



**NOTICE OF PUBLIC MEETING**  
**CITY OF ALBANY**  
**CITY COUNCIL**  
**Council Chambers**  
**333 Broadalbin Street SW**  
**Wednesday, June 11**  
**7:15 p.m.**  
**AGENDA**

**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."*

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. SCHEDULED BUSINESS

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.

- a. Second Public Hearing
    - 1) Creating an Economic Improvement District in Downtown Albany. [Pages 1-9]  
Action: \_\_\_\_\_ **ORD. NO.** \_\_\_\_\_
  - b. Adoption of Findings and Final Decision
    - 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 10-18]  
Action: \_\_\_\_\_
  - c. Business from the Public
  - d. Adoption of Resolutions
    - 1) Authorizing the Parks & Recreation Department to apply for a Youth Legacy Park Special grant from the Oregon Parks and Recreation Department for Teloh-Calapooia Park. [Pages 19-21]  
Action: \_\_\_\_\_ **RES. NO.** \_\_\_\_\_
    - 2) Revising fees for Development Code provisions. [Pages 22-24]  
Action: \_\_\_\_\_ **RES. NO.** \_\_\_\_\_
    - 3) Revising the transportation project list. [Pages 25-32]  
Action: \_\_\_\_\_ **RES. NO.** \_\_\_\_\_
  - e. Adoption of Consent Calendar
    - 1) Approval of Minutes
      - a) May 14, 2008, City Council Meeting
      - b) May 19, 2008, City Council Work Session
    - 2) Appointing City Manager Pro Tems. [Page 33]
    - 3) Authorizing the Fire Department to accept \$1,000 from Joe's Sports & Outdoor Foundation for the 2008 Safety Camp Program. [Pages 34-35] **RES. NO.** \_\_\_\_\_
    - 4) Accepting utility easements from Oregon Metallurgical Corporation for the purpose of constructing a:
      - a) sanitary sewer force main. [Pages 36-41] **RES. NO.** \_\_\_\_\_
      - b) sewer force main. [Pages 42-47] **RES. NO.** \_\_\_\_\_
    - 5) Annual liquor license renewals. [Page 48]
    - 6) Declaring the City's eligibility to receive state revenues. [Pages 49-50] **RES. NO.** \_\_\_\_\_
    - 7) Declaring the City's election to receive state revenues. [Page 49 and 51] **RES. NO.** \_\_\_\_\_
    - 8) Accepting abstract of votes for ballots cast in the state of Oregon election held Tuesday, May 20, 2008:
      - a) City of Albany Measure 22-77: Annexation of property at 330, 340, 410 Clover Ridge Road and Tax Lot 11S-03W-4AB-0900, totaling about 15.9 acres. [Pages 52-53] **RES. NO.** \_\_\_\_\_
      - b) City of Albany Measure 22-78: Annexation of properties located north of Dunlap Avenue NE and west of Clover Ridge Road NE, totaling about 14.9 acres. [Pages 54-55] **RES. NO.** \_\_\_\_\_
- Action: \_\_\_\_\_

f. First Reading of Ordinances

- 1) Proclaiming the annexation and zoning of properties located north of Dunlap Avenue and west of Clover Ridge Road NE and containing approximately 14.9 acres. [Pages 56-59]

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

- 2) Proclaiming the annexation of property on Clover Ridge Road NE and containing approximately 15.9 acres. [Pages 56 and 60-62]

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

g. Second Reading of Ordinance

- 1) Amending Ordinance No. 4441, which adopted the City of Albany Zoning Map and adopting findings, conclusions, and condition for properties located west of Clover Ridge Road NE. [Pages 56 and 63-89]

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

h. Award of Bid

- 1) SS-06-05, 34<sup>th</sup> Avenue sanitary sewer lift station. [Pages 90-93]

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

i. Report

- 1) BR-06-01, Second Avenue crossing of Periwinkle Creek. [Pages 94-96]

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


5. BUSINESS FROM THE COUNCIL

6. NEXT MEETING DATE: Joint Work Session with Linn County Commissioners - June 23, 2008  
Regular Session - June 25, 2008

7. ADJOURNMENT

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



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Stewart Taylor, Finance Director   
DATE: June 4, 2008, for the June 11, 2008, City Council Meeting  
SUBJECT: Extension of Economic Improvement District in Downtown Albany

Action Requested:

Conduct a second public hearing on June 11, 2008, and adopt an ordinance creating an Economic Improvement District (EID) in downtown Albany.

Discussion:

The first of two required public hearings was held on April 23, 2008, to discuss the formation/extension of a five-year EID in the downtown district. The current district will expire on June 30, 2008, and the new district would be established for July 1, 2008 - June 30, 2013.

Notice was sent to all property owners within the proposed Economic Improvement District as required by ORS 223.117. Property owners objecting to the district must provide the City with written notification and remonstrate to be excluded. If the City receives written objections from owners of property which are collectively less than 33 percent of the total amount of the assessments levied, then the formation of the district may be established. Written support or objections will not be accepted after the public hearing.

Budget Impact:

Considerable staff time is in the current budget.

Attachment

cc: Rick Rogers, Albany Downtown Association (ADA) Director  
Linda Lamer, Accounting Specialist

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

AN ORDINANCE CREATING AN ECONOMIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH ORS. 223.112 THROUGH 223.132, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Albany previously adopted Resolution No. 5590 on April 9, 2008, in which it was announced that the City intended to create a voluntary Economic Improvement District in the downtown area as of July 1, 2008; and

WHEREAS, a public hearing in the matter of establishing such a district was held before the Albany City Council on April 23, 2008 and June 11, 2008; and

WHEREAS, ORS 223.112-223.132 permits the creation of Economic Improvement Districts.

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

Section 1: Project Description. This Economic Improvement District (EID) is hereby created to provide funding for economic development in the Albany downtown district. The funds generated shall be used to assist the City in the planning or management of development or improvement activities; landscaping or other maintenance of public areas; promotion of commercial activities or events; activities in support of business recruitment and development; and for improvements in parking systems or parking enforcement.

Section 2: Preliminary Estimate of Cost. It is proposed that the preliminary estimate of the probable cost of the economic improvements referred to above will be as follows for each of the years that this district is in place:

2008-2009	\$35,931.03
2009-2010	\$35,931.03
2010-2011	\$35,931.03
2011-2012	\$35,931.03
2012-2013	\$35,931.03

Section 3: Proposed Formula for Apportioning Costs. Assessments will be based on the square footage of the parcel. The fee will remain the same if the property value increases. The Primary Area EID rate will be \$.0403 per square foot. The Secondary Area EID rate will be \$.0235 per square foot. Fees will be capped at \$500.00 per parcel.

Section 4: Boundary of Economic Improvement District. The Primary Area boundary shall be defined as an area beginning at a point in the northwesterly corner of the intersection of Water Avenue and Washington Street; thence southerly approximately 1,130 feet along the centerline of Washington Street; thence easterly approximately 1,845 feet along the centerline of 4<sup>th</sup> Avenue; thence northerly along the western border of Tax Lots 3500 and 3100, of map 11S-03W-06CD; thence easterly along the centerline of 3<sup>rd</sup> Avenue approximately 130 feet; thence northerly along the western border of Tax Lots 4400 and 4000, of map 11S-03W-06CD; thence easterly along the centerline of 2<sup>nd</sup> Avenue an approximate distance of 200 feet to the centerline of Montgomery Street; thence northerly approximately 673 feet along the centerline of Montgomery Street; thence westerly along the Willamette River to the northwesterly most edge of Broadalbin Street; thence southerly approximately 10 feet; thence westerly approximately 275 feet; thence southerly approximately 83 feet; thence westerly along the northern most edge of Water Avenue to the point of beginning.

The Second boundary of the Economic Improvement District shall be defined as an area beginning at a point at the most northwesterly corner of map 11S-04W-01DD, Tax Lot 300; thence southerly along the most westerly property line a distance of approximately 542 feet to the intersection of the north line of 1<sup>st</sup> Avenue; thence southerly along the centerline of Calapooia Street approximately 1,475 feet; thence easterly along the centerline of 6<sup>th</sup> Avenue to the centerline of Broadalbin Street; thence southerly to the centerline of 8<sup>th</sup> Avenue; thence easterly to the centerline of Ellsworth Street; thence southerly to the centerline of 9<sup>th</sup> Avenue; thence easterly to the eastern most line of Lyon Street; thence northerly approximately 718 feet; thence easterly approximately 178.4 feet; thence northerly approximately 143.67 feet to the centerline of 6<sup>th</sup> Avenue; thence easterly approximately 107 feet to the centerline of Baker Street; thence northerly to the centerline of 4<sup>th</sup> Avenue; thence easterly to the centerline of Railroad Street; thence northerly on the centerline of 1<sup>st</sup> Avenue; thence westerly to the centerline of Jackson; thence northerly to the northwesterly corner of Block 107 of Hackleman's Addition; thence westerly along the Willamette River to the northwesterly most edge of Broadalbin Street; thence southerly approximately 10 feet; thence westerly approximately 275 feet; thence southerly approximately 83 feet; thence westerly along the northern most edge of Water Avenue to the point of beginning. A map showing the approximate location of the Economic Improvement District is attached hereto as Exhibit "A" and by this reference incorporated herein. Should any discrepancy exist between the map and the written description set forth above, the map shall control.

Section 5: Term. This assessment will be levied for a term of five (5) years beginning July 1, 2008, and ending June 30, 2013.

Section 6: Notice of Public Hearing. On April 9, 2008, the City Council of the City of Albany adopted Resolution No. 5590. This Resolution provided for notices to be mailed or delivered personally to affected property owners and announced the intention of the Council to undertake this Economic Improvement District and to assess benefited properties for the cost. The notice set the first public hearing for Wednesday, April 23, 2008, at 7:15 p.m., in the City Hall Council Chambers, 333 Broadalbin SW, Albany, Oregon. On April 23, 2008, the City Council of the City of Albany adopted Resolution No. 5592. This Resolution set a second public hearing for June 11, 2008, at 7:15 p.m., in the City Hall Council Chambers, 333 Broadalbin SW, Albany, Oregon. The notice also set forth a description of the proposed project, a preliminary estimate of its costs, a description of the formula for apportioning the proposed cost to specially benefited properties, the proposed term of the District, and further advise the recipients of their right to remonstrate against the creation of the Economic Improvement District by writing to the City on or before June 11, 2008. The notice also informed the recipients that the City Council would consider their failure to respond to that notice as an approval of the proposed assessment and a specific request for Economic Improvement District services. Thereafter, a hearing was held at the time, date, and place referred to above and remonstrances were received. Said remonstrances did not exceed the thirty-three percent (33%) level that would bar creation of the Improvement District pursuant to ORS 223.118(a). Individual property remonstrance data is set forth on the sheets attached hereto as Exhibit "B" and by this reference incorporated herein.

Section 7: Voluntary Nature of Assessment, Exclusion of Property. Pursuant to ORS 223.118, the Economic Improvement project described above shall be undertaken but assessments shall not be levied on any lot or parcel of property in those instances where the owner of that property submitted written objections prior to or at the aforesaid public hearing. Such properties are hereby excluded from assessment and the individual property and assessment data hereinafter set forth shall recognize such exclusion. The formula for assessment referred to in Section 3 shall be used to determine the particular assessment on each property to be assessed and the actual amount levied will be adjusted accordingly from the preliminary estimate referred to in Section 2 above.

Section 8: Limitations. The City shall not be authorized to:

- (a) Levy assessments in an Economic Improvement District in any year that exceed one percent (1%) of the real market value of all the real property located within the district.
- (b) Include within the Economic Improvement District any area of the City that is not zoned for commercial or industrial use.
- (c) Levy assessments on residential real property or any portion of a structure used for residential purposes.
- (d) Levy assessment on property owned by a church, non-profit, or government entity.

Section 9: Individual Property and Assessment Data. Individual property and assessment data is set forth on the sheets attached hereto as Exhibit "C" and by this reference incorporated herein.

Section 10: Notice of Proposed Assessment. Notice of the proposed assessment referred to above shall be mailed or personally delivered to the owner of each lot to be assessed and shall state the amount of the assessment proposed on the property of the owner receiving the Notice.

Section 11: Docketing of Liens. The City Recorder is hereby directed to enter a statement of the assessments as above provided in the docket of the City Liens and give notice thereof as provided by law.

Section 12: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health and safety of the City of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance will be in full force and effect immediately upon passage by the Council and approval by the Mayor.

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

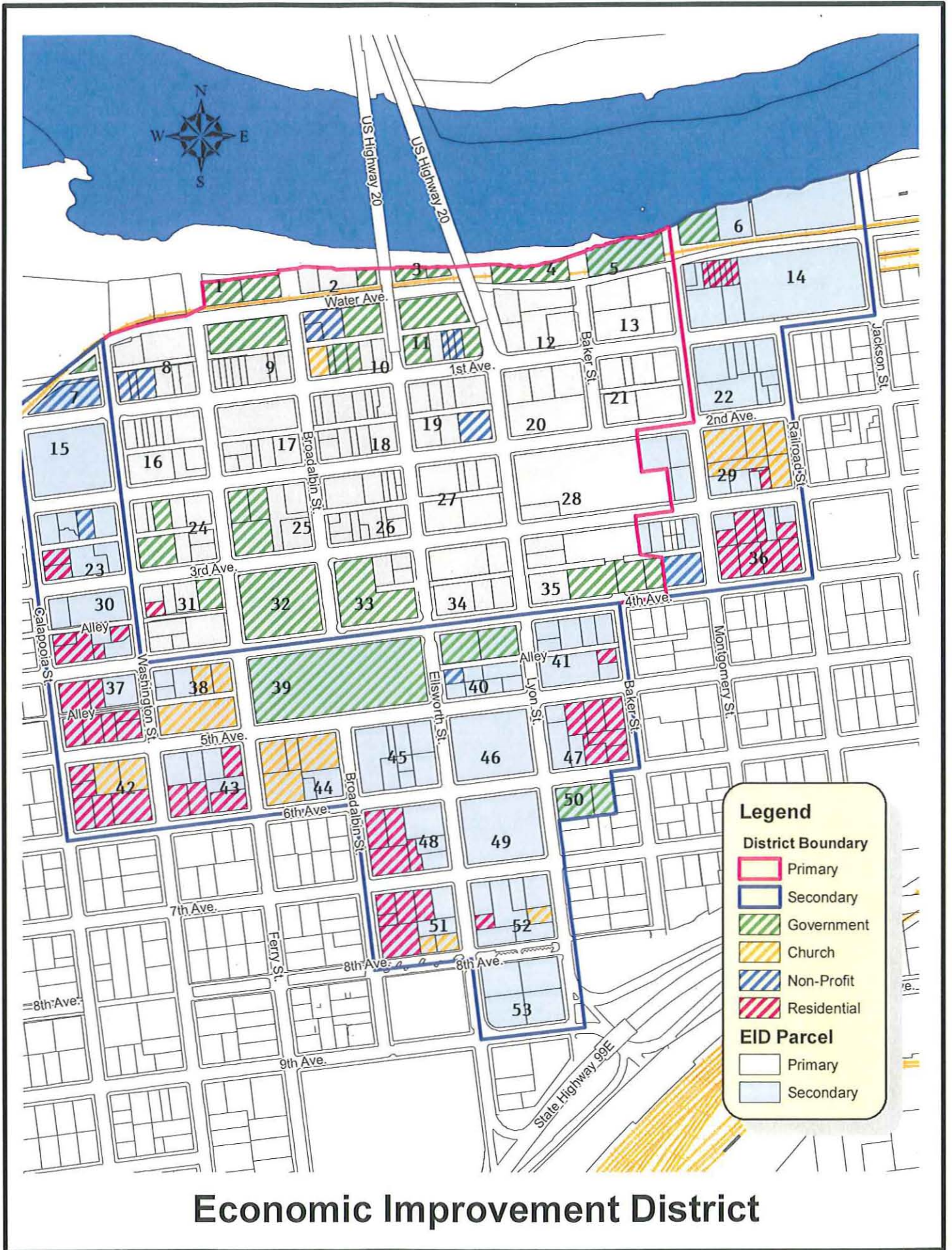
Approved by the Mayor: \_\_\_\_\_

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

\_\_\_\_\_  
Mayor

ATTEST:

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



# Economic Improvement District









Exhibit "C"

2008-2013 EID Property Assessments															
OWNER	PIN NUMBER	SITE ADDRESS	ASSESSMENT	RATE		AREA	ADDR1	ADDR2	LANDVALUE	IMPVALUE	MARKET VALUE	1 % MARKET VALUE	Block		
129 THOMAS MARK & KATHLEEN	11503W07BB04500		\$ 86.09	0.0235	Secondary	3663.60	808 WASHINGTON ST SW	ALBANY OR 97321	\$ 50,800.00	\$ 5,530.00	\$ 56,330.00	\$ 563.30	40		
130 REID R FORREST & SHELLY S	11503W07BB04600	115 5TH AVE SE	\$ 74.88	0.0235	Secondary	3186.20	135 5TH AVE SW	ALBANY OR 97321	\$ 44,140.00	\$ 5,400.00	\$ 49,540.00	\$ 495.40	40		
131 REID R FORREST & SHELLY S	11503W07BB04701		\$ 80.48	0.0235	Secondary	3424.72	135 5TH AVE SW	ALBANY OR 97321	\$ 47,550.00	\$ 9,010.00	\$ 56,560.00	\$ 565.60	40		
132 REID R FORREST & SHELLY S	11503W07BB04800	127 5TH AVE SE	\$ 80.49	0.0235	Secondary	3425.00	135 5TH AVE SW	ALBANY OR 97321	\$ 47,470.00	\$ 5,530.00	\$ 53,000.00	\$ 530.00	40		
133 REID R FORREST & SHELLY S	11503W07BB04900	135 5TH AVE SE	\$ 80.49	0.0235	Secondary	3425.07	135 5TH AVE SW	ALBANY OR 97321	\$ 47,470.00	\$ 286,760.00	\$ 334,230.00	\$ 3,342.30	40		
134 THOMAS MARK & KATHLEEN	11503W07BB05000	505 ELLSWORTH ST SW	\$ 500.00	0.0235	Secondary	59119.35	808 WASHINGTON ST SW	ALBANY OR 97321	\$ 826,970.00	\$ 476,520.00	\$ 1,303,490.00	\$ 13,034.90	46		
135 TRIPP RODNEY W TR	11503W07BB05801		\$ 54.86	0.0235	Secondary	2334.50	PO BOX 747	ALBANY OR 97321	\$ 25,820.00	\$ 3,950.00	\$ 29,770.00	\$ 297.70	45		
136 TRIPP RODNEY W TR	11503W07BB05900	208 5TH AVE SW	\$ 140.16	0.0235	Secondary	5964.30	PO BOX 747	ALBANY OR 97321	\$ 92,160.00	\$ 315,180.00	\$ 407,340.00	\$ 4,073.40	45		
137 REID R FORREST & ROGER TR	11503W07BB06000	520 ELLSWORTH ST SW	\$ 207.00	0.0235	Secondary	8808.59	135 5TH AVE SW	ALBANY OR 97321	\$ 122,140.00	\$ 36,850.00	\$ 158,990.00	\$ 1,589.90	45		
138 REID ROGER H TRUST & REID FORREST	11503W07BB06300		\$ 147.63	0.0235	Secondary	6282.24	135 5TH AVE SW	ALBANY OR 97321	\$ 34,900.00	\$ 6,510.00	\$ 41,410.00	\$ 414.10	45		
139 BECKHAM DAVID B & SUE K	11503W07BB06900	319 6TH AVE SW	\$ 242.35	0.0235	Secondary	10312.82	4040 ILLAHE HILL RD S	SALEM OR 97302	\$ 71,800.00	\$ 261,280.00	\$ 333,080.00	\$ 3,330.80	44		
140 FIFTH & WASHINGTON PROPERTIES LLC	11503W07BB07200	507 WASHINGTON ST SW	\$ 212.22	0.0235	Secondary	9030.82	PO BOX 279	ALBANY OR 97321	\$ 125,480.00	\$ 203,720.00	\$ 329,200.00	\$ 3,292.00	43		
141 EMMONS KYLE KROPP KRYGER & ALEXANDER	11503W07BB07300	422 5TH AVE SW	\$ 134.59	0.0235	Secondary	5727.18	PO BOX 279	ALBANY OR 97321	\$ 63,570.00	\$ 77,780.00	\$ 141,350.00	\$ 1,413.50	43		
142 DAVIDOW-ROOT CATHRYN & TYLER C	11503W07BB07400	418 5TH AVE SW	\$ 165.33	0.0235	Secondary	7035.26	PO BOX 3192	ALBANY OR 97321	\$ 62,020.00	\$ 159,460.00	\$ 221,480.00	\$ 2,214.80	43		
143 LUSK RAYMOND & DEBORAH	11503W07BB07600	530 FERRY ST SW	\$ 162.61	0.0235	Secondary	6919.65	530 FERRY ST	ALBANY OR 97321	\$ 65,200.00	\$ 262,950.00	\$ 328,150.00	\$ 3,281.50	43		
144 H & W RESTAURANTS INC % GLEN WESTBROOK	11503W07BB10000		\$ 137.28	0.0235	Secondary	5841.73	3022 UMATILLA PL SW	ALBANY OR 97321	\$ 80,120.00	\$ 5,120.00	\$ 85,240.00	\$ 852.40	48		
145 H & W RESTAURANTS INC % GLEN WESTBROOK	11503W07BB10100	628 ELLSWORTH ST SW	\$ 117.85	0.0235	Secondary	5015.03	3022 UMATILLA PL SW	ALBANY OR 97321	\$ 83,280.00	\$ 174,460.00	\$ 257,740.00	\$ 2,577.40	48		
146 LEE ENTERPRISES INC	11503W07BB10400	600 LYON ST SW	\$ 500.00	0.0235	Secondary	60222.26	PO BOX 130	ALBANY OR 97321-0041	\$ 823,640.00	\$ 2,462,590.00	\$ 3,286,230.00	\$ 32,862.30	49		
147 KOBEL DAVID MORTON -	11503W07BB11100	118 7TH AVE SW	\$ 131.02	0.0235	Secondary	5575.37	920 38TH AVE SE	ALBANY OR 97322	\$ 47,790.00	\$ 212,750.00	\$ 260,540.00	\$ 2,605.40	52		
148 LEE ENTERPRISES INC	11503W07BB11200	702 LYON ST SW	\$ 220.44	0.0235	Secondary	9380.30	600 LYON ST SW	ALBANY OR 97321	\$ 129,920.00	\$ 2,240.00	\$ 132,160.00	\$ 1,321.60	52		
149 TIBBETTS KIRK E & ANASTASIA C	11503W07BB11400	734 LYON ST SW	\$ 175.98	0.0235	Secondary	7488.67	734 LYON ST SW	ALBANY OR 97321	\$ 51,240.00	\$ 193,730.00	\$ 244,970.00	\$ 2,449.70	52		
150 TRIPP ELSIE	11503W07BB11500	725 ELLSWORTH ST SW	\$ 79.33	0.0235	Secondary	3375.79	725 ELLSWORTH ST SW	ALBANY OR 97321	\$ 46,910.00	\$ 90,280.00	\$ 137,190.00	\$ 1,371.90	52		
151 TIBBETTS KIRK	11503W07BB11600	727 ELLSWORTH ST SW	\$ 190.49	0.0235	Secondary	8105.77	734 LYON ST SE	ALBANY OR 97321	\$ 49,700.00	\$ 170,180.00	\$ 219,880.00	\$ 2,198.80	52		
152 BRADY NANCY	11503W07BC02200	810 LYON ST SW	\$ 347.80	0.0235	Secondary	14800.01	810 LYON ST SW	ALBANY OR 97321	\$ 205,420.00	\$ 96,730.00	\$ 302,150.00	\$ 3,021.50	53		
153 CAMPBELL RICKY A	11503W07BC02300	822 LYON ST SW	\$ 348.25	0.0235	Secondary	14819.12	822 LYON ST SW	ALBANY OR 97321	\$ 205,420.00	\$ 210,510.00	\$ 415,930.00	\$ 4,159.30	53		
154 LYNN ALLAN D & ROCKWOOD J	11504W01DD00600	525 2ND AVE SW	\$ 500.00	0.0235	Secondary	59267.38	9500 S OCEAN DR APT # 206	JENSEN BEACH FL 34957	\$ 654,580.00	\$ 417,180.00	\$ 1,071,760.00	\$ 10,717.60	15		
155 TORGESON MONTIE & WENDY	11504W01DD02000	222 WASHINGTON ST SW	\$ 190.44	0.0235	Secondary	8103.92	2722 NW 17TH AVE	ALBANY OR 97321	\$ 112,980.00	\$ 139,890.00	\$ 252,870.00	\$ 2,528.70	23		
156 NOW DEVELOPMENT LLC	11504W01DD02100	224 WASHINGTON ST SW	\$ 151.33	0.0235	Secondary	6439.79	PO BOX 3123	ALBANY OR 97321	\$ 89,670.00	\$ 77,910.00	\$ 167,580.00	\$ 1,675.80	23		
157 ORDEMAN ALICE A TR	11504W12AA00100		\$ 162.26	0.0235	Secondary	6904.47	306 WASHINGTON ST SW	ALBANY OR 97321	\$ 76,840.00	\$ 4,740.00	\$ 81,580.00	\$ 815.80	30		
158 ORDEMAN ALICE A TR	11504W12AA00200	306 WASHINGTON ST SW	\$ 486.75	0.0235	Secondary	20712.76	306 WASHINGTON ST SW	ALBANY OR 97321	\$ 230,760.00	\$ 596,550.00	\$ 827,310.00	\$ 8,273.10	30		
159 SANDBERG KEITH E & BARBARA G	11504W12AA00400	340 WASHINGTON ST SW	\$ 119.05	0.0235	Secondary	5065.88	3666 FIR TREE DR SE	SALEM OR 97301	\$ 56,910.00	\$ 180,950.00	\$ 237,860.00	\$ 2,378.60	30		
<b>TOTALS</b>			<b>\$ 35,931.03</b>			<b>1,434,274.56</b>			<b>\$ 16,329,250.00</b>	<b>\$ 34,675,710.00</b>	<b>\$ 51,004,960.00</b>	<b>\$ 510,049.60</b>			
<b>Total Properties in District:</b>	<b>216</b>														
<b>Total Properties to be Assessed:</b>	<b>159</b>														
<b>Total Proposed Assessments:</b>	<b>\$35,931.03</b>														
<b>Total Remonstrances:</b>	<b>57</b>														
<b>Total Assessment Remonstrances</b>	<b>\$13,233.34</b>														
<b>Total District Assessment:</b>	<b>\$49,164.37</b>														
<b>Percentage Remonstrances:</b>	<b>26.92%</b>														



TO: Albany City Council

VIA: Wes Hare, City Manager  
Greg Byrne, Community Development Director

FROM: Don Donovan, Planning Manager *DD*

DATE: June 4, 2008, for the June 11, 2008, City Council Meeting

SUBJECT: Adoption of Staff Report and Supplemental Findings and Final Decision  
File PA-01-08, Orezona Building Company LLP Partition

Action Requested:

Review the attached Supplemental Findings. Adopt the Staff Report that went to the City Council for the May 28, 2008, public hearing and the Supplemental Findings, and make the final decision to approve the Partition Tentative Plat application referenced above.

Discussion:

At the May 28, 2008, City Council meeting, the Council held a public hearing on the Partition Tentative Plat application referenced above. The Council made a tentative decision to approve the application and directed staff to bring findings to support the decision to the next Council meeting. Staff has prepared Supplemental Findings that address testimony at the May 28 hearing. If the Supplemental Findings are satisfactory, the Council will adopt the Staff Report that went to the City Council for the May 28, 2008, public hearing and the Supplemental Findings in support of a final decision to approve the Partition Tentative Plat application.

The City Council received a copy of the tentative plat with the May 28 meeting agenda packet. At the hearing, the applicants' civil engineer asked that the Council accept two revisions to the plat. The engineer showed a revised plat on the overhead projector and entered the plat into the record. The engineer explained that the revisions were necessary to meet conditions of approval they expected Benton County to impose on a concurrent partition application. Remember part of the partition property is in the Albany city limits and part is outside the city limits, so Benton County must also approve the proposed partition.

The revisions to the plat are: 1) the width of the easement for the shared driveway was increased from 40 feet to 50 feet, and 2) the size of the easement for the septic system drain field on Parcel 2 was increased to accommodate a replacement drain field if one is needed in the future.

The City Council did not explicitly accept the revisions or make clear whether it was intended that the original plat or the revised plat be approved. The Supplemental Findings include language that will approve the revised plat. The proposed changes to the size of the septic drain field easement and/or the width of the driveway easement do not change the plat in any material way in terms of the review criteria or other development standards. If this is not what the City Council intended, the Council will need to modify the Supplemental Findings at the June 11 meeting.

There will be motions to approve either the original plat or the revised plat on the dais at the June 11 meeting on blue paper.

Albany City Council

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June 4, 2008

You may want to bring the copy of the Staff Report that you received with the May 28, 2008, Council agenda packet with you to the June 11, 2008, meeting for reference.

Budget Impact:

None.

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**CITY OF ALBANY FILE PA-01-08**  
**OREZONA BUILDING COMPANY LLP, PARTITION TENTATIVE PLAT APPLICATION**  
**SUPPLEMENTAL FINDINGS**  
Adopted by the City Council on June 11, 2008

FINDINGS OF FACT

1. On May 28, 2008, the City Council held a public hearing on this application.
2. The applicants (Orezona Building Company LLP) testified following the staff report. The applicants have submitted a concurrent partition application to Benton County. The applicants' civil engineer, Dan Watson, referenced revisions to the tentative plat that Benton County would like to see. He asked that the City Council to "condition the project" allowing the applicants to make the revisions requested by Benton County.

The applicants' civil engineer showed a revised plat to the City Council on the overhead projector and entered the revised plat into the record. Mr. Watson noted that the only revisions to the plat are: 1) the width of the easement for the shared driveway was increased from 40 feet to 50 feet, and 2) the size of the easement for the septic system drain field on Parcel 2 was increased to accommodate a replacement drain field if one is needed in the future. (The drain field is part of the septic system for the existing house on Parcel 1.)

3. Six people testified in opposition to the partition.
4. Daryl Bechtolt testified that:
  - a. Orezona Building Company LLP apparently made a bad business decision when they bought this property.

This testimony is not related to the partition or variance review criteria and is not, therefore, relevant to the City Council's decision.

- b. There are trees ("a forest") on the property that she would like to see preserved.

The City Council finds that neither the Partition application nor the Variance application proposes to remove trees. The staff report correctly notes that Site Plan Review will be required later if 5 or more trees larger than 8 inches in diameter are to be cut later and that a permit must be obtained from the City Forester to remove any tree larger than 25 inches in diameter. Staff mentioned in the verbal staff report at the City Council hearing that if a Site Plan Review application for tree felling is received, neighbors will get notice and an opportunity to comment.

- c. There is a "crevasse" or ravine on the property that filters the runoff from septic systems on adjacent properties. The soil on the partition property is contaminated because the septic systems drain to it.

Ms. Bechtolt provided no evidence that the property is contaminated. The City Council finds that this testimony is not substantiated by any evidence in the record.

- d. The partition property is a “wildlife sanctuary.” Deer, raccoons, rabbits, salamanders, a turtle(s), and a ring-tailed cat have been seen on the property. As noted in the staff report, Comprehensive Plan Plate 7 does not show wildlife habitat on this property. Plate 7 is the City’s Goal 5 inventory of wildlife habitat.

None of the referenced wildlife is threatened or endangered. The testimony that there may be salamanders, turtles, and/or a ring-tailed cat on the property is not supported by substantial evidence in the record, and even if there was evidence, there is no Development Code limitation on dividing property that may have the referenced wildlife on it.

- e. The “Branch Engineering report” does not include soil samples of the partition property. As discussed in the staff report, Albany Development Code (ADC) Section 6.200 requires the applicant to submit a geologic and soils report. ADC 6.200 lists certain requirements for the report. None of the requirements is that soil samples be taken on the property where the land division is proposed. The staff report correctly concludes that the requirements of ADC 6.200 are met.
- f. Ms. Bechtolt referenced petitions on which she had collected signatures. She held the petitions in her hand and showed them to the City Council, but did not submit them for the record. The petitions are not part of the record of the City Council hearing.
- g. The proposal to widen the existing driveway is so heavy equipment needed to remove trees on the property to construct a house can access the property; the widening is not necessary for emergency vehicles.

The minimum width required by the Albany Fire Department for fire trucks is 20 feet. The applicants propose to widen the driveway from about 12 feet to 20 feet. It may be that the driveway will then be wide enough for equipment that is needed to develop the property, but Ms. Bechtolt did not cite any Development Code or other authority that might prohibit access by heavy equipment on a driveway. The City Council does not know of any such prohibition.

5. Deborah Orr testified that the partition property is part of Countryman Acres Subdivision. This area is rural residential property, not suburbia. The area has not changed in 30 to 40 years.

The partition property is zoned RS-10, which allows a minimum of 10,000 square foot lots. Both of the proposed parcels in the partition exceed 10,000 square feet. None of the partition review criteria require lot sizes that are the same as the size of nearby lots. Covenants, conditions, and restrictions (CC&Rs) for Countryman Acres are private agreements between owners of lots in Countryman Acres and are not partition review criteria.

Review Criterion (1) for the variance requires that “the proposal will be consistent with the desired character of the area.” The variance proposal is to provide access for four lots on an existing driveway that has easements on it where ADC 12.090 allows only three lots to use a driveway with easements over it. It did not appear that this was the review criterion on which Ms. Orr based her objection. She referred to lot size, not the number of lots that would use the existing driveway.

6. Vynn Berg testified that:

- a. The property across Valley View Drive to the south will be developed with a subdivision, so why do we need to create another lot by dividing the partition property?

ADC 11.180 says that approval of a tentative partition plat will be granted [emphasis added] if the review body finds that the applicant has met all of the applicable review criteria for a land division. The staff report that went to the City Council and these Supplemental Findings include findings of fact and conclusions that establish that the proposed partition meets the applicable review criteria. The review criteria are met, so the partition must be approved.

- b. Mr. Berg testified that he saw a turtle crossing Valley View Drive.

See the findings under 2.d. above.

7. Ken Dobson submitted a letter for the City Council public hearing. The letter was placed before the City Council prior to the start of the public hearing, so the Council had the letter in front of them. At the hearing, Mr. Dobson testified that:

- a. CC&Rs may not be directly applicable as review criteria, but they are useful in establishing the desired character of the area for the purpose of Variance Review Criterion (1). Review Criterion (1) requires that “the requested variance is the minimum necessary to allow the proposed use of the site.”

Apparently, the CC&Rs for Countryman Acres limit the minimum size of lots in the subdivision to one acre. Both of the parcels that would be created by the partition would be less than one acre. The variance proposes that four lots be allowed to use an existing driveway with easements on it. Mr. Dobson’s testimony did not explain how lot sizes might relate to the proposed variance. Therefore, the City Council finds the testimony about lot sizes is not relevant to Variance Review Criterion (1).

- b. Mr. Dobson asserts that the applicants have not adequately considered wildlife. He also asserts that it is not only the Goal 5 inventory (Plate 7 of the Comprehensive Plan) that must be reviewed with the Partition application, but any testimony about wildlife must also be considered. The City Council considered the testimony about wildlife heard at the public hearing and finds, as in 2.d., above that the testimony that there may be salamanders, turtles, and/or a ring-tailed cat on the property is not supported by substantial evidence in the record. Even if there was evidence, there is no Development Code limitation on dividing property that may have the referenced wildlife on it. None of the referenced wildlife is threatened or endangered.

- c. Mr. Dobson asserts that there are glaring errors and deficiencies in the Notice of Public Hearing.

Mr. Dobson cites ADC 1.330(3) and (4). Staff testified at the hearing that these Code sections apply to Type I-L land use procedures. Review of the Partition and Variance applications is not a Type I-L procedure; it is a Type III process, as specified in ADC 6.190. The Code sections cited by Mr. Dobson in this section of his letter are incorrect and don’t apply to the notice that went out for this public hearing.



Staff also testified that the section that Mr. Dobson probably meant to cite is ADC 1.400(f), which requires a statement that says “all testimony and evidence must be directed toward the approval standards for this application listed in this notice. Failure to raise an issue by letter, or in person, before the close of the record or the final evidentiary hearing, or failure to provide statements or evidence with sufficient detail to allow the City Council an adequate opportunity to respond to each issue raised, precludes an appeal to the Land Use Board of Appeals based on that issue.”

The Notice includes this exact statement, except the statement in the Notice says “precludes an appeal based on that issue,” instead of “precludes an appeal to ‘the Land Use Board of Appeals’ based on that issue.” The City Council finds that there is no substantive difference between the two statements in terms of communicating the required information and the Notice is not deficient.

Mr. Dobson also argues that the Notice of Public Hearing lacks other important information required under the Code. ADC 1.400(4)(e) requires that the Notice include “a list of the applicable criteria from the ordinance and/or the plan that apply to the application.” The Notice of Public Hearing includes a list of the applicable review criteria. Mr. Dobson seems to argue that the Notice should list every single Code section that applies to the Partition and Variance applications. That list would be pages long. Staff does not always know all of the development standards that may apply to the application at the time the Notice is mailed because the staff review is not complete. The ADC requires that the Notice has to go out at an earlier time than the Code requires the staff report to be available for public review. The intent of the Code requirement is that the Notice list the applicable review criteria and they were listed in the Notice.

Mr. Dobson argues that the failure to list what he believes to be the applicable criteria in the Notice has prejudiced the appellant by forcing her legal counsel (Mr. Dobson) to spend additional time sifting through the “voluminous Development Code” in search of potentially applicable requirements.

Staff testified at the City Council hearing that Mr. Dobson had actual notice of the Development Code standards the City was using to review the Partition and Variance applications because an email that included a copy of the Planning Commission staff report was sent to Mr. Dobson on May 9, 2008. The staff analysis in that staff report is the same as the staff analysis in the City Council staff report and included a discussion of all of the Code provisions Mr. Dobson testified should have been included in the Notice.

The City Council finds that the original Notice was adequate and that any arguable deficiencies were cured by providing Mr. Dobson with the staff report within the time required for notice of the City Council hearing.

- d. The proposed variance does not meet Review Criterion (3) which requires that “the requested variance is the minimum necessary to allow the proposed use of the site.”

ADC 12.090 says, “no 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.

For the purpose of this review criterion, the proposed use of the site is a partition that creates two parcels that will share an existing driveway that is also currently used by three other properties. The existing house on Parcel 1 already uses the shared driveway. The proposed partition will create one more parcel, so the variance is the minimum necessary to accommodate the proposed use.

- e. Mr. Dobson asserts that the “engineering report” is deficient. ADC 6.200 requires that “the report must identify the following...(2) Suitable building footprint(s) for development on each lot.” Mr. Dobson asserts that the report does not identify a suitable building footprint for Parcel 2, and that the footprint is not “mapped out” on the tentative plat. (There is an existing house on Parcel 1. The partition property is zoned RS-10, residential single-family, so only one house is allowed on Parcel 1. Another house cannot be built on Parcel 1.)

The “Geotechnical Site Assessment” done by Branch Engineering, Inc., dated April 7, 2008, concludes that “the only area not suitable for building pad construction is the south central portion below elevation 418 due to water drainage to this area.” ADC 6.220(2) does not require that a suitable building footprint be shown on the tentative plat. In some situations, this might be the best way to show where houses can be built on lots in a land division, but in this situation with the Orezona partition, the explanation in the report is sufficient to establish that a building footprint anywhere on the Parcel 2 above elevation 418 will be suitable in terms of the geotechnical investigation.

- f. Mr. Dobson argued that Oregon Department of Environmental Quality (DEQ) regulations require that a septic system be located at least 10 feet from a property. He observed that the easement for the septic system on the partition plat was shown at a location not 10 feet from the east boundary of the property. The plat shows an easement, not a septic system. A septic system is not proposed with the Partition application. There is no apparent violation of DEQ standards.

The applicant submitted into the record Oregon Administrative Rules (OAR) 340-071-0130 (11), Property Lines Crossed, which allows septic systems to cross a property line, if an easement is provided. An easement for that purpose is shown on the tentative plat.

- g. Mr. Dobson references a proposed easement for a septic drain field on Parcel 2 shown on the revised tentative plat referenced by the applicants in their testimony at the public hearing. Mr. Dobson asserts that because the easement for the replacement drainfield was not referenced in the geotechnical investigation and was apparently not known to the engineer who prepared the report, the report is deficient. Language in the easement will preclude development of a house on the easement, but it is the easement that precludes development, not a geotechnical condition.

- h. Mr. Dobson asserts that information about wet conditions below elevation 418 in the geotechnical investigation and testimony by neighbors about wet conditions on the property is enough for the City to require a wetlands delineation for the property. As noted in the staff report, City staff reviewed three sources of wetland information for this property. None of the three sources shows wetlands on this property. The applicants testified that there are three requirements that define a wetland. One of the requirements is that the soil be a “hydric” soil. The applicants entered information into the record that shows there are not hydric soils on the partition property. There is no basis to require the applicants to submit a wetland delineation.

- i. Mr. Dobson notes that part of the partition property is in the city and part is outside the city. He asserts that a political boundary running through the property is a special feature of the site that should be addressed under Partition Review Criterion (5). He further asserts that it would be inappropriate for the City to allow the partition without first obtaining approval from Benton County or at least establishing some formal mechanism to coordinate review of the property.

Staff testified at the public hearing that ADC 1.215 requires that the Community Development Director send a "project review" sheet to other governmental bodies as appropriate. A project review sheet is a document that describes the proposed project and review criteria and invites comments from the department or agency that gets it. The Planning Division mailed a project review to Benton County and they responded. The Planning Division considered their comments. The City Council finds that City staff met the ADC 1.215 requirement.

8. Bill Root testified that the North Albany Neighborhood Association (NANA) Board voted not to oppose the proposed partition because the applicants agreed to modify their application by requesting and accepting a restriction that would be included with the deed to Parcel 2 that would preclude the property from being further divided into more lots at a later date. This condition was proposed by the applicants at the Planning Commission hearing and accepted by the Planning Commission as a condition of approval.
9. Public opposition to the application was minimized by the modified application whereby the approval was conditioned upon a deed restriction precluding Parcel 2 from further division.
10. Ron Nugget asked whether it was the City Council's task to uphold or overturn the Planning Commission decision. He explained that more people attended the Planning Commission meeting and perhaps did not attend the City Council meeting because the Planning Commission had accepted the applicant's proposal to modify the Partition application to include a condition that Parcel 2 not be further divided.
11. At the City Council hearing, the applicants sought to withdraw the offer of the deed restriction limiting future partition or division of Parcel 2. No notice of this modification to their proposal was provided to the public. The City Attorney recommended that the deed restriction be maintained and viewed by the Council as a part of the application since it had been proposed by the applicants and accepted by the Planning Commission and since interested members of the public could be expected to assume that it remained part of the application under consideration by the City Council.
12. One of the review criteria is a requirement that special features of the site have been considered and utilized. One of the special features of the site is its sloping terrain and heavily forested nature. This terrain limits the number of potential building sites and the urban forest present on the site is a significant natural feature which is substantially protected only through the condition restricting further division of the parcel, which was offered by the applicants and accepted by the Planning Commission as a part of their revised partition application. Maintaining this condition is necessary to protect this special feature.
13. The City Council finds that the deed restriction offered by the applicants at the Planning Commission hearing and included as a condition of approval by the Planning Commission, is part of the Partition application for the purpose of review by the City Council. The offer to include

the deed restriction cannot be withdrawn without prior notice to the City Council and/or surrounding property owners.

14. Following the May 28, 2008, public hearing, the City Council tentatively approved the Partition application.
15. At the June 11, 2008, City Council meeting, the Council clarified that they intended to approve the revised plat presented and entered into the record by the applicants' engineer.
16. The staff report that went to the City Council for the May 28, 2008, public hearing and these Supplemental Findings are adopted in support of the decision to approve the revised Partition Tentative Plat and the following conditions of approval are adopted in addition to the conditions listed in the staff report.

#### Conditions

1. Parcel 2 may not be partitioned or subdivided.
2. Before the City signs the final partition plat, the property owner(s) must submit to the City for review and approval a deed restriction that includes the following:
  - a. Parcel 2 may not be partitioned or subdivided.
  - b. The City of Albany has the authority to enforce this restriction.
  - c. The City will be entitled to reimbursement for any costs, including attorney fees, in the event judicial enforcement is necessary.
  - d. The owner(s) of Parcel 2 waive any claim to damages for subsequent enforcement of the deed restriction by the City of Albany.
3. Before the City issues a building permit for any construction on Parcel 2 of the partition, the property owner(s) of Parcel 2 must provide a copy of the recorded deed restriction.

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TO: Albany City Council

VIA: Wes Hare, City Manager

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

DATE: June 4, 2008, for the June 11, 2008 City Council Meeting

SUBJECT: Youth Legacy Park Special Grant Program Application for Teloh-Calapooia Park Project

RELATES TO STRATEGIC PLAN THEME: ● An Effective Government  
● Great Neighborhoods

RELATES TO: ● Master plans

Action Requested:

Approve a Resolution authorizing an application to the Oregon Parks and Recreation Department for funding from the Youth Legacy Park Special Grant Program to develop a nature based play area at Teloh-Calapooia Park and authorizing the Parks and Recreation Director to sign the application.

Discussion:

The 2006-2010 Albany Parks and Recreation Master Plan cites a need for a renovation and restoration of the playground and other park features in Teloh-Calapooia Park, located in southwest Albany at 5950 Looney Lane. The Teloh-Calapooia Park project has been identified as a high priority need for the city and has been included in the Capital Improvements Program and the annual budget.

Staff would like to seek funding in the amount of \$50,000 from the Youth Legacy Park Special Grant Program, which is administered by the Oregon Parks and Recreation Department. The intent of the Youth Legacy Special Grant Program is to involve local youth in their outdoor environment by increasing their understanding and appreciation of nature, while also providing an opportunity for them to be actively involved in the design and implementation of a nature-based park project. The grant program requires a 1:1 match from the City. Our local match would include funds from the Parks & Recreation budget, the value of the labor, value of equipment and materials, and gifts and donations from local individuals for this project.

The application deadline is July 11, 2008. If awarded, grant funding would be available after September 22, 2008.

Budget Impact:



The proposed FY 2008-09 Parks & Recreation budget includes \$50,000 for the City's share of the project in the Teloh-Calapooia Grants Fund 202-35-5054. The remainder of the local match will be covered by the donated value of the labor, materials, and equipment. Since this is an existing park, we anticipate no increase in the cost of maintenance resulting from this proposed project.

Attachments: Resolution & Map

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ILLUSTRATIVE MASTER PLAN

DWG. NO. DATE: 25 FEB 08 REVISIONS:	PROJECT: <b>TELOH CALAPOOIA PARK</b> 5950 Looney Lane SW Albany, OR	CITY OF ALBANY DEPT. OF PARKS AND RECREATION CONTACT: <b>CRAIG CARNAGEY</b> PARKS AND FACILITIES MAINT. MANAGER 541-917-7879 PHONE 541-917-7776 FAX	 <p><b>DLA Inc.</b>          Design Landscaping Architects          411 Columbia Street, Suite 303          Eugene, Oregon 97401          541-682-4242 • 412 222 0242</p>	 <p>REGISTERED  <b>LANDSCAPE ARCHITECT</b>  <b>ORRISON</b></p>
	<p>TELOH CALAPOOIA PARK</p>			

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

A RESOLUTION AUTHORIZING THE CITY OF ALBANY PARKS AND RECREATION DEPARTMENT TO APPLY FOR A YOUTH LEGACY PARK SPECIAL GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR THE RESTORATION AND RENOVATION OF TELOH-CALAPOOIA PARK TO PROVIDE A NATURE BASED PLAYGROUND & MULTI-USE WOOD CHIP PATH SYSTEM AND AUTHORIZING THE PARKS & RECREATION DIRECTOR TO SIGN THE APPLICATION.

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Youth Legacy Park Special Grant Program; and

WHEREAS, the City of Albany Parks and Recreation Department desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements and enhancements; and

WHEREAS, the City of Albany Parks & Recreation Commission, City Council, and staff have identified improvements at Teloh-Calapooia Park as a high priority need in the City of Albany; and

WHEREAS, the project will include the renovation of the playground, a waterway, vegetation enhancement, water quality enhancement, construction of a multi-use wood chip path. This path will connect Teloh-Calapooia Park with an existing city path system, and which would also serve as a trailhead to the Oak Creek Trail. Additionally, there will be boardwalks or bridges that will cross the waterway and that will provide additional access points to the park; and

WHEREAS, the applicant hereby certifies that the matching share for this application is readily available at this time in the Parks and Recreation Fund.

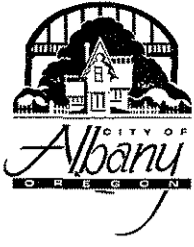
NOW, THEREFORE IT BE RESOLVED that the City of Albany Parks and Recreation Department be authorized to apply for a Youth Legacy Park Special Program Grant from the Oregon Parks and Recreation Department for the Teloh-Calapooia Park & multi-use wood chip path system as specified above.

DATED THIS 11<sup>th</sup> DAY OF JUNE, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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



TO: Albany City Council  
VIA: Wes Hare, City Manager  
Don Donovan, Planning Manager *DD*  
FROM: Janet L. Morris, AICP, Planner II *JL*  
DATE: June 4, 2008, for June 11, 2008, City Council Meeting  
SUBJECT: Planning Fees  
RELATES TO STRATEGIC PLAN THEME: Effective Government

Action Requested:

Pass the attached resolution to implement the annual CPI-W adjustment to the Planning Division's fees and add a new fee related to concurrent variances to standards of the Development Code.

Discussion:

Annual Fee Adjustment. Oregon Revised Statutes Section 227.175 authorizes governing bodies to establish fees for processing land use permits at an amount no more than the actual or average costs of providing that service. In December of 2000 the City Council passed Resolution 4367 setting an overall cost-recovery goal of 100 percent, with adjustments made in proportion to the size of the project and public benefit. To address wage inflation, this resolution also provided for an annual adjustment on July 1 to the Planning Division's fees based on the Consumer Price (national) Index for Urban Wage Earners and Clerical Workers (CPI-W) for April.

The proposed annual increase in the Planning Division's fees is 0.042 percent (4.2%), which reflects the percentage of change in the CPI-W from April of 2007 to April of 2008.

New Fee for Concurrent Variances. The Planning Division has been charging only one review fee when more than one variance to a Development Code standard has been requested related to a development proposal. The incidence of multiple variances is increasing. The reasons are perhaps due to the challenges of redevelopment of existing sites (infill), environmental factors (wetlands, slopes, vegetation, etc.) and/or satisfying multiple layers of Code standards. After the annual increase, the fee for an individual variance is \$750.00.

Each variance must be reviewed against four criteria on its own merits. So a request to vary from two standards is nearly double the work of processing one variance. There are certain base costs to processing a single variance application. There would be some cost savings on processing additional variances due to duplication of some of the steps. The current fee schedule reflects a reduction of the review fee for other similar situations. In order to more closely recover the staff cost to process multiple concurrent variances for the same project, staff recommends establishing a fee of \$500.00 for each additional concurrent variance request.

Budget Impact:

Increased revenue related to processing land use applications by 0.042 percent and the addition of a new fee for concurrent variances to standards of the Development Code.

Attachment: Resolution with updated fee schedule (Exhibit A)

dd/jlm

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

A RESOLUTION REVISING FEES FOR DEVELOPMENT CODE PROVISIONS AND REPEALING RESOLUTION NOS. 5450 and 5478.

WHEREAS, fees related to Development Code provisions were last revised in June 2007, by Resolution No. 5450, and in September 2007, by Resolution No 5478; and

WHEREAS, the City Council established in December 2000, by Resolution 4367, that in order to continue to address costs related to wages, Planning Division fees are to be adjusted on July 1 of each year based on the April CPI-W national index; and

WHEREAS, the US Department of Labor, Bureau of Labor Statistics has established the rate of change of the CPI-W national index from April 2007 to April 2008 to be an increase of 0.042 percent (4.2%) ; and

WHEREAS, the City needs to recover the costs associated with processing land use applications; and

WHEREAS, a fee is needed to recover staff costs associated with processing each concurrent request to vary from a standard of the Development Code; and

NOW, THEREFORE, BE IT RESOLVED that all of the existing fees established for the Planning Division to administer the Development Code shall be increased on July 1, 2008, by 0.042 percent (4.2%) based on the April CPI-W national index, as is reflected on the attached Exhibit A; and

BE IT FURTHER RESOLVED that the Planning Division's schedule of fees shall include a new fee of \$500.00 for each additional concurrent variance request from a Development Code standard; and

BE IT FURTHER RESOLVED that the Planning Division's fees and charges will become effective for applications received after June 30, 2008; and

BE IT FURTHER RESOLVED that the fees and charges shown on attached Exhibit A are not subject to the limits of Section 11b, Article XI, of the Oregon Constitution, and

BE IT FURTHER RESOLVED that Resolution Nos. 5450 and 5478 are hereby repealed.

DATED AND EFFECTIVE THIS 11th DAY OF June 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

EXHIBIT A

PLANNING DIVISION FEES TO ADMINISTER THE ALBANY DEVELOPMENT CODE (a)

Type of Application	Current Fees (7/1/2007 to 6/30/2008)	Proposed Fees** (7/1/2008 to 6/30/2009)
Adjustment (Type I)	\$60	\$63
Annexations - (set by separate resolution)	Varies	Varies
<b>Appeals</b>		
Appeal to City Council (Type III)	\$720	\$750
Appeal to PC only (Type I-L that had a neighborhood meeting)	\$240	\$250
Appeal to Hearings Officer -Expedited Land Div.	\$300 deposit/max \$500 (b)	\$300 deposit/max \$500 (b)
<b>Comprehensive Plan Amendment (Type IV)</b>		
Map Amendment - Without Concurrent Zoning Map Amend.	\$3,003	\$3,129
Map Amendment - Concurrent with Zoning Map Amend.	\$4,204	\$4,381
Text Amendment	\$3,363	\$3,504
<b>Conditional Uses</b>		
New construction (Type III)	\$2,404 plus (c)	\$2,505 plus (c)
New construction (Type II)	\$1,560 plus (c)	\$1,626 plus (c)
Existing building - Expand or modify (Type III)	\$1,560	\$1,626
Existing building - Expand or modify (Type II)	\$883	\$920
Existing parking lot - Expand or modify (Type II and III)	\$883	\$920
Additional fee if Design Standards apply (Type II and III)	\$263	\$274
Additional fee if traffic report required (Type II and III)	\$601	\$626
<b>Development Code Text Amendment (Type IV)</b>	\$3,256	\$3,393
<b>Historic Review</b>		
Exterior Alteration; Designation of Landmark (Types I, I-L)	\$36	\$38
New Construction; Substitute Materials (Types I, I-L)	\$36	\$38
Demolition / Moving (Type III)	\$601	\$626
<b>Interpretation of the Code</b>		
Quasi-Judicial (Type II)	\$601	\$626
Legislative (Type IV)	\$1,200	\$1,250
<b>Land Divisions</b>		
<b>Partition (2 or 3 parcels)</b>		
Tentative Plat - (Type I-L, Expedited)	\$1,921	\$2,002
Tentative Plat - (Type III)	\$2,763	\$2,879
Replat (Type I-L)	\$240	\$250
Final Plat (Type I-L) [not applicable to replats]	\$485	\$505
<b>Subdivision (4 or more lots)</b>		
Tentative Plat - (Type I-L, Expedited)	\$2,162 + \$50 per lot	\$2,253 + \$50 per lot
Tentative Plat - (Type III)	\$3,003 + \$50 per lot	\$3,129 + \$50 per lot
Additional fee if traffic report required	\$601	\$626
Replat (Type I-L)	\$240	\$250
Final Plat (Type I-L) [not applicable to replats]	\$605	\$630
<b>Land Use Status Letter (Type I)</b>	\$51	\$53
<b>Manufactured Home Park (Type I-L)</b>	\$2,162 + \$20 per space	\$2,253 + \$20 per space
Additional fee if in floodplain (Type III)	\$841	\$876
Additional fee if traffic report required	\$601	\$626
<b>Nonconforming Situations (Type II)</b>		
New Construction	\$720 plus (c)	\$750 plus (c)
No new construction	\$361	\$376
<b>Planned Development-3 Step Process</b>		
Preliminary (Type I)	\$1,321	\$1,376
Interim (Type III)	\$3,363	\$3,504
Final (Type I)	\$601	\$626
Additional fee if traffic study required	\$601	\$626
<b>Property Line Adjustment (Type I)</b>	\$240	\$250
<b>Request for Public Hearing of a Type II application</b>	\$720 (e)	\$750 (e)
<b>Residential Accessory Buildings (Type I-L and Type CUII)</b>	\$361	\$376
<b>Revision to Application in Process</b>	\$239	\$249
Additional fee if renotification required	\$119	\$124
<b>Revised Decision</b>		
Staff Decision (Type I, II or I-L)	\$361	\$376
PC or CC Decision (Type III or IV)	\$841	\$876
<b>Site Plan Review (d)</b>		
Option A (new construction) (Type I-L)	\$2,283 plus (c)	\$2,379 plus (c)
Option B (modify existing development) (Type I-L)	\$1,560	\$1,626
Option C (change of use-existing development) (Type I)	\$0	\$0
Parking Lot Modification (Type I-L)	\$883	\$920
Additional fee if traffic report required	\$601	\$626
Additional fee if Design Standards apply	\$263	\$274
<b>Special Requests-Temporary Uses (Type I)</b>		
Medical Hardship; Temporary Uses; Temporary Residence	\$119	\$124
<b>Tree Felling - 5 or more</b>		
Diseased or Dangerous (Type I)	\$36	\$38
Concurrent with a development proposal	\$361	\$376
Not concurrent with a development proposal (Type I-L)	\$960	\$1,000
<b>Vacation (Type IV)</b>		
Public Street or Alley	\$1,921	\$2,002
Public Easements	\$1,682	\$1,753
<b>Urban Growth Boundary Amendment</b>	\$5,643	\$5,880
<b>Variance - First, or individual, variance to a code section (Type II)</b>	\$720	\$750
Each additional concurrent variance to a code section		\$500 (new)
<b>Willamette Greenway (Type II)</b>	\$1,081	\$1,126
<b>Zoning Map Amendment (Type IV)</b>	\$3,003	\$3,129

**REFUND POLICY:** In cases of withdrawal of an application, refund of fees may be applicable, less costs incurred, as determined by the Director. Generally, refunds of 80% will be made for a withdrawn application if it is made in writing prior to the City sending out the Notice of Filing or Notice of Public Hearing and preparation of the staff report has not begun. If the notice has been sent, but the staff report is not being prepared, then 50% of the application fee will be refunded. No refund will be provided for applications on which work on a staff report has begun. Refund of an appeal of an expedited land division shall follow ORS 197.375 regulations.

**Notes:**

- \*\* Increase of 4.2 percent based on CPI-W National Index for the period of April 2007 - April 2008.
- (a) No fee for land use applications initiated by City of Albany General Fund departments.
- (b) Per ORS 197.375(6)
- (c) 0.0015 percent of the development's construction value over \$150,000 (construction value excludes the cost of the land)
- (d) Same fees apply to modification or revision of an approved project.
- (e) Public hearing fee related to a Type II application shall be paid by the project applicant, not the person requesting the hearing



TO: Albany City Council

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

FROM: Mark Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*  
Jeff Blaine, P.E., Assistant City Engineer *JB*

DATE: May 30, 2008, for the June 11, 2008, City Council Meeting

SUBJECT: Transportation System Development Charge Funding for Property Acquisition at the Intersection of Spicer and Three Lakes Road

- RELATES TO STRATEGIC PLAN THEME:
- Great neighborhoods
  - A safe City

Action Requested:

Public Works staff recommends Council adopt the attached resolution updating the 2007 modified Transportation System Development Charge (TSDC) funding tables and authorizing a funding shift between projects #183 and #148.

Discussion:

Council will discuss the purchase of a portion of the property located at 3815 Spicer Drive at the June 9, 2008, Council Work Session. The attached resolution assumes that Council will direct staff to move forward with the acquisition using \$60,000 of TSDC funds. The resolution updates the 2007 modified TSDC funding tables and authorizes a \$60,000 funding shift between projects #183 and #148. As will be discussed at the Work Session, Project #183, is a street widening project on Geary Street from Ninth Avenue to Queen Avenue that is not planned for near-term construction and is being reevaluated as part of the Transportation System Plan Update. Project #148 is the Timber Street Re-alignment project.

Budget Impact:

Adoption of the attached resolution will not impact the budget or change TSDC fees.

JJB:prj  
Attachment

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

A RESOLUTION REVISING THE TRANSPORTATION SYSTEM PROJECT LIST AND REPEALING RESOLUTION NO. 5481.

WHEREAS, the 1997 Transportation System Financial Plan contains the full project list, project costs, and project funding sources identified in the 1997 Transportation System Plan; and

WHEREAS, ORS 223.309(2) states that "A local government that has prepared a plan and a list...may modify the plan and list at any time"; and

WHEREAS, on September 12, 2007, the Albany City Council amended the adopted project list with Resolution No. 5481; and

WHEREAS, the Albany City Council deems it desirable to shift Transportation System Development (TSDC) fund allocations to reflect community priorities; and

WHEREAS, shifting funds within the current TSDC project list will not change the current fee methodology.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the TSDC funding allocation shown in the 2007 modified TSDC funding tables is hereby amended as described in the attached 2008 modified TSDC funding tables; and

BE IT FURTHER RESOLVED that Resolution No. 5481 is hereby repealed.

DATED AND EFFECTIVE THIS 11TH DAY OF JUNE 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

## 2008 Modified TSDC Funding Tables

This list represents those projects in Table 6.3-2 20-Year Project Needs Fundable Plan that had a SDC funding component identified previously or as modified by Council action (shown in **red**).

This list updates the 2007 SDC funding values to the current 2008 values based on the April 2008 Seattle ENR index of 8626.

The STATUS column indicates whether the project has been constructed (C), partially constructed (PC) or not constructed (NC) as of 6/01/08

INTERSECTION - CURRENT NEEDS (includes extra capacity for growth)				2008 INDEX				2008 INDEX	2007 INDEX
#	STATUS	Project Location	Project Description	SDC	% SDC	Other Funding	Project Cost	SDC	SDC
1	C	Pacific Blvd/SR 99E EB Ramps and 9th Ave Underpass	Reconfigure existing lanes, construct bike lane and new lane on ramp and bridge to Pacific/9th Couplet, increase cycle length.	\$224,322	10%	\$2,018,898	\$2,243,220	\$224,322	\$224,400
2	NC	Pacific Blvd/SR 99E and Queen Ave	Construct additional EB left turn lane, NB right turn lane, SB left turn lane, WB through lane, reconfigure existing lanes.	\$356,876	18%	\$1,682,415	\$2,039,291	\$356,876	\$357,000
3	PC	Pacific Blvd/SR 99E and Airport Rd/Albany Ave, Salem Avenue and Albany Avenue	Reconfigure lanes on Albany and Airport approaches to Pacific, signalize Salem and Albany intersection, widen Albany Ave to 4 lanes, construct sidewalks in Albany Ave.	\$334,512	35%	\$621,236	\$955,748	\$334,512	\$334,628
4	NC	US 20/Santiam Highway and Waverly Dr	Construct EB right turn lane, additional NB and SB through lanes, WB left turn lane.	\$961,186	35%	\$1,785,059	\$2,746,245	\$961,186	\$961,520
5	C	34th Ave and Waverly Dr	Install traffic signal.	\$80,892	35%	\$150,228	\$231,120	\$80,892	\$80,920
6	NC	Main Street intersections with 1st Ave, 2nd Ave, Salem Ave, Santiam Rd	Widen Main to 4 lanes from 2nd Ave to 3rd Ave. Realign Salem to align with 3rd Ave. Realign Santiam Rd intersection with Main St. Install traffic signal @ intersection of Main & 3rd. Cul-de-sac 2nd Ave @ Main & Sherman @ Salem.	\$1,120,590	35%	\$2,081,096	\$3,201,686	\$1,120,590	\$1,120,980
7	NC	US 20 and NW Scenic Dr	Construct SB right turn lane.	\$19,033	35%	\$35,348	\$54,381	\$19,033	\$19,040
Total				\$3,097,411	27%	\$8,374,280	\$11,471,690	\$3,097,411	\$3,098,488
URBAN UPGRADE - CURRENT NEEDS (Includes extra capacity for growth)				2008 INDEX				2008 INDEX	2007 INDEX
#	STATUS	Project Location	Project Description	SDC	% SDC	Other Funding	Project Cost	SDC	SDC
26	NC	NW North Albany Rd, NW Quarry Rd to NW Gibson Hill Rd	Construct curb, gutter, sidewalks. (SDCs added to fund sidewalks - needed because of development)	\$90,968	24%	\$282,902	\$373,870	\$90,968	\$91,000
219	NC	NW North Albany Rd, US 20 to NW Quarry Rd	Widen to 3 lane section with bike lanes and sidewalks. SDCs added to fund sidewalks - needed because of development)	\$97,966	8%	\$1,122,889	\$1,220,855	\$97,966	\$98,000
Total				\$188,934	12%	\$1,405,791	\$1,594,725	\$188,934	\$189,000

BIKEWAY – CURRENT NEEDS (Includes extra capacity for growth)				2008 INDEX				2008 INDEX	2007 INDEX
#	STATUS	Project Location	Project Description	SDC	% SDC	Other Funding	Project Cost	SDC	SDC
83	C	1st Ave, Washington St to Lyon St	Restripe roadway to provide 14' wide outside lane	\$390	7%	\$5,184	\$5,574	\$390	\$390
84	C	2nd Ave, Washington St to Lyon St	Restripe roadway to provide 14' wide outside lane	\$390	7%	\$5,184	\$5,574	\$390	\$390
85	NC	3rd Ave, Vine St to Washington St	Remove parking from one side, stripe bike lanes	\$190	7%	\$2,529	\$2,719	\$190	\$190
86	NC	9th Ave, US 20/Ellsworth St to Pacific Blvd/Sr 99E	Restripe roadway, stripe bike lanes	\$133	7%	\$1,770	\$1,903	\$133	\$133
87	NC	20th Ave, 21st Ave to Waverly Drive	Remove parking from one side, stripe bike lanes	\$428	7%	\$5,690	\$6,118	\$428	\$428
88	NC	21st Ave, Geary St to 20th Ave	Remove parking from one side, stripe bike lanes	\$409	7%	\$5,437	\$5,846	\$409	\$409
89	NC	24th Ave, Liberty St to Pacific Blvd/SR 99#	Remove parking from one side, stripe bike lanes	\$476	7%	\$6,322	\$6,798	\$476	\$476
91	C	Belmont Ave, Looney Lane to Lanier St	Stripe bike lanes	\$600	7%	\$7,965	\$8,565	\$600	\$600
92	NC	Bryant Way, Vine Street to Albany UGB	Widen pavement, construct bike lanes	\$11,991	7%	\$159,309	\$171,300	\$11,991	\$11,995
94	C	Elm St, 5th Ave to 9th Ave	Remove parking from one side, stripe bike lanes	\$333	7%	\$4,425	\$4,758	\$333	\$333
95	C	Ferry St, Queen Ave to 34th Ave	Remove parking from one side, stripe bike lanes	\$1,523	7%	\$20,230	\$21,752	\$1,523	\$1,523
96	C	Fescue St, south of Spicer Dr	Remove parking from one side, stripe bike lanes	\$685	7%	\$9,103	\$9,789	\$685	\$685
99	NC	Hill St, 19th Ave to 34th Ave	Remove parking from one side, stripe bike lanes	\$1,342	7%	\$17,827	\$19,169	\$1,342	\$1,342
101	C	Lanier St, Belmont St to Pacific Boulevard/SR 99#	Remove parking from one side, stripe bike lanes	\$143	7%	\$1,897	\$2,039	\$143	\$143
102	C	Liberty St, 24th Ave to Queen Ave	Restripe roadway, stripe bike lanes	\$533	7%	\$7,080	\$7,613	\$533	\$533
103	NC	Looney Sane, south of Belmont Ave	Restripe roadway, stripe bike lanes	\$133	7%	\$1,770	\$1,903	\$133	\$133
113	C	US 20/Ellsworth St, NW Spring Hill Rd to 1st Ave	Construct ramps to sidewalk on bridge, install guide signage	\$680	10%	\$6,118	\$6,798	\$680	\$680
114	NC	US 20/Ellsworth St, 1st Ave to 9th Ave	North of 4th Ave: remove parking from one side, stripe bike lane. South of 4th Ave: restripe roadway, stripe bike lane	\$952	10%	\$8,565	\$9,517	\$952	\$952
115	NC	US 20/Lyon St, 9th Ave to 1st Ave	North of 4th Ave: remove parking from one side, stripe bike lane. South of 4th Ave: restripe roadway, stripe bike lane	\$952	10%	\$8,565	\$9,517	\$952	\$952
116	NC	Washington St, 9th Ave to 14th Ave	Remove parking from one side, stripe bike lanes	\$590	7%	\$7,839	\$8,429	\$590	\$590
Total				\$22,873	7%	\$292,810	\$315,682	\$22,873	\$22,881

PEDESTRIAN – CURRENT NEEDS AND CAPACITY FOR GROWTH				2008 INDEX				2008 INDEX	2007 INDEX
#	STATUS	Project Location	Project Description	SDC	% SDC	Other Funding	Project Cost	SDC	SDC
118	NC	24th Ave, Liberty ST to Pacific Blvd/SR 99#	Construct sidewalk on south side	\$5,615	7%	\$74,597	\$80,212	\$5,615	\$5,617
119	C	34th Ave, various locations from Pacific Blvd/SR 99E to Waverly Dr	Construct sidewalks where needed	\$17,701	7%	\$235,171	\$252,872	\$17,701	\$17,707
121	NC	Bryant Way, Albany UGB to Calapooia River bridge	Construct sidewalks on both sides	\$11,420	7%	\$151,723	\$163,143	\$11,420	\$11,424
122	NC	Columbus ST, Del Rio Ave to Wavelry Drive	Construct sidewalks on both sides	\$5,044	7%	\$67,011	\$72,055	\$5,044	\$5,046
123	C	Connection between commercial areas on Waverly Dr and 16th Ave	Construct paved pedestrian/bicycle path	\$11,230	7%	\$149,195	\$160,424	\$11,230	\$11,234
124	NC	Connection between Linn Ave and Knox Butte Rd, east of Timber St	Construct paved pedestrian/bicycle path	\$1,332	7%	\$17,701	\$19,033	\$1,332	\$1,333
125	NC	Connection between Linn-Benton Community College and Looney Ln	Construct paved pedestrian/bicycle path	\$9,231	7%	\$122,643	\$131,874	\$9,231	\$9,234
126	NC	Connection between North Albany Schools and NW Quarry Rd	Construct paved pedestrian/bicycle path, improve crossing of NW Quarry Rd, install crosswalk and warning signage.	\$69,336	100%	\$0	\$69,336	\$69,336	\$69,360
127	NC	Connection between North Albany Schools and NW Shady Lane	Construct paved pedestrian/bicycle path	\$23,411	7%	\$311,033	\$334,444	\$23,411	\$23,419
128	C	Del Rio Ave, Columbus St to Shortridge	Construct sidewalks where needed	\$4,473	7%	\$59,425	\$63,898	\$4,473	\$4,474
129	NC	Ferry Street, Queen Ave to 34th Ave	Construct sidewalks on both sides	\$18,272	7%	\$242,757	\$261,029	\$18,272	\$18,278
130	NC	Geary St, 21st Ave to Geary Place	Construct sidewalks on both sides	\$7,328	7%	\$97,356	\$104,684	\$7,328	\$7,330
131	NC	Geary St, Grand Prairie Rd to 34th Ave	Construct sidewalks on both sides	\$10,278	7%	\$136,551	\$146,829	\$10,278	\$10,282
132	C	Hill Street, Queen Ave to 14th Ave	Repair existing sidewalks	\$2,760	7%	\$36,666	\$39,426	\$2,760	\$2,761
133	NC	Liberty St, Queen Ave to 24th Ave	Construct sidewalks on west side	\$3,141	7%	\$41,724	\$44,864	\$3,141	\$3,142
134	NC	Main St, 2nd Ave to Santiam Ave	Repair existing sidewalks	\$3,426	7%	\$45,517	\$48,943	\$3,426	\$3,427
135	NC	NW Edgewood Dr, NW Skyline Dr to W Thornton Lake Dr.	Construct sidewalks on both sides	\$24,458	7%	\$324,941	\$349,398	\$24,458	\$24,466
136	C	NW Gibson Hill Rd at NW Sunny Ln and NW Pulver Ln	Improve crossing: Install crosswalk and warning signage	\$476	7%	\$6,322	\$6,798	\$476	\$476
137	NC	NW Scenic Dr at NW Gibson Hill Rd	Improve crossing: Install crosswalk and warning signage	\$476	7%	\$6,322	\$6,798	\$476	\$476
138	NC	NW Spring Hill Rd, US 20 to NW Hickory Rd	Repair existing sidewalks	\$1,999	7%	\$26,552	\$28,550	\$1,999	\$1,999
139	NC	Pacific Blvd/SR 99E, Albany Ave/Airport Rd to Knox Butte Rd	Construct sidewalks on WB direction	\$3,671	10%	\$33,037	\$36,707	\$3,671	\$3,672
140	C	Salem Ave, Albany Ave to City Limits	Construct sidewalks on both sides	\$2,094	7%	\$27,816	\$29,910	\$2,094	\$2,094
142	NC	US 20, North Albany Road to NW Spring Hill Dr	Construct sidewalks on both sides	\$35,484	10%	\$319,353	\$354,837	\$35,484	\$35,496

**PEDESTRIAN – CURRENT NEEDS AND CAPACITY FOR GROWTH, continued**

#	STATUS	Project Location	Project Description
143	C	Waverly Dr at South Shore Dr	Improve crossing: Install crosswalk and warning signage
144	NC	Waverly Dr, 14th to Queen	Construct sidewalks on east side
Total			

2008 INDEX			
SDC	% SDC	Other Funding	Project Cost
\$476	7%	\$6,322	\$6,798
\$2,094	7%	\$27,816	\$29,910
\$275,223	10%	\$2,567,549	\$2,842,771

2008 INDEX
SDC
\$476
\$2,094
\$275,223

2007 INDEX
SDC
\$476
\$2,094
\$275,318

**NEW ROADWAY – DEVELOPMENT DRIVEN NEEDS**

#	STATUS	Project Location	Project Description
148	NC	Timber St extension, south to Spicer Dr	Construct new 3 lane roadway with bike lanes and sidewalks.
155	NC	Principal arterial in South Albany, Pacific Blvd/SR 99E to Lochner Road	Acquire oversized portion of 124' ROW for new 5 lane roadway with bike lanes and sidewalks and future railroad overpass.
221	NC	Elingson Rd, Columbus to I-5 future alignment	Acquire ROW for future roadway/interchange
224	C	Collector between Pacific Blvd and Airport Rd	Construct new 2 lane roadway with bike lanes and sidewalks.
Total			

2008 INDEX			
SDC	% SDC	Other Funding	Project Cost
<b>\$209,948</b>	6%	\$3,186,151	\$3,396,099
\$2,097,072	15%	\$12,064,595	\$14,157,473
\$2,719,054	100%	\$0	\$2,719,054
\$523,758	24%	\$1,664,129	\$2,187,887
\$5,549,832	25%	\$16,910,681	\$22,460,514

2008 INDEX
SDC
\$149,948
\$2,097,072
\$2,719,054
\$523,758
\$5,489,832

2007 INDEX
SDC
\$150,000
\$2,097,801
\$2,720,000
\$523,940
\$5,491,741

**INTERSECTION – DEVELOPMENT DRIVEN NEEDS**

#	STATUS	Project Location	Project Description
161	NC	Pacific Blvd/SR 99E and Waverly Dr	Construct additional SB through lane
162	C	Queen Ave and Hill St	Construct EB right turn lane
163	NC	US 20 and NW Spring Hill Rd	Reconfigure existing lanes
164	C	US 20 and NW North Albany Rd	Construct SB left turn lane, signal modifications
165	C	US 20 intersections with NW North Albany Rd, NW Spring Hill Rd, downtown intersections on Lyon/Ellsworth St couplet	Time-based signal coordination
167	C	US 20/Lyon St and 1st Ave	Reconfigure existing lanes, update signal timing plans on downtown couplet
168	C	34th Ave and Ferry ST	Stripe SB right turn lane
170	NC	US 20/Ellsworth St and 4th Ave	Remove parking of 4 <sup>th</sup> , stripe WB through lane
171	NC	US 20/Lyon St and 4th Ave	Remove parking on 4 <sup>th</sup> , stripe EB through lane
172	NC	Pacific Blvd/SR 99E and Airport Rd/Albany Ave	Construct additional left turn land on WB/SB Pacific. Make NB Airport Rd approach right turn only. Verify need for additional lane on Pacific prior to constructing.

2008 INDEX			
SDC	% SDC	Other Funding	Project Cost
\$883,693	100%	\$0	\$883,693
\$231,120	100%	\$0	\$231,120
\$33,988	100%	\$0	\$33,988
\$604,990	100%	\$0	\$604,990
\$13,595	10%	\$122,357	\$135,953
\$13,595	50%	\$13,595	\$27,191
\$20,393	100%	\$0	\$20,393
\$6,798	50%	\$6,798	\$13,595
\$6,798	50%	\$6,798	\$13,595
\$67,976	10%	\$611,787	\$679,764

2008 INDEX
SDC
\$883,693
\$231,120
\$33,988
\$604,990
\$13,595
\$13,595
\$20,393
\$6,798
\$6,798
\$67,976

2007 INDEX
SDC
\$884,000
\$231,200
\$34,000
\$605,200
\$13,600
\$13,600
\$20,400
\$6,800
\$6,800
\$68,000

30



**INTERSECTION – DEVELOPMENT DRIVEN NEEDS, continued**

#	STATUS	Project Location	Project Description	2008 INDEX				2008 INDEX	2007 INDEX
				SDC	% SDC	Other Funding	Project Cost	SDC	SDC
173	NC	US 20/Santiam Highway and Spicer Dr/I-5 NB Ramps	Make Spicer Drive one-way SB after new Timber St connection is completed.	\$6,798	10%	\$61,179	\$67,976	\$6,798	\$6,800
174	C	34th Ave and Geary St	Install traffic signal when warranted by traffic volumes or accidents	\$231,120	100%	\$0	\$231,120	\$231,120	\$231,200
175	NC	NW Gibson Hill Rd and NW Crocker Ln	Install traffic signal when warranted	\$231,120	100%	\$0	\$231,120	\$231,120	\$231,200
176	NC	Knox Butte Rd and Century Dr/I-5 NB Off-Ramp	Disconnect Century Dr from Knox Butte Rd after alternate connection is completed.	\$78,173	50%	\$78,173	\$156,346	\$78,173	\$78,200
177	NC	Knox Butte Rd and I-5 NB Off-Ramp	Install traffic signal when warranted after ramps are realigned with project #187	\$32,629	10%	\$293,658	\$326,287	\$32,629	\$32,640
178	C	NW North Albany Rd and NW Hickory Rd	Install traffic signal when warranted	\$231,120	100%	\$0	\$231,120	\$231,120	\$231,200
179	PC	NW North Albany Rd and West Thornton Lake Dr	Install traffic signal when warranted, realign intersection	\$1,630,073	100%	\$0	\$1,630,073	\$1,630,073	\$1,630,640
180	C	Pacific Blvd/SR 99E and 53rd Ave/New Principal Arterial	Install traffic signal when warranted	\$163,143	50%	\$163,143	\$326,287	\$163,143	\$163,200
181	NC	NW Spring Hill Dr and NW Hickory Rd	Install traffic signal when warranted	\$231,120	100%	\$0	\$231,120	\$231,120	\$231,200
182	C	US 20/Santiam Highway and Goldfish Farm Rd	Install traffic signal when warranted	\$163,143	50%	\$163,143	\$326,287	\$163,143	\$163,200
215	C	NW North Albany Road/New Major Collector and NW Gibson Hill Road	Improve intersection, install traffic signal when new major collector is completed.	\$774,930	100%	\$0	\$774,930	\$774,930	\$775,200
216	NC	US 20/Santiam Highway and Timber Street	Install traffic signal when Timber St connection is completed	\$149,548	50%	\$149,548	\$299,096	\$149,548	\$149,600
226	C	Pacific/SR99 and New Collector	Install traffic signal after new roadway is completed	\$326,287	100%	\$0	\$326,287	\$326,287	\$326,400
Total				\$6,132,147	79%	\$1,670,179	\$7,802,326	\$6,132,147	\$6,134,280

**STREET WIDENING - DEVELOPMENT DRIVEN NEEDS**

#	STATUS	Project Location	Project Description	2008 INDEX				2008 INDEX	2007 INDEX
				SDC	% SDC	Other Funding	Project Cost	SDC	SDC
183	NC	Geary St, 9th Ave to Queen Ave	Widen to 5 lane section with center turn lane, bike lanes and sidewalks	<b>\$2,610,526</b>	85%	\$463,365	\$3,073,891	\$2,670,526	\$2,671,455
185	NC	US 20, NW Scenic Dr to NW North Albany Rd	Widen to 4 lane section with left turn pockets, bike lanes, and sidewalks	\$1,217,321	10%	\$10,955,886	\$12,173,206	\$1,217,321	\$1,217,744
186	NC	Waverly Dr, Queen Ave to Grand Prairie Rd	Widen to a 4-5 lane section with median or center turn lane, bike lanes, construct sidewalks on the east side	\$2,293,522	100%	\$0	\$2,293,522	\$2,293,522	\$2,294,320
Total				\$6,121,369	35%	\$11,419,250	\$17,540,620	\$6,181,369	\$6,183,519

BIKEWAY – DEVELOPMENT DRIVEN NEEDS			
#	STATUS	Project Location	Project Description
207	NC	9 <sup>th</sup> Ave, Broadway St to US 20/Ellsworth St if traffic exceeds 3000 ADT	Remove parking from one side, stripe bike lanes
208	NC	Del Rio Ave, Columbus St to Chestnut Ct if traffic exceeds 3000 ADT	Remove parking from one side, stripe bike lanes
Total			

2008 INDEX			
SDC	% SDC	Other Funding	Project Cost
\$19,033	100%	\$0	\$19,033
\$12,236	100%	\$0	\$12,236
\$31,269	100%	\$0	\$31,269

2008 INDEX
SDC
\$19,033
\$12,236
\$31,269

2007 INDEX
SDC
\$19,040
\$12,240
\$31,280

PEDESTRIAN – DEVELOPMENT DRIVEN NEEDS			
#	STATUS	Project Location	Project Description
209	NC	Connection between NW Briarwood Pl and NW Scenic Dr neighborhood	Construct paved pedestrian/bicycle path
210	NC	Connection between NW Jones Ave and residential areas to the west	Construct paved pedestrian/bicycle path
Total			

2008 INDEX			
SDC	% SDC	Other Funding	Project Cost
\$190,334	100%	\$0	\$190,334
\$36,707	100%	\$0	\$36,707
\$227,041	100%	\$0	\$227,041

2008 INDEX
SDC
\$190,334
\$36,707
\$227,041

2007 INDEX
SDC
\$190,400
\$36,720
\$227,120

<b>TOTAL 20-YEAR TSP SDC-FUNDED CAPACITY IMPROVEMENTS IS</b>
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2008 INDEX			
SDC	% SDC	Other Funding	Project Cost
<b>\$21,646,099</b>			
ENR 8626			

2008 INDEX
SDC
<b>\$21,646,099</b>
ENR 8626

2007 INDEX
SDC
<b>\$21,653,627</b>
ENR 8629

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

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, May 14, 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

SCHEDULED BUSINESS

Communications

Accepting the resignation of Michele Brosnan from the Parks & Recreation Commission.

MOTION: Councilor Konopa moved to accept the resignation of Michele Brosnan from the Parks & Recreation Commission and to send a letter thanking her for her participation. Councilor Reid seconded the motion and it passed 6-0.

Accepting the resignation of Jimmie Lucht from the Arts Commission.

MOTION: Councilor Johnson moved to accept the resignation of Jimmie Lucht from the Arts Commission and to send a letter thanking him for his participation. Reid seconded the motion and it passed 6-0.

Considering a resolution from the Albany Peace Seekers.

Councilor Olsen asked to hear from anyone in the audience that would like to say something about this issue.

Nancy Greenman, 1027 12th Avenue SW, representing the Albany Peace Seekers, explained their group and the activities they have sponsored. They want the Council to pass the resolution asking for the end of the occupation of Iraq. She also asked the Council to forward the resolution to the City's federal, state, and county representatives.

Johnson doesn't believe bringing this before the Council is appropriate.

Konopa said the Council adopted a resolution many years back when the war broke out; it won't hurt to do it again. It may bring some dialogue in the community considering that a lot of money is being spent outside of our country and they need to come up with a time line to resolve the conflict with Iraq.

MOTION: Konopa moved to support and adopt the resolution from the Albany Peace Seekers with "Albany City Council President" changed to "City of Albany Mayor" in the last paragraph. Olsen seconded the motion.

Bedore said there was no serious consideration to end the Vietnam War until there was public outcry against it. He believes it is the same for this war. It has been six years and it is time to publically declare that it is time to end it.

Councilor Christman is not in favor of the resolution and feels that more can be done by voting in November. He believes that this is not the appropriate place for the resolution and doesn't believe it will do anything.

Councilor Collins has concerns about some of the "whereas" statements in the resolution. He doesn't believe they are based on facts. Still, he doesn't believe the resolution will do any harm.

Reid said action needs to be taken in Washington DC. This will get nowhere, but it is a symbolic gesture.

VOTE: A vote was taken on the motion and it passed 4-3, with Reid, Johnson, and Christman voting no, and was designated Resolution No. 5593.

Public Hearing

VC-01-08, vacating portions of Jackson Street NE and Jefferson Street NE located rights-of-way north of Water Avenue NE.

Bedore opened the public hearing at 7:27 p.m.

Bedore asked if any members of the Council wished to abstain. No one did. Bedore asked if any members of the Council wished to declare a conflict of interest, or report any significant ex parte contact or a site visit. Collins said that at one time he performed services for the applicant.

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

Staff Report

Infrastructure Analyst Mike Leopard explained that staff is requesting only a first reading tonight. He mentioned that an updated ordinance was on the dais.

Leopard provided an overview and located the property on the map on page 18 of the agenda packet. He said vacating will allow the owners to make improvements in the areas that conform to their future plans for developments. He reviewed the utility map on page 21 of the agenda packet. He said currently the streets are only used for access to the businesses. He explained the river access paths using drawings on page 20 of the agenda packet. The City would retain public utility easements over the existing sanitary sewer right-of-ways. The City would retain the public view-corridor right-of-ways to assure there will be public access to the riverfront paths. Such an easement would only prohibit above ground structures. The applicants would prepare and sign an agreement from all congruent property owners to continue the access easements for future maintenance before the second reading of the ordinance. The Planning Commission held a public hearing and unanimously approved recommending this vacation to the Council.

Collins was concerned about the width of the sewer easement. Leopard said they would look at that during the development proposal.

Applicant's Testimony

Candace Ribera, 545 Vista Ave, Salem, representing the applicants, said that they concur with the staff report and the conditions of approval. Ribera explained that the paths and sidewalks are intended to be public. The City will retain 66 feet for an easement, even though that might eliminate the applicants' ability to put in any private utilities.

Scott Lepman, 100 30th Street, the applicant, gave an overview regarding storm water drainage. A complete proposal would be part of the development process.

No one else wished to speak.

Bedore closed the public hearing at 7:56 p.m.

City Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE VACATING PORTIONS OF JACKSON STREET NE AND JEFFERSON STREET NE LOCATED RIGHT-OF-WAY NORTH OF WATER AVENUE NE."

No further action was taken by the Council.

Business from the Public

Floyd Christensen, Albany resident, retired, feels the shopping cart ordinance is premature and could create some costly procedures for the City. He would like the Council to postpone action on the

shopping cart ordinance for 90 days, while he has discussions with grocers and tries a friendlier approach. He may be able to offer an easier, cheaper solution.

Karen Carver, 2175 Pine Meadow Drive, representing the Albany Timber Carnival, said this year it will be a two day event, including the lumberjack events. They have joined forces with Operation Homefront, which provides aid to returning soldiers and their families. There will be no admission fee into the Timber Carnival. They have received great support from the Albany Parks & Recreation Department and have been working with the Fire and Police Departments. The Timber Carnival Board is asking the Council to support them by sponsoring fireworks on Friday night, July 4, only. The cost of the fireworks will be \$9,000 for Friday.

Amanda Dalton, PO Box 981, Salem, representing the Grocery Association, encouraged the Council to pass the shopping cart ordinance.

#### First Reading of Ordinances

Levying assessments against property specifically benefited by sewer and water connections and the assessment of sewer, water, transportation, and parks system development charges for property described as Tax Lot 10303 of Parcel 11S-03W-07AB and site address 873 Sixth Avenue SE, and declaring an emergency.

City Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE LEVYING ASSESSMENTS AGAINST PROPERTY SPECIFICALLY BENEFITED BY SEWER AND WATER CONNECTIONS AND THE ASSESSMENTS OF SEWER, WATER, TRANSPORTATION, AND PARKS SYSTEM DEVELOPMENT CHARGES FOR PROPERTY DESCRIBED AS TAX LOT 10303 OF PARCEL 11S-03W-07AB AND SITE ADDRESS 873 SIXTH AVENUE SE, AND DECLARING AN EMERGENCY."

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

Delapoer read the ordinance for a second time in title only.

MOTION: Reid moved to adopt the ordinance. Collins seconded the motion and it passed 6-0, and was designated Ordinance No. 5693.

Establishing procedures for retrieving and reclaiming abandoned shopping carts.

City Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE ESTABLISHING PROCEDURES FOR RETRIEVING AND RECLAIMING ABANDONED SHOPPING CARTS."

Delapoer said this ordinance is modeled directly on the state law. The state has authorized a specific type of ordinance.

Management Assistant/Public Information Officer Marilyn Smith said that a grocery store, Shop & Kart, has already voluntarily complied with a portion of the ordinance by affixing their name and phone number to their carts.

Johnson asked if the state law requires the City to pass this ordinance. Delapoer said the Council is not obligated to pass this ordinance. The City is already collecting carts and it is already illegal to take the carts off of the premises of the business. This ordinance tries to reduce the problem with some restraints and to make it easier to notify the store. The ordinance doesn't criminalize the store owner.

Johnson doesn't think it is an emergency to pass it tonight. She wants to wait to hear what Mr. Christensen finds out from the store owners.

Christman said the stores are the ones that brought this to us. They asked for it. If there is a local person who wants to create a business for collection, that's good.

Konopa said this ordinance doesn't stop a store from doing something independently.

MOTION: Reid moved to have the ordinance read a second time in title only. Christman seconded the motion and it failed 4-2, with Johnson and Olsen voting no. It takes a unanimous vote of the Council to have an ordinance read twice at the same meeting. This ordinance will come back to the Council for a second reading at the May 28, 2008, City Council meeting.

Adoption of Resolutions

Supporting an application to the Oregon Department of Land Conservation and Development to assist with completion of the goal five tasks in the City's Periodic Review Work Program.

Konopa thought they had already passed an ordinance regarding this issue.

Planner III Heather Hansen explained that the Council voted to put it on hold in 2004, now it has become mandatory. The additional scope is to add more for wildlife habitat.

Konopa recommended that staff contact the same group that was advising staff before and see if they want to continue to be a part of the process.

MOTION: Reid moved to adopt the resolution supporting an application to the Oregon Department of Land Conservation and Development to assist with completion of the goal five tasks in the City's Periodic Review Work Program. Collins seconded the motion and it passed 6-0, and was designated Resolution No. 5594.

Amending parking restrictions within Downtown Albany where parking on public streets is enforced and managed by the Albany Downtown Association.

MOTION: Konopa moved to adopt the resolution amending parking restrictions within Downtown Albany where parking on public streets is enforced and managed by the Albany Downtown Association. Collins seconded the motion.

Reid said the continuing need to change parking designations emphasizes the need for more parking in the downtown area. Konopa agreed saying that a downtown parking structure should be considered.

Christman said the City needs a downtown parking plan rather than this piecemeal type of change.

Johnson suggested rearranging the parking designation so that public employees could still park in the area near the Downtown Library.

VOTE: A vote was taken on the motion and it passed 5-1, with Johnson voting no, and was designated Resolution No. 5595.

ST-08-04, Somerset Drive to school, and ST-08-06, school to Knox Butte, accepting the Engineer's Report and Financial Investigation Report for infrastructure improvements and setting a public hearing.

Konopa asked, is this a collector street? How wide is it? Assistant Public Works Director/City Engineer Mark Shepard said yes, it is a collector street and curb to curb it is 32 feet. Konopa said she supports the Local Improvement District (LID), but she thinks the street should be more than 32 feet wide. Shepard said that generally collector streets are a little wider, but they were concerned about speeds. Studies have shown that narrower streets are safer because traffic slows down. Konopa would like staff to reevaluate the width of the street. She feels there isn't enough room on the street when two buses pass each other and there is a kid on a bike in the bike lane. She would prefer traffic humps and a meandering road to address speed issues.

Olsen asked, does the school district own the property on both sides? Shepard said, only on one side.

Ed Fitzpatrick, 3541 South Bluesand Place, Corvallis, said the potential capacity of the new school is 800. They figured 12 buses for transportation and incorporated a designated bus-turn-around-area for drop off.

Johnson asked if they had any anticipated traffic calculations. Shepard said they could get some projections.

Collins said there was some discussion about the bridge replacement widening in the future and Clover Ridge Road becoming a dead end. It would be better to have a wider street. He asked staff to reconsider the width of the street.

Konopa asked if staff could guaranty that the LIDs would proceed as projected in the time line and not continue out for a long period of time. Shepard said there are some issues out of their control. They cannot guaranty the length of time, but will give their best effort.

MOTION: Konopa moved to adopt the resolution accepting the Engineer's Report and Financial Investigation Report for infrastructure improvements from Somerset Drive to school (ST-08-04), with staff bringing back an alternative street width with comparison information to the public hearing, and including the amended pages presented tonight. Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5596.

MOTION: Konopa moved to adopt the resolution accepting the Engineer's Report and Financial Investigation Report for infrastructure improvements from school to Knox Butte Road (ST-08-06). Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5597.

Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) March 10, 2008, City Council Work Session
  - b) March 24, 2008, City Council Work Session
  - c) March 26, 2008, City Council Meeting
  - d) April 23, 2008, City Council Meeting
- 2) Accepting a mini-grant from the Alliance for Community Traffic Safety in Oregon. RES. NO. 5598
- 3) Approving liquor licenses for:
  - a) Total Image, LLC, D/B/A Cadeau of Oregon, 1435 Madison Street SE.
  - b) UUK, Inc., D/B/A Sam City, 2180 Pacific Boulevard SE.
  - c) Annual liquor license renewals.
- 4) Accepting easements from:
  - a) Robbie Frear. RES. NO. 5599
  - b) Cynthia Hughey and Ambrose Hughey. RES. NO. 5600
  - c) Leroy L. Laack Trust. RES. NO. 5601
- 5) Accepting a right-of-way dedication from North Albany Community Church. RES. NO. 5602
- 6) Granting underground easements to Pacific Power for the Albany-Millersburg Water Reclamation Facility and the Albany Operations Facility. RES. NO. 5603  
RES. NO. 5604

Konopa asked for item 1c) to be removed for discussion.

MOTION: Konopa moved to adopt the Consent Calendar with item 1c) removed for discussion. Reid seconded the motion and it passed 6-0.

Regarding item 1c), Konopa said on page five, eighth paragraph, the phrase in the second sentence should read "...allows a 50-acre commercial site in a policy..."

MOTION: Konopa moved to adopt item 1c) as corrected. Reid seconded the motion and it passed 6-0.

Award of Bids

Awarding of bid for the new library facility.

MOTION: Collins moved to award the contract in the amount of \$2,988,126 to TGerding Construction Company, of Corvallis, Oregon. Reid seconded the motion and it passed 6-0.

WL-08-01, Madison Street and 12<sup>th</sup> Avenue Area Water Line.

MOTION: Collins moved to award the contract in the amount of \$627,475 to the low bidder, Alpine Construction of Newberg. Johnson seconded the motion and it passed 6-0.

ST-08-02-B, 2008 Street Overlay Program.

MOTION: Collins moved to award the contract in the amount of \$197,170, to the low bidder, CPM Development Corporation of Salem, Oregon. Reid seconded the motion and it passed 6-0.

ST-07-01, Waverly Drive Rehabilitation.

MOTION: Collins moved to award the contract in the amount of \$995,282.50 to the low bidder, Mid-Valley Gravel Company of Philomath, Oregon. Johnson seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Collins will be out of town on May 28 and will miss the next Council meeting. He commented on the Hacklemen Historic District clean up and is interested in making that activity citywide.

Bedore attended the American Legion safety awards which included awards for Police Officer of the Year, Sergeant Brad Liles of the City's Police Department and Firefighter of the Year, Apparatus Operator Tom Henke of the City's Fire Department.

NEXT MEETING DATE

The next City Council Work Session is scheduled for Monday, May 19, 2008, at 4:00 p.m., at the Albany Boys & Girls Club, 1215 Hill Street SE. The next Regular Session is scheduled for Wednesday, May 28, 2008, at 7:15 p.m., in City Hall.

Albany City Council Regular Session  
Wednesday, May 14, 2008

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:03 p.m.

Respectfully submitted by,

Betty Langwell, CMC  
City Clerk

Reviewed by,

Stewart Taylor  
Finance Director



CITY OF ALBANY  
 CITY COUNCIL (WORK SESSION)  
 Council Chambers  
 Monday, May 19, 2008  
 4:00 p.m.

## MINUTES

## CALL TO ORDER

Council President Sharon Konopa 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: Mayor Bedore

## LOCATION CHANGE

The Work Session was relocated from the Albany Boys & Girls Club (Club) to the Council Chambers at City Hall because Chelsea Clinton, daughter of Presidential candidate Hillary Clinton, announced a surprise afternoon visit to the Club.

## BUSINESS FROM THE PUBLIC

There was no business from the public.

## PARKS &amp; RECREATION COMMISSION ANNUAL REPORT

Mike Graham, representing the Parks & Recreation Commission, gave highlights from the staff report. They are especially proud of the agreement with the Boys & Girls Club. He said it has been a productive year.

Graham introduced Parks & Recreation Commission member Sharon Edwards.

Councilor Ralph Reid asked, does the Parks & Recreation Commission have the authority to approve system development charges (SDCs)? Parks & Recreation Director Ed Hodney said they can recommend, but not approve SDCs.

## NEIGHBORHOOD PICNICS IN THE PARK INVITATION

Recreation Programs Manager Katie Nooshazar and Recreation Coordinator Joy Gilliland invited the Council to attend a series of neighborhood picnics hosted by the Parks & Recreation Department and the *Democrat-Herald*. Gilliland passed out a staff memo dated May 19, 2008 (see agenda file) and an invitation to the picnics (see agenda file). The picnics are designed after the successful Swanson Park neighborhood picnic last summer. They will be located at parks in each Council Ward to build a sense of neighborhood-connectedness, and will serve as a kick-off for the National Parks & Recreation in July. The picnics will be on Tuesday evenings in June and they will have interactive displays, arts and crafts for kids, surveys, and opportunities to talk to the Parks & Recreation Commission members and the Council in an informal setting. The *Democrat-Herald* will also survey participants. Nooshazar said this event has been made possible by sponsors for the hotdogs, Pepsi, and Gatorade. The purpose is to build community and to share information.

The picnic schedule is:

June 3	Doug Killin Friendship Park	6:30 p.m. to 8:00 p.m.
June 10	Lexington Park	6:30 p.m. to 8:00 p.m.
June 17	Timber-Linn Memorial Park	6:30 p.m. to 8:00 p.m.
June 24	Gibson Hill Park	6:30 p.m. to 8:00 p.m.

Nooshazar invited the Council to the dedication of the Doug Killin Friendship Park as part of the picnic event.

Councilor Bessie Johnson said these events are a great idea and provide an opportunity to reach people. We are going to them instead of them coming to us. Nooshazar said there was a very positive response from neighbors following the Swanson Park event last summer.

## COST-OF-LIVING ADJUSTMENT FOR NONBARGAINING EMPLOYEES

Human Resources Director David Shaw explained that the March consumer price index (CPI) has been used for many years by the AFSCME union to calculate the cost-of-living increase (COLA). The March 2008 CPI is 4.3 percent. Shaw is requesting that the Council approve a similar increase for Non-Bargainers and Executives.

Konopa asked what the increase was for the Police and Fire unions. Shaw said Fire did not want the CPI so instead they bargained for a two percent increase in July and a two percent increase in January. The Police are still in negotiations and have been offered 4.3 percent.

MOTION: Johnson moved to approve a 4.3 percent cost of living adjustment (COLA) for Nonbargaining and Executive employees effective July 1, 2008. Reid seconded the motion and it passed 6-0.

#### TIMBER CARNIVAL SPONSORSHIP REQUEST

Hodney noted that the representatives were not present at the meeting, possibly because of the meeting location change.

Konopa asked, why didn't the Timber Carnival apply for sponsorship through the non-profit application process? It would have been timely to get this request prior to the conclusion of the Budget Committee meetings. Hodney said staff did share with them the opportunity to apply through that process, but at the time they were confident they would acquire the sponsorships. They may have underestimated the costs at that time.

Hodney said, it is important for the Council to know that the City has been supporting the formation of the Timber Carnival event. We waived many park fees associated with the event, about \$5,500. Also, Parks & Recreation staff have been working diligently with the Timber Carnival representatives to organize with the Police and Fire Departments, providing about \$7,000 in staff time to the Timber Carnival.

Konopa said she was told by Karen Carver of the Timber Carnival that the City used to have a line item for the Timber Carnival many years ago. Reid said that the City had to write off unpaid debt from the previous organizers. Konopa said that somehow, we must impress upon them that there is a process for this type of request through the Budget Committee. If the carnival event continues, they should follow the same process the other non-profits do.

Councilor Floyd Collins said there has been a history of problems with the Timber Carnival, but on the other hand it was a mainstay for tourism in Albany for many years. The Council should support it and give them an opportunity to resurrect the event. They have a new organizer now, so he would like to support the request.

Konopa suggested, for tourism events such as this, perhaps we should allocate money to the Albany Visitors Association (AVA) and have them distribute the funds, rather than the requests coming directly to the City. Hodney agrees that it should be part of the budget process.

Hodney said that Parks & Recreation recently lost \$45,000 in funding from a major sponsor for next year, due to the economy. Some of the City-sponsored events have a more significant impact than we are likely to see from the Timber Carnival over the next few years. It is a difficult economy right now to solicit donations.

Johnson is a representative of the AVA and said that Carver asked them for funding but it was too late in the year. They were also told then to get a grant application from the City in early so they could be included in the budget process. She thinks they just acted too late.

Johnson said the First Assembly of God has fireworks on the 4<sup>th</sup> of July, and the Timber Carnival asked if they want to combine with that event; however, the church declined because there would be alcohol served at the park and the church did not feel it would be a good match. She is not sure why we need two identical fireworks events on July 4<sup>th</sup>. She does not support this request.

Councilor Jeff Christman appreciates their efforts, but he is not in favor of giving them money. They should have gone through the budget process. Also, there are conflicts as far as other programs that will also be happening that same weekend. If we have already waived \$5,500 in parks fees, donated \$7,000 in City staff time, and then we give them \$9,000 for fireworks, we would be contributing \$21,500 total. He is not in favor of spending more; the City has already participated significantly. There comes a point where there is too much going on and folks don't go anywhere. Both programs will be hurt if there are fireworks at both.

Councilor Dick Olsen said having two fireworks events would be good. Regarding the suggestion to have them request funds from the AVA, Olsen would rather they come to the City directly as he does not want to involve a third party. He is in favor of having this July 4th celebration because it is timber-oriented. It is appropriate, given Albany's history, and he is in favor of providing seed money so they can become more self-supporting in the future.

Konopa supports having it at Timber Linn Park because it is a tradition. It bothers her that they missed the budget deadline. She asked staff to send a letter to the Budget Committee members explaining that this request came after the budget document was passed. We need to be in communication with them about items approved after the budget process is completed. We lost a good Budget Committee member in the past because of this very issue. The Council agreed.

Konopa said it needs to be stressed to the Timber Carnival representatives that this is seed money only, not a commitment for future years.

Albany City Council Work Session  
Monday, May 19, 2008

MOTION: Reid moved to authorize \$9,000 to the Timber Carnival specifically for fireworks on the eve of July 4, 2008, to be allocated from transient room tax revenue and Christman seconded it. The motion passed 5-1, with Christman voting no.

COUNCILOR COMMENTS

Collins will be gone for two weeks on vacation.

Reid said last week there was no aviation fuel at the Airport. The fuel order must have slipped through the cracks with the recent transitions in Economic Development. There are a lot of small areas that need to be watched so that there are not problems again. He will continue to be the Airport liaison, unless another Councilor wants to. Collins is comfortable with Reid being the liaison, as he is a good Airport representative and already has a relationship with the clients. The other Councilors agreed.

Collins noted that this demonstrates that we need a staff person to champion for the Airport. We had that in former Economic Development Director Dick Ebbert, and we are feeling the loss now. Public Works Director Diane Taniguchi Dennis commented that when staff found that the fuel was low it was ordered immediately, but it takes two days to arrive. Staff did have a meeting about this and worked out a process for the future. It is difficult to lose a champion for a program, such as Ebbert. There are key pieces lost that must be rebuilt.

CITY MANAGER COMMENTS

Dennis said Civil Engineer III Peter Harr received an award from the Pacific Northwest Section of the American Water Works Association for excellence in engineering for the best medium water works project, the Albany Diversion Dam and the Fish Screen Project. The award recognizes the City of Albany and CH2M Hill.

Danny Perry, representing the West Oregon Web Press, wished to speak. He is the largest bulk mailer in Albany and is trying to learn about our community. This is his first time attending a Council meeting.

ADJOURNMENT

There being no other business, the Work Session adjourned at 4:37 p.m.

Respectfully submitted,

Mary A. Dibble, CMC  
Deputy City Clerk

Reviewed by,

Stewart Taylor  
Finance Director

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

A RESOLUTION APPOINTING CITY MANAGER PRO TEMS AND REPEALING RESOLUTION NO. 5503

BE IT RESOLVED that in the absence or inability of City Manager Wes Hare to perform the duties of city manager, the Albany City Council authorizes the following individuals to assume the position of City Manager Pro Tem:

Boyd, Ed, Police Chief  
Hodney, Ed, Parks & Recreation Director  
Kreitman, Kevin, Fire Chief  
Taniguchi-Dennis, Diane Public Works Director  
Taylor, Stewart, Finance Director

BE IT FURTHER RESOLVED that City Manager Wes Hare will make a specific assignment as needed; and

BE IT FURTHER RESOLVED that Resolution No. 5503 is hereby repealed.

DATED AND EFFECTIVE THIS 11TH DAY OF JUNE 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Kevin Kreitman, Fire Chief *KK*  
DATE: June 4, 2008, for the June 11, 2008, City Council Meeting  
SUBJECT: Joe's Sports & Outdoor Foundation Grant Acceptance  
RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Approval from the City Council by resolution to accept a \$1,000 grant from Joe's Sports & Outdoor Foundation to provide funding for the Fire Department's Safety Camp program.

Discussion:

On February 13, 2008, Albany City Council approved by resolution an application for a \$2,000 grant from Joe's Sports & Outdoor Foundation for the Fire Department's Safety Camp program.

Joe's Sports & Outdoor Foundation has sent notification to the Fire Department of a \$1,000 grant award.

Budget Impact:

Increase of \$1,000 to the Fire Department's Public Education Program K-5 line item (100-25-1203-62006).

KK:ljh  
Attachment

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

A RESOLUTION AUTHORIZING THE FIRE DEPARTMENT TO ACCEPT \$1,000 FROM JOE'S SPORTS & OUTDOOR FOUNDATION FOR THE 2008 SAFETY CAMP PROGRAM.

WHEREAS, the Fire Department provides an annual summer Safety Camp for local children entering fourth, fifth, and sixth grades; and

WHEREAS, Joe's Sports & Outdoor Foundation has a grant program which provides funding for community programs that require no matching funds; and

WHEREAS, the Fire Department applied for a \$2,000 grant through Joe's Sports & Outdoor Foundation for Safety Camp; and

WHEREAS, Joe's Sports & Outdoor Foundation has sent notification to the Fire Department of a \$1,000 grant award for Safety Camp.

NOW, THEREFORE, BE IT RESOLVED the Albany City Council authorizes the Fire Department to receive funds in the amount of \$1,000 from the Joe's Sports & Outdoor Foundation for the 2008 Safety Camp Program.

BE IT FURTHER RESOLVED that the following account numbers shall be applied to the grant:

	<u>Debit</u>	<u>Credit</u>
Resources		
Joe's Sports & Outdoor Foundation		
100-10-1002-46100	\$1,000	
Requirements		
Public Education Program K-5		
100-25-1203-62006		\$1,000

DATED AND EFFECTIVE THIS 11TH DAY OF JUNE 2008.

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Mayor

ATTEST:

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City Clerk

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

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Oregon Metallurgical Corporation

A 20-foot wide utility easement for the purpose of constructing a sanitary sewer force main.

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

DATED AND EFFECTIVE THIS 11TH DAY OF JUNE 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

**SANITARY SEWER FORCE MAIN EASEMENT**

THIS AGREEMENT, made and entered into this 25<sup>th</sup> day of April, 2008, by and between Oregon Metallurgical Corporation, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair the sanitary sewer force main for the purpose of conveying sanitary sewer services over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said sanitary sewer force main and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said sanitary sewer force main.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:  
  
A 20-foot wide utility easement for the purpose of constructing a sanitary sewer force main. See attached legal description labeled Exhibit A and map labeled Exhibit B.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$4,200, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.



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

**GRANTOR:**

Oregon Metallurgical Corporation

Jon D. Walton  
By  
Executive Vice President  
Title

Pennsylvania  
STATE OF OREGON )  
County of Allegheny ) ss.  
City of Pittsburgh )

The instrument was acknowledged before me this 25th day of April, 2008, by By Jon D. Walton, Title Executive Vice President, as a representative of Oregon Metallurgical Corporation.

Mary Beth Moore  
By  
Assistant Secretary  
Title

Pennsylvania  
STATE OF OREGON )  
County of Allegheny ) ss.  
City of Pittsburgh )

The instrument was acknowledged before me this 25th day of April, 2008, by By Mary Beth Moore, Title Assistant Secretary, as a representative of Oregon Metallurgical Corporation.

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Aileen M. Larko, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires Feb. 27, 2011

Member, Pennsylvania Association of Notaries

Aileen M. Larko  
Notary Public for Oregon Pennsylvania  
My Commission Expires: 2/27/2011

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
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Notary Public for Oregon Pennsylvania  
My Commission Expires: 2/27/2011

**CITY OF ALBANY:**

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

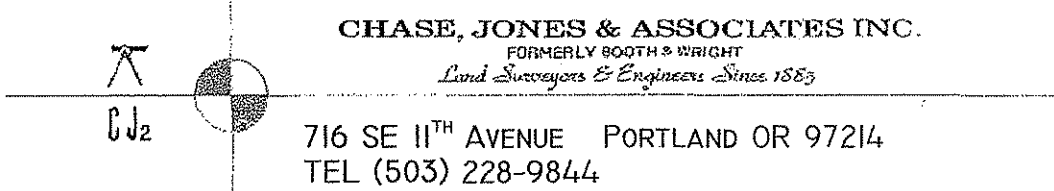
I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
City Manager

**ATTEST:**

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

# EXHIBIT A



May 21, 2007  
Revised May 30, 2007  
Revised May 31, 2007  
#12057

## OREMET TAX LOT 400 SEWER EASEMENT

A 20 foot wide strip of land located in that property described in Tract I, Volume 266, Page 350, situated in the N.E. 1/4 of Section 19, Township 11 South, Range 3 West of the Willamette Meridian in the City of Albany, County of Linn, State of Oregon, being more particularly described as follows:

Beginning at the intersection of the west line of "Redfield's Land Plat" and the north line of the Bonneville Power Administration Easement, recorded in Book 232, Page 342, May 1953; thence North 02°11'16" East, along the west line of said "Redfield's Land Plat", a distance of 5.03 feet to a point that is 5.00 feet north when measured perpendicular to the north line of the Bonneville Power Administration Easement; thence South 81°22'30" East, parallel to the north line of said Bonneville Power Administration Easement, a distance of 364.06 feet; thence South 83°10'01" East, parallel to said north line a distance of 570.40 feet more or less to the north line of "Marion Industrial Park"; thence North 89°13'28" West, along said north line of "Marion Industrial Park" a distance of 189.53 feet to a point that is 15.00 feet southwesterly when measured perpendicular to the north line of the Bonneville Power Administration Easement; thence North 83°10'01" West, parallel to the north line of said Bonneville Power Administration Easement a distance of 382.24 feet; thence North 81°22'30" West, parallel to the north line of said Bonneville Power Administration Easement a distance of 362.11 feet more or less to the west line of "Redfield's Land Plat"; thence North 02°11'16" East along said west line a distance of 15.10 feet to the POINT OF BEGINNING.

This tract contains 16,788 square feet more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Oran D. Abbott*  
OREGON  
JULY 30, 1976  
ORAN D. ABBOTT  
#1066

RENEWAL: 12/31/07

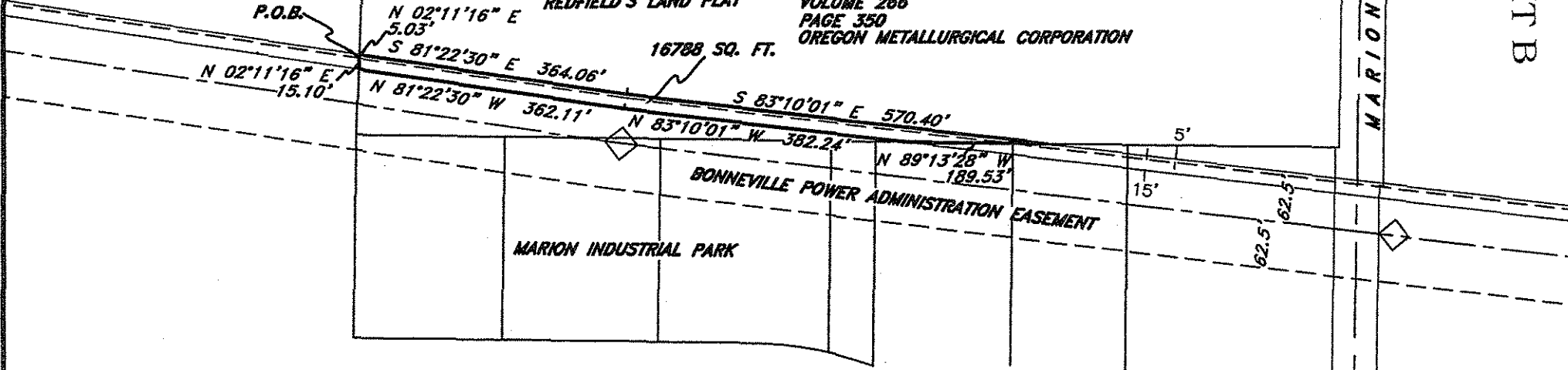
MARION STREET

TAX LOT 402

TAX LOT 400  
VOLUME 266  
PAGE 350  
OREGON METALLURGICAL CORPORATION

REDFIELD'S LAND PLAT

16788 SQ. FT.



6-1-07

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Oran D. Abbott*

OREGON  
JULY 30, 1976  
ORAN D. ABBOTT  
1066

RENEWAL: 12:31:07

**OREMET TL 400 SEWER EASEMENT**

SITUATED IN THE  
N.E. 1/4 SECTION 19, T. 11 S., R. 3 W., W.M.  
CITY OF ALBANY, COUNTY OF LINN, STATE OF OREGON

BY:

**CHASE, JONES & ASSOCIATES INC.**  
716 S. E. 11TH AVE. PORTLAND, OREGON 97214  
PHONE (503) 228-9844

PROJECT NO.: 12057 SCALE: 1"=200'

DATE: MAY 25, 2007  
REVISED: MAY 31, 2007



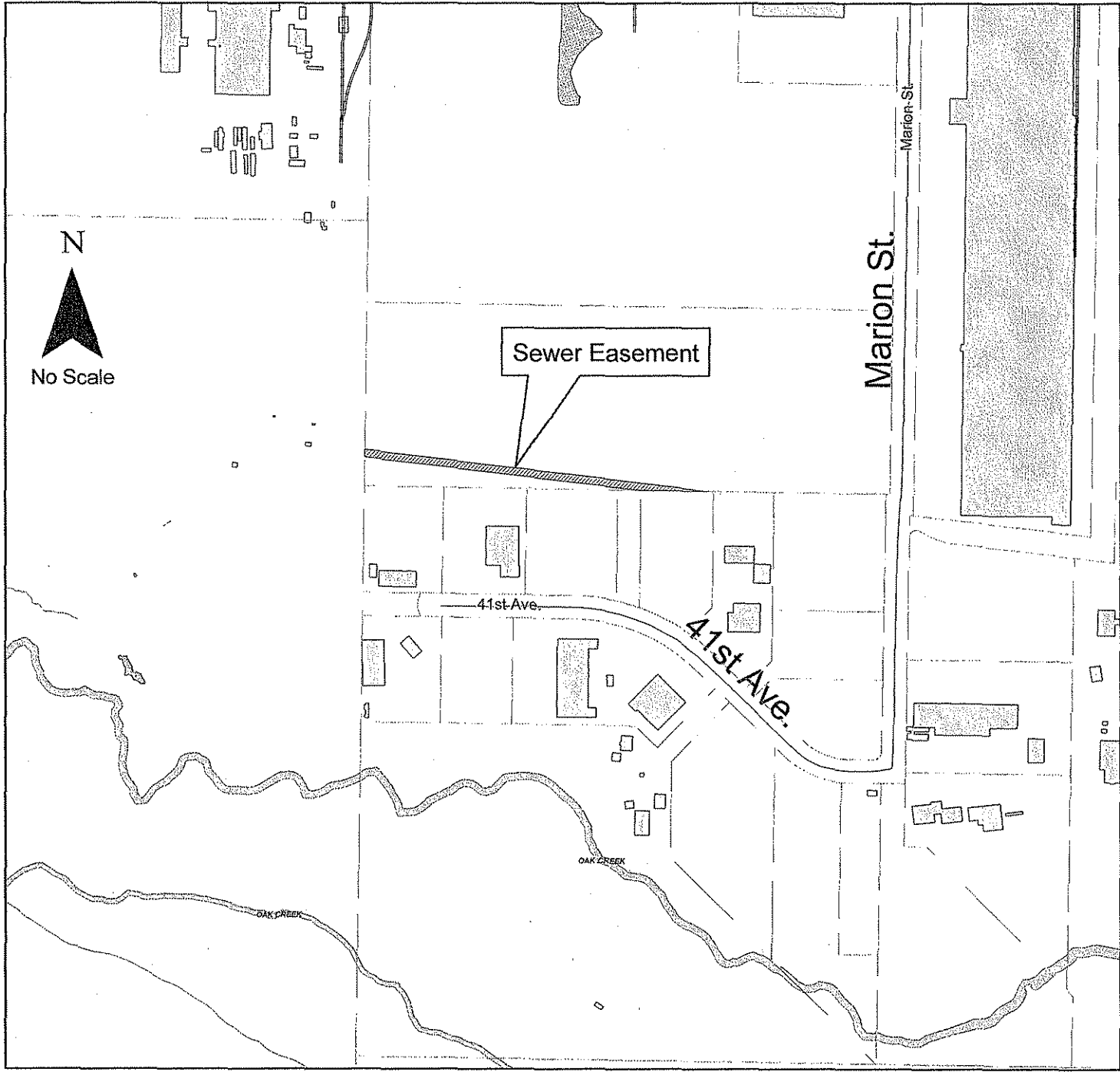
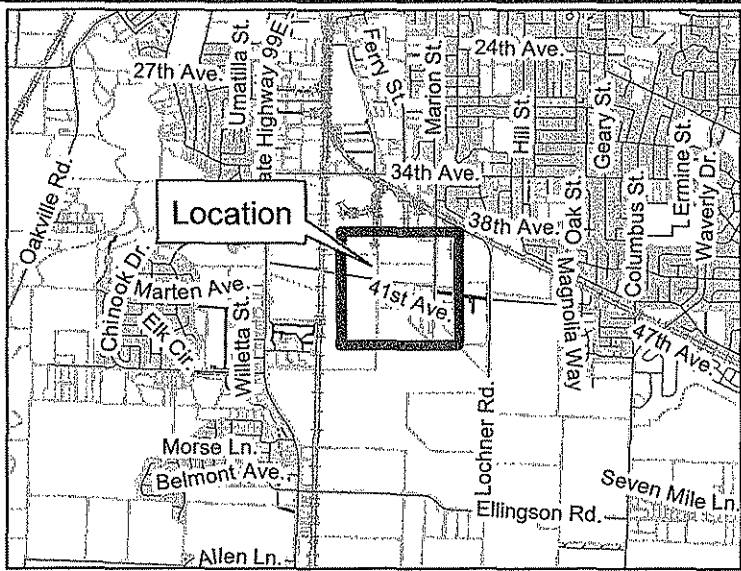
# EXHIBIT C

11SO3W19A 00400

SS-07-05  
Oak Creek Sewer  
Force Main



Geographic Information Services



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

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Oregon Metallurgical Corporation

A 20-foot wide utility easement for the purpose of constructing a sewer force main.

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

DATED AND EFFECTIVE THIS 11TH DAY OF JUNE 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

## SANITARY SEWER FORCE MAIN EASEMENT

THIS AGREEMENT, made and entered into this 25<sup>th</sup> day of April, 2008, by and between Oregon Metallurgical Corporation, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

### WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair the sanitary sewer force main for the purpose of conveying sanitary sewer services over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said sanitary sewer force main and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said sanitary sewer force main.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:  
  
A 20-foot wide utility easement for the purpose of constructing a sewer force main. See attached legal description labeled Exhibit A and map labeled Exhibit B.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$3,300, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

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

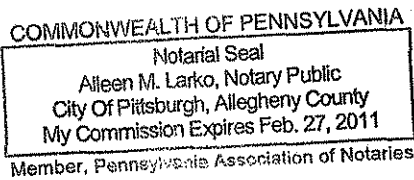
**GRANTOR:**

Oregon Metallurgical Corporation

Jon D. Walton  
By  
Executive Vice President  
Title

Pennsylvania  
STATE OF OREGON )  
County of Allegheny ss.  
City of Pittsburgh )

The instrument was acknowledged before me this 25th day of April, 2008 by By Jon D. Walton, Title Executive Vice President, as a representative of Oregon Metallurgical Corporation.

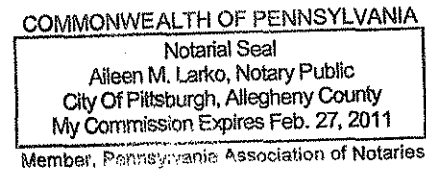


Aileen M. Larko  
Notary Public for Oregon Pennsylvania  
My Commission Expires: 2/27/2011

Mary Beth Moore  
By  
Assistant Secretary  
Title

Pennsylvania  
STATE OF OREGON )  
County of Allegheny ss.  
City of Pittsburgh )

The instrument was acknowledged before me this 25th day of April, 2008 by By Mary Beth Moore, Title Assistant Secretary, as a representative of Oregon Metallurgical Corporation.



Aileen M. Larko  
Notary Public for Oregon Pennsylvania  
My Commission Expires: 2/27/2011

**CITY OF ALBANY:**

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

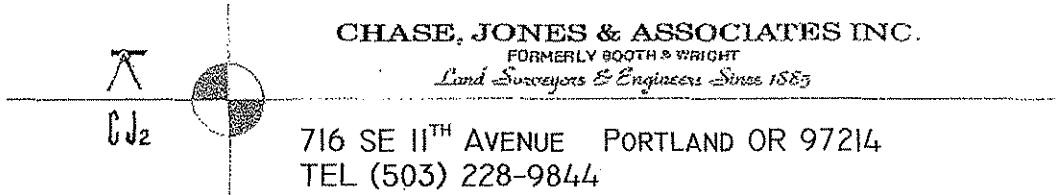
I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2008

\_\_\_\_\_  
City Manager

**ATTEST:**

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

# EXHIBIT A



May 21, 2007  
#12057

## OREMET SEWER EASEMENT

A 20 foot wide strip of land located within that property described in Tract I, Volume 1135, Page 793 situated in the N.W. 1/4 of Section 19, Township 11 South, Range 3 West of the Willamette Meridian in the City of Albany, County of Linn, State of Oregon, being more particularly described as follows:

Beginning at the intersection of the north right of way line of the Bonneville Power Administration Easement with the east right of way line of Southern Pacific Railroad; thence South 02°11'16" West, along said east right of way line, a distance of 15.10 feet to a point that is 15.00 feet when measured perpendicular to said north right of way line of the Bonneville Power Administration; thence South 81°22'30" East, parallel and 15.00 feet from said north line of the Bonneville Power Administration easement, a distance of 1,324.61 feet more or less to the east line of said tract described in Tract I, Volume 1135, page 793; thence North 02°11'16" East, along said east line, a distance of 20.13 feet to a point that is 5.00 feet north of said Bonneville Power Administration easement; thence North 81°22'30" West, parallel and 5.00 feet north from said north Bonneville Power Administration easement, a distance of 1,324.61 feet more or less to the east Southern Pacific Railroad right of way line; thence South 02°11'16" West, along said right of way line, a distance of 5.03 feet to the POINT OF BEGINNING.

This tract contains 26,492 square feet more or less.



NORTH LINE, VOLUME 1135, PAGE 793

TAX LOT 402  
VOLUME 1135  
PAGE 793  
OREGON METALLURGICAL CORP.

SOUTHERN PACIFIC  
RAILROAD

P.O.B.

S 02°11'16" W  
5.03'

S 02°11'16" W  
15.10'

20'

5'

15'

N 81°22'30" W 1324.61'+/-

S 81°22'30" E 1324.61'+/-

26,492 SQ. FT.

62.5'

N 02°11'16" E  
20.13'

BONNEVILLE POWER ADMINISTRATION EASEMENT

40'  
40'

62.5'

**OREMET SEWER EASEMENT**

SITUATED IN  
N.W. 1/4 SECTION 19, T. 11 S., R. 3 W., W.M.  
CITY OF ALBANY, COUNTY OF LINN, STATE OF OREGON

BY:

**CHASE, JONES & ASSOCIATES INC.**  
716 S. E. 11TH AVE. PORTLAND, OREGON 97214  
PHONE (503) 228-9844

PROJECT NO.: 12057 SCALE: 1"=200'

DATE: MAY 18, 2007

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 30, 1976  
ORAN D. ABBOTT  
1066

RENEWAL: 12/31/07

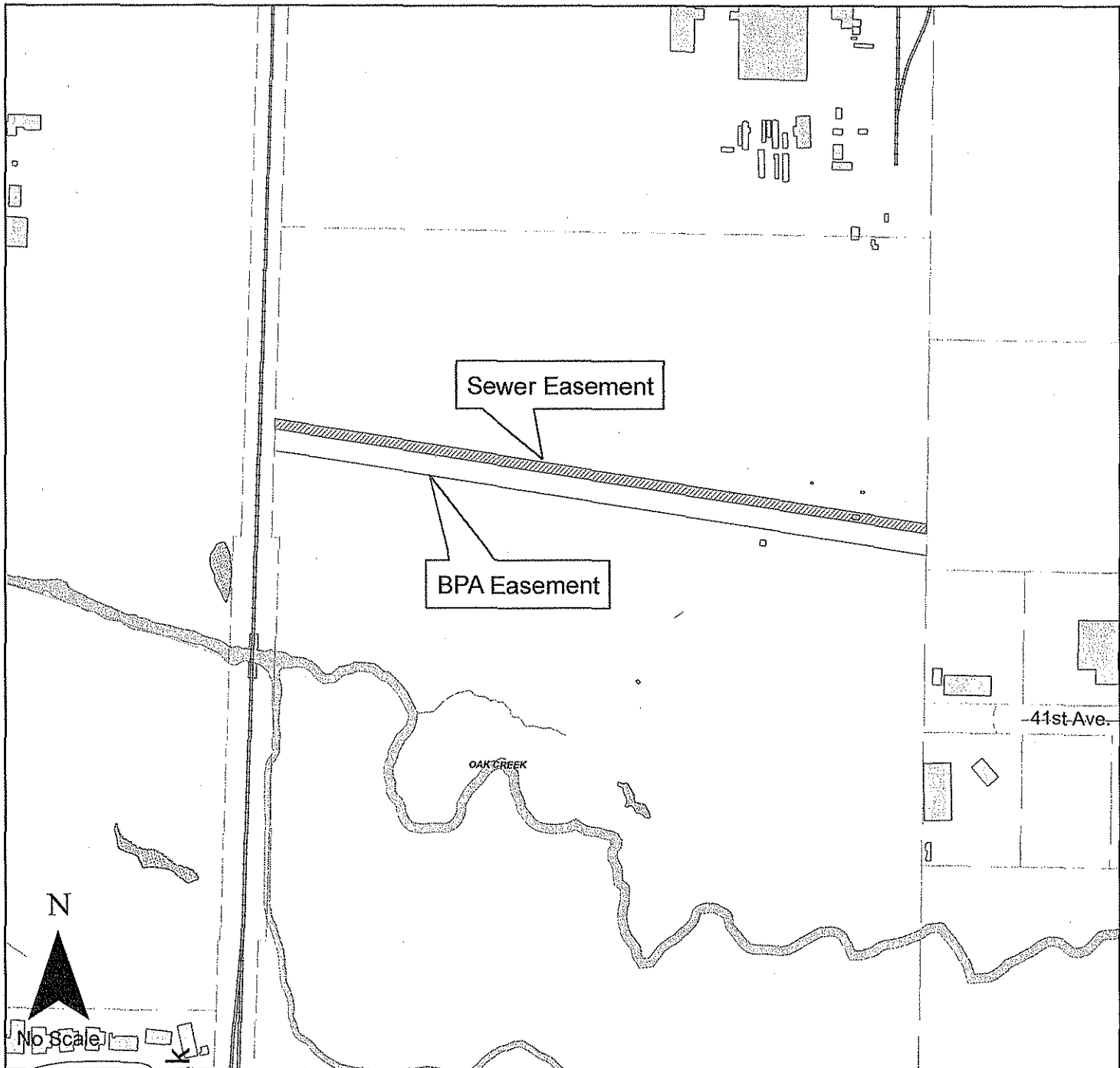
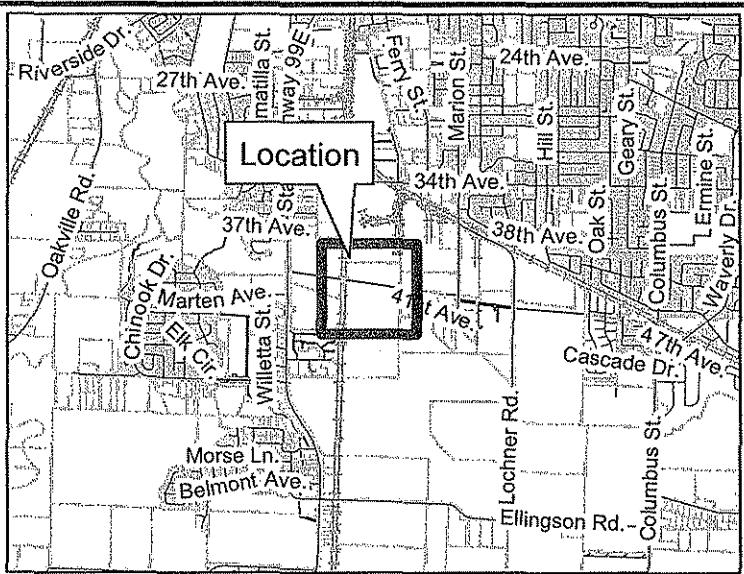
# EXHIBIT C

11SO3W19 00402

SS-07-05  
Oak Creek Sewer  
Force Main



Geographic Information Services





TO: Albany City Council  
VIA: Stewart Taylor, Finance Director  
FROM: Linda Booth, Parks & Recreation Clerk III  
DATE: June 4, 2008, for the June 11, 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.

LOS TEQUILAS	2525 SANTIAM HWY
LUM YUEN RESTAURANT	1236 PRICE RD SE
POP'S BRANDING IRON REST & LOUNGE	901 PACIFIC BLVD SE
LOS DOS AMIGOS HACIENDA	2133 SANTIAM HWY SE
IN & OUT MARKET	1737 SALEM AVE SE
HICKORY PIT BARBECUE	2200 SE PACIFIC BLVD
FASTBREAK MARKET	1203 CENTURY DR NE
7-ELEVEN STORE #2363-23022A	222 MAIN ST SE
7-ELEVEN STORE #2363-23216B	1815 QUEEN AVE SE
7-ELEVEN STORE #2363-21911C	6190 PACIFIC BLVD SW
US MARKET #180	1709 HILL ST
BAILEY'S ON ELM	831 ELM ST SW
WILHELM'S	1520 SE PACIFIC HWY
SMOKEHOUSE CAFÉ	641 NW HICKORY #120
RITE AID #5365	1235 WAVERLY DR SE
US MARKET #170	2211 WAVERLY DR SE #7
GINZA JAPANESE RESTAURANT	2218 SANTIAM HWY SE
WYATT'S EATERY & BREWHOUSE	211 FIRST AVE NW

Budget Impact:

Revenue of \$630

lb



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Stewart Taylor, Finance Director *ST*  
Betty Langwell, City Clerk  
DATE: June 2, 2008, for the June 11, 2008, City Council Meeting  
SUBJECT: State Revenue Sharing

Action Requested:

Staff requests that the Council hold the public hearing and pass the resolution certifying that the City is eligible for state revenue sharing money and the resolution stating that they want to receive state revenue sharing money.

Discussion:

A percentage of the net revenue from state shared revenues (cigarette, liquor, and highway taxes) is authorized for distribution under the State Revenue Sharing Program, ORS 221.770. The funds are based on a formula that compares the City's consolidated property tax rate, per capita income, and population against the statewide averages. They also reflect the percentage of upward or downward trends in per capital tax distribution. The funds are paid quarterly.

The law requires that cities provide two opportunities for the public to comment regarding the proposed use of the state revenue sharing monies. The first opportunity is held before the Budget Committee, which we do as part of our Budget Committee review of the proposed budget. The second opportunity is before the City Council. The public has been informed through the usual public notification process.

Budget Impact:

The Budget Committee has approved State Revenue Sharing funds at \$320,000. In the 2008-2009 City of Albany Budget, the money is used to help fund the Transit System. \$16,500 is the City's commitment to the Linn-Benton Loop partnership. \$141,500, or approximately 45 percent of the remaining funds, has been budgeted to the Albany Transit System and \$162,000, or approximately 51 percent of the remaining funds, has been budgeted to the Paratransit System.

Attachment

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

A RESOLUTION DECLARING THE CITY'S ELIGIBILITY TO RECEIVE STATE REVENUES.

WHEREAS, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 to 471.810 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- (1) Police protection
- (2) Fire protection
- (3) Street construction, maintenance and lighting
- (4) Sanitary sewer
- (5) Storm sewers
- (6) Planning, zoning, and subdivision control
- (7) One or more utility services

and;

WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760;

NOW, THEREFORE, BE IT RESOLVED that the City of Albany hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760: Police protection, Fire protection, Street construction, maintenance and lighting, Sanitary sewer, (Storm sewers), Planning, zoning, and subdivision control.

DATED AND EFFECTIVE THIS 11TH DAY OF JUNE 2008.

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

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

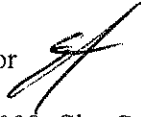
Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

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



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Stewart Taylor, Finance Director   
Betty Langwell, City Clerk  
DATE: June 2, 2008, for the June 11, 2008, City Council Meeting  
SUBJECT: State Revenue Sharing

Action Requested:

Staff requests that the Council hold the public hearing and pass the resolution certifying that the City is eligible for state revenue sharing money and the resolution stating that they want to receive state revenue sharing money.

Discussion:

A percentage of the net revenue from state shared revenues (cigarette, liquor, and highway taxes) is authorized for distribution under the State Revenue Sharing Program, ORS 221.770. The funds are based on a formula that compares the City's consolidated property tax rate, per capita income, and population against the statewide averages. They also reflect the percentage of upward or downward trends in per capital tax distribution. The funds are paid quarterly.

The law requires that cities provide two opportunities for the public to comment regarding the proposed use of the state revenue sharing monies. The first opportunity is held before the Budget Committee, which we do as part of our Budget Committee review of the proposed budget. The second opportunity is before the City Council. The public has been informed through the usual public notification process.

Budget Impact:

The Budget Committee has approved State Revenue Sharing funds at \$320,000. In the 2008-2009 City of Albany Budget, the money is used to help fund the Transit System. \$16,500 is the City's commitment to the Linn-Benton Loop partnership. \$141,500, or approximately 45 percent of the remaining funds, has been budgeted to the Albany Transit System and \$162,000, or approximately 51 percent of the remaining funds, has been budgeted to the Paratransit System.

Attachment

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

A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES.

Pursuant to ORS 221.770, the City of Albany hereby elects to receive State Revenues for the Fiscal Year 2008-2009.

DATED AND EFFECTIVE THIS 11TH DAY OF JUNE 2008.

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

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

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

A RESOLUTION ACCEPTING THE ABSTRACT OF VOTES REGARDING THE BALLOTS CAST IN THE STATE OF OREGON ELECTION HELD TUESDAY, MAY 20, 2008, REGARDING THE CITY OF ALBANY MEASURE 22-77: ANNEXATION OF PROPERTY AT 330, 340, 410 CLOVER RIDGE ROAD, AND TAX LOT 11S-03W-4AB-0900, TOTALING ABOUT 15.9 ACRES.

WHEREAS, the Abstract of Votes prepared by Steve Druckenmiller, the duly elected, qualified County Clerk of the County of Linn, State of Oregon, as to the ballots cast in the Linn County election, held Tuesday, May 20, 2008, regarding the local measures for the City of Albany; and

WHEREAS, the Abstract of Votes prepared by Jill Van Buren, the duly appointed, qualified Manager of Recording and Elections of the County of Benton, State of Oregon, as to the ballots cast in the Benton County election, held Tuesday, May 20, 2008, regarding the local measures for the City of Albany; and

NOW, THEREFORE, BE IT RESOLVED that the same is hereby accepted.

TOTAL CERTIFIED

	<u>Linn County</u>	<u>Benton County</u>	<u>Total Votes</u>	
22-77:	Annexation of property on Clover Ridge Road NE.			
	5,883	1,428	7,311	Passed
	<u>3,173</u>	<u>786</u>	<u>3,959</u>	
	9,056	2,214	11,270	

DATED AND EFFECTIVE THIS 11<sup>th</sup> DAY OF JUNE 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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



SUMMARY REPORT                    LINN COUNTY, OREGON                    Final Unofficial  
 Run Date:05/30/08                PRIMARY ELECTION  
 RUN TIME:04:03 PM                May 20, 2008  
                                      STATISTICS

22-77 CITY OF ALBANY  
 Vote For 1  
 Yes . . . . . 5,883    64.96  
 No. . . . . 3,173    35.04  
                   Total . . . . . 9,056  
                   Over Votes . . . . . 3    .03  
                   Under Votes . . . . . 1,524    14.40

22-78 CITY OF ALBANY  
 Vote For 1  
 Yes . . . . . 5,876    64.79  
 No. . . . . 3,193    35.21  
                   Total . . . . . 9,069  
                   Over Votes . . . . . 2    .02  
                   Under Votes . . . . . 1,512    14.29

SUMMARY REPORT                    Primary Election                    (Election Day)  
 Run Date:05/28/08                Benton County, Oregon  
 RUN TIME:05:07 PM                May 20, 2008  
                                      STATISTICS

22-77 CITY OF ALBANY  
 Vote For 1  
 Yes . . . . . 1,428    64.50  
 No. . . . . 786    35.50  
                   Total . . . . . 2,214  
                   Over Votes . . . . . 1    .04  
                   Under Votes . . . . . 382    14.71

22-78 CITY OF ALBANY  
 Vote For 1  
 Yes . . . . . 1,410    64.00  
 No. . . . . 793    36.00  
                   Total . . . . . 2,203  
                   Over Votes . . . . . 0  
                   Under Votes . . . . . 394    15.17

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

A RESOLUTION ACCEPTING THE ABSTRACT OF VOTES REGARDING THE BALLOTS CAST IN THE STATE OF OREGON ELECTION HELD TUESDAY, MAY 20, 2008, REGARDING THE CITY OF ALBANY MEASURE 22-78: ANNEXATION OF PROPERTIES LOCATED NORTH OF DUNLAP AVENUE NE AND WEST OF CLOVER RIDGE ROAD NE, TOTALING ABOUT 14.9 ACRES.

WHEREAS, the Abstract of Votes prepared by Steve Druckenmiller, the duly elected, qualified County Clerk of the County of Linn, State of Oregon, as to the ballots cast in the Linn County election, held Tuesday, May 20, 2008, regarding the local measures for the City of Albany; and

WHEREAS, the Abstract of Votes prepared by Jill Van Buren, the duly appointed, qualified Manager of Recording and Elections of the County of Benton, State of Oregon, as to the ballots cast in the Benton County election, held Tuesday, May 20, 2008, regarding the local measures for the City of Albany; and

NOW, THEREFORE, BE IT RESOLVED that the same is hereby accepted.

TOTAL CERTIFIED

	<u>Linn County</u>	<u>Benton County</u>	<u>Total Votes</u>	
22-78:	Annexation of property on Dunlap Avenue.			
Yes	5,876	1,410	7,286	Passed
No	<u>3,193</u>	<u>793</u>	<u>3,986</u>	
Total votes	9,069	2,203	11,272	

DATED AND EFFECTIVE THIS 11<sup>th</sup> DAY OF JUNE 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

SUMMARY REPORT LINN COUNTY, OREGON Final Unofficial  
Run Date:05/30/08 PRIMARY ELECTION  
RUN TIME:04:03 PM May 20, 2008  
STATISTICS

22-77 CITY OF ALBANY  
Vote For 1  
Yes . . . . . 5,883 64.96  
No. . . . . 3,173 35.04  
Total . . . . . 9,056  
Over Votes . . . . . 3 .03  
Under Votes . . . . . 1,524 14.40

22-78 CITY OF ALBANY  
Vote For 1  
Yes . . . . . 5,876 64.79  
No. . . . . 3,193 35.21  
Total . . . . . 9,069  
Over Votes . . . . . 2 .02  
Under Votes . . . . . 1,512 14.29

SUMMARY REPORT Primary Election (Election Day)  
Run Date:05/28/08 Benton County, Oregon  
RUN TIME:05:07 PM May 20, 2008  
STATISTICS

22-77 CITY OF ALBANY  
Vote For 1  
Yes . . . . . 1,428 64.50  
No. . . . . 786 35.50  
Total . . . . . 2,214  
Over Votes . . . . . 1 .04  
Under Votes . . . . . 382 14.71

22-78 CITY OF ALBANY  
Vote For 1  
Yes . . . . . 1,410 64.00  
No. . . . . 793 36.00  
Total . . . . . 2,203  
Over Votes . . . . . 0  
Under Votes . . . . . 394 15.17



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Stewart Taylor, Finance Director  
Betty Langwell, City Clerk  
DATE: June 4, 2008, for the June 11, 2008, City Council Meeting  
SUBJECT: Annexation Ordinances

Action Requested:

Take a first and second reading, and adopt three ordinances that proclaim the annexation and zoning of property submitted to the electorate and passed at the May 20, 2008, general election.

Discussion:

Proclaiming the annexation of properties located north of Dunlap Avenue and west of Clover Ridge Road NE (AN-01-07). This property containing nine lots was zoned RM through Ordinance No. 5688, at the February 27, 2008, City Council meeting following a public hearing on the subject. That ordinance became effective when the property was annexed, with a majority vote, at the May 20, 2008, election. This ordinance acknowledges and proclaims the annexation and zoning. This ordinance will need two readings and be adopted by the Council.

Proclaiming annexation of properties located on Clover Ridge Road NE (AN-02-06). This ordinance proclaims the annexation of four lots originally approved by the Council to go to election on February 14, 2007, through Resolution No. 5377. The owners and Council chose to amend the resolution by changing the election date from May 15, 2007, to the May 20, 2008, ballot through Resolution No. 5401. The property was annexed, with a majority vote, at the May 20, 2008, election. This ordinance will need two readings and be adopted by the Council.

The Council will need to hold a public hearing on these two annexed pieces of property at their June 25, 2008, City Council meeting to remove them from the Albany Rural Fire Protection District in order that the property owners are not taxed twice for fire services.

Amending the City of Albany Zoning Map and adopting findings, conclusions, and conditions for property located west of Clover Ridge Road NE. A public hearing regarding this ordinance was held on February 14, 2007, and the ordinance was read one time. It was the Council's decision that this Zoning Map amendment would take effect if the question of annexation for the subject properties was approved by the voters at the May 20, 2008, election. The properties were approved by a majority of voters and this ordinance needs to be read a second time and adopted by the Council.

Budget Impact:

Expected increase, at current value of property, of around \$500 in General Fund revenues.

Attachment

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

AN ORDINANCE PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTIES LOCATED NORTH OF DUNLAP AVENUE AND WEST OF CLOVER RIDGE ROAD NE (AN-01-07), AND CONTAINING APPROXIMATELY 14.9 ACRES.

WHEREAS, the Albany City Council on February 27, 2008, reviewed this annexation request, adopted findings, and concluded that the City’s annexation eligibility and timeliness criteria could be met; and

WHEREAS, the Albany City Council on February 27, 2008, referred this annexation request as a ballot measure to the Linn and Benton Counties Elections Filing Officers for the approval or rejection of the proposed annexation by the legal voters of Albany; and

WHEREAS, the question of annexation of the property generally located on Dunlap Avenue NE, west of Clover Ridge Road NE, shown on Linn County Assessor’s Map Nos. 11S-03W-04AB; Tax Lot 700, and 11S-03W-04AC; Tax Lots 100, 200, 203, 300, 400, 500, 501, and 600, containing approximately 14.9 acres, more or less, and as further described in the attached legal description labeled Exhibit “A” and map labeled Exhibit “B” was submitted to the electorate at a general election held May 20, 2008, as required by Albany City Charter Chapter 54; and

WHEREAS, the City Clerk has certified that the annexation was approved by a majority vote; and

WHEREAS, the Albany Development Code applies specific zoning upon annexation; and

WHEREAS, the City Council adopted Ordinance No. 5688, a zoning map amendment, regarding these properties on February 27, 2008.

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

Section 1: The described real property to-wit (see attached Exhibit A) is hereby annexed to the City of Albany and is zoned RS-5 (Residential Single Family) north of Dunlap Avenue and RM (Residential Medium Density) south of Dunlap Avenue.

Section 2: The City Clerk shall file a copy of the ordinance with the County Assessor of Linn County, Secretary of State of the State of Oregon, and the State of Oregon Department of Revenue. The City Clerk shall also submit to the Secretary of State an abstract of the vote within the City.

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

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

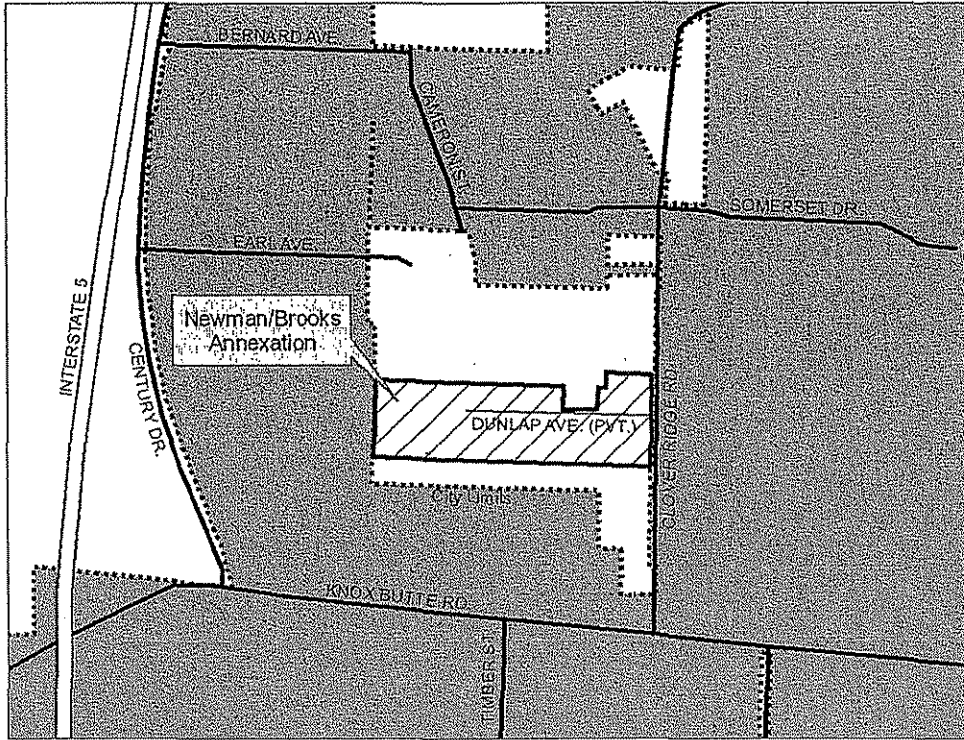
## EXHIBIT A

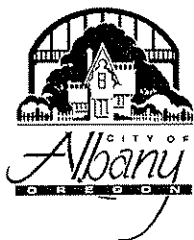
### LEGAL DESCRIPTION FILES AN-01-07/ZC-03-07

Beginning at the Southwest corner of Lot 21 of Fairlanes Subdivision, a residential subdivision recorded in County Survey No. 3038, Linn County, Oregon survey records; thence South 89°38' East, along the south line of said Fairlanes Subdivision and its easterly extension, a distance of 1005.79 feet to a 1/2-inch pipe, said pipe also being the Northwest corner of that tract owned by Robert and D. Kay Kingsberry, described in Linn County Microfilm Deed Records MF172-581; thence South 0°16' East, along the Westerly line of said Kingsberry tract, a distance of 120.00 feet, to the Southwest corner of said Kingsberry tract; thence South 89°39' East, along the Southerly line of said Kingsberry tract, a distance of 180.32 feet to the Southeast corner of said Kingsberry tract; thence, North 0°16' West, along the Easterly line of said Kingsberry tract, a distance of 120.20 feet to the Northwest corner of that tract owned by Micheal and Roberta Newman, described in Linn County Microfilm Deed Records MF1262-367; thence South 89°39' East, along the northerly line of said Newman tract, a distance of 44.91 feet, to the Southwest corner of that tract owned by Micheal and Roberta Newman, described in Linn County Microfilm Deed Records MF663-10; thence North 0°16' West, along the West line of said Newman tract, a distance of 80.88 feet to a 3/4-inch rod at the northwest corner of said Newman tract; thence South 89°39' East, along the northerly line of said Newman tract, and the easterly extension thereof, a distance of 259.25 feet, more or less, to the city limits boundary; thence South 0°16' East, along said city limits boundary, a distance of 493.0 feet, more or less, to the intersection of said city limits boundary and the easterly extension of Southerly line of that tract owned by Micheal and Roberta Newman, described in Linn County Microfilm Deed Records MF1268-420; thence North 89°39' West along the Southerly line of said Newman tract, a distance of 1491.83 feet to an iron bar, said point also being the Southwest corner of that tract owned by James and Monica Brooks, described in Linn County Microfilm Deed Records MF1620-910; thence North 0°05' East, along the Westerly line of said Brooks tract and the Northerly extension thereof, a distance of 413.63 feet to the Point of Beginning.

Said area containing 14.9 acres, more or less.

EXHIBIT B





TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Stewart Taylor, Finance Director  
Betty Langwell, City Clerk  
DATE: June 4, 2008, for the June 11, 2008, City Council Meeting  
SUBJECT: Annexation Ordinances

Action Requested:

Take a first and second reading, and adopt three ordinances that proclaim the annexation and zoning of property submitted to the electorate and passed at the May 20, 2008, general election.

Discussion:

Proclaiming the annexation of properties located north of Dunlap Avenue and west of Clover Ridge Road NE (AN-01-07). This property containing nine lots was zoned RM through Ordinance No. 5688, at the February 27, 2008, City Council meeting following a public hearing on the subject. That ordinance became effective when the property was annexed, with a majority vote, at the May 20, 2008, election. This ordinance acknowledges and proclaims the annexation and zoning. This ordinance will need two readings and be adopted by the Council.

Proclaiming annexation of properties located on Clover Ridge Road NE (AN-02-06). This ordinance proclaims the annexation of four lots originally approved by the Council to go to election on February 14, 2007, through Resolution No. 5377. The owners and Council chose to amend the resolution by changing the election date from May 15, 2007, to the May 20, 2008, ballot through Resolution No. 5401. The property was annexed, with a majority vote, at the May 20, 2008, election. This ordinance will need two readings and be adopted by the Council.

The Council will need to hold a public hearing on these two annexed pieces of property at their June 25, 2008, City Council meeting to remove them from the Albany Rural Fire Protection District in order that the property owners are not taxed twice for fire services.

Amending the City of Albany Zoning Map and adopting findings, conclusions, and conditions for property located west of Clover Ridge Road NE. A public hearing regarding this ordinance was held on February 14, 2007, and the ordinance was read one time. It was the Council's decision that this Zoning Map amendment would take effect if the question of annexation for the subject properties was approved by the voters at the May 20, 2008, election. The properties were approved by a majority of voters and this ordinance needs to be read a second time and adopted by the Council.

Budget Impact:

Expected increase, at current value of property, of around \$500 in General Fund revenues.

Attachment



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

AN ORDINANCE PROCLAIMING THE ANNEXATION OF PROPERTY ON CLOVER RIDGE ROAD NE (AN-02-06), AND CONTAINING APPROXIMATELY 15.9 ACRES.

WHEREAS, the Albany City Council on February 14, 2007, reviewed this annexation request, adopted findings, and concluded that the City’s annexation eligibility and timeliness criteria could be met; and

WHEREAS, the Albany City Council on February 14, 2007, through Resolution No. 5377 referred this annexation request as a ballot measure to the Linn and Benton Counties Elections Filing Officers for the approval or rejection of the proposed annexation by the legal voters of Albany; and

WHEREAS, it was the choice of the property owner and the Council to amend Resolution No. 5377 by changing the date from the May 15, 2007, ballot to the May 20, 2008 ballot (Resolution No. 5401); and

WHEREAS, the question of annexation of the property generally located west of Clover Ridge Road NE, shown on Linn County Assessor’s Map No. 11S-03W-04AB; Tax Lots 400, 500, 600, and 900 containing approximately 15.9 acres, more or less, and as further described in the attached legal description labeled Exhibit “B” and map labeled Exhibit “A” was submitted to the electorate at a general election held May 20, 2008, as required by Albany City Charter Chapter 54; and

WHEREAS, the City Clerk has certified that the annexation was approved by a majority vote.

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

Section 1: The described real property to-wit (see attached Exhibit A and Exhibit B) is hereby annexed to the City of Albany.

Section 2: The City Clerk shall file a copy of the ordinance with the County Assessor of Linn County, Secretary of State of the State of Oregon, and the State of Oregon Department of Revenue. The City Clerk shall also submit to the Secretary of State an abstract of the vote within the City.

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

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

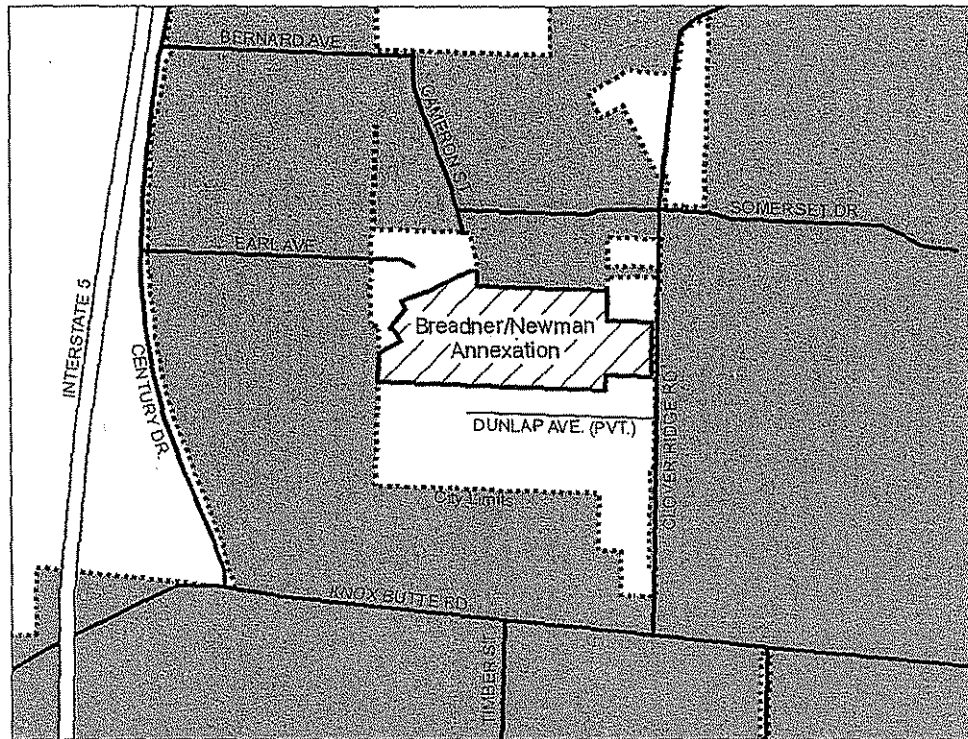
Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

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

EXHIBIT A

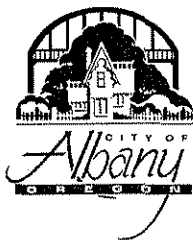


## EXHIBIT B

### LEGAL DESCRIPTION FILES AN-02-06/ZC-01-06

Beginning at the Southwest corner of Lot 21 of Fairlanes Subdivision, a residential subdivision recorded in County Survey No. 3038, Linn County, Oregon survey records; thence North  $0^{\circ}04'40''$  East, along the west line of said subdivision plat, a distance of 150.28 feet to an iron bar; thence North  $59^{\circ}44'24''$  East, along the northerly line of Lot 20 of said Fairlanes Subdivision, a distance of 138.63 feet, to an iron rod at the centerline of the vacated portion of Fairlane Street; thence North  $30^{\circ}12'15''$  West, along said centerline, a distance of 49.92 feet to an iron rod; thence further along said centerline, along a curve to the left with a radius of 75.00 feet, (the chord of which bears North  $46^{\circ}23'56''$  West, 42.08 feet), a distance of 42.80 feet to an iron rod; thence North  $35^{\circ}58'14''$  East, leaving said centerline, and along the northerly line of Lot 15 of Fairlanes Subdivision, a distance of 125.36 feet, to an iron rod at the southeast corner of Lot 13 of said subdivision; thence North  $28^{\circ}57'10''$  West, along the east line of said Lot 13 a distance of 42.83 feet to an iron rod at the northwest corner of Lot 12 of Fairlanes Subdivision; thence North  $66^{\circ}26'48''$  East, along the northerly line of said Lot 12, and the easterly extension thereof, a distance of 144.42 feet to an iron rod; thence South  $28^{\circ}18'09''$  East, a distance of 5.10 feet, to an iron rod on the southerly right-of-way line of Earl Street; thence North  $61^{\circ}41'51''$  East along said Earl Street right-of-way line, a distance of 240.21 feet to an iron rod; thence along a curve to the right, with a radius of 100.00 feet, (the chord of which bears North  $75^{\circ}45'21''$  East, 49.17 feet), a distance of 50.03 feet to an iron rod; thence South  $89^{\circ}29'57''$  East, a distance of 11.58 feet to an iron rod on the West boundary of that parcel owned by BBF Development (Clover Ridge) LLC, described in Linn County Microfilm Deed Records MF1405-437; thence South  $0^{\circ}24'37''$  West, leaving said Earl Street right-of-way line, a distance of 78.29 feet to an iron rod at the Southwest corner of said BBF Development parcel; thence South  $89^{\circ}39'00''$  East, along the South boundary of said BBF Development parcel, a distance of 706.27 feet to an iron rod at the Northwest corner of that parcel owned by Ben Kauffman, described in Linn County Microfilm Deed Records DN2006-14008; thence South  $0^{\circ}16'00''$  East, along the West boundary of said Kauffman parcel, a distance of 161.80 feet to the Southwest corner of said Kauffman parcel; thence South  $89^{\circ}39'00''$  East, along the South boundary of said Kauffman parcel, and its extension, a distance of 269.22 feet to the existing City Limits boundary; thence South  $0^{\circ}16'00''$  East, along said City Limits boundary, a distance of 292.70 feet, to the Easterly extension of the North boundary of that parcel owned by Michael and Roberta Newman, described in Linn County Microfilm Deed Records MF663-10; thence North  $89^{\circ}39'00''$  West, along said North boundary a distance of 269.22 feet to the Northwest corner of said Newman parcel; thence South  $00^{\circ}16'00''$  East, along the West boundary of said Newman parcel, a distance of 80.77 feet to the Southwest corner of said parcel; thence North  $89^{\circ}39'00''$  West, along the south boundaries of those parcels described in Linn County Deed Records MF971-91 and MF695-157, a distance of 1,231.02 feet to the Point of Beginning.

Said area containing 15.9 acres, more or less.



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Stewart Taylor, Finance Director  
Betty Langwell, City Clerk  
DATE: June 4, 2008, for the June 11, 2008, City Council Meeting  
SUBJECT: Annexation Ordinances

Action Requested:

Take a first and second reading, and adopt three ordinances that proclaim the annexation and zoning of property submitted to the electorate and passed at the May 20, 2008, general election.

Discussion:

Proclaiming the annexation of properties located north of Dunlap Avenue and west of Clover Ridge Road NE (AN-01-07). This property containing nine lots was zoned RM through Ordinance No. 5688, at the February 27, 2008, City Council meeting following a public hearing on the subject. That ordinance became effective when the property was annexed, with a majority vote, at the May 20, 2008, election. This ordinance acknowledges and proclaims the annexation and zoning. This ordinance will need two readings and be adopted by the Council.

Proclaiming annexation of properties located on Clover Ridge Road NE (AN-02-06). This ordinance proclaims the annexation of four lots originally approved by the Council to go to election on February 14, 2007, through Resolution No. 5377. The owners and Council chose to amend the resolution by changing the election date from May 15, 2007, to the May 20, 2008, ballot through Resolution No. 5401. The property was annexed, with a majority vote, at the May 20, 2008, election. This ordinance will need two readings and be adopted by the Council.

The Council will need to hold a public hearing on these two annexed pieces of property at their June 25, 2008, City Council meeting to remove them from the Albany Rural Fire Protection District in order that the property owners are not taxed twice for fire services.

Amending the City of Albany Zoning Map and adopting findings, conclusions, and conditions for property located west of Clover Ridge Road NE. A public hearing regarding this ordinance was held on February 14, 2007, and the ordinance was read one time. It was the Council's decision that this Zoning Map amendment would take effect if the question of annexation for the subject properties was approved by the voters at the May 20, 2008, election. The properties were approved by a majority of voters and this ordinance needs to be read a second time and adopted by the Council.

Budget Impact:

Expected increase, at current value of property, of around \$500 in General Fund revenues.

Attachment

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP AND ADOPTING FINDINGS, CONCLUSIONS AND CONDITIONS FOR PROPERTIES LOCATED WEST OF CLOVER RIDGE ROAD NE.

WHEREAS, the Albany Planning Commission recommended approval of the proposed zoning map amendment following a public hearing on February 5, 2007, for City of Albany File No. ZC-01-06; and

WHEREAS, the Albany City Council held a public hearing on the same application on February 14, 2007; and

WHEREAS, the City Attorney read the ordinance once in title only at the February 14, 2007, City Council meeting; and

WHEREAS, it was the decision of the City Council that this Zoning Map amendment would only take effect if the question of annexation for the subject properties was approved by the voters on the May 20, 2008, ballot; and

WHEREAS, the City Clerk has certified that the annexation was approved by a majority of votes at the May 20, 2008 election.

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

Section 1: The Findings of Fact, Conclusions of Law, and Conditions in the staff report attached as Staff Report Ordinance Exhibit A [which consists of the complete staff report to the Albany City Council, including attachments, and dated February 7, 2007 (File ZC-01-06)], are hereby adopted in support of this decision.

Section 2: The Zoning Map designation of the properties shown on Staff Report Attachment E is hereby amended from Linn County UGM-20 (Urban Growth Management – 20) to City of Albany RS-6.5 (Residential Single Family).

Section 3: The properties affected by the zoning amendment contain four parcels totaling approximately 15.9 acres of property. A legal description and map for the entire area is attached as Ordinance Exhibit B.

Section 4: A copy of the map showing the amendments to the Zoning Map shall be filed in the Office of the Albany City Recorder and the changes shall be made on the official City of Albany Zoning Map upon passage of this ordinance on second reading.

Section 5: A copy of the legal description of the affected properties and the map showing the amendment to the Zoning Map shall be filed with the Linn County Assessor’s Office within 90 days after the effective date of this ordinance.

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

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

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

ATTEST:

\_\_\_\_\_  
Mayor

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



# Community Development Department

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

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

## STAFF REPORT Annexation and Zoning Map Amendment

<u>HEARING BODY</u>	PLANNING COMMISSION	CITY COUNCIL
<u>HEARING DATE</u>	Monday, February 5, 2007	Wednesday, February 14, 2007
<u>HEARING TIME</u>	5:15 p.m.	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

### GENERAL INFORMATION

DATE OF THIS REPORT:	February 7, 2007
FILE:	AN-02-06 and ZC-01-06
TYPE OF REQUESTS:	Annexation of approximately 15.9 acres located west of Clover Ridge Road NE; and a Zoning Map amendment that would change the designation of the same properties from UGM-20 (Linn County Urban Growth Management) to RS-6.5 (Residential Single Family).
REVIEW BODIES:	Planning Commission and City Council
PROPERTY OWNERS:	Micheal and Roberta Newman; 3749 Dunlap Avenue NE; Albany, OR 97322 Judy Hinck; 33328 Hinck Road; Tangent, OR 97389 Craig and Hope Hinkhouse; 469 Argyle Avenue, Apt. 1A; Elmhurst, IL 60126
APPLICANT:	BBF Development; 725 NW Flanders Street, Loft 403; Portland, OR 97209
APPLICANT'S REP:	Multi/Tech Engineering Inc.; 1155 13th Street SE; Salem, OR 97302
PROPERTY LOCATIONS:	330, 340, and 410 Clover Ridge Road NE; and Tax Lot 900 (no address)
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-03W-04AB; Tax Lot(s) 400, 500, 600, and 900
TOTAL LAND AREA:	15.9 acres (including right-of-way)
EXISTING LAND USE:	One single-family dwelling at 330 Clover Ridge Road NE; one single-family dwelling at 340 Clover Ridge Road NE; one single-family dwelling at 410 Clover Ridge Road NE; and Tax Lot 900 is an undeveloped field.
EXISTING COMP PLAN DESIGNATION:	URR – Urban Residential Reserve
CURRENT ZONING:	Linn County UGM-20 (Urban Growth Management – 20-acre minimum)
PROPOSED ZONING:	RS-6.5 (Residential Single Family)
NEIGHBORHOOD:	East Albany

SURROUNDING ZONING: South: UGA-UGM-20 (Linn County: Urban Growth Management – 20-acre minimum); West, East, and North: RS-6.5 (City: Residential Single-Family)(See Staff Report Attachment E.)

SURROUNDING USES: The subject properties are surrounded on all sides by a combination of city and county residential development. Some of the surrounding areas are in the process of being developed.

NOTICE INFORMATION. On January 25, 2007, notice of the public hearings for this project was mailed to property owners within 300 feet of the subject property. As of the date this staff report was completed, staff had not received any written comments on this project. The subject property was posted with signs on January 10, 2007.

**PLANNING COMMISSION RECOMMENDATION**

On February 5, 2007, the Albany Planning Commission unanimously recommended that the City Council pass a resolution proposing the annexation of this property located on Clover Ridge Road NE, and forwarding the question of annexation to the voters on the May 15, 2007, ballot.

The Planning Commission also recommended that this same property be zoned RS-6.5.

**SUGGESTED COUNCIL ACTION**

Passage of the attached resolution that would propose the annexation of these properties located on Clover Ridge Road NE, and forward the question of annexation to the voters on the May 15, 2007, ballot.

Passage of the attached ordinance on first reading only that would change the zoning of the subject property from Linn County UGM-20 to City of Albany RS-6.5, if the annexation is approved by the voters.

**FINDINGS AND CONCLUSIONS  
FILE AN-02-06**

**INTRODUCTION**

On January 11, 2006, the City Council adopted modified procedures for voter-approved annexation in the City of Albany. These procedures are detailed in Article 2 of the City of Albany Development Code (ADC 2.100 – 2.180).

Listed below are findings and conclusions that address the review criteria as specified in the Development Code. Review criteria are listed in *bold italics* and are followed by findings and conclusions.

The following abbreviations are used in these findings:

- “ADC” means Albany Development Code, available online (<http://www.cityofalbany.net/commdev/devcode/index.php>) and in the office of the Albany Community Development Department.
- “OAR” means Oregon Administrative Rules, available online ([http://www.sos.state.or.us/archives/rules/number\\_index.html](http://www.sos.state.or.us/archives/rules/number_index.html)).
- “ORS” means Oregon Revised Statutes, available online (<http://leg.state.or.us/ors/>).

A. ***Eligibility Criteria.*** *The City Council shall determine that property is eligible for annexation based on the following criteria:*

- (a) *The property is contiguous to the existing city limits.*
- (b) *The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.*

## FINDINGS OF FACT:

- A1. The subject properties contain approximately 15.9 acres, including right-of-way, and are contiguous to the current city limits along the north and east property boundaries. (See attached map labeled Staff Report Attachment A.)
- A2. Plate 1 of the City's Comprehensive Plan shows the Urban Growth Boundary (UGB). The subject parcels are within the UGB.

## CONCLUSION

- A1. This criterion is met because the property proposed for annexation is contiguous with the existing city limits and is within the Albany UGB.
- B. Infrastructure Criteria. *The City shall determine that it is timely to annex property based on the following criteria:*
  - (a) *An adequate level of urban services and infrastructure is available, or will be made available in a timely manner.*
  - (b) *As used in this section:*
    - i. *"Adequate level" means conforms to adopted plans and ordinances.*
    - ii. *"Urban services" means police, fire, and other City-provided services.*
    - iii. *"Infrastructure" means sanitary sewer, water, storm drainage, and streets.*  
*"Be made available in a timely manner" means that improvements needed for an adequate level of urban services and infrastructure will be provided at the time and place needed to serve the anticipated development. Improvements may be secured by a development agreement, annexation agreement, or other funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Albany generally.*

## FINDINGS OF FACT

- B1. City utility maps show a 12-inch public water main currently exists in Clover Ridge Road NE along the frontage of the subject properties. An 8-inch public water main is also stubbed to the northwest corner of the subject property at Cameron Street NE.
- B2. The City's *Water Facility Plan* (2004) shows no system deficiencies in this area. An existing system "loop" of large diameter water mains along Century Drive NE, Knox Butte Road NE, Clover Ridge Road NE, and Bernard Avenue NE/Somerset Avenue NE, cover the recommended facility plan projects for this area.
- B3. City utility maps show an 8-inch public sanitary sewer main currently exists in Clover Ridge Road NE. These sewer facilities were constructed by the City in advance of the recent Linn County improvements to Clover Ridge Road NE. Connection to these facilities by unserved properties will result in connection charges for those properties. These connection charges are used to reimburse the City for the cost of installing the sewers.
- B4. The City's *Wastewater Facility Plan* (1998) indicates there are no system deficiencies downstream of this site.
- B5. Clover Ridge Road NE was improved to City standards by Linn County in 2004. The subject parcels have frontage on Clover Ridge Road NE. Burkhart Creek (south of the site) and Truax Creek (north of the site) are the main drainage features in this area. Storm drainage facilities in the newly reconstructed Clover Ridge Road NE collect storm water from the road and some adjacent parcels and carry the runoff to these creeks, or to smaller drainageways in the area.



- B6. The City's *Storm Drainage Master Plan* (1988) indicates that the subject properties lie partially within the Burkhart Creek drainage basin and the Truax Creek drainage basin. The plan shows no capacity deficiencies within, adjacent to, or downstream of the subject parcels (Figs. 9.1 and 10.1). The 1988 plan indicates that the main channels of Truax Creek and Burkhart Creek are sufficient to carry the 100-year storm flows. Development on the subject property will require that a drainage plan be provided by the developer to show how storm water runoff from the site will be collected and properly discharged to the public drainage system.
- B7. The subject parcels have frontage on Clover Ridge Road NE. Clover Ridge Road NE is classified as a minor collector street and was recently reconstructed to City standards by Linn County. Improvements include: curb and gutter; sidewalk along the west side of the road; a travel lane in each direction; and on-street striped bike lanes. Jurisdiction over Clover Ridge Road NE is currently held by Linn County. New development of property with frontage along Clover Ridge Road NE would be responsible for paying connection charges for street and storm drainage improvements in Clover Ridge Road NE.
- B8. Albany's *Transportation System Plan* (TSP) identifies a new minor collector street being extended in a north-south direction across the western portion of this site. Until this new collector street is connected to Knox Butte Road NE in the future, primary access to and from the site would be provided by Clover Ridge Road NE.
- B9. Section 12.060 of the Development Code allows the City to impose conditions for the dedication and construction of public street improvements within and adjacent to new development.
- B10. Adequate public water flows for fire fighting is currently available in this area. Because the subject properties are part of a larger existing "island" of unincorporated territory, there are properties on all sides that are currently being served by the City's Fire Department. Fire service to these properties would be a logical expansion of the current service boundaries.
- B11. Because the subject properties are part of a larger existing "island" of unincorporated territory, there are properties on all sides that are currently being served by the City's Police Department. Police service to these properties would be a logical extension of the current patrol boundaries.
- B12. The applicant's findings state: "*The timeliness of the development will be secured through an improvement agreement or other mechanism to assure that the developer is responsible for the extension of facilities necessary to serve the site.*"

## CONCLUSIONS

- B1. This criterion is met because public utilities and transportation system improvements have been made adjacent to the subject properties (in Clover Ridge Road NE). The associated Annexation Agreement (see Staff Report Attachment C) ensures that any additional needed improvements would be made solely by the benefiting properties and not by the City of Albany generally.
- B2. Clover Ridge Road NE is classified as a minor collector road in Albany's TSP and is improved to City standards. Until a future street connection is made to Knox Butte Road NE to the south, primary access to the site would be from Clover Ridge Road NE. The transportation system adjoining the site conforms to Albany's adopted TSP and has an adequate level of infrastructure to support development on the site.
- B3. Albany's TSP shows a new minor collector road being extended across the western portion of this site as development occurs. Section 12.060 of the Development Code allows the City to condition a future development application on the site to construct the collector road. The north-south minor collector street the TSP shows crossing the western portion of the site can be made available in a timely manner by conditioning a future development on the site to make the improvement.
- B4. This criterion is met because fire service is already provided to these parcels by the City through a rural fire district, and public water facilities are in place to serve the area. The subject properties are within an "island" and are surrounded by properties that are in the city limits. Properties surrounding this site are served by the

City's fire and police departments, so the addition of this area to the city limits would be a logical extension of the current service boundaries.

**C. Planning Criteria. The City shall determine that adequate planning has occurred based on the following criterion:**

*Sufficient planning and engineering data have been provided, and necessary studies and reviews have been completed such that there are no significant unresolved issues regarding appropriate Comprehensive Plan and implementing ordinances. Examples of needed studies may include public infrastructure plans, buildable lands inventories, area refinement plans, or any task in an approved work program for Periodic Review.*

**FINDINGS OF FACT**

- C1. This annexation request is for three parcels that total approximately 15.9 acres (including right-of-way). The Comprehensive Plan Map designation for these properties is Urban Residential Reserve (URR). The applicant has submitted a concurrent zone change application that requests a City of Albany zoning designation of RS-6.5.
- C2. Public infrastructure facility plans that deal with this area include: *Water Facility Plan (2004); Wastewater Facility Plan (1998); Storm Drainage Master Plan (1988); Transportation System Plan (1997).*
- C3. The subject property was not in the study area for the "1995 East I-5 Vision." The map prepared for the East I-5 area as part of the 2001 Balanced Development Patterns project shows this property as residential.
- C4. The Local Wetlands Inventory for the East I-5 area (1997) shows wetlands on these parcels. None of the wetlands on the subject properties are identified in this Local Inventory as being considered "locally significant." (See attached map labeled Staff Report Attachment B.)
- C5. The City Council may consider amending the Albany Development Code to prohibit backyard fences along arterial and collector streets.

**CONCLUSIONS**

- C1. This criterion is met because of the information provided in the various studies and plans covering this area.
- C2. The Annexation Agreement addresses the fence issue.

**D. Reasonableness. The City Council shall determine that the proposed annexation is reasonable.**

**FINDINGS OF FACT**

- D1. The subject parcels lie within an existing "island" of unincorporated territory.
- D2. The applicant's findings indicate that Tax Lots 400 and 600 wish to be annexed in order to be eligible to connect to City sewer and water facilities. When previously unserved properties connect to public sewer and water facilities, connection charges are due. These connection charges are used to repay the City (or the initial developer) for the initial cost of constructing the improvements.

**CONCLUSIONS**

- D1. The proposed annexation would decrease the total size of the existing island of unincorporated territory west of Clover Ridge Road NE, but would create three smaller islands from the existing single island.
- D2. The City will be partially reimbursed for sewer improvements in Clover Ridge Road NE when properties apply to connect to those facilities.

## STAFF ANALYSIS

### Zoning Map Amendment File ZC-01-06

The Albany Development Code (ADC) includes 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) *The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for in accordance with Section 2.080, ADC Article 2.*

## FINDINGS OF FACT

- 1.1 The applicant proposes to change the Zoning Map designation of 15.9 acres from Linn County UGM-20 (Urban Growth Management – 20-acre minimum lot size) to City of Albany RS-6.5 (Residential Single Family).
- 1.2 The current Comprehensive Plan designation of the property where the Zoning Map amendment is proposed is URR (Urban Residential Reserve). (See Staff Report Attachment D.)
- 1.3 The Plan Designation Zoning Matrix in the Comprehensive Plan (pages 9-15) shows that the proposed RS-6.5 is consistent with the Urban Residential Reserve Comprehensive Plan Map designation of the property.

## CONCLUSION

- 1.1 This criterion is met because the applicant has applied for a City zoning designation that is compatible with the existing Comprehensive Plan designation of URR.
- (2) *Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.*

## FINDINGS OF FACT

- 2.1 The properties where the map amendment is proposed are located on the west side of Clover Ridge Road NE, about 1,300 feet north of Knox Butte Road NE.
- 2.2 An application to develop the properties was not submitted with the Zoning Map Amendment application. An application to annex the properties was submitted along with the Zoning Map Amendment application.
- 2.3 The parcels, when considered as a whole, has approximately 300 feet of frontage on Clover Ridge Road NE.
- 2.4 Clover Ridge Road NE is classified as a minor collector street. Clover Ridge Road NE was recently improved to City standards, with curb and gutter and sidewalks on the west side, by Linn County. The street is currently under the jurisdiction of Linn County. The speed limit is 25 miles per hour.
- 2.5 The City's current *Transportation System Plan (TSP)(1997)* assumed that development in this area would occur at the densities that roughly correspond to the RS-6.5 zoning designation.
- 2.6 The City's TSP shows the need for a north-south collector street in this area. The most likely location for this street would be in line with Cameron Street NE to the north. The location of the intersection of this street with Knox Butte Road NE to the south has not been determined. Such an alignment would put this future street through the western portion of the subject properties. Final design details for this and other streets through the subject properties would be reviewed in detail when a development application was submitted in the future.

## CONCLUSIONS

- 2.1 Until a future street connection is made to Knox Butte Road NE to the south, primary access to the site would be from Clover Ridge Road NE. The transportation system adjoining the site (Clover Ridge Road NE) conforms to Albany's adopted TSP and has an adequate level of infrastructure to support development on the site. It will most likely be necessary to construct a north-south collector street through the west portion of the site at the time the property is developed.
- 2.2 This review criterion is met.
- (3) ***Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area.***

### Sanitary Sewer

- 3.1 The City's utility maps show there is an 8-inch public sanitary sewer main in Clover Ridge Road NE. Eight-inch mains are being stubbed to the northwest and northeast corners of the property as part of a development being constructed to the north of the subject property.
- 3.2 The subject properties lie within Basin 10 as defined in the City's *Wastewater Facility Plan*. The facility plan makes recommendations for providing adequate sewer system capacity to accommodate anticipated development. The plan does not show any collection system deficiencies downstream of the subject properties. Future development on this site would be required to extend public sanitary sewer facilities as needed to serve the site and to provide access to the sewer system for adjoining properties to accommodate future main extensions.

### Water

- 3.3 The City's utility maps show there is a 12-inch public water main in Clover Ridge Road NE. Eight-inch mains are being stubbed to the northwest and northeast corners of the property as part of a development being constructed to the north of the subject property.
- 3.4 The subject properties are within an area that is looped by large diameter water mains (36-inch in Century Drive NE; 20-inch in Bernard Avenue NE, Cameron Street NE, and Somerset Avenue NE; 12-inch in Clover Ridge Road NE; and 20-inch in Knox Butte Road NE). These large water mains have completed the recommended *Water Facility Plan* projects called for in this area. The water system in this vicinity is more than adequate to provide domestic fire service to the anticipated future development within this area. Future development on the subject properties would be required to extend public water facilities as needed to serve the site and to provide access to the water system for adjoining properties.

### Storm Drainage

- 3.5 The City's utility maps show that Burkhart Creek is the main drainage feature in this drainage basin, but the creek does not run through the subject properties. The creek runs from the east to the northwest, approximately 400 feet west of the western boundary and 600 feet south of the southern boundary of the subject properties. Because the areas downstream (west) of the site were developed while in the county, the streets are unimproved and no public storm drainage piping exists within the rights-of-way that provide access to the area. Drainage facilities that do exist downstream of the site are open channels and ditches, with culverts at driveways.
- 3.6 The City of Albany's *Storm Drainage Master Plan* (1988) states that "[t]here are no recommended [facility plan] improvements within this subbasin due to the adequate capacity of existing storm drainage elements." However, the plan also states: "One problem area was identified within this Burkhart basin. Flooding occurs...at Fairlane Street and Earl Avenue. The area is very level in grade and the streets are unimproved. Storm drainage improvements along the streets will allow flows to be carried to the main channel and

alleviate flooding.” In addition, the plan recommends that “[t]he main channel of Burkhart Creek is to be retained as the major drainage way for the basin. Any future drainage from development should be directed to the main channel.” (Page 8.2)

- 3.7 The amount of storm water runoff from a development generally depends on the total area of impervious surfaces on the property. The ADC specifies a maximum amount of “lot coverage” (buildings and parking areas) for each zoning district. In general terms, low-density residential development would produce the least amount of impervious surfaces when compared with higher-density residential development or commercial development.
- 3.8 Future development on the subject properties will be required to provide detailed storm water analyses to identify how best to accommodate storm water runoff from the development. If necessary, on-site storm water detention would be used to assure that downstream drainage elements are not overtaxed.

#### Schools

- 3.9 This request is to zone the properties for low-density residential development. Typical residential developments have school-age children living in them. The voters approved a school bond measure in November 2006. The Greater Albany Public School District is planning on constructing a new school in the East I-5 area in the next two years to address the growth in this area.

#### Police and Fire Protection

- 3.10 The Albany Police Department and Fire Department provide services to all development in Albany. When a property is annexed, these departments will provide service to the property regardless of its zoning designation.

#### CONCLUSIONS

- 3.1 The public sanitary sewer, water, and storm drainage systems in this area have the capacity to serve development on the properties if the zoning is changed to RS-6.5. Improvements and/or extensions of these systems may be required at the time the properties are developed.
- 3.2 If the zoning designation of the properties is changed to RS-6.5, it will likely increase the demand for school space by a small amount. The Greater Albany Public School District is planning to construct a new school in the East I-5 area within the next two years.
- 3.3 Upon development of the subject properties, the design of public infrastructure improvements would be required such that existing or anticipated services could accommodate potential development within this area without adverse impact on the affected service area.
- 3.4 This review criterion is met.
- (4) *Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, and historic districts will not be jeopardized as a result of the proposed rezoning.*
- 4.1 Floodplains: *Comprehensive Plan Plate 5: Floodplains*, does not show a floodplain on this property. FEMA/FIRM Community Panel No. 410137 0002F, dated July 7, 1999, shows the properties are in Zone X, an area determined to be outside any 500-year floodplain. Burkhart Creek stays within its banks during a 100-year flood.
- 4.2 Wetlands: The National Wetlands Inventory and the East I-5 Wetlands Inventory shows wetlands on the properties. Neither of these inventories designates the wetlands on the site as “locally significant.” The Department of State Lands (DSL) regulates wetlands in Oregon. Future development on the properties may require permits from DSL. The applicant will be required to comply with DSL regulations and permit requirements when the properties are developed.

- 4.3 Slopes: *Comprehensive Plan Plate 7: Slopes*, does not show steep slopes on the properties. The City's topographic data shows that elevations on the site vary from about 218 feet to about 222 feet.
- 4.4 Significant Natural Vegetation: The site has a variety of types of trees on it. Future development on the properties may require removal of trees. The uniqueness, size, age, and other characteristics of the trees are considered at the time development is proposed on the property.
- 4.5 Historic District: *Comprehensive Plan Plate 9: Historic Districts*, shows the properties are not in a historic district.

## CONCLUSIONS

- 4.1 Floodplains, slopes, and/or historic districts will not be jeopardized as a result of the proposed rezoning. It may be necessary to remove trees on the properties when future development occurs on the properties. The uniqueness of the trees will be considered at the time the properties are developed.
- 4.2 Future development on the site may require permits from DSL if the development may impact existing wetlands on the site.
- 4.3 This review criterion is met.
- (5) *The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.*
- 5.1 The current zoning designation of the properties where the Zoning Map amendment is proposed is UGM-20 (Urban Growth Management – 20-acre minimum lot size). The proposed designation is RS-6.5 (Residential Single Family).
- 5.2 RS-6.5 is an appropriate zoning district because it continues the development pattern established to the north. As part of its Goal 10 Housing initiative, the City may designate property south of Dunlap Avenue NE as RM-5 (Residential Limited Multiple Family), because this area more relates to Knox Butte Road NE.

## RELEVANT GOALS AND POLICIES

The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RS-6.5 (Residential Single Family) zoning designation best satisfies the Goals and Policies of the Comprehensive Plan. Goals and policies are listed below in *bold italic* print, followed by finding of fact and conclusions.

### GOAL 1: CITIZEN INVOLVEMENT

- 6.1 *Goal: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.*

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

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

*Policy 3: Involve the general public in the use, evaluation, and periodic review and update of the Albany Comprehensive Plan.*

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

The City of Albany's Comprehensive Plan and Development Code provide requirements for citizen involvement in the decision-making process for Zoning Map amendments. Zoning Map amendments are processed as Type IV land use decisions with notice to affected parties, including surrounding property owners and affected government agencies. Public hearings before the Planning Commission and City Council are held. Notice of the public hearings is posted on the subject property. The City's Comprehensive Plan and Development Code, including the processes for citizen involvement, have been acknowledged by the Land Conservation and Development Commission as consistent with statewide planning goals.

People who are notified of the public hearing are invited to submit comments or questions about the application prior to the hearing or at the hearing. Review of the application is based on the review criteria listed in the Development Code. The purpose of the public hearings are to provide the opportunity for people to express their opinion about the proposed changes, and where opposing viewpoints are expressed, to try to reach consensus. The Planning Commission and City Council facilitate this process at the public hearings.

## **GOAL 5: OPEN SPACES, SCENIC & HISTORIC AREAS, & NATURAL RESOURCES**

### **VEGETATION AND WILDLIFE HABITAT**

6.2 *Goal: Ensure vegetation is and remains an integral part of Albany's environment.*

*Policy 1: Protect existing vegetation, which possesses significant environmental, wildlife habitat, and aesthetic qualities, particularly along the Santiam Canal and the Willamette and Calapooia Rivers, their tributaries, and associated floodplains and drainageways.*

*Policy 2: Encourage the protection of trees of significant size that represent a visual and aesthetic resource to the community and recognize that the vegetation resources of Albany's Historic Districts are an important element of Albany's historic and cultural heritage.*

*Policy 3: Where possible, retain the environmental and aesthetic qualities of existing wooded areas by incorporating them into public park and open space plans, and ensure the maximum preservation of vegetation during the development review and construction process.*

*Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat, shows areas of vegetation and/or wildlife habitat on the properties. The properties have a variety of types of trees, with most of the trees located in a grove in the western portion of the site.*

Existing single-family houses and a variety of outbuildings exist on the properties now. Additional development on the properties may require the removal of some trees. The uniqueness, size, age, and other characteristics of the trees are considered at the time development is proposed on the properties.

## **GOAL 5: WETLAND RESOURCES**

6.3 *Goal: Protect wetlands to ensure their continued contribution as natural areas, open space, wildlife and vegetative habitat, and storm water retention and conveyance.*

*Comprehensive Plan Plate 6: Wetland Sites, does not show any wetlands on the properties. The East I-5 Local Wetlands Inventory maps do show wetlands on the properties. The wetlands were found on the vacant areas of the properties along the drainageway. The East I-5 Inventory did not determine these wetlands to be "locally significant."*

The Oregon Department of State Lands (DSL) regulates wetlands in Oregon. Any type of residential development on the properties may require permits from DSL. The applicant will be required to comply with DSL regulations and permit requirements when the properties are further developed.

## GOAL 10 HOUSING

- 6.4 *Goal: Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.*

*Policy 1: Ensure that there is an adequate supply of residentially zoned land in areas accessible to employment and public services to provide a variety of choices regarding type, location, density, and cost of housing units commensurate to the needs of city residents.*

*Policy 11: Encourage residential development on already serviced and vacant residential lots or in areas within which services are available or can be economically provided.*

- 6.5 The subject properties are located in an area that is accessible to employment and public services. This neighborhood contains several new subdivisions.

- 6.6 All City services are available to serve a residential development in this area.

## GOAL 12: TRANSPORTATION

- 6.7 *Goal: Provide a safe, diversified, economical, and efficient transportation system that protects and enhances Albany's economy, environment, neighborhood quality, cultural, and scenic values. For the purposes of this document, a transportation system includes auto, transit, bicycles, pedestrian, rail and air transportation.*

*Policy 1: When planning for, designing, and providing transportation systems:*

- a. *Coordinate the requirements of the various transportation types with each other and minimize operational and safety conflicts.*
- b. *Coordinate proposed projects with impacted agencies and businesses and applicable neighboring cities, county, state, and federal agencies.*
- c. *Notify and coordinate with affected agencies regarding the transportation impacts of proposed development within or adjacent to the Urban Growth Boundary.*

*Policy 2: Protect transportation facilities, corridors, and sites for their identified functions.*

- a. *Develop access control measures and encourage land development patterns that minimize direct access onto collector and arterial roads.*
- b. *Protect the future operation of corridors by obtaining sufficient right-of-way or building setbacks to provide for future capacity in transportation corridors and by conditioning development proposals to minimize impacts.*
- c. *Review land use designations, densities, and design standards for consistency with the functions, capacities, and levels of service of facilities identified in the TSP.*

*Policy 3: Develop a roadway system that is efficient and safe for the traveling public while preserving neighborhood quality and character.*

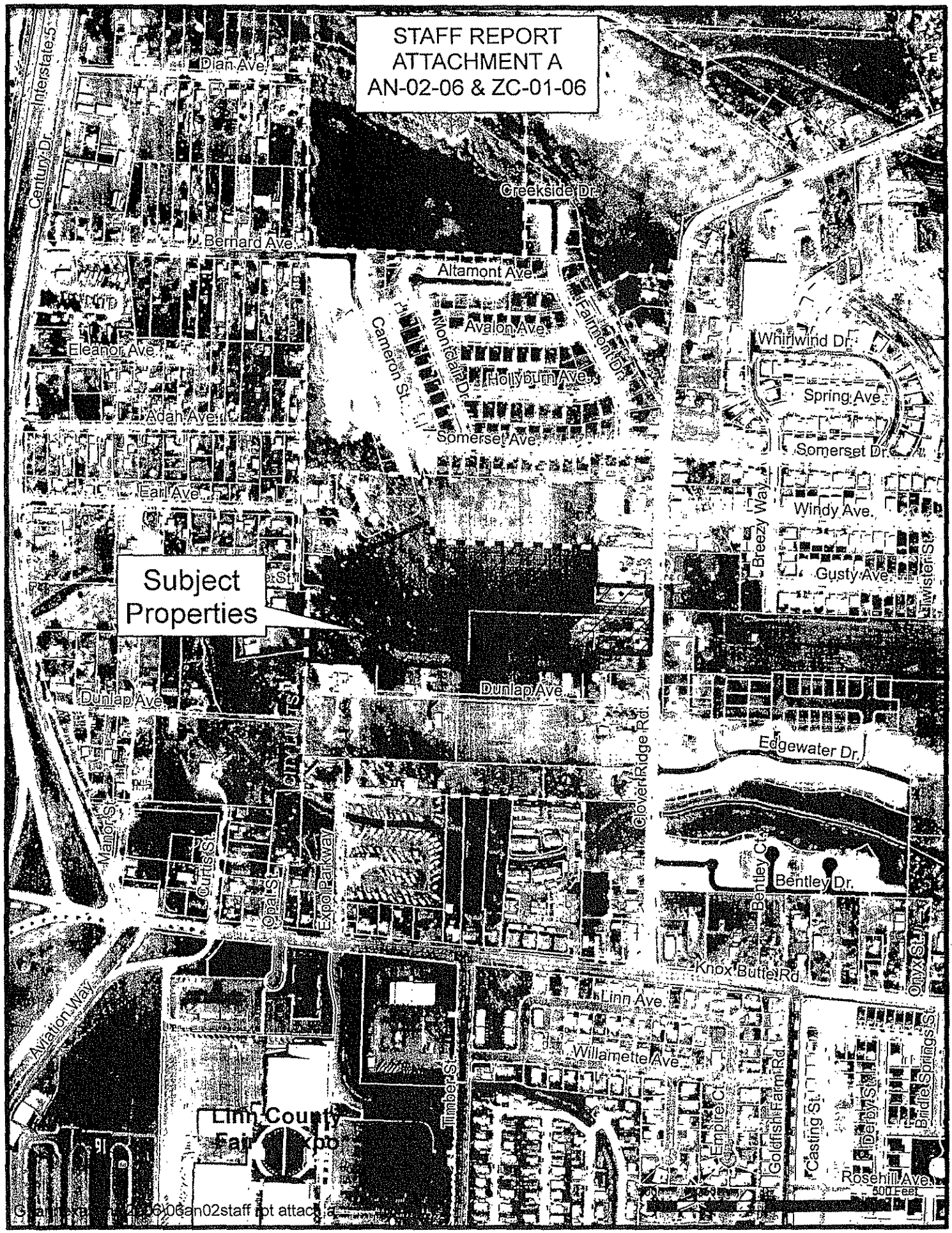
*Policy 4: Develop a transportation system, encourage land use patterns and design standards, and promote transportation projects, programs, and policies which reduce dependency on the automobile and encourage alternatives such as public transit, bicycling, walking, car and van pools.*

See the discussion under Zoning Map Amendment Review Criterion (2). The discussion finds that the transportation system can be made adequate for single-family residential development of the properties. To avoid repeating the same information here, those findings and conclusions are included here by reference.



STAFF REPORT  
ATTACHMENT A  
AN-02-06 & ZC-01-06

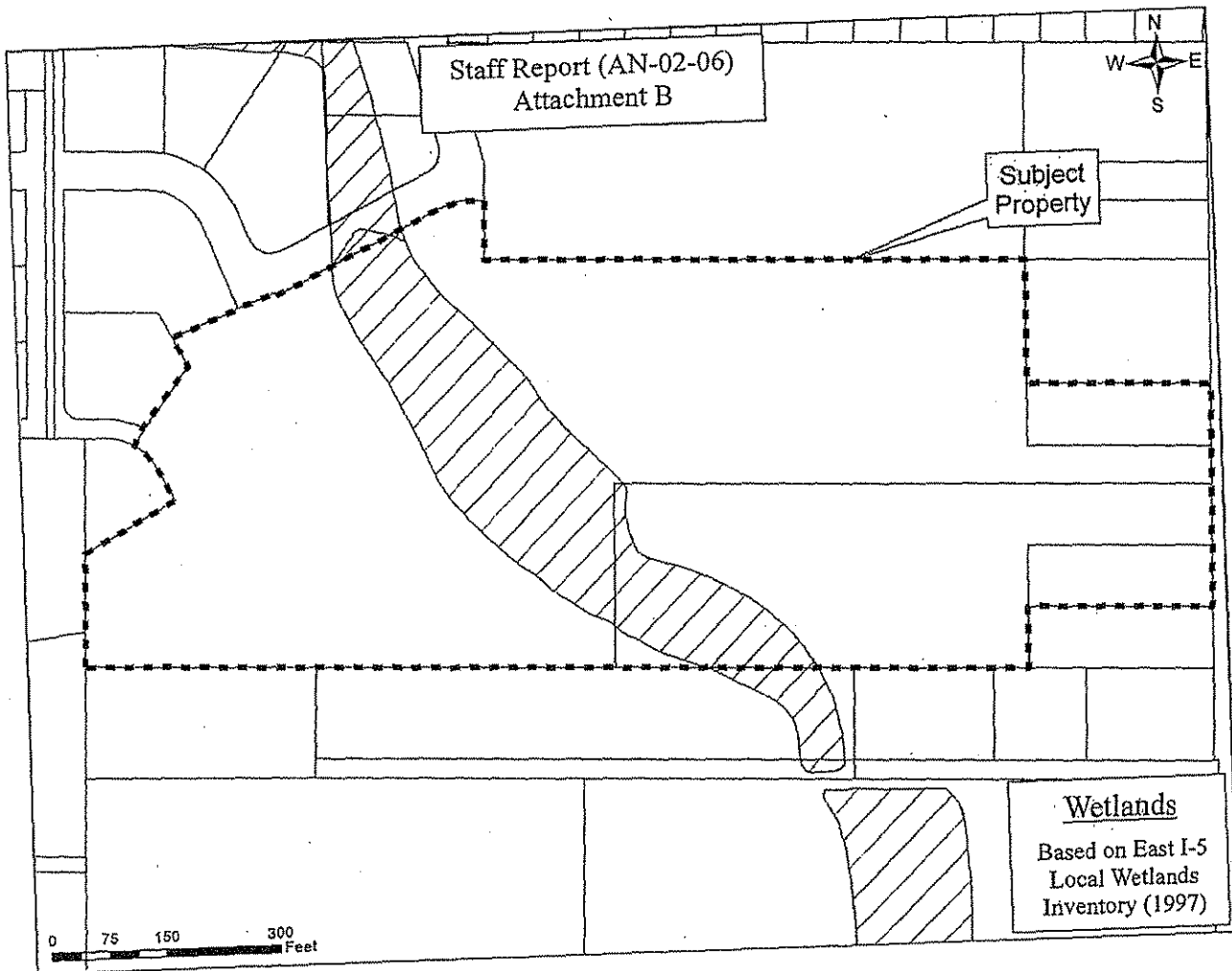
Subject  
Properties



**STAFF REPORT ATTACHMENT B**

*Wetlands Map*

AN-02-06



STAFF REPORT ATTACHMENT C

ANNEXATION AGREEMENT

**EFFECTIVE DATE:** Upon approval of Albany City Council

**PARTIES:** MICHEAL D. and ROBERTA D. NEWMAN  
3749 Dunlap Avenue NE  
Albany, OR 97322-6504

HOPE and CRAIG HINKHOUSE  
469 Argyle Avenue, Apt. 1A  
Elmhurst, IL 60126

JUDY HINCK  
33328 Hinck Road  
Tangent, OR 97389

BBF DEVELOPMENT (CLOVER RIDGE) LLC  
725 NW Flanders Street, Suite 403  
Portland, OR 97209-3540

Individually and Together ("Developer")

CITY OF ALBANY, OREGON, a municipal corporation

("City")

**RECITALS:**

**WHEREAS**, Developer owns certain real property outside of and adjacent to City and described in Attachment 1 and shown in a map labeled Attachment 2 attached hereto (the "Property"), which they desire to be annexed to the City, and the City desires to put the annexation proposal on the ballot for approval of voters in accordance with Oregon law and the City Charter;

**WHEREAS**, City does not want annexation to impose express or implied obligations on the City to make and fund infrastructure improvements;

**WHEREAS**, prior to approving the proposal for the ballot, City staff has requested that Developer enter into an Agreement which will waive many of Developer's rights and remedies with regards to conditions that may be placed on development of the Property by City if public facilities are insufficient to support the development and which will commit Developer in good faith to make certain enhancements and observe restrictions concerning the Property at such time that the actual development of the Property begins;

**WHEREAS**, the City has the policy of not placing annexation proposals on the ballot unless the Council first determines that the annexation is timely and reasonable;

**WHEREAS**, among the factors considered by the Council in its timeliness determination is the adequacy of public infrastructure to serve the proposed annexation site;

**WHEREAS**, the Parties do not intend that this Agreement be a land use document or comply with the requirements of a Development Agreement as set forth in ORS 94.504 to 94.528;

**WHEREAS**, nothing in this Agreement limits the use of the Property for any lawful purposes, so long as any required City approval has been obtained;

**WHEREAS**, nothing in this Agreement shall require Developer to develop the Property or prohibit Developer from stopping any development after it has begun.

**AGREEMENT:**

NOW, THEREFORE in consideration of the above Recitals and the mutual promises contained herein, the Parties agree as follows:

1. **Incorporation of Recitals.** The Recitals are hereby incorporated into this Agreement as if set forth herein in full.
2. **Location.** The Property is adjacent to the City Limits of the City of Albany and within the Urban Growth Boundary for the City of Albany.
3. **Term.** The term of this Agreement shall commence on the date upon which it is approved by the Albany City Council and shall continue until superceded or terminated by the mutual agreement of the Parties or shall terminate upon rejection of the proposed annexation by the voters of the City. The Parties may enter into individual agreements, including, but not limited to, Development Agreements, at any future date, which agreements will supercede this Agreement as applied to the Property as a whole or to portions of the Property or individual phases of development, as specified in said future agreements.

4. **Definitions.** For purposes of this Agreement, specific terms shall be defined as follows:
  - 4.1. *"Public Facilities"*. Physical infrastructure necessary or beneficial to the development of real property in the City of Albany. Such facilities include, but are not limited to, streets, curbs, gutters, bridges, culverts, intersections, traffic signals, signage, ditches, piping, valves, pump stations, landscaping, trails, bicycle paths, parks, sewer, storm sewer, and/or water facilities.
  - 4.2. *"Development"*. The meaning prescribed for said term at Albany Municipal Code 20.22.010.
  - 4.3. *"Developer"*. Any person or legal entity having the right or responsibility to control the development of the Property. This term includes, without limitation, all owners of property proposed for development.
5. **Ballot.** The Property shall be proposed to the voters of the City of Albany for annexation subject to the terms of this Agreement.
6. **Waiver of Rights and Indemnification.** If Developer proceeds with development of the Property, Developer agrees that if the City determines, in the exercise of reasonable discretion, based on substantial evidence in the record, that Public Facilities are insufficient to support a proposed development, and there is a reasonable relationship between any condition or denial and said deficiency in Public Facilities, or that natural features that exist on the property are sufficiently significant to warrant protection, and the City therefore conditions or denies an application based on such a determination:
  - 6.1 Developer will waive the right to claim that such condition or denial constitutes a moratorium under ORS 197.505 to 197.540.
  - 6.2 Developer will waive any right to seek judicial or administrative relief including, but not limited to, claims for injunction or damages that may result from the delay or denial of development opportunities.
  - 6.3 Developer will waive any claim under any present or future legislation, judicial determination, or Oregon Constitutional amendments that require local government to compensate a property owner for damages which result from governmental regulations which are deemed to constitute a complete or partial taking of such property.
  - 6.4 Developer waives any right to appeal said condition or denial or to seek any other form of judicial or administrative relief, on the grounds that it places a "disproportionate burden" on Developer. This waiver is intended to include, but not be limited to, claims that the disproportionate burden constitutes a partial or complete taking of Developer's property. This waiver shall relieve City of any requirement to make individualized findings that justify a condition on the proposed development or a denial of the proposed development, but the condition or denial must be directly related to a deficiency in Public Facilities caused or contributed to by the proposed development, or the condition or denial must be directly related to a threat to a significant natural feature caused or contributed to by the proposed development.
  - 6.5 Developer waives any right to claims arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
  - 6.6 None of the rights waived by Developer shall waive Developer's right to just compensation in the event that the City initiates eminent domain proceedings to acquire all or a part of Developer's property.

- 6.7 The Developer and its successors and assigns agree to indemnify and hold harmless the City of Albany, its agents, officers, and employees, from any of the following claims including, but not limited to, the attorney's fees and other expenses incurred by the City resisting said claims:
- 6.7.1 Any claim challenging the enforceability or binding nature of this Agreement;
  - 6.7.2 Any judicial or administrative proceeding which is brought by Developer or its successors or assigns challenging the correctness or any action taken by the City which is authorized under the terms of this Agreement;
  - 6.7.3 Any other proceeding of any kind or nature wherein Developer or its successors or assigns seeks damages or injunctive relief as a result of any City decision to deny, condition, or limit development activities.
- 6.8 The Property is currently designated on the City's Comprehensive Plan Map as Urban Residential Reserve. The current Linn County zoning designation is UGA-UGM-20. The act of annexing property does not automatically apply a city zoning designation. Until a zoning designation is approved by the City, the County designations will continue to be in effect.

**7. Developer Agrees.** If Developer proceeds with development of the Property, Developer agrees as follows:

- 7.1 Any residential subdivision constructed on the Property will be designed to have homes built on lots with frontage on Clover Ridge Road will face Clover Ridge Road. If Covenants, Conditions, and Restrictions (CC&Rs) are necessary to assure that the homes are constructed in this manner, CC&Rs will be included with the subdivision

**8. City Agrees.** The City, in consideration for the promises made by Developer, agrees as follows:

- 8.1 There are currently sufficient Public Facilities available to annex the property into the City of Albany upon approval of the voters. This does not imply that available Public Facilities are sufficient for any particular development.
- 8.2 The City shall not impose a Local Improvement District or other financial obligation upon Developer unless it is determined that the Developer benefits from the proposed improvement(s).
- 8.3 While the City's conditions or denials may place a disproportionate burden on the Developer to make Public Facilities improvements, any such conditions or denials shall be reasonably related to the Public Facilities needs which result from development on the Property. "Objective Engineering Standards" will be used to determine the need for Public Facilities which result from any proposed development. Notwithstanding the foregoing, both Parties agree that the Public Facilities needs of third parties or the public generally may also be a contributing factor to the Public Facilities needs which result from development on the Property. The needs of such third parties or the public shall not limit the City's discretion to impose conditions or denials on the Developer.
- 8.4 Subject to the provisions of this Agreement, the City agrees that upon annexation, and subject to the terms and limitations of this Agreement, the Property shall enjoy the same right to development as applies to similarly situated property in the City of Albany. This is a material consideration for the Developer to comply with the conditions and requirements set forth in this Agreement.
- 8.5 City shall make a good faith effort to identify and address planning issues and impacts that may arise as a result of development of the Property and will share with Developer any information of prospective issues or impacts.
- 8.6 Subject to the provisions of this Agreement, Developer has full entitlement to apply for development of all or any part of the Property and shall be entitled to the same consideration shown to similarly situated applicants.

9. **Contingency.** This Agreement is expressly contingent on (i) approval by the Albany City Council of the annexation proposal and this Annexation Agreement, and (ii) approval by the voters in accordance with Oregon law of such annexation proposal.

10. **Miscellaneous.**

- 10.1 **Binding Effect.** This Agreement shall be binding on and inure to the benefit of the Parties and their respective heirs, personal representatives, successors, and permitted assigns and upon approval of the voters of the City of Albany, the terms of this Agreement shall be recorded in a form approved by the City so as to provide a record of this Agreement to run with the land described in the attached Attachment 1.
- 10.2 **Assignment.** Neither this Agreement nor any of the rights, interests, or obligations under this Agreement shall be assigned by any party without the prior written consent of the other Parties, which consent will not be unreasonably withheld.
- 10.3 **No Third-Party Beneficiaries.** Nothing in this Agreement, express or implied, is intended or shall be construed to confer on any person, other than the Parties to this Agreement, any right, remedy, or claim under or with respect to this Agreement.
- 10.4 **Further Assurances.** Each party agrees (a) to execute and deliver such other documents and (b) to do and perform such other acts and things, as any other party may reasonably request, in order to carry out the intent and accomplish the purposes of this Agreement.
- 10.5 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon, without regard to conflict-of-laws principles.
- 10.6 **Attachments.** The Attachments referenced in this Agreement are a part of this Agreement as if fully set forth in this Agreement.
- 10.7 **Severability.** If any provision of this Agreement shall be invalid or unenforceable in any respect for any reason, the validity and enforceability of any such provision in any other respect of the remaining provisions of this Agreement shall not be in any way impaired.
- 10.8 **Entire Agreement.** This Agreement constitutes the entire agreement and understanding of the Parties with respect to the subject matter of this Agreement and supersedes all prior understandings and agreement, whether written or oral, among the Parties with respect to such subject matter.

IN WITNESS WHEREOF, the Parties hereby execute this Agreement.

**PARTIES:**

**CITY OF ALBANY.**

A municipal corporation,

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

Its: \_\_\_\_\_

\_\_\_\_\_  
Micheal D. Newman

\_\_\_\_\_  
Roberta D. Newman

\_\_\_\_\_  
Judy Hinck

\_\_\_\_\_  
Hope Hinkhouse

\_\_\_\_\_  
Craig Hinkhouse

**BBF DEVELOPMENT (CLOVER RIDGE) LLC**

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

Its: \_\_\_\_\_

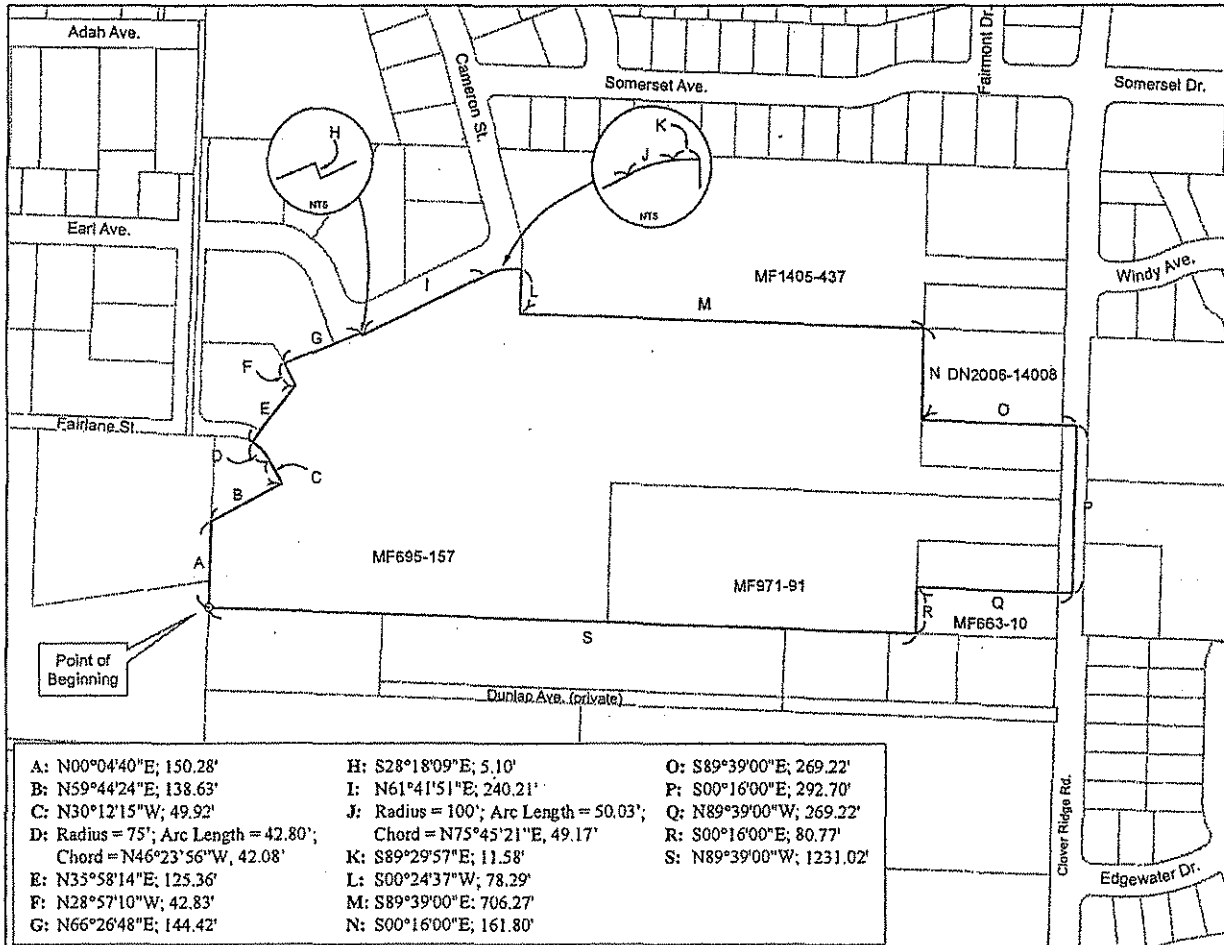


**ANNEXATION AGREEMENT ATTACHMENT 1**  
**LEGAL DESCRIPTION**  
**FILE AN-02-06**

Beginning at the Southwest corner of Lot 21 of Fairlanes Subdivision, a residential subdivision recorded in County Survey No. 3038, Linn County, Oregon survey records; thence North 0°04'40" East, along the west line of said subdivision plat, a distance of 150.28 feet to an iron bar; thence North 59°44'24" East, along the northerly line of Lot 20 of said Fairlanes Subdivision, a distance of 138.63 feet, to an iron rod at the centerline of the vacated portion of Fairlane Street; thence North 30°12'15" West, along said centerline, a distance of 49.92 feet to an iron rod; thence further along said centerline, along a curve to the left with a radius of 75.00 feet, (the chord of which bears North 46°23'56" West, 42.08 feet), a distance of 42.80 feet to an iron rod; thence North 35°58'14" East, leaving said centerline, and along the northerly line of Lot 15 of Fairlanes Subdivision, a distance of 125.36 feet, to an iron rod at the southeast corner of Lot 13 of said subdivision; thence North 28°57'10" West, along the east line of said Lot 13 a distance of 42.83 feet to an iron rod at the northwest corner of Lot 12 of Fairlanes Subdivision; thence North 66°26'48" East, along the northerly line of said Lot 12, and the easterly extension thereof, a distance of 144.42 feet to an iron rod; thence South 28°18'09" East, a distance of 5.10 feet, to an iron rod on the southerly right-of-way line of Earl Street; thence North 61°41'51" East along said Earl Street right-of-way line, a distance of 240.21 feet to an iron rod; thence along a curve to the right, with a radius of 100.00 feet, (the chord of which bears North 75°45'21" East, 49.17 feet), a distance of 50.03 feet to an iron rod; thence South 89°29'57" East, a distance of 11.58 feet to an iron rod on the West boundary of that parcel owned by BBF Development (Clover Ridge) LLC, described in Linn County Microfilm Deed Records MF1405-437; thence South 0°24'37" West, leaving said Earl Street right-of-way line, a distance of 78.29 feet to an iron rod at the Southwest corner of said BBF Development parcel; thence South 89°39'00" East, along the South boundary of said BBF Development parcel, a distance of 706.27 feet to an iron rod at the Northwest corner of that parcel owned by Ben Kauffman, described in Linn County Microfilm Deed Records DN2006-14008; thence South 0°16'00" East, along the West boundary of said Kauffman parcel, a distance of 161.80 feet to the Southwest corner of said Kauffman parcel; thence South 89°39'00" East, along the South boundary of said Kauffman parcel, and its extension, a distance of 269.22 feet to the existing City Limits boundary; thence South 0°16'00" East, along said City Limits boundary, a distance of 292.70 feet, to the Easterly extension of the North boundary of that parcel owned by Michael and Roberta Newman, described in Linn County Microfilm Deed Records MF663-10; thence North 89°39'00" West, along said North boundary a distance of 269.22 feet to the Northwest corner of said Newman parcel; thence South 00°16'00" East, along the West boundary of said Newman parcel, a distance of 80.77 feet to the Southwest corner of said parcel; thence North 89°39'00" West, along the south boundaries of those parcels described in Linn County Deed Records MF971-91 and MF695-157, a distance of 1,231.02 feet to the Point of Beginning.

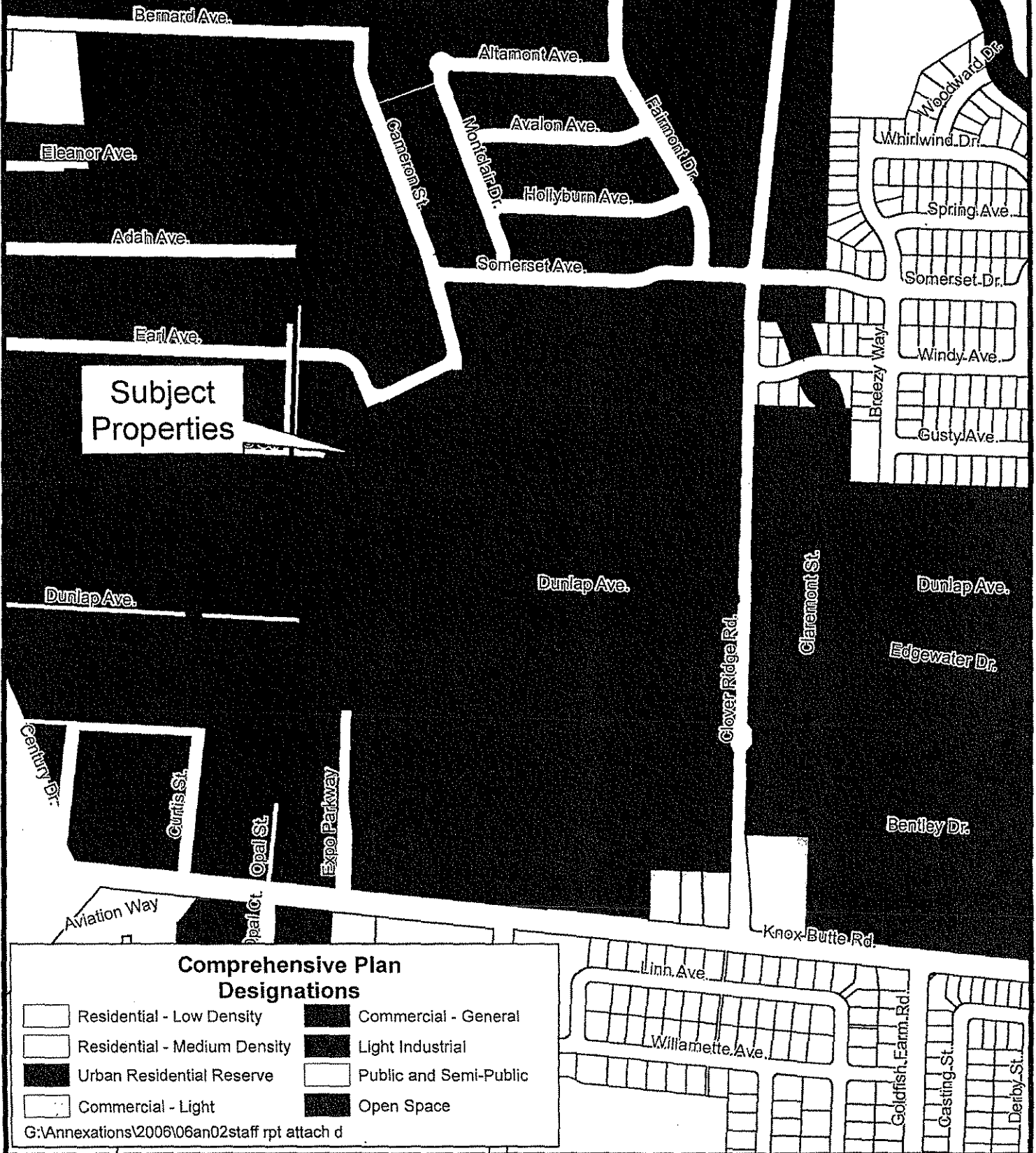
Said area containing 15.9 acres, more or less.

**ANNEXATION AGREEMENT ATTACHMENT 2  
LEGAL DESCRIPTION MAP  
FILE AN-02-06**











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STAFF REPORT  
 ATTACHMENT D  
 Comp Plan Map  
 ZC-01-06



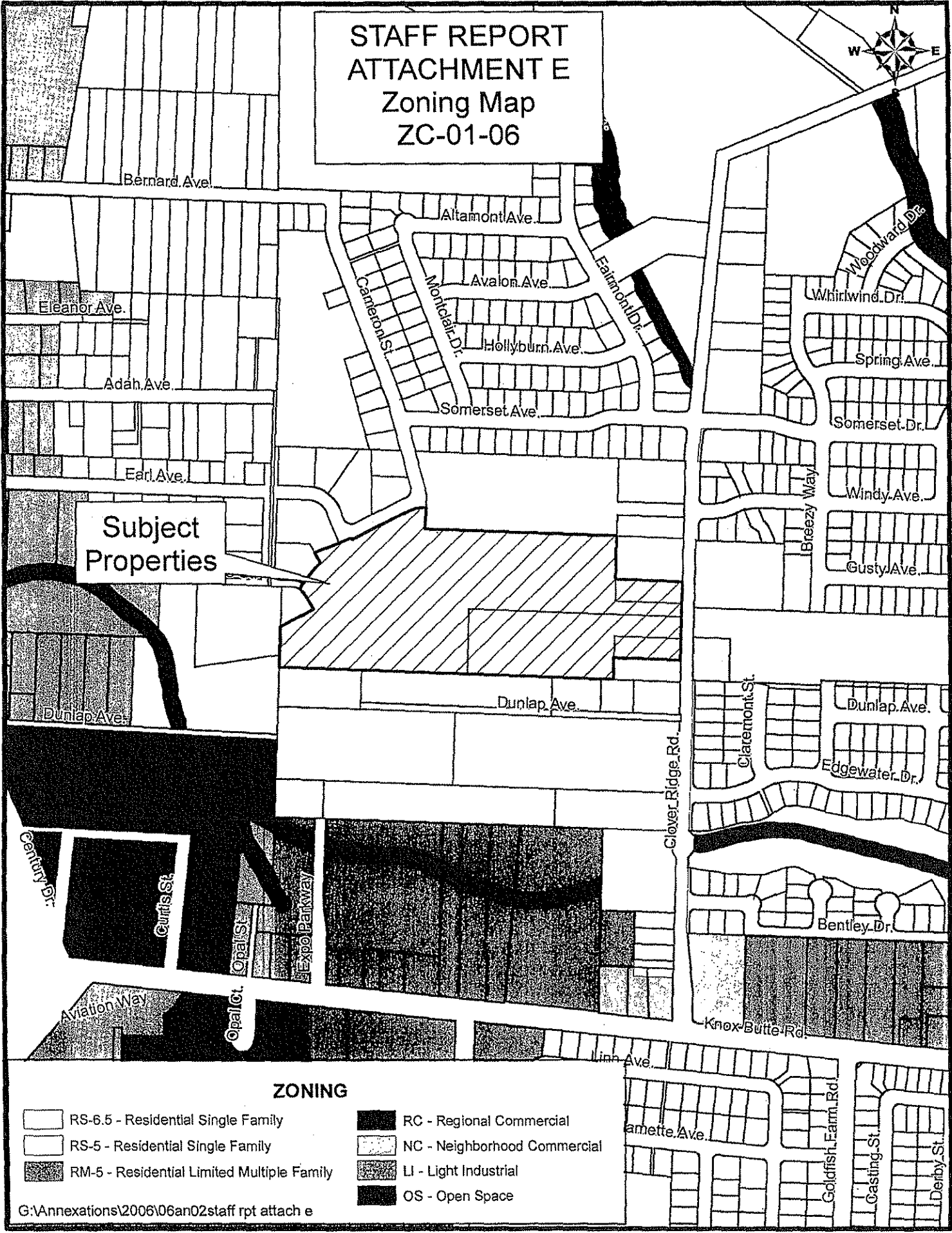
Subject  
 Properties

**Comprehensive Plan  
 Designations**

- |  |  |
|--|--|
|  Residential - Low Density    |  Commercial - General   |
|  Residential - Medium Density |  Light Industrial       |
|  Urban Residential Reserve    |  Public and Semi-Public |
|  Commercial - Light           |  Open Space             |








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STAFF REPORT  
ATTACHMENT E  
Zoning Map  
ZC-01-06



Subject Properties

ZONING

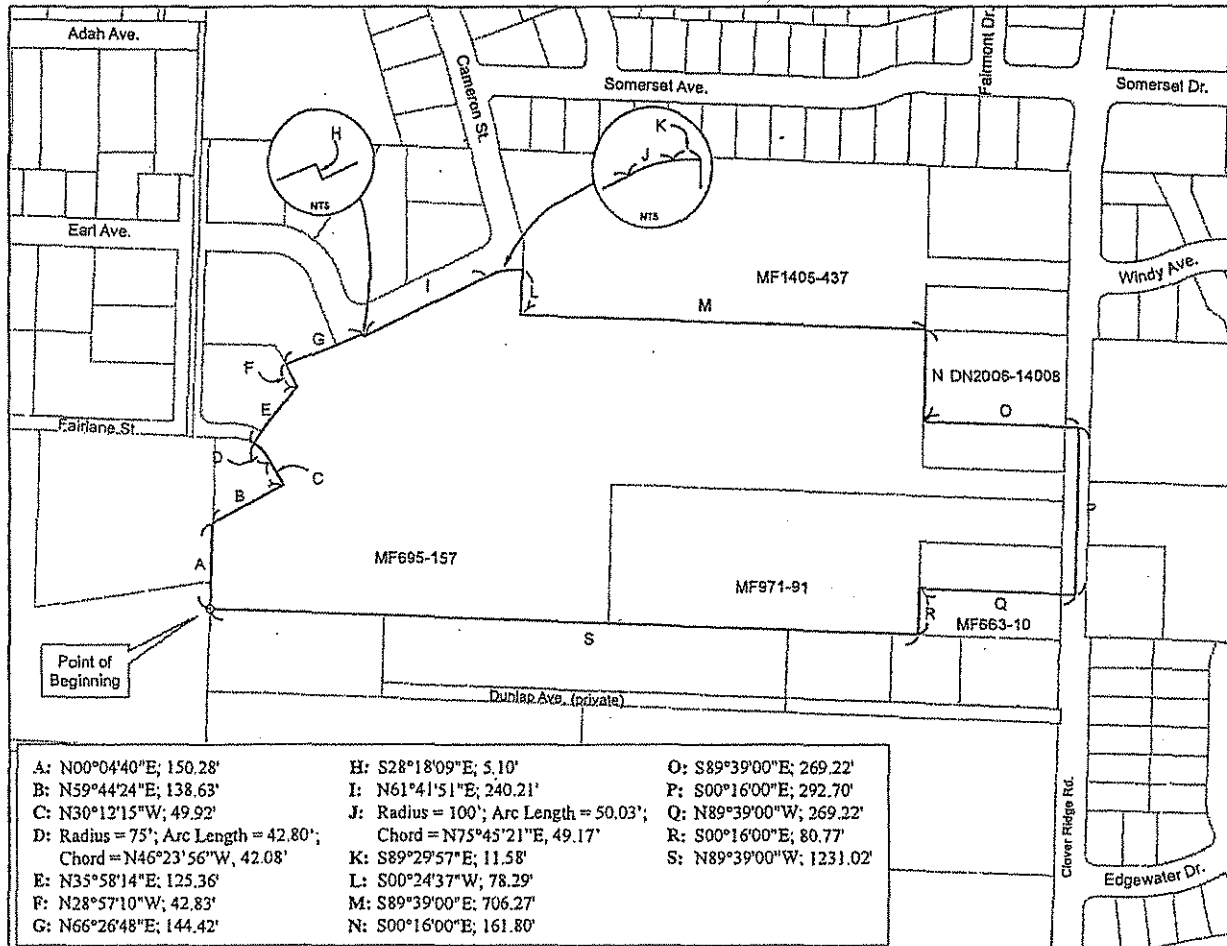
-  RS-6.5 - Residential Single Family
-  RS-5 - Residential Single Family
-  RM-5 - Residential Limited Multiple Family
-  RC - Regional Commercial
-  NC - Neighborhood Commercial
-  LI - Light Industrial
-  OS - Open Space

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# ORDINANCE EXHIBIT B

## LEGAL DESCRIPTION MAP FILE AN-02-06



## ORDINANCE EXHIBIT B

Beginning at the Southwest corner of Lot 21 of Fairlanes Subdivision, a residential subdivision recorded in County Survey No. 3038, Linn County, Oregon survey records; thence North  $0^{\circ}04'40''$  East, along the west line of said subdivision plat, a distance of 150.28 feet to an iron bar; thence North  $59^{\circ}44'24''$  East, along the northerly line of Lot 20 of said Fairlanes Subdivision, a distance of 138.63 feet, to an iron rod at the centerline of the vacated portion of Fairlane Street; thence North  $30^{\circ}12'15''$  West, along said centerline, a distance of 49.92 feet to an iron rod; thence further along said centerline, along a curve to the left with a radius of 75.00 feet, (the chord of which bears North  $46^{\circ}23'56''$  West, 42.08 feet), a distance of 42.80 feet to an iron rod; thence North  $35^{\circ}58'14''$  East, leaving said centerline, and along the northerly line of Lot 15 of Fairlanes Subdivision, a distance of 125.36 feet, to an iron rod at the southeast corner of Lot 13 of said subdivision; thence North  $28^{\circ}57'10''$  West, along the east line of said Lot 13 a distance of 42.83 feet to an iron rod at the northwest corner of Lot 12 of Fairlanes Subdivision; thence North  $66^{\circ}26'48''$  East, along the northerly line of said Lot 12, and the easterly extension thereof, a distance of 144.42 feet to an iron rod; thence South  $28^{\circ}18'09''$  East, a distance of 5.10 feet, to an iron rod on the southerly right-of-way line of Earl Street; thence North  $61^{\circ}41'51''$  East along said Earl Street right-of-way line, a distance of 240.21 feet to an iron rod; thence along a curve to the right, with a radius of 100.00 feet, (the chord of which bears North  $75^{\circ}45'21''$  East, 49.17 feet), a distance of 50.03 feet to an iron rod; thence South  $89^{\circ}29'57''$  East, a distance of 11.58 feet to an iron rod on the West boundary of that parcel owned by BBF Development (Clover Ridge) LLC, described in Linn County Microfilm Deed Records MF1405-437; thence South  $0^{\circ}24'37''$  West, leaving said Earl Street right-of-way line, a distance of 78.29 feet to an iron rod at the Southwest corner of said BBF Development parcel; thence South  $89^{\circ}39'00''$  East, along the South boundary of said BBF Development parcel, a distance of 706.27 feet to an iron rod at the Northwest corner of that parcel owned by Ben Kauffman, described in Linn County Microfilm Deed Records DN2006-14008; thence South  $0^{\circ}16'00''$  East, along the West boundary of said Kauffman parcel, a distance of 161.80 feet to the Southwest corner of said Kauffman parcel; thence South  $89^{\circ}39'00''$  East, along the South boundary of said Kauffman parcel, and its extension, a distance of 269.22 feet to the existing City Limits boundary; thence South  $0^{\circ}16'00''$  East, along said City Limits boundary, a distance of 292.70 feet, to the Easterly extension of the North boundary of that parcel owned by Michael and Roberta Newman, described in Linn County Microfilm Deed Records MF663-10; thence North  $89^{\circ}39'00''$  West, along said North boundary a distance of 269.22 feet to the Northwest corner of said Newman parcel; thence South  $00^{\circ}16'00''$  East, along the West boundary of said Newman parcel, a distance of 80.77 feet to the Southwest corner of said parcel; thence North  $89^{\circ}39'00''$  West, along the south boundaries of those parcels described in Linn County Deed Records MF971-91 and MF695-157, a distance of 1,231.02 feet to the Point of Beginning.

Said area containing 15.9 acres, more or less.



TO: Albany City Council

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

FROM: Mark W. Shepard, P.E., City Engineer NWS  
Staci Belcastro, P.E., Civil Engineer III SB

DATE: June 4, 2008, for the June 11, 2008, City Council Meeting

SUBJECT: Award of Bid for SS-06-05, 34<sup>th</sup> Avenue Sanitary Sewer Lift Station

RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Staff requests that Council award this contract in the amount of \$1,626,900 to the low bidder, Emery & Sons Construction, Inc., of Stayton, OR 97383.

Discussion:

On May 13, 2008, bids were opened for SS-06-05, 34<sup>th</sup> Avenue Sanitary Sewer Lift Station. There were 3 bids submitted for this project, ranging from \$1,626,900 to \$1,895,905. The Engineer's estimate was \$1,370,000.00. A bid summary is attached.

The 34<sup>th</sup> Avenue Sewer Lift Station project will involve abandoning the existing station and constructing a new station at the same site. The age and size constraints of the existing 34<sup>th</sup> lift station limited what could be constructed within the existing station. Maintenance and construction within the existing station would be difficult and would require confined space entry. Construction would have required expensive bypass pumping for a duration of over two weeks. Lastly, the existing station could only be upgraded to meet 2030 flows due to space constraints, while the proposed new station can be easily modified to meet build-out flows (2074). A vicinity map is provided as attachment 2.

Another benefit of constructing the new 34<sup>th</sup> lift station is it gives the City the ability to delay construction of the Oak Creek Lift Station Improvements and Oak Creek Sewer Force Main. Currently the existing Oak Creek sewer force main flows into the existing 34<sup>th</sup> Lift Station where it is pumped along with flows from the 34<sup>th</sup> basin. The existing 34<sup>th</sup> lift station could not be modified to handle flows from both basins without continuing to cause overflows into the Willamette River. Given the construction of the new 34<sup>th</sup> Avenue Lift Station, we have been able to postpone the Oak Creek improvements for several years.



*Summary of Total Estimated Project Costs*

Based on the project bid and anticipated related costs, a summary of the total estimated project cost is shown in the table below. The amounts have been rounded to the nearest \$100.

<b>Project Components</b>	<b>Estimated Cost</b>
<b>I. Design Costs</b>	
a. Consultant Design Engineering	\$ 152,600
b. Consultant Construction Engineering	\$ 67,000
c. Project Management	\$ 18,000
<i>Engineering Subtotal</i>	\$ 237,600
<b>II. Construction Costs</b>	
a. Contract	\$ 1,626,900
b. Contingency (10%)	\$ 162,700
c. Miscellaneous Project Costs	\$ 25,000
<i>Construction Subtotal</i>	\$ 1,814,600
<i>Total Estimated Project Cost</i>	\$ 2,052,200
<i>Project Budget</i>	\$ 1,409,300
<i>Under/(Over) Project Budget</i>	(\$ 642,900)

Budget Impact:

This project came in significantly higher than originally estimated in 2005. Construction costs for projects of this nature, deep excavation and structure construction, have seen significant cost increases in recent years. The available sewer funding is limited. However, this project can move forward with adequate funding. Staff will need to develop phasing and timing plans for two significant sewer projects (Oak Creek Force Main and Lift Station and the Cox Creek Basin Improvements) in order to assure adequate cash flow to fund the projects in the future.

This project will be funded from SDC-i funds (601-50-2502), Sewer Capital (601-50-2500), and SDC-r funds (601-50-2503).

SLB:kw  
 Attachments (2)

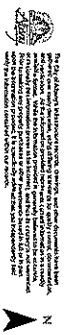


**CITY OF ALBANY, OREGON**  
**Public Works Department**  
**Construction Contract Bids**

**Project:** SS-06-05, 34<sup>th</sup> Avenue Sanitary Sewer Lift Station

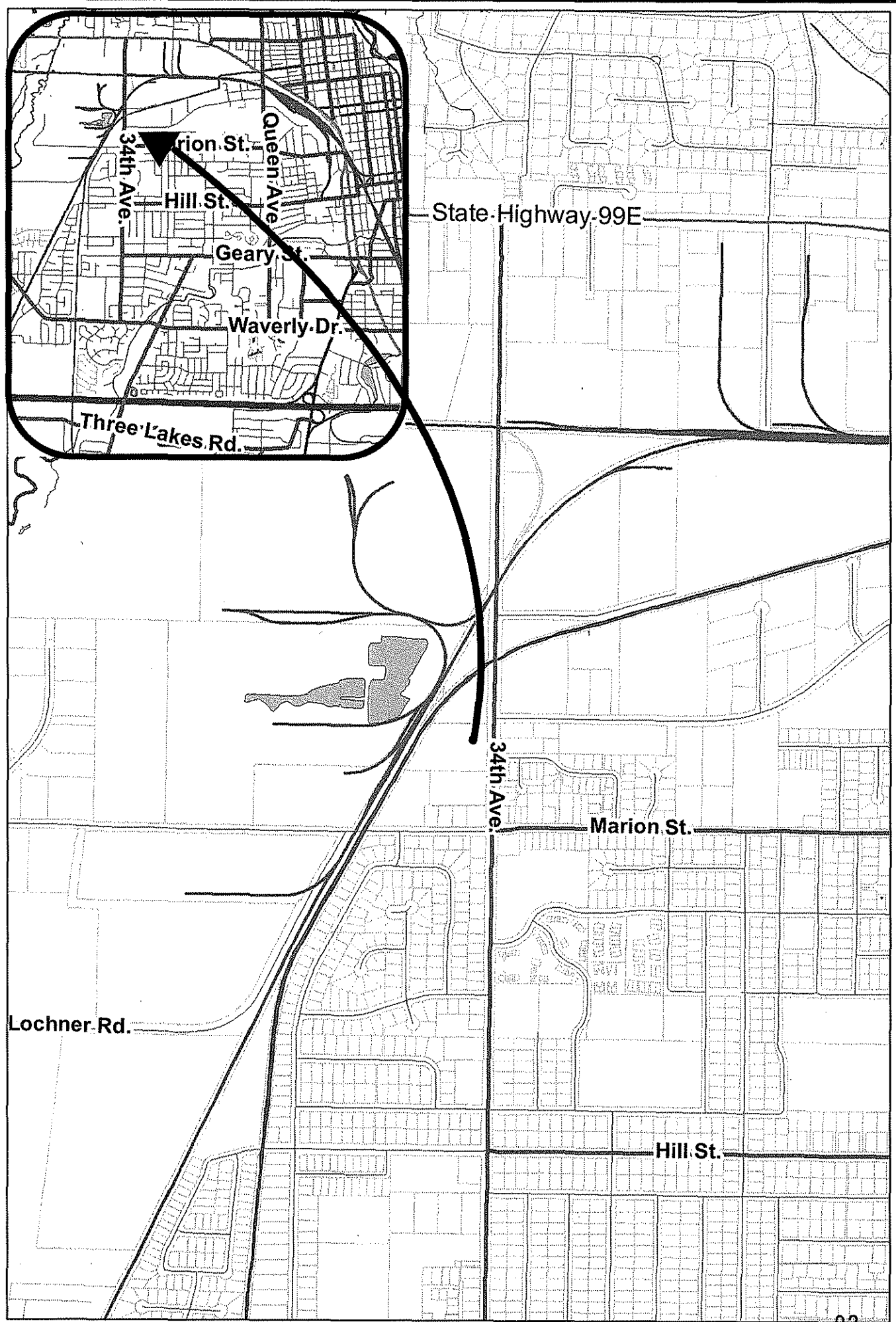
**Bid Opening:** May 13, 2008

Engineer's Estimate	Emery & Sons Construction, Inc.	Triad Mechanical	R & G Excavating
\$1,370,000.00	\$1,626,900.00	1,716,218.00	1,895,905.00



**SS-06-05, 34TH AVENUE LIFT STATION - Attachment 2**

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





TO: Albany City Council

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

FROM: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*  
Staci Belcastro, P.E., Civil Engineer III *SB*

DATE: June 2, 2008, for the June 11, 2008, City Council Meeting

SUBJECT: BR-06-01, 2<sup>nd</sup> Avenue Crossing of Periwinkle Creek

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods

Action Requested:

No action required. This is a report summarizing the completion of the Second Avenue and Periwinkle Creek Bridge.

Discussion:

*Construction*

The construction of this project was awarded to Gervais Construction, of Keizer, Oregon, on April 11, 2007. Notice to proceed was issued to Gervais Construction on May 21, 2007. Over the next several months, Gervais failed to make substantial progress on the project and the City terminated the contract with Gervais Construction on September 12, 2007. Since the termination, the City reached a settlement with Gervais construction and there is no pending legal action.

Following the termination of Gervais's contract, staff contacted three contractors regarding completing the project. Emery & Sons Construction Company indicated they could immediately begin work on the project and started mobilizing on September 15, 2007. They completed construction of the project, including final asphalt paving, in December 2007.

*Project Description*

This project included removal of the failing culvert and replacement with a 20-foot diameter arch culvert with an open bottom. In addition to the bridge replacement this project included replacing the water line that was severed between Harrison Street and Cleveland Street, construction of a new asphalt street section from Harrison Street to Cleveland Street, sidewalk infill on the north and south sides of 2<sup>nd</sup> Avenue, and storm drainage features. A map of the project area is provided as Attachment 1.

*Summary of Final Project Costs*

A summary of the total project cost is shown in the table on the next page. The amounts have been rounded to the nearest \$100.

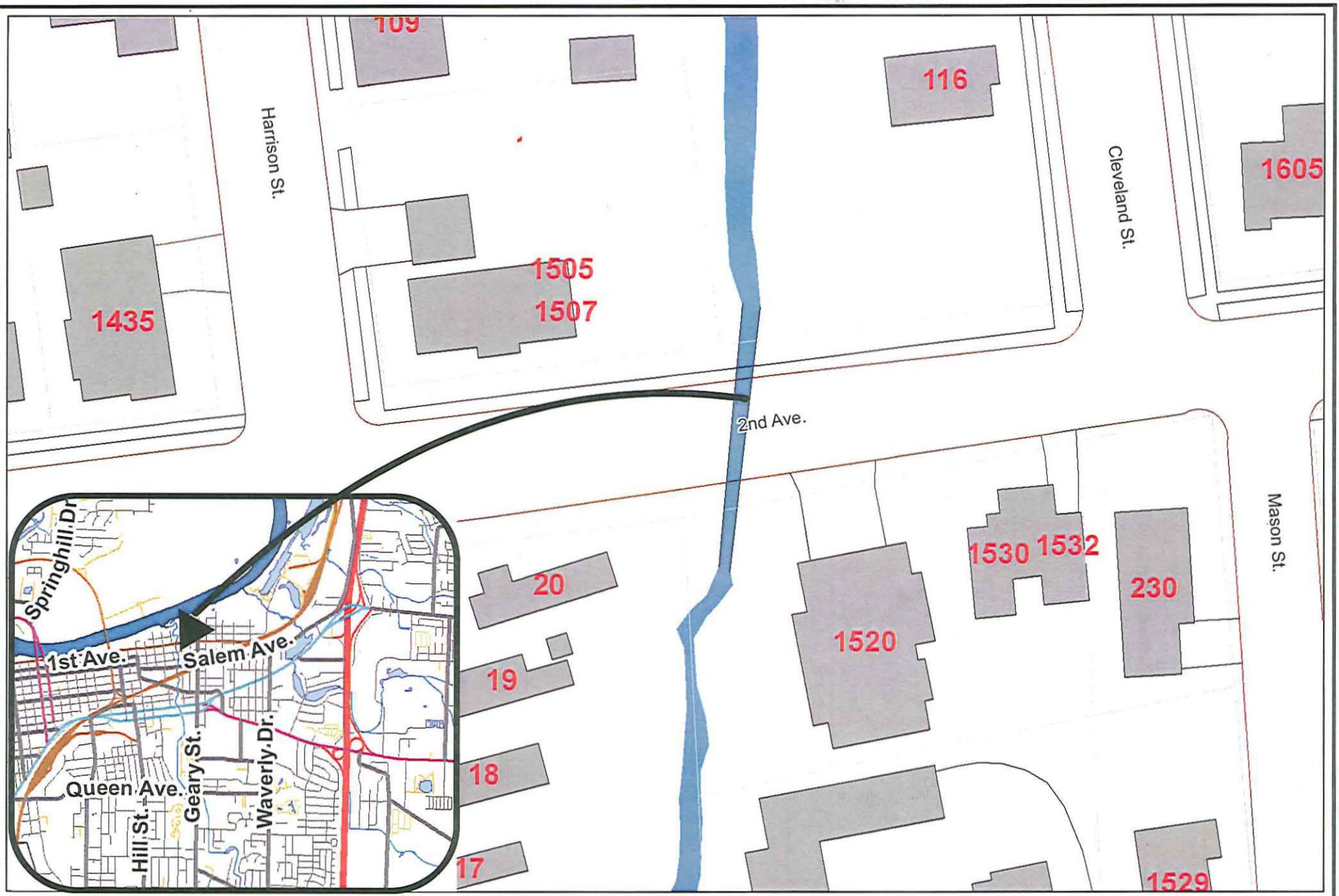
Project Components	Estimated Cost
<b>I. Costs</b>	
a. Consultant Design Engineering	\$ 226,500
b. Consultant Construction Engineering	\$ 129,300
c. City Design Engineering	\$ 31,500
d. City Construction Engineering	\$ 41,000
<i>Engineering Subtotal</i>	\$ 428,300
<b>II. Construction Costs</b>	
a. Gervais Construction	\$ 311,600
b. Emery & Sons Construction Company	\$ 713,500
c. Testing and Miscellaneous Costs	\$ 19,500
<i>Construction Subtotal</i>	\$ 1,044,600
<b>III. Right-of-Way Costs</b>	
a. Jesse McDougal	\$ 2,200
b. Paul & Patricia Hightower	\$ 11,100
c. James Hammel	\$ 1,400
d. Larry Matthews	\$ 2,000
e. Property Appraisals	\$ 6,900
<i>Right-of-Way Subtotal</i>	\$ 23,600
<i>Total Estimated Project Cost</i>	\$ 1,496,500
<i>Beginning Project Budget</i>	\$ 1,374,000
<i>Interest Earned</i>	\$ 203,000
<i>Total Project Budget</i>	\$ 1,577,000
<i>Under/(Over) Project Budget</i>	\$ 80,500

This project was completed within the grant budget plus interest earned. However, due to the construction delay caused by Gervais, there was not enough funding identified for the 2007/08 fiscal year. The money is available, but requires Council authorization. This authorization will be included in a supplemental budget that will be presented to Council by the Finance Department.


Budget Impact:

All costs for this project will be funded from money that the City received through the 2003 OTIA III Local Bridge Program. The signed agreement between the City and ODOT require we return any unspent balance which is approximately \$80,500

SLB:kw  
Attachment



**BR-06-01, 2nd Avenue Crossing of Periwinkle Creek - Attachment 1**


 The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using different standards for spatial extent, documentation, and scale. All the information provided here is for informational purposes only and is not intended to be used for any other purpose. While the information provided is generally believed to be accurate, the City of Albany does not warrant its accuracy. It is recommended that users verify the information provided in this document with the City of Albany's records department. It is recommended that users verify the information provided in this document with the City of Albany's records department.

