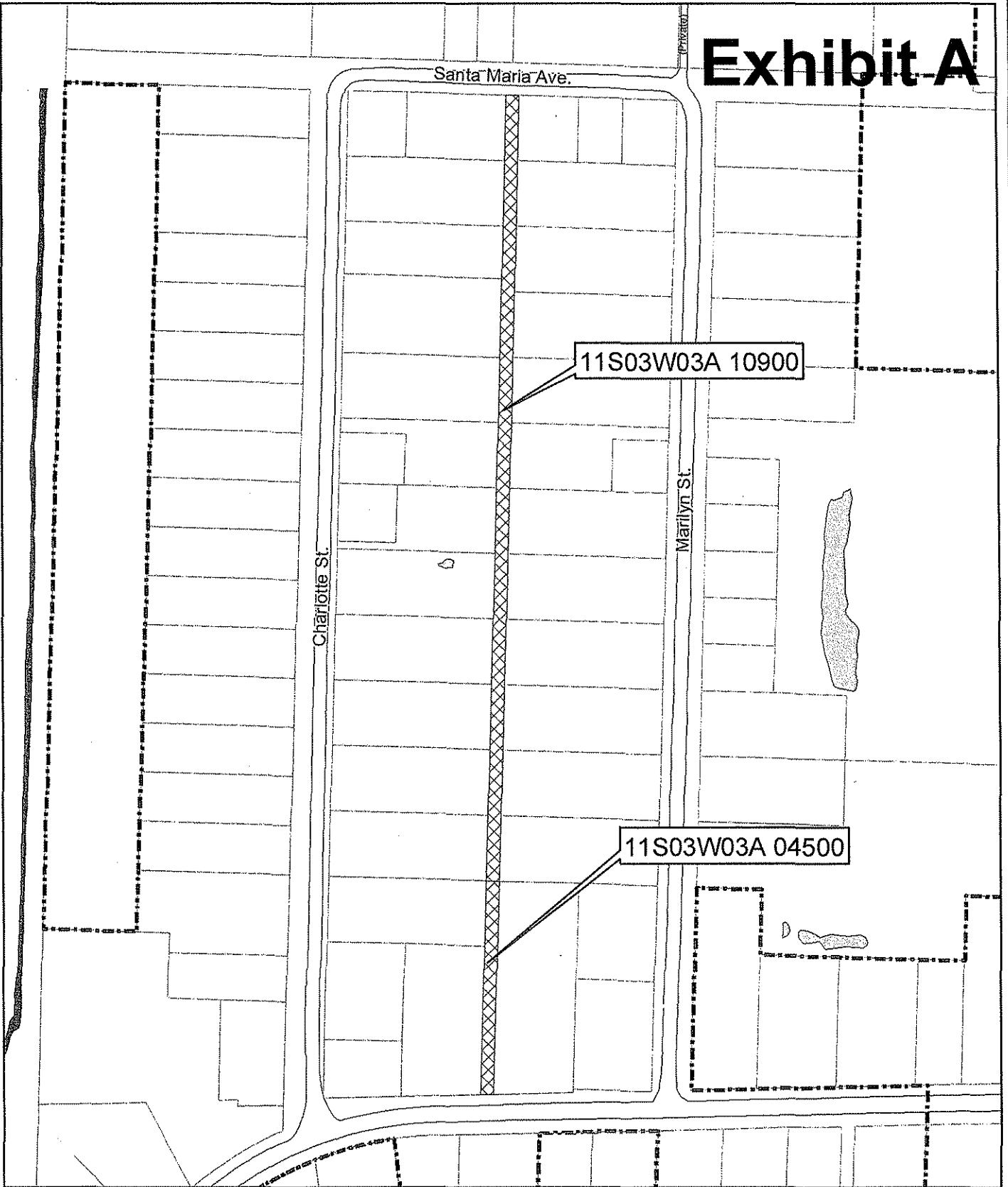
Mayor

ATTEST:

---

City Clerk

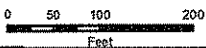
# Exhibit A



11S03W03A 4500 & 10900



The City of Albany's infrastructure records, drawings, and other documents have been prepared over many decades, using varying standards for quality control, documentation, and verification. ArcGIS software has provided geographic information in a readily accessible format. While the information provided is generally believed to be accurate, you should verify this information prior to its use in any project, and that it is current to the date of this information provided. It is recommended that you independently verify the information contained within our records.



Project File Location:

Wednesday, May 21, 2008 7:44:04 AM L:\WillishArcMap Projects\Finance\11s03w03a\_Parcels.mxd

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917-7676

After Recording Return To:  
City of Albany  
ATTN: Diane Wood  
PO Box 490  
Albany, OR 97321

Send Tax Statements to:  
City of Albany  
ATTN: Diane Wood  
PO Box 490  
Albany, OR 97321

LINN COUNTY, OREGON 2006-25039  
D-88  
Cnt=1 Str=1 COUNTER 10/12/2006 03:46:18 PM  
This is a no fee document NO FEE  
00028361200600250390010017  
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
Steve Druckenmiller - County Clerk



BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That Linn County, Oregon, Grantor, conveys fee title to City of Albany, a municipal corporation, Grantee, the following described real property, it being the intent of the Grantee to use the property public purposes:

Account #: 70322 Map # 11-3W-3A, Tax Lot 10900

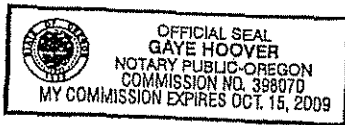
A strip of land to be used for a drainage ditch and being described as follows: Beginning at the Northeast corner of Tract 1, Draper's Subdivision, Linn County, Oregon; and running thence South 1200.0 feet to the Southeast corner of Tract 12; thence East 20.0 feet to the Southwest corner of Tract 13; thence North 1200.0 feet to the Northwest corner of Tract 24; thence West 20.0 feet to the place of beginning.

The true and actual consideration for this transfer, stated in terms of dollars is \$ 500.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

IN WITNESS WHEREOF, LINN COUNTY, OREGON, the Grantor above named, has caused this Deed to be executed by its Board of County Commissioners this 11th day of October, 2006.

*Roger Nyquist*  
Roger Nyquist, Chairman  
*John K. Lindsey*  
John K. Lindsey, Commissioner  
*Clifford Wooten*  
Clifford Wooten, Commissioner



State of Oregon )  
                          ) ss.  
County of Linn )

This instrument was acknowledged before me on October 11, 2006, by Roger Nyquist, John K. Lindsey, and Clifford Wooten as Commissioners of the Board of County Commissioners for Linn County.

*Gaye Hoover*  
Notary Public for Oregon  
My Commission expires: 10-15-09

ORDER #2006-473 DATE: 10-11-06 MICROFILM #: 345-729  
Assessor's Map 11-03W-3A-10900 Account # 70322



LINN COUNTY, OREGON 2006-25916  
F-CON Cnt=1 SIn=7 M. FISHER 10/23/2006 03:58:53 PM

LINN COUNTY, OREGON 2006-25040  
F-CON Cnt=1 SIn=7 M. FISHER 10/12/2006 03:46:18 PM

After Recording Return To:  
City of Albany  
ATTN: Diane Wood  
PO Box 490  
Albany, OR 97321

This is a no fee document  
NO FEE  
00029342200600259160010018

This is a no fee document  
NO FEE  
00029362200600250400010014

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
Steve Druckenmiller - County Clerk



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
Steve Druckenmiller - County Clerk



Send Tax Statements to:  
City of Albany  
ATTN: Diane Wood  
PO Box 490  
Albany, OR 97321

CONVEYANCE OF TAX FORECLOSED PROPERTY

LINN COUNTY, a political subdivision of the State of Oregon, who took title as Linn County, Oregon, a municipal corporation, Grantor, conveys to the CITY OF ALBANY, OREGON, a municipal corporation, Grantee, the title Linn County received through tax foreclosure to the following described real property, situated in Linn County, Oregon:

Account #69597 Map #11-03W-3A, TL 4500

Beginning at the Southeast corner of lot 12, Draper's Subdivision; thence Southerly 326.78 feet more or less to County Road; thence Easterly along County Road 20 feet; thence Northerly 325.74 feet more or less; thence West 20 feet to point of beginning. ALSO Beginning 553.13 feet East from the Southwest corner of North half of DLC #40, thence east 120 feet; thence Southerly 12.55 feet more or less to county road; thence Westerly 120 feet along county road to a point South of the beginning; thence North 18.14 feet more or less to the beginning, containing 0.042 acre more or less.

for so long as the property is used for public purposes.

Re-recorded to correct legal description. Incorrect portion of legal deleted through line-out.

This conveyance is subject to any easements of record.

Previously recorded at DN2006-25040

The true and actual consideration for this transfer is \$500.00

This conveyance is made pursuant to an Order of the Board of County Commissioners dated and recorded at the volume and page of the County Commissioners Journal as stated below.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

IN WITNESS WHEREOF, LINN COUNTY, OREGON, the Grantor above named, has caused this Deed to be executed by its Board of County Commissioners this 11<sup>th</sup> day of October, 2006.

Roger Nyquist, Chairperson

John K. Lindsey, Commissioner

Clifford Wooten, Commissioner



State of Oregon )  
                          ) ss.  
County of Linn )

This instrument was acknowledged before me on October 11, 2006, by Roger Nyquist, John K. Lindsey, and Clifford Wooten as Commissioners of the Board of County Commissioners for Linn County.

Notary Public for Oregon  
My Commission expires: 10-15-09

ORDER # 2006-472 DATE: 10-11-06 MICROFILM # 345-725  
Assessor's Map 11-03W-3A-4500 Account # 69597

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, April 9, 2008  
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Bedore called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Bedore led the pledge of allegiance to the flag.

ROLL CALL

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

PROCLAMATION

Arbor Week

Bedore read the proclamation declaring the week of April 6-12, 2008, as Arbor Week in Albany.

Parks and Facilities Manager/City Forester Craig Carnagey explained the City of Albany Urban Forestry Program and provided a Power Point presentation (in the agenda file).

PRESENTATIONS

Accepting Tree City USA Award.

Jason Hazlitt, Oregon Department of Forestry, gave the Council a flag in recognition of the City of Albany as a Tree City USA. There are only 48 other communities in Oregon that received the designation. Albany received the distinction for planting over 300 trees, completing a comprehensive tree inventory, and having a heritage tree program. Bedore accepted the flag on behalf of the City.

Carnagey introduced the Tree Commission.

Hazlitt also recognized the Albany branch of Pacific Power with a "Tree Line USA" award. It recognizes the company's willingness to work with the community with tree planting along power lines. Pacific Power has also partnered with the City to make the Albany Tree Program a success.

Volunteer recognition (past Tree Commissioner).

Commission Chair Tom Krupicka presented an award and gift to Jay Neal for his contributions to the Tree Commission and Albany Tree Program.

SCHEDULED BUSINESS

Public Hearing

Establishing procedures for retrieving and reclaiming abandoned shopping carts.

Bedore opened the public hearing at 7:32 p.m.

Bedore clarified that with the new procedures, businesses would be fined only if they were notified and failed to retrieve their property.

Management Assistant/Public Information Officer Marilyn Smith explained that the state legislature passed legislation allowing local governments to deal with abandoned shopping carts. They are a nuisance, a public safety hazard, and an itinerant blight. The City Parks Department picks up around 300 carts a month on public property and more have been abandoned on private property.

City Attorney Jim Delapoe said this ordinance isn't intended to criminalize the store that has a cart stolen nor the store that fails to retrieve a cart. What it intends to do is provide a fine or recovery fee in the event the store doesn't come by in a reasonable amount of time to retrieve their cart. City Staff has been picking up carts all over the City and has not had the legal right to dispose of them. Under the new legislation they can. It is unfortunate that the legislature named the fee as a fine; it is more like a finder's or recovery fee. He asked the Council not to take action tonight. There is still more refining of the ordinance that staff would like to do.

Sean Miller, 40113 Gates School Road, Gates, representing the Northwest Grocery Association, said the State of Oregon bill went into effect January 1. It was Senate Bill 645 and characterized "blight" as grocery carts randomly dispersed in the community. They support the Council adopting the ordinance. The Northwest Grocery Association started a similar cart retrieval program. The grocery store is the victim when carts leave the property. They have a concern with the email address requirement the City is proposing. They believe it would be a violation of the Senate Bill. Their experience has been that email doesn't work. Grocery stores do not check their email in a timely manner and the 72 hour clock would be ticking. They have a program that offers a 1-800 number that could be used in which a live operator is available 24 hours a day and seven days a week to take calls regarding cart retrieval. He urged the removal of the email address requirement. Their only other concern is the charge of \$20 if a City employee returns a cart. But, they do support this ordinance.

Councilor Konopa talked about carts in creeks and parkways saying that the cost for the returning of carts by City employees is that it takes time that could be used for City business. Miller said they believe the City would have less and less of those types of circumstances as the ordinance becomes known. The City could report it and the grocery store could retrieve it or the City could return it out of courtesy to the business. He explained that there are cart retrieval businesses popping up.

Councilor Christman asked if City employees reporting it to the store or returning it as a courtesy was part of the ordinance as written tonight. Smith said it was not.

Councilor Collins asked what the replacement value of a cart was. Miller said \$100-\$300 per cart.

Councilor Reid asked, have stores in Albany signed up with your program? Miller said yes, some have. The program is set up so nonmembers of the grocery association can join.

Miller commented that part of the state law is that an ordinance needs to be passed in the City, so he encouraged the Council to consider this ordinance.

Councilor Johnson asked, will you force businesses to join your program? Miller said no, they would just set up the program to comply with the ordinance, if it is passed. If one retailer wants to do it on their own, they can.

Tom Krupicka, representing Tom's Garden Center, said he didn't receive information regarding this new ordinance. He was concerned about putting another burden on a small business owner. He would like to take this information back to the Albany Chamber of Commerce.

No one else wished to speak.

Bedore closed the public hearing at 8:02 p.m.

Delapoer suggested that Krupicka and others could contact staff for more information and suggestions.

Smith commented that staff sent information to 30 businesses regarding the ordinance. She said the Police Department has attempted to cite people with carts taken off the businesses property, but the stores would not prosecute.

Konopa said there is a problem in Albany. She would like to see staff continue to refine the ordinance.

It was Council consensus to have staff continue with refining the ordinance and bring it back to the Council for adoption.

#### Business from the Public

Steve Boyd, 296 Sunny Lane NW, spoke regarding the new library building. He distributed information to the Council regarding the best roofing available. He said the Council should keep their options open so as not to have to replace the roof prematurely. Protection against water damage and fire damage is critical in a library building. He said the currently proposed roofing has a history of degrading and failed the time test for fire proofing. His company is 67 years old and local in Albany. He discussed consequential damage saying a place with sensitive documents should have more protection. He mentioned that he would be willing to volunteer on a panel that would make recommendations that could save the City money in the long run.



Findings for Denial

SD-14-06, Link Club Estates, adopting Findings for Denial and making a decision regarding an appeal of the Planning Commission's decision to approve a Subdivision Tentative Plat that would divide a 3.77-acre parcel of land into 12 residential single-family lots.

Bedore explained that the City Council held public hearings on January 23 and March 26, 2008, on 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 (Link Club Estates Subdivision). At the March 26 City Council meeting, the Council made a tentative decision to deny the application and directed staff to write findings for denial. Findings for Denial were included in the agenda packet. Bedore said the applicant's attorney submitted a letter withdrawing the application on April 4, 2008. The applicant has a right to take this action and this withdrawal means that as of April 4, the subdivision application was no longer pending. Withdrawing the application does not preclude the applicant from resubmitting the same application or a revised application at a later date, but neither does a denial. The practical effect is the same. No further Council action is required.

Johnson said in her opinion, the Council didn't listen to the Planning Commission regarding this issue and she wanted it to be in the record that she would have supported them.

Councilor Olsen said he wanted to approve the Findings for Denial because he wanted to make it clear the Council disapproved of the subdivision.

Delapoer said the Council doesn't have anything to act on. There is no application. It is not to the Council's benefit to approve the Findings for Denial. From the standing of those that prevailed, the opponents to the subdivision, if the application is withdrawn the issue is dead and there is no right to appeal. On the other hand if the City took the position that they can't withdraw and the Council denies it, then in 21 days they could appeal to the Land Use Board of Appeals. The entire process could be adjudicated again. He believes the Council has taken the correct path.

First Reading of Ordinance

Levying an assessment against property specifically benefited by water connections and the assessment of water system development charges for property described as Tax Lot 701 of Parcel 11S-04W-24 and site address 4522 Pacific Boulevard SW, and declaring an emergency.

City Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE LEVYING AN ASSESSMENT AGAINST PROPERTY SPECIFICALLY BENEFITED BY WATER CONNECTIONS AND THE ASSESSMENT OF WATER SYSTEM DEVELOPMENT CHARGES FOR PROPERTY DESCRIBED AS TAX LOT 701 OF PARCEL 11S-04W-24 AND SITE ADDRESS 4522 PACIFIC BOULEVARD SW, AND DECLARING AN EMERGENCY."

MOTION: Reid moved to have the ordinance read a second time in title only. Christman seconded the motion and it passed 6-0.

Delapoer read the ordinance a second time in title only.

MOTION: Reid moved to adopt the ordinance. Christman seconded the motion and it passed 6-0, and was designated Ordinance No. 5690.

Second Reading of Ordinance

CP-01-08, adopting text amendments to the 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.

City Attorney Jim Delapoer read for the second time in title only "AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE 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."

MOTION: Collins moved to adopt the ordinance. Johnson seconded the motion and it passed 4-2, with Konopa and Olsen voting no, and was designated Ordinance No. 5691.

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

Adoption of Resolutions

Accepting a proposal from Davidson Fixed Income Management for investment advisory services.

MOTION: Reid moved to adopt the resolution accepting a proposal from Davidson Fixed Income Management for investment advisory services. Konopa seconded the motion and it passed 6-0, and was designated Resolution No. 5588.

Authorizing an increase in revenues and expenditures in the Parks & Recreation Fund.

MOTION: Reid moved to adopt the resolution authorizing an increase in revenues and expenditures in the Parks & Recreation Fund. Konopa seconded the motion and it passed 6-0, and was designated Resolution No. 5589.

Setting a public hearing for the purpose of considering a downtown voluntary Economic Improvement District.

MOTION: Reid moved to adopt the resolution setting a public hearing for the purpose of considering a downtown voluntary Economic Improvement District. Konopa seconded the motion and it passed 6-0, and was designated Resolution No. 5590.

Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) February 13, 2008, City Council Meeting
  - b) February 27, 2008, City Council Meeting
  - c) March 3, 2008, City Council Work Session
- 2) Approving the Urban Forestry Management Plan.

Bedore said that staff has requested to have item 2) removed from the Consent Calendar.

MOTION: Konopa moved to adopt the Consent Calendar with item 2) removed. Reid seconded the motion and it passed 6-0.

Award of Bid

WL-08-02, 9<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup>, and Park Terrace water line.

Public Works Director Diane Taniguchi-Dennis said that there has been no significant inflation to construction costs in the past year. In fact, this low bidder was below the engineer's estimate of the cost for the project.

MOTION: Reid moved to award the contract in the amount of \$343,941.00 to the low bidder, Kamph Construction Company, Inc., of McMinnville, Oregon. Christman seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Johnson commented that she would like to see a BMX Bike Park next to the City Skate Park. There was a Parks & Recreation Commission meeting in March to discuss this possibility. Around 60 young people and interested parties were at the meeting. They included people willing to raise money for the project and be included in the design of the park. They were able to get leadership and volunteers. It was exciting to be there. They also talked about graffiti and safety issues.

Olsen said he went to a meeting on Oxford Houses in his neighborhood. He thinks it is a wonderful program for those who participate, but not for the neighborhood. He was concerned that City staff seemed unconcerned about the issue. He thinks a conditional use permit is needed for these types of housing. They are a nuisance. He objects to positioning them next to family houses. He was disappointed with City staff.

Johnson asked, is there anything we can do? Delapoe said there are several different concerns. The Council could change the ordinance structure to require a conditional use permit; but, the federal Fair Housing Act guarantees them a place in the community. It would be very difficult to deny them a home. The City could have occupancy limits in homes but it would have to be applied equally, such as to large families. There are not very many options. Our current ordinance treats an Oxford House as a single family unit. They do look for houses close to services they would need and that generally is in a downtown area.

City Manager Wes Hare explained that his response at the meeting was to say that the City was limited in what they could do. It doesn't mean the Council can't change the ordinance. They could, but whether they should, is a Council discussion.

Olsen said he got the impression that staff didn't care. He believes the historical district will be in shambles, if they continue to site these types of houses in the area.

Konopa asked, can the Council require a neighborhood meeting before occupancy? Delapoe said he would check. He cautioned the Council that there are federal fair housing laws. They have to be treated the same as a single large family. The City may be able to take the role of providing information to the neighborhood, or could look for ways to improve communication.

Johnson asked, how can the federal government consider Oxford House members as disabled when they are treated similar to a halfway house? Delapoe said the key elements are that they are recovering alcoholics or recovering drug abusers. It is a federal classification and therefore, they are considered disabled.

Hare said the Mayor is representing the City on a task force to get notification procedures in place when such a house as this comes to the community. The Oxford House is different because they believe they are like a single family.

Johnson asked, do they notify the neighbors? Hare said there is an effort for voluntary cooperative notification by neighbors and the Oxford House.

Collins would like staff to come back with ways to address some of the issues. He wants to hear more options.

The Council consensus was to set a work session for this issue.

Konopa provided an Allied Waste brochure regarding recycle carts (in agenda file).

Bedore said he attended a sustainability meeting in Albany and felt it was encouraging.

Bedore has received a letter from Dave Beckham, an attorney in town, complimenting the City on storm and sanitary sewer disconnects (in agenda file).

Bedore was encouraged by the meeting last night regarding the Oxford House. He hopes that the issues can be resolved person to person. It is about being good neighbors. He is concerned that the Council not discount the rights of other people.

Olsen disagreed with him saying that because they aren't buying a house, he doesn't consider them a good neighbor.

Hare said he will miss the May 14, 2008, Council meeting.

#### NEXT MEETING DATE

The next Work Session of the City Council is scheduled for April 21, 2008, at 4:00 p.m., in the Municipal Court Chambers, and the next Regular Session is scheduled for April 23, 2008, at 7:15 p.m., in the Council Chambers, at City Hall.

#### ADJOURNMENT

There being no other business, the meeting was adjourned at 9:10 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, CMC  
City Clerk

Stewart Taylor  
Finance Director



APPROVED:

CITY OF ALBANY  
CITY COUNCIL (WORK SESSION)  
Municipal Court Room  
Monday, May 5, 2008  
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Dan Bedore called the meeting to order at 4:00 p.m.

ROLL CALL

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

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

PRESENTATION OF AWARDS FOR ALBANY STATION

Special Projects Coordinator Guy Mayes described three awards the City received for the Albany Multimodal Train Station.

Mayes passed around a framed award from the Oregon Downtown Development Association. Albany received the award last year for our downtown transit transportation. Mayes said recognition should go to the citizens of Albany and the Council for their vision.

Albany also received an award for engineering excellence from American Council of Engineering Companies. The competitors were primarily from Oregon and southwest Washington. Mayes explained that we were up against much larger cities, so winning sends a very positive message about Albany. Recognition should be shared with David Evans & Associates, Zimmer, Gunsul & Frasca, and Rob Dorntignacq Architect.

Councilor Jeff Christman arrived at the meeting at 4:02 p.m.

Mayes said that three weeks ago Albany received a first place construction award from Oregon Chapter American Concrete Institute for Excellence In Concrete. Competitors were from Oregon and southwest Washington. Recognition should be shared with James W. Fowler and Brown Contracting who constructed the project.

Councilor Ralph Reid asked, when will the platform be raised to the train level? Mayes said that is actually being discussed now because there may be some potential funding.

Councilor Floyd Collins asked about the construction schedule for the north end of the train station. Mayes said all the environmental documents have been submitted. Upon federal approval, staff can start to incur expenses for the design work.

Councilor Sharon Konopa said she had heard many compliments from other community leaders about the train station. She thanked Mayes for his hard work on the project.

Mayes said that it has become apparent to him that Albany may be the only city in Oregon, perhaps one of very few in the country that has all transportation localized: six trains, seven Amtrak busses, the Valley Retriever running from Bend to Newport and Newport to Portland, the Linn Shuttle, the Loop busses, and the Albany Transit System busses. There is a lot of activity going on and best of all, parking is free.

Collins said, the success of this project shows that we need a staff person to champion long-term projects to bring them to fruition. The success of the train station can be attributed to an employee with continuity and history. He thanked Mayes for a job well-done.

Councilor Dick Olsen said former Mayor Chuck McLaran should also be thanked for his work on this project.

COMMUNITY SURVEY REPORT

Public Information Officer/Management Assistant Marilyn Smith introduced Barbara Tull from Advanced Marketing Research. Tull gave a PowerPoint presentation (see agenda file). The Councilors also had copies of the survey (see agenda file).

Councilor Bessie Johnson said that knowing the demographics of the responders is useful.

The Council discussed the demographics in relation to the comments regarding growth. For example, 54 percent responded that growth is just right or too slow, which is a positive response.

Konopa said she reviewed the entire report and suggested the other Councilors do the same. She said by reading all the comments she was able to get a broader view. She said there were no comments to suggest our growth should increase to the point of Salem, Eugene, or Portland; so she thinks we should set policies to prevent it. Also, there were negative comments towards the Council. Other negative comments related to high crime, the homeless situation, and high utility bills. There were positive comments about the Albany downtown. There were split comments on the red light cameras and types of shopping.

Konopa asked, were the surveys distributed evenly throughout the Wards? Tull said yes they were, though when the surveys were returned the residents' Ward was not tracked. That could be difficult to do. Smith said Corvallis did so by assigning numbers to the surveys.

City Manager Wes Hare said that what we draw our conclusions from is important. Reading through the results, a person could ascertain that a Walmart is desired; but conversely, that it is not desired. The data can be understood both ways, depending on a person's bias. Christman agreed, explaining that it is a matter of interpretation. He too read through all the comments and does not agree with Konopa's summaries, except for the concern about crime. Overall, he said, he feels positive about how the Council is doing.

Bedore said he too came away feeling positive. Obviously, there are some issues that we can work on. This is a very important document for us going forward.

#### CHANGE FOR CHANGE AND TOTO PROGRAMS

Captain Ben Atchley thanked the Council for allowing him to explain the "TOTO" Program and the "Change for Change" Program.

##### TOTO Program

The TOTO Program is based on the Wizard of Oz movie, with the tag line "there is no place like home". Atchley said people become stranded in Albany for a variety of reasons such as running out of gas or car trouble. In fact, the transient that started the Saint Mary's Church fire years ago was stuck in Albany trying to find a bus ticket. If we could find a way to help folks move on, it not only helps them in the long run but is also a benefit to Albany because they do not become a draw on resources. If they were to stay, they would have to build a whole new support system.

Atchley said an anonymous donor approached the Community Services Consortium interested in a way to help people move on in their lives. From this the TOTO program was born. FISH of Albany was already providing bus tickets to people, so administratively they are already set up and have agreed to administer this program. The program works this way: If a social service agency or the police come across a person in Albany that is trying to get home, the agency employee or police officer will verify (usually by a phone call) that there is indeed a support system for that person in their home town. The police officer completes the verification form and the person takes it to FISH. In the event of an after-hours emergency, the police officer has access to TOTO cash funds so they can purchase what is needed (a bus ticket or a tank of gas, for example). The receipt is then sent to FISH with a copy of the referral form. Anytime TOTO provides gas, a driver's license and proof of insurance is required. Atchley said this program also makes it more difficult for those who are dishonestly soliciting help, because they have to go to the police station to fill out the paperwork. Atchley stressed that they are not handed cash; rather, the police officer or the FISH representative purchases the item needed. The program also tracks users to make sure there are not people repeatedly using the system.

##### Change for Change Program

Atchley explained that the idea behind this program is to discourage panhandling by encouraging donators to invest instead in programs dedicated to helping people help themselves. Atchley said, homelessness is not a crime, but panhandling is not the solution to homelessness either. The majority of panhandlers will use it for drugs or alcohol. Change for Change money boxes and posters will be placed at restaurants and stores. The money boxes will also have brochures that list the agencies in Albany where people can get help. Instead of giving money to the panhandler, the person can put it in the Change for Change box and hand them a brochure that tells them where to get help. The money will be funneled to the TOTO Fund, where in turn it will be used for people that truly need help.

Atchley will be presenting the program to the Albany Downtown Association next week.

Atchley said that Love, Inc. just elected their Board of Directors and will be appointing an Executive Director in the near future.

Atchley said he visited the boondoggle area today and found that there are some transient camps set up. They were able to get those folks to move on. It was in much better shape than two years ago. We are making positive changes and progress. Atchley said there was a 64 year old man who had a stroke six months ago. He is eligible for social security so they want to get him into some sort of housing and find him the resources to live independently. At 64, recovering from a stroke, he should not be living in the woods but he just didn't know how to get help.

Atchley is excited about these two programs because the best way to reduce panhandling is to educate the donators. Eventually the panhandlers will stop and those who truly need help can find it. Atchley gave an example of a

Albany City Council Work Session  
Monday, May 5, 2008

panhandler who regularly works Albany and Salem, but actually lives in Dallas. Panhandling is his "weekend job." He targets stores where folks are likely to have change and to have just made large purchases, such as Costco. The areas they choose are not random, they are targeted. Continuing to give them money does not help them in the long run.

Olsen suggested the City create a line item for continued support of the programs. Atchley suggested he come back to the Council in six months to give an update to see how the money fleshes out.

#### RECESS TO EXECUTIVE SESSION PURSUANT TO O.R.S 192.660 (h) TO DISCUSS PENDING LITIGATION

The meeting was recessed to Executive Session at 5:11 p.m.

#### RECONVENE

The meeting reconvened to the Regular Session at 6:20 p.m.

#### COUNCILOR COMMENTS

Konopa would like to see the survey comments posted on the website.

Reid would like to honor former Economic Director Dick Ebbert, who just passed away. Hare said that Parks & Recreation Director Ed Hodney had suggested a memorial tree planting, as there is a park near the Ebbert's home where he and his wife often walked. Discussion followed.

Collins said he got a letter from Mr. Byrne asking the City to address an Oxford House. The specific concern is how many folks can live in the house. Hare checked with the Building Department and learned that we can limit the number of occupants under the dangerous building code, but we have to be able to establish that the house in question is in a dangerous condition. The Oxford House has lots of square feet for the residents, so it does not apply. Hare said that City Attorney Jim Delapoer believes we do not have the tools in our code to deal with Byrne's complaint. Byrne, however, disagrees. The Council can make a policy decision to restrict the number of occupants that can live in a home while recognizing that Oxford Houses must be treated the same as other houses. At this point the City has responded to Byrne several times. The next step is that Delapoer will write another letter stating that density is not regulated at this time and until the Council adopts policy to restrict density, there is no violation.

Collins will be out of town on May 28.

Bedore attended a Parent Teacher Association meeting at Waverly Elementary School, where Police Officer Ken Fandrem gave a presentation on gangs. Fandrem would like to make the presentation to the Council.

Bedore said the Hackelman District clean up is taking place this weekend. Smith said that 15 members of the Oxford House have already signed up to help.

#### CITY MANAGER REPORT

Hare will be gone the next few weeks to Pakistan and on vacation.

Smith said there is a Teen Art Show in the hallway at City Hall. Last year the show was not too successful but this year, there were over 100 participants. The top pieces are on display now. Three awards and a "People's Choice" award will be presented on May 28. The Arts Commission wanted to create an additional award and asked the Council and Mayor to vote on their collective favorite. Voting expires May 22.

#### ADJOURNMENT

There being no other business, the Work Session adjourned at 6:38 p.m.

Respectfully submitted,

Mary A. Dibble, CMC  
Deputy City Clerk

Reviewed by,

Stewart Taylor  
Finance Director





TO: Albany City Council  
VIA: Stewart Taylor, Finance Director *ST*  
FROM: Linda Booth, Parks & Recreation Clerk III  
DATE: May 21, 2008, for the May 28, 2008 City Council Meeting  
SUBJECT: Annual Liquor License Renewals

RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Council approval for these annual liquor license renewals

Discussion:

Following is a list of businesses that have submitted an application for liquor license renewal. These businesses have paid their fees.

ABBY'S LEGENDARY PIZZA OF ALBANY	3033 SANTIAM HWY
JP'S RESTAURANT & LOUNGE	220 SW 2 <sup>ND</sup> AVE
BOB'S FAMILY MARKET	2515 GEARY ST SE
COOPER'S	1917 PACIFIC BLVD SE
H&A MARKET	423 2 <sup>ND</sup> AVE SE
LINN BENTON COMMUNITY COLL CONF SERV	6500 PACIFIC BLVD SW
BIG KMART #3209	3100 PACIFIC BLVD SE
CALAPOOIA BREWING CO	140 HILL ST NE
VALENTINO'S PIZZERIA	641 HICKORY ST NW #160
PIZZA KING OF ALBANY	231 LYONS ST
GAMETIME SPORTSBAR & GRILL	2211 WAVERLY DR SE
ALBANY GROCERY OUTLET	1950 14 <sup>TH</sup> AVE SE
SIZZLER #246	21448 SANTIAM HWY
ARCO AM/PM	522 PACIFIC BLVD SW
TARGET STORE T-0609	2255 14 <sup>TH</sup> AVE SE
SAFEWAY STORE #1659	1990 14 <sup>TH</sup> AVE SE
LEE'S WOK	2845 SANTIAM HWY
ANGELICA'S MEXICAN RESTAURANT	1727 HILL ST
AMERICAN LEGION POST #10 ALBANY	1215 PACIFIC BLVD E
NOVAK'S HUNGARIAN RESTAURANT	2306 HERITAGE WAY SE
DENNY'S #7835	3430 SPICER RD
ALBANY SHOP N CART	2000 QUEEN SE

Budget Impact:

Revenue of \$770

lb



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: *Edward Boyd*  
Edward Boyd, Chief of Police

DATE: May 13, 2008, for May 28, 2008, City Council Meeting

SUBJECT: Full On-Premises Sales, Commercial Establishment, New Outlet Liquor License Application for Johnny Carino's of Albany, LLC, D/B/A Carino's Italian Restaurant, 1825 14<sup>th</sup> Avenue SE.

Action Requested:

I recommend the Full On-Premises Sales, Commercial Establishment, New Outlet Liquor License Application for Johnny Carino's of Albany, LLC, D/B/A Carino's Italian Restaurant, be approved.

Discussion:

Gregory Hubert, on behalf of Johnny Carino's of Albany, LLC, D/B/A Carino's Italian Restaurant, has applied for a Full On-Premises Sales, Commercial Establishment, New Outlet liquor license. Based on a background and criminal history investigation through Albany Police Department records, I recommend approval of this request.

Budget Impact:

None.

MR



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: *E. Boyd*  
Edward Boyd, Chief of Police  
DATE: May 9, 2008, for May 28, 2008, City Council Meeting  
SUBJECT: Full On-Premises Sales, Commercial Establishment, Change Ownership Liquor License Application for Szabo's and Loafer's, Inc., D/B/A Szabo's Steak and Seafood/ Loafer's Deli, 222 SW Washington Street.

Action Requested:

I recommend the Full On-Premises Sales, Commercial Establishment, Change Ownership Liquor License Application for Szabo and Loafer's, Inc., D/B/A Szabo's Steak and Seafood/ Loafer's Deli, be approved.

Discussion:

Mark Szabo, on behalf of Szabo and Loafer's, Inc., D/B/A Szabo's Steak and Seafood/ Loafer's Deli, has applied for a Full On-Premises Sales, Commercial Establishment, Change Ownership liquor license. Based on a background and criminal history investigation through Albany Police Department records, I recommend approval of this request.

Budget Impact:

None.

MR



TO: Albany City Council  
VIA: Wes Hare, City Manager  
Don Donovan, Planning Manager *DDH*  
FROM: Anne Catlin, Planner II *ac*  
DATE: May 21, 2008, for the May 28, 2008, City Council Meeting  
SUBJECT: 2008-2009 State Historic Preservation Office Grant (203-40-5061)

Action Requested:

Passage of the attached Resolution authorizing the acceptance of a 2008-2009 grant from the State Historic Preservation Office (SHPO) and a commitment to provide the required local match.

Discussion:

The attached Resolution authorizes acceptance of the SHPO grant funds to assist in fulfilling the basic Certified Local Government responsibilities of having and supporting a Landmarks Advisory Commission. The grant provides funds for public outreach/education activities including newsletters, workshops, and programs to educate the public about maintaining and rehabilitating historic buildings.

The grant also provides funds to hire a consultant to draft residential historic design guidelines and offer the residential rehabilitation matching grant program.

The total amount of the grant is \$10,500.

The local match of 50 percent consists of staff time from the planner (Anne Catlin), who spends a portion of her time overseeing the preservation program.

Budget Impact:

None.

AC/smd



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

A RESOLUTION ACCEPTING A GRANT FROM THE OREGON STATE HISTORIC PRESERVATION OFFICE (203-40-5061; OR-08-01).

WHEREAS, the City of Albany has established a historic preservation program that includes public education, assistance, survey and inventory, and regulatory components; and

WHEREAS, the City would like to continue to provide public education, to include newsletters, workshops, and preservation activities and awards; and

WHEREAS, the City would like to continue a matching grant program for exterior rehabilitation projects for residential properties listed in the National Register District; and

WHEREAS, the City would like to develop design guidelines to offer assistance to residential property owners in the National Register District; and

WHEREAS, the City has annually applied for, and has been awarded, grant funds from the State Historic Preservation Office to assist in Albany's preservation program; and

WHEREAS, the required local match of 50 percent consists of in-kind staff time by a planner who spends a portion of her time overseeing the preservation program.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this Certified Local Government Grant in the amount of \$10,500 from the State of Oregon Historic Preservation Office, Parks and Recreation Department. The grant provides funds for workshops, newsletters, and design guidelines to educate the public about maintaining and rehabilitating historic buildings. It also provides funds for matching grants for exterior alterations to residential historic properties.

DATED AND EFFECTIVE THIS 28TH DAY OF MAY, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

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TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Ed Hodney, Director of Parks and Recreation *EH*  
DATE: May 21, 2008 for the May 28, 2008 City Council Meeting  
SUBJECT: Proposed Lease of South Albany Community Pool  
RELATES TO COUNCIL GOAL: • Great Neighborhoods

Action Requested:

Authorize renewal of the property lease agreement with Greater Albany Public Schools for the use of the South Albany High School Community Pool for a term of up to 3 years.

Discussion:

In May 2005, the Albany City Council authorized a three-year property lease agreement with Greater Albany Public Schools (GAPS). That lease agreement allowed the City to assume responsibility for the operation of the public swim programs at the Albany Community Pool (ACP). All GAPS personnel related to the operation of the ACP became City employees. These employees now operate COOL! at Swanson Park, the Waverly paddleboats, and the Takena Park wading pool, as well as the ACP.

Since the City assumed responsibility for operations, the ACP has continued to attract an average of 86,000 visitors each year, generating \$207,200 in annual average revenues. The average annual cost recovery rate for the ACP has over 40%. This rate compares favorably with other indoor pools across the state.

Additionally, the ACP staff continues to provide a learn-to-swim program for GAPS teaching water safety to 2,200 third, fourth and fifth graders. This program is fully underwritten by an anonymous donor from the community, a gift of \$43,000 annually. This donor also has provided \$10,000 for a new teen program, attracting hundreds of teens to the ACP and improving our reach to that age group.

Last year thirteen special events were held at ACP. These events brought 6,400 athletes and 10,600 spectators to Albany. Participants and spectators rented over 1,000 motel rooms and ate at many local restaurants. The economic impact to Albany was estimated in excess of \$500,000.

The term of the current lease will expire on June 30, 2008. To continue the City's operation of the ACP, a new lease agreement must be approved. City and school district staff have negotiated a new three-year lease with terms that are essentially identical to the previous agreement.

The proposed lease establishes the responsibilities and obligations of the City and GAPS over a three-year term. The agreement would limit the City's financial obligations to routine expenses related directly to the staffing and operations of the swimming pool, making the district responsible for maintenance of the building itself (section 5). The lease gives the City full control over the scheduling, programming and management of the pool, including all revenues generated

at the facility. In consideration for the leased space, the City will pay GAPS \$100 rent annually and will allow the District to use the pool up to 800 hours per year for its educational purposes.

We have inspected the pool and related systems for probable capital requirements, including the pool itself, pumps, filters, chemical systems, locker rooms and other components. All systems are in reasonable condition at this time, and we do not anticipate the need for major capital expenditures during the proposed three-year lease term. However, section 6 establishes a protocol for addressing such extraordinary repairs, should they become necessary. This section does not financially obligate either party, but simply establishes that the two entities will cooperate to achieve a mutually beneficial solution. If the parties cannot reach an agreement, either party may exercise their right to terminate the lease pursuant to section 18.

Budget Impact:

The proposed FY 2008-09 budget reflects the projected expenses and revenues related to this lease. The projected expenses for the Albany Community Pool are estimated at \$514,800.

eh

Attachment: Proposed Lease

## LEASE

Date: June 30, 2008

Between: Greater Albany Public School District 8J (*"District"*)

And: City of Albany, Oregon, a Municipal Corporation (*"City"*)

### Section 1. Lease

District leases to City and City leases from District that public recreation facility commonly known as the Albany Community Pool, along with related facilities, more particularly described with reference to the diagram attached hereto as Exhibit "A" and by this reference incorporated herein. The property has street address of 3685 Columbus Street SE; Albany, OR 97322.

### Section 2. Occupancy

**2.1 Original Term.** The term of this lease shall commence July 1, 2008, and continue through June 30, 2011, unless sooner terminated as provided herein.

**2.2 Possession.** City's right to possession and obligations under the lease shall commence on July 1, 2008.

**2.3 Renewal.** While no renewal obligation is contained within the terms of this lease, the parties hereto express to one another their desire to enter into renewal discussions and agree that should either party seek renewal at the end of the original term, they will open discussions not later than January, 2011.

### Section 3. Consideration

**Consideration.** As consideration for this lease, City has paid District \$100 as prepaid rent. The receipt of this sum, and adequacy of the consideration is acknowledged by District. As additional consideration, City agrees that during the time that the Albany Community Pool is being operated by City, it will provide 800 hours per year, of Albany Community Pool facilities for District educational programs which do not generate financial revenue from the use of the Albany Community Pool facilities. City will have exclusive control over the scheduling of such use but agrees to work cooperatively with District to coordinate community use of the leased facilities. The 800 hour per year commitment shall run from lease anniversary date, to lease anniversary date, and not on a calendar or fiscal year basis.



**Section 4. Use of the Premises**

**Permitted Use.** City may use the Premises for any lawful activity related to or incidental to City's recreation activities conducted through City's Parks and Recreation Department. City shall be entitled to all revenue generated from use of the Premises.

**Section 5. Repairs and Maintenance**

**Obligations.** City will be responsibility for the ordinary and routine operating costs to utilize the Albany Community Pool and its related facilities. These obligations will include utility expenses, chemical expenses, staffing expenses, and routine internal maintenance and cleaning. District shall be responsible for repairs and maintenance of the roof, gutters, exterior walls, bearing walls, structural members, floor slabs, and foundation. District shall maintain the driveways, curbs, parking areas, and areas used in common by City and District. District shall maintain water, sewage, gas, and electrical services up to the point of entry to the leased Premises and shall be responsible for any repairs of the heating and air conditioning systems other than ordinary maintenance.

**Section 6. Extraordinary Expenses**

In the event that the leased facilities require extraordinary expenses outside the ordinary maintenance and repair obligations described in Section 5, the parties agree to immediately communicate with one another concerning the nature of the problem and the extent of anticipated repairs and to thereafter work cooperatively to determine if agreement can be reached concerning an equitable division of the expenses of repair. Upon notification by City to District that an extraordinary repair is required, City may suspend operation of the Albany Community Pool.

Areas that may need attention in the next three years, in accordance with extraordinary expenses, are the pool deck and the potential for separation of the concrete bottom.

If the parties cannot agree on an equitable division of the expenses of extraordinary repair, either party may exercise their rights under the termination clause hereinafter provided.

**Section 7. Liability Insurance** City of Albany shall procure and keep in force during the term of this lease, and at City's expense, the following insurance coverage with an insurance company(s) approved by District and licensed to do business in the State of Oregon:

- General Liability Insurance with limits no less than \$1,000,000 per occurrence and \$5,000,000 in the aggregate;
- Workers' Compensation Insurance, statutory limits, minimum EL limits of \$500,000, 500,000, \$500,000; and
- Auto Liability Insurance with limits no less than \$1,000,000 Combined Single Limit.

Such insurance shall name the District as an additional insured. Certificates evidencing such insurance and additional insured endorsement shall be provided prior to possession and use of the facility. The City's insurance shall also mail a 30 day notice of cancellation in favor of the District.

District agrees that the requirement for City to procure and keep in force insurance coverage, as set forth above, shall be deemed satisfied so long as City maintains its status as a Member of City County Insurance Services Trust ("CIS") and maintains coverage through CIS as described in the CIS Liability

Coverage Agreement and CIS Workers' Compensation Coverage Agreement, with limits of coverage at least equal prescribed in this section.

#### **Section 8. Indemnification**

The City shall indemnify and defend District from, and reimburse District for, any cost, claim, loss, or liability suffered directly or from a third-party claim arising out of or related to any activity of City on the Premises or any condition of the Premises in the possession or under the control of City including parking areas and sidewalks used to access the Premises except for such cost, claim, loss, or liability that may be caused primarily by District's own negligence. The District shall indemnify and defend City from, and reimburse City for, any cost, claim, loss, or liability suffered directly or from a third-party claim caused primarily by District's own negligence involving the Premises.

#### **Section 9. Liens**

(1) Except with respect to activities for which District is responsible, City shall pay as due all claims for work done on and for services rendered or material furnished to the Premises, and shall keep the Premises free from any liens. If City fails to pay any such claims or to discharge any lien, District may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of 12% per annum from the date expended by District and shall be payable on demand. Such action by District shall not constitute a waiver of any right or remedy which District may have on account of the City's default.

(2) City may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, as long as District's property interests are not jeopardized. If a lien is filed as a result of nonpayment, City shall, within 10 days after knowledge of the filing, secure the discharge of the lien or deposit with District cash or their surety satisfactory to District in an amount sufficient to discharge the lien plus any costs, attorney fees, and other charges that could accrue as a result of a foreclosure or sale under the lien.

#### **Section 10. Fire Insurance**

(1) **Insurance Required.** District shall keep the Premises insured at District's expense against fire and other risks covered by a standard fire insurance policy with an endorsement for extended coverage. The City shall bear the expense of any similar insurance insuring the property of the City on the Premises against such risks but shall not be required to insure.

(2) **Waiver of Subrogation.** Neither party shall be liable to the other (or to the other's successors or assigns) for any loss or damage caused by fire or any of the risks enumerated in a standard fire insurance policy with an extended coverage endorsement, and in the event of insured loss, neither party's insurance company shall have a subrogated claim against the other. This waiver shall be valid only if the insurance policy in question expressly permits waiver of subrogation or if the insurance company agrees in writing that such a waiver will not affect coverage under the policies. Each party agrees to use best efforts to obtain such an agreement from its insurer if the policy does not expressly permit a waiver of subrogation.

#### **Section 11. Taxes**

(1) **Property Taxes.** In the event that District, City or either parties' assigns are required to pay taxes and assessments regarding the premises, such taxes and assessments shall be paid by City. City shall pay as due all taxes on its personal property located on the Premises. City shall pay as due all real

property taxes and special assessments levied against the Premises. As used herein, real property taxes includes any fee or charge relating to the ownership, use, or rental of the Premises, other than taxes on the net income of District or City.

(2) **Contest of Taxes.** City shall be permitted to contest the amount of any tax or assessment as long as such contest is conducted in a manner that does not cause any risk that District's interest in the Premises will be foreclosed for nonpayment. District shall cooperate in any reasonable manner with such contest by City.

(3) **Proration of Taxes.** City's share of real property taxes and assessments for the years in which this lease commences or terminates shall be prorated based on the portion of the tax year that this lease is in effect.

(4) **New Charges or Fees.** If a new charge or fee relating to the ownership or use of the Premises or the receipt of rental therefrom or in lieu of property taxes is assessed or imposed, then, to the extent permitted by law, City shall pay such charge or fee. City, however, shall have no obligation to pay any income, profits, or franchise tax levied on the net income derived by District from this lease.

#### **Section 12. Utility Metering Reading**

(1) City shall pay when due all charges for services and utilities incurred in connection with the use, occupancy, operation, and maintenance of the Premises, including (but not limited to) charges for fuel, water, gas, electricity, sewage disposal, power, refrigeration, air conditioning, telephone, and janitorial services.

(2) District agrees to pay the costs to provide separate utility metering for electric, gas, and water utilities for the leased Premises. City's obligation to pay utility expenses shall not begin until such separate metering as been installed.

#### **Section 13. Parking**

The leased Premises shall include not less than 16 dedicated parking spaces in the location shown on Exhibit "A."

#### **Section 14. Eminent Domain**

All proceeds of condemnation whatsoever, whether partial or total, shall go to District. City shall not have recourse against District for compensation.

#### **Section 15. City's Right to Install Signage and Make External Modifications**

Notwithstanding any other provisions of this agreement, City shall have the right to install signs and paint portions of the exterior of the Albany Community Pool building as City may deem necessary or desirable to enhance community usage and identify the facility as one being operated under City control. Such signage and painting will be undertaken at City expense. District will be consulted concerning the design and location of any such signage.

At the end of the lease term, upon demand of the District, City shall remove any signage or painting installed by City which is deemed by District to be incompatible with facilities future use.

**Section 16. Disputes, Arbitration, Court.**

If any dispute arises between the parties involving this agreement either party may request for final and binding arbitration. Only one arbitrator shall be utilized. That arbitrator shall be decided upon mutual consent of the parties. If the parties cannot agree, then the Linn County Circuit Court shall decide the arbitrator.

**Section 17. Assignment and Subletting**

No part of the Premises may be assigned, mortgaged, or subleased, nor may a right of use of any portion of the property be conferred on any third person by any other means, without the prior written consent of District; such consent may be unreasonably withheld.

**Section 18. Termination**

(1) Either party may terminate this agreement for reason listed in Section 6 above by giving the other party written notice in which event, both parties shall be relieved of any requirements of this Agreement and the District may retake possession of the leased premises. If there is a suspension of pool operations under Section 6, the District may terminate this Agreement and both parties shall be relieved of any requirements of the Agreement.

(2) Except as provided in Sections 6 and 19(1) above, either party may terminate this agreement, without cause, by giving six (6) months notice, in writing, to the other party.

IN WITNESS WHEREOF, the parties hereto have executed this Lease the date and year first above written.

District:

By: \_\_\_\_\_  
Title: \_\_\_\_\_

City:

By: \_\_\_\_\_  
Title: \_\_\_\_\_





TO: Albany City Council  
VIA: Wes Hare, City Manager  
Don Donovan, Planning Manager *DDH*  
FROM: Anne Catlin, Community Development Planner *alc*  
Oscar Hult, Landmarks Advisory Commission Chair  
DATE: May 19, 2008, for the May 28, City Council Meeting  
SUBJECT: 2007-2008 Landmarks Advisory Commission Report to Council  
RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Receive the report from the Landmarks Advisory Commission on the Commission's activities.

Discussion:

The Albany Landmarks Advisory Commission (LAC) was established by the City Council in 1979. The Mayor appoints the seven-member Commission. According to the Albany Municipal Code, the LAC was created to "effect and accomplish the protection, enhancement, perpetuation of improvements and districts, which represent or reflect elements of the city's cultural, social, economic, political and architectural history." In addition to the regulatory responsibilities, the LAC maintains historic property records, recommends historical designations, coordinates preservation program planning, and recommends rules and regulations necessary to carry out its purpose.

The LAC meets the first Wednesday of the month at 6:30 p.m.

**2007-08 Activities.** Since our last report in March 2007, the Commission and staff worked on the following activities:

- *EDUCATION and OUTREACH*

**To Property Owners:** Education and outreach to historic district residents was provided in the form of preservation newsletters, several workshops (assessing your historic home, window repairs and weatherization, landscaping, bathroom remodels, researching your historic property), preservation month activities, and library book additions.

**Realtors:** Staff spoke at a Realtor "Lunch and Learn" training session about "*Historic Buildings, Historic Districts and Historic Regulations.*"

**Others:** Staff made presentations at two preservation conferences in the last year.

- *RESIDENTIAL REHABILITATION GRANT PROGRAM*

Five properties in the Hackleman district received matching grants in 2007 exterior restoration and rehabilitation. The LAC awarded eight projects funding for 2008 (2008 funding came from the Housing fund). The grant funds have averaged a 3-to-1 return on the dollar. We feel this program offers a nice "carrot" to encourage restoration and

May 19, 2008

maintenance of Albany's collection of historic homes. We received a small grant from the State Historic Preservation Office to continue this program in the 2008-2009 grant cycle, however funding beyond 2009 is uncertain with changes taking place with grants at the state level.

- *HISTORIC LAND USE REVIEW AND COMPLIANCE*

In 2007, the City processed and approved 24 historic review applications. Most of these projects included work visible from the street and were reviewed and approved by the Landmarks Advisory Commission.

- *EXPANSION TO MONTEITH NATIONAL REGISTER HISTORIC DISTRICT UPDATE*

The City and consultant presented the draft proposal for expansion of the Monteith National Register Historic District to the State Advisory Commission on Historic Preservation (SACHP) in February, 2008. The nomination was tabled for several reasons, primarily because the Commission rarely gets requests to expand historic districts and needed more information.

Staff and the consultant met with the State Historic Preservation Office (SHPO) staff to review and evaluate the draft expansion proposal. SHPO staff also received input from the National Register staff about the nomination. Based on discussions and input from the National Register and SACHP, the nomination was revised to follow development patterns, rather than the Monteith Southern Addition plat map. This resulted in removing several properties fronting 12<sup>th</sup> Avenue SW from the proposed expansion area. (The revised expansion area boundary map is attached.)

A new version of the proposed expansion to the Monteith District was submitted to the state in March and will be on the agenda for the next meeting of the SACHP in early June. SHPO staff feels the nomination will be approved and forwarded to the National Register.

### ***2008 ACTIVITIES AND FOCUS***

- Continue and enhance existing education and outreach efforts – including newsletters, workshops, realtor training, and Web site updates.
- Continue the rehabilitation matching grant program.
- Develop preservation design guidelines to assist historic property owners and inform them of Code regulations and criteria.
- Update the historic resources section of the Albany Comprehensive Plan.
- Evaluate Albany Development Code Article 7 for necessary updates and clarifications needed, working with the public to determine if there is support for demolition denial.

alc

Attachment: Monteith District and Expansion Area Map

c: Landmarks Advisory Commission  
Don Donovan, Planning Manager

G:\Historic\2008\report to council.5.28.doc

# Albany Monteith District & Expansion Area

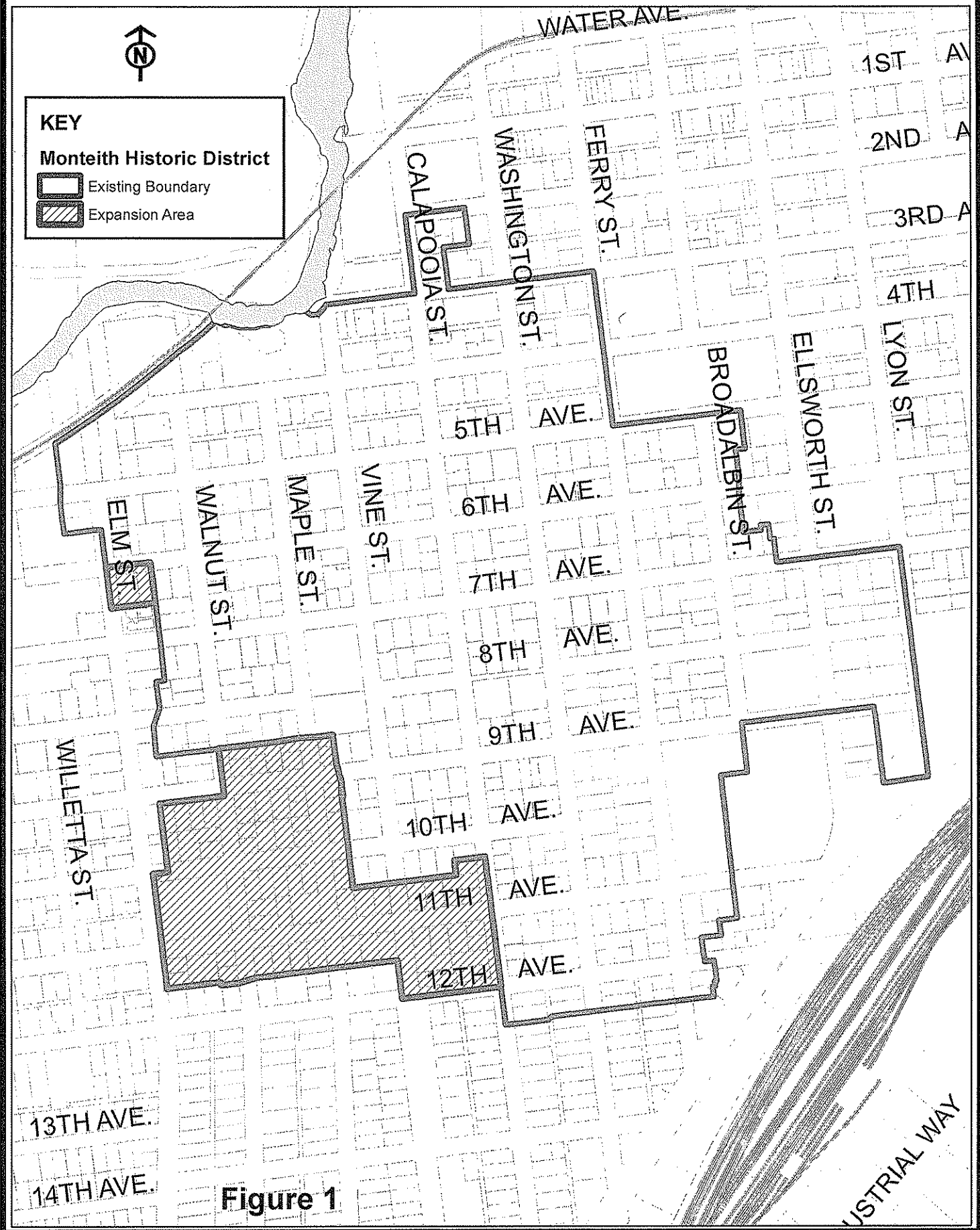


Figure 1