



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
 Council Chambers
 333 Broadalbin Street SW
 Wednesday, October 8, 2008
 7:15 p.m.

OUR MISSION IS

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

OUR VISION IS

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

AGENDA

Rules of Conduct for Public Hearing

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

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. SPECIAL PRESENTATION
 - a. OSU 4-H and Extension Service. [Page 1]
 Action: _____
5. SCHEDULED BUSINESS
 - a. Communication
 - 1) Accepting Pat Kight's resignation from the Arts Commission. [Page 2]
 Action: _____
 - b. Quasi-Judicial Public Hearing
 - 1) SP-12-08 and AD-01-08, Site Plan Review for construction of a shopping center with six buildings on 25.67 acres of land. [Pages 3-104]
 Action: _____
 - c. Public Hearing
 - 1) SS-07-03, adopting Engineering and Financial Investigation Reports for Ellingson Road Sewer Extension Project. [Pages 105-111]
 Action: _____ RES. NO. _____
 - d. Business from the Public
 - e. Adoption of Resolutions
 - 1) Waiving competitive bidding and awarding a sole source contract to SunGard Public Sector. [Pages 112-113]
 Action: _____ RES. NO. _____
 - 2) Transferring appropriation for BR-06-01, Periwinkle Creek Bridge at Second Avenue, from Capital Projects Fund to the Street Capital and Restoration Fund. [Pages 114-115]
 Action: _____ RES. NO. _____

f. Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) August 27, 2008, City Council Meeting [Pages 116-122]
 - b) September 8, 2008, Work Session [Pages 123-126]
- 2) Adopting an updated investment policy. [Pages 127-136] RES. NO. _____
- 3) Revising language regarding appointments to City boards, commissions, and committees. [Pages 137-141] RES. NO. _____
- 4) Revising the City of Albany Public Safety Commission Resolution. [Pages 142-144] RES. NO. _____
- 5) Authorizing a grant application for acquisition of property on East Thornton Lake. [Pages 145-146]
- 6) Approving a liquor license for Cascade Grill & Bar, LLC, 110 Opal Court NE. [Page 147]
- 7) Applying for and accepting the Oregon Association Chiefs of Police grants for:
 - a) Safety Belt/Three Flags Traffic Safety Grant to enforce safety belt, speeding, and DUII laws. [Pages 148-149] RES. NO. _____
 - b) DUII Overtime Grant for the detection and removal of impaired drivers from our streets. [Pages 150-151] RES. NO. _____
- 8) Accepting easements from:
 - a) Jack Utterback, 20-foot wide public utility easement. [Pages 152-157] RES. NO. _____
 - b) Leroy Laack Trust, 15-foot wide easement over a public storm drainage line. [Pages 158-162] RES. NO. _____
 - c) Leroy Laack Trust, variable width sidewalk and utility easement. [Pages 163-168] RES. NO. _____
- 9) Executing a Quitclaim Deed to release a sewer easement to Property Investment Group of Albany. [Pages 169-171] RES. NO. _____

Action: _____

g. Award of Contract

- 1) Kinder Park Development. [Page 172]

Action: _____

6. BUSINESS FROM THE COUNCIL
7. RECESS TO EXECUTIVE SESSION TO DISCUSS LABOR NEGOTIATIONS IN ACCORDANCE WITH ORS 192.660(2)(d)
8. RECONVENE
9. NEXT MEETING DATE: Work Session Monday, October 20, 2008
Regular Session Wednesday, October 22, 2008
10. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net

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



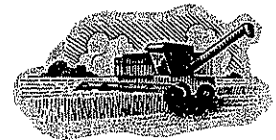
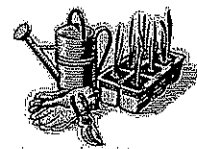
Come to the 4-H and Extension Open House



**11:00 am - 2:00 pm~~Saturday Oct 18th
4th & Lyons in Downtown Albany**

Find out more about 4-H and Extension!

- Popular Extension programs include 4-H Youth, Master Gardener, Master Woodland Manager, and Master Food Preserver, Family Community Leadership, Master Watershed Steward, Grass Seed Certification, Small Farms Program, agriculture, livestock, and forestry research and workforce development.
- Linn County 4-H and Extension trains over 200 adults volunteers each year who work with thousands of Linn County youth in clubs and after-school programs to help them be successful in school and develop life-skills.
- Linn County 4-H and Extension helps thousands of homeowners, farmers, ranchers, and foresters large and small throughout Linn County learn new techniques, become more profitable and manage resources wisely.
- Hundreds of low income families in Linn County learn new skills through the OSU Extension Nutrition Education Program.
- Each year over 20,000 Linn County residents use 4-H and Extension services. One out of five households in Linn County participates in Extension programs.



Get accurate information about Ballot Measure 22-81

The following City Councils have each passed unanimous resolutions to be a part of the Linn County 4-H and Extension Service District if it forms: **Albany, Brownsville, Halsey, Harrisburg, Lebanon, Lyons, Mill City, Millersburg, Scio, Sodaville, Sweet Home, Tangent and Waterloo.**

Agriculture, Family and Community Development, 4-H Youth, Forestry and Extension Sea Grant programs. Oregon State University, United States Department of Agriculture and Linn County cooperating. The Extension Service offers its programs and materials equally to all people.

Ballot Measure 22-81

4-H and Extension Service District Formation

Caption

Formation of Linn County 4-H and Extension Service District

Question

Shall the 4-H and Extension District be formed with a tax rate of \$0.07 per \$1,000 assessed property value?

What will this measure do?

- Passing this measure would establish a Linn County 4-H and Extension Service District with a maximum property tax rate at \$0.07 (seven cents) per \$1000 of assessed property value. This rate would be permanent and could not be increased but the District could impose less than the maximum rate. By statute, budget authority for the 4-H and Extension Service District would remain with the Linn County Commissioners, sitting as the governing body of the District. (ORS 451.485) The District's boundaries would be the same as the current Linn County boundaries.
- Establishing this District would provide dedicated funding for 4-H and Extension programs in Linn County, provided by the Linn County Extension Service, to replace reductions in available funding from the County general fund. The Linn County Extension Service is part of Oregon State University's off-campus education system. Extension develops programs tailored to community needs and supported by the University's research and information. Extension promotes economic and workforce development in agriculture, livestock and feed production, forestry, and small farms. In Linn County, Extension programs are delivered by four resident Oregon State University faculty and five regional faculty. Oregon State University pays for the salaries of the University faculty that serve Linn County. The County pays for support staff and office operations.

The Extension Office delivers over 250 educational programs annually

- Linn County 4-H and Extension trains over 200 adults volunteers each year who work with thousands of Linn County youth in clubs and after-school programs to help them be successful in school and develop life-skills.
- Linn County 4-H and Extension helps thousands of homeowners, farmers, ranchers, and foresters large and small throughout Linn County learn new techniques, become more profitable and manage resources wisely.
- Hundreds of low income families in Linn County learn new skills through the OSU Extension Nutrition Education Program.
- Each year over 20,000 Linn County citizens participate in Extension programs and use its services.
- For every dollar of funding that Linn County puts into 4-H and Extension, State and Federal partners, special grants and program fees put in an additional four dollars.

Ballot Measure 22-81
4-H and Extension Service District Formation

Why has this become necessary?

Reductions in federal timber harvest receipts and loss of Secure Rural Schools, "safety net," payments forced Commissioners to significantly cut funding for county services including the local 4-H and Extension Service.

Can the tax rate ever be increased?

No. The limit is permanent and can never be increased.

Can these taxes be used for other purposes?

Taxes generated for this district can be used only in support of Linn County Extension programs and services.

Who will have budget authority over the 4-H and Extension District funds?

By statute, budget authority for the 4-H and Extension District would remain with the Linn County Commissioners and Linn County Budget Committee (ORS 451.485).

How will passage of this measure affect the cities and districts of Linn County?

The impact due to compression of the formation of a 4-H and Extension Service District with a seven cent per thousand tax rate limit will be minimal, a small fraction of one percent. The following cities have passed unanimous resolutions to be a part of the 4-H and Extension District if it forms: Albany, Brownsville, Halsey, Harrisburg, Lebanon, Lyons, Mill City, Millersburg, Scio, Sodaville, Sweet Home, Tangent, and Waterloo.

Do other Oregon counties have 4-H and Extension Districts?

Seventeen counties in Oregon have established 4-H and Extension Service Districts: Clatsop, Columbia, Coos, Crook, Curry, Grant, Deschutes, Douglas, Josephine, Lake, Lincoln, Tillamook, Union, Yamhill, Wallowa, Wasco, and Wheeler Counties.

Why only seven cents?

This measure seeks to stabilize County level funding for 4-H and Extension. For every dollar that Linn County puts in to 4-H and Extension, State and Federal Partners, grants and fees put in an additional four dollars. If Linn County funding fails, the entire cooperative funding for the program is in jeopardy. This would represent a loss of over a million dollars to Linn County.

Linn County 4-H and Extension Budget Fiscal Year 2007-2008

<u>Source</u>	<u>Contribution</u>	<u>Percent</u>
County General Fund	\$188,599	16%
Oregon State University	\$587,174	49%
US Department of Agriculture	\$149,368	12%
Special Grants	\$117,928	9%
Fees and Dues	\$162,959	14%
Total	\$1,206,028	

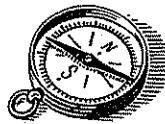
Please Come to the 4-H and Extension Open House

11:00am -2:00pm Saturday Oct 18th, 4th & Lyons, Downtown Albany

- ✓ Linn County 4-H and Extension trains over 200 adults volunteers each year who work with thousands of Linn County youth in clubs and after-school programs to help them be successful in school and develop life-skills.
- ✓ Linn County 4-H and Extension helps thousands of homeowners, farmers, ranchers and foresters large and small throughout Linn County learn new techniques, become more profitable and manage resources wisely.
- ✓ One out of every five households in Linn County participates in 4-H and Extension programs and uses its services.



Learn, grow, and have fun with 4-H and Extension!



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Hyde, Laura

From: Gilliland, Joy
Sent: Friday, September 26, 2008 2:23 PM
To: Hyde, Laura
Subject: FW: Stepping down

Here it is!

Joy Gilliland
Event Coordinator
Albany Parks & Recreation
POB 490/333 Broadalbin St SW
Albany, OR 97321
541/917-7772
Fax: 541/917-7776
"joy is the by-product of friendship, faith, and focus"

brewer

-----Original Message-----

From: Pat Kight [mailto:actweb@albanycivic.org]
Sent: Monday, September 22, 2008 8:49 AM
To: Gilliland, Joy
Subject: Stepping down

Joy -

Things at work have gone crazy; two major projects have landed in my lap which will prevent me taking any time away from the office at least through the end of the year, and possibly through the spring.

Given that, I think it's only fair to the Arts Commission that I resign before the end of my term.

It's been fun working with everyone, and I've appreciated the opportunity to play some small part in encouraging the arts in Albany.

Please pass this along to the rest of the commissioners. If you like, I can ask around Albany Civic Theater and see if anyone would be interested in serving out the rest of my term - just let me know.

Best wishes,

--
Pat Kight
kightp@peak.org



TO: Albany City Council

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

FROM: Don Donovan, Planning Manager *DD*

DATE: October 1, 2008 for the October 8, 2008 City Council Meeting

SUBJECT: Files SP-12-08 and AD-01-08, SmartCentres Retail Center Applications
Public Hearing

Action Requested:

Hold a public hearing on the applications referenced above and make a decision on the applications. (It may be necessary at the October 8, 2008 meeting to continue the hearing or leave the written record open, so the City Council may not make a final decision at this meeting.)

Discussion:

SmartCentres submitted a Site Plan Review application and an Adjustment application to build a shopping center on property located east of Interstate 5, on the south side of Santiam Highway, west of Goldfish Farm Road. The property is about 26 acres.

The site plan that was submitted with the applications shows that there would be six buildings in the shopping center. One of the buildings would be 187,000 square feet. The other buildings would range in size from 4,000 square feet to 18,185 square feet. The total square footage of the buildings in the shopping center would be 235,480 square feet. Tenants for the buildings have not yet been identified.

Some of the most interesting and/or important issues identified by staff during our review of the shopping center applications are discussed below.

Background: About 17 acres of the 26 acres that would be developed with the shopping center was owned by the Ropp family until SmartCentres bought it. About 5 acres of the Ropp property was zoned for regional commercial use and about 12 acres was zoned for residential use. In 2006, SmartCentres applied to change the zoning of the 12 acres to Regional Commercial zoning. The zone change was approved by the Planning Commission and City Council. SmartCentres bought the 17 acres formerly owned by the Ropps and about 9 acres from Coastal Farm. This is the 26 acres where the shopping center is proposed now.

Traffic: When the zone change was approved, a condition of approval was imposed by the City Council that development on the 26 acres may not generate more than 800 vehicle trips at the peak traffic hour. We referred to this condition as "the trip cap." City staff uses Institute of Transportation Engineers (ITE) estimates to project how many vehicle trips development will generate. This is the most reliable available data and is widely used to project traffic generation. Using the ITE estimates, it is projected that the proposed shopping center will generate about 730 new vehicle trips at the peak hour. The traffic study submitted with the applications assumes that the shopping center will generate the 800 vehicle trips at the peak hour that was allowed, so the results of the traffic study are conservative in that the study likely overestimates the number of trips that will be generated by the shopping center.

The ITE estimates of vehicle trip generation are based on studies of actual developments, so the data is generally considered reliable. There was discussion during the hearing on the zone change about how to measure the number of trips that would be generated by development on the 26 acres when development was proposed. Specifically, one City Councilor asked about the possibility of requiring the developer to do counts of the actual volume of traffic that is generated by commercial development on the property when the development is complete, and requiring additional mitigation of traffic impact if the volume exceeded what was estimated using ITE rates. City Attorney Jim Delapoer explained that a traffic count on a particular day might not be representative of the longer term volume of traffic that is actually generated by a particular development. The City Engineer agreed and a representative of the Oregon Department of Transportation further explained that factors such as economic cycles and competition influence the number of customers that visit a particular development. The City does not use actual traffic counts for any proposed development. We use the ITE trip generation estimates.

The applicants submitted a traffic study with the applications. The traffic study looks at traffic impact at the time the shopping center would open and at 15 years out. Traffic studies typically look at street intersections because that is where congestion usually occurs. The traffic study evaluates eight public street intersections: Santiam Highway and Waverly Drive; Santiam Highway and Airport Road; Santiam Highway and Fescue Street; Santiam Highway and Timber Street; Santiam Highway and Goldfish Farm Road; Santiam Highway and Scrael Hill Road; Goldfish Farm Road and a new collector street that will run across the shopping center property; and Timber Street and the new street.

The traffic study finds that improvements will be necessary at the intersections of Santiam Highway and Airport Road; Santiam Highway and Fescue Street; and Santiam Highway and Goldfish Farm Road for the intersections to operate at acceptable levels of service with construction of the shopping center. Conditions of approval of the Site Plan Review application would include the requirement that the applicants make the improvements. The applicants have agreed to do so. An eastbound turn lane is also needed on Santiam Highway at Waverly Drive with construction of the shopping center, but this intersection needs more than the turn lane to accommodate current and future traffic volumes. A condition of approval would require the applicants to pay their share of the larger project and they have agreed to do this.

A binder that includes the applications and other documents submitted with the applications is provided to the City Council with this memo. The traffic study (Transportation Impact Analysis) is included in the binder as Exhibit E. The discussion about traffic begins on page 4 of the staff report.

Storm Drainage, Floodplain, and Grading: The applicants propose to fill the shopping center property in some places to get the property and buildings above the 100-year flood elevation and to provide for storm drainage. Some areas of the property are flooded by Cox Creek during a 100-year storm. Storm drainage from the shopping center development will go to Cox Creek. The applicants submitted a drainage study and follow-up information requested by staff that shows the creek can accommodate the storm drainage from the shopping center and that fill on the property will not adversely affect adjacent properties. The details of grading on the property are not the subject of a Site Plan Review, but we do get enough information and evaluate that information to the point that we know in general what the effect of proposed fill will be. A grading permit that will include more detailed information and a more detailed review is required by the City before any filling can take place on the property. Surrounding property owners will get notice that a grading application has been received by the City and will have an opportunity to comment on the proposal.

The discussion about storm drainage begins on page 20 of the staff report. There is a discussion about the floodplain on page 22 (Finding 4.2).

Elevations Along the South and West Property Lines: The elevation of the shopping center property after filling will be higher than some surrounding properties. Staff asked the applicant to provide cross sections that show the elevations along the south and west property lines. We were particularly interested in how the elevations would match along the south property line because there is an existing subdivision and backyards along part of the south property line. Part of the vacant property along the west property will most likely be developed with houses in the future.

Two of the owners of properties to the south asked what will be the impact of the shopping center fill on their drainage. The cross sections submitted by the applicants show that the elevation of the shopping center property along the south property line adjacent to the houses will be about 1.2 feet below the adjacent property at one point and about 2 feet above the adjacent property at another point. The applicants explain that they will provide a footing drain along the south boundary to collect any drainage that now flows toward the wall from the adjacent backyards. This is a condition of approval listed in the staff report. French drains will be provided along the west property line where fill slopes toward the adjacent properties. The drains will collect water before it can flow onto adjacent properties.

Lighting: There are two places in the City's Development Code that talk about lighting.

Albany Development Code (ADC) Section ADC 9.120(14) requires that "Any lights provided to illuminate public or private parking areas be arranged to reflect the light away from any abutting or adjacent residential district."

ADC 9.480 says that "No direct or sky-reflected glare in excess of 0.5-foot candles of light, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Code." [Underlining added for emphasis.] This standard seems to be intended for industrial processes and parking lot lighting is specifically excluded.

The applicants submitted a lighting plan and detail drawings that show what kind of light fixtures will be used. The lighting plans show that lighting from the shopping center will be arranged so that light shines down toward the ground. This seems to meet the ADC 9.120(4) requirement. The lighting plan and detail drawings show that light will be visible on adjacent properties to the south. The applicants were looking for a numerical standard to show that the light would not exceed the standard. They found the ADC 9.480 standard. This standard does not apply to parking lots, but if it did, the lighting plan meets the standard. The light levels visible on adjacent properties vary from 0 to about 0.3-foot candles, which is less than 0.5-foot candles.

The discussion about lighting is on page 16 of the staff report.

Noise: The applicants submitted a noise study that evaluates the noise that may be generated by the shopping center against applicable state Department of Environmental Quality (DEQ) standards. The noise study evaluates noise along the south property line because this is where there are existing houses that will be affected.

The noise study is conservative in that it assumes for the purpose of evaluation that all noise generating machines will be operating at the same time. The noise study finds that the noise from refrigeration equipment for the building nearest the south property line will most likely have to be mitigated. The noise study recommends mitigation and this requirement is included as a condition of approval of the shopping center in the staff report.

Staff also requested a noise study for the west property line because houses will likely be built there sometime in the future. We had not received the noise study when the staff decision was made. A condition of approval of the staff decision was that the noise study be provided and that noise not exceed DEQ limits. The applicants submitted the noise study the day before the staff report had to be ready to go to the City Council, so staff has not had a chance to fully consider it. The discussion about noise begins on page 30 of the staff report. The new noise study is attached to the staff report as Attachment 27.

Commercial Design Standards: The City's Development Code includes design standards for commercial development. The standards include requirements that buildings be constructed near streets and that walls along streets have windows. Doors must be clearly defined and must be placed in locations convenient for pedestrians. Parking lots must not be located between buildings and sidewalks. The purpose of these requirements is to create developments that are accessible and attractive for pedestrians. Research shows that people are more likely to walk to their destinations if developments and/or streetscapes along their path are interesting and attractive.

The applicants originally submitted a site plan that showed buildings near Santiam Highway. They explained that the buildings were oriented to Santiam Highway with doors and windows on the Santiam Highway side of the buildings. (The old site plan is attached to the staff report as Attachment 26.) It was staff's opinion that, although the buildings were near Santiam Highway and may have had doors on that side, the buildings were actually oriented toward parking lots on the interior of the property. The main entrances for the buildings were clearly on the parking lot, facing more or less south, not north toward Santiam Highway. The design would have made it more likely that people who came to the shopping center would drive to various buildings in the center rather than find it pleasant to walk. The applicants agreed to modify the design to get the buildings close to the new collector street that will run through the property and the design now includes some plazas with sitting areas along the street.

With the modified design, the applicants provided doors both along the street and along the backs of the buildings on the parking lots. Staff found that the intent of the design standards was compromised by placing identical public entrances and building features on the fronts and backs of the buildings. In such a design, customer entrances are not "clearly defined" as required by the design standards. There would be a tendency on the part of store owners to orient toward the parking lot, and to limit entry to that door for security and inventory control. This would result in a design with the *potential* for a pedestrian-oriented design without *accomplishing* it. To accomplish what the design standards require, staff included a condition of approval that says public entrances may not be located on the back sides of the buildings. The doors will be on the new street that will be built through the shopping center property. Staff expects that the applicants may address this condition at the City Council hearing. The discussion about this issue is included in the staff report on pages 36 and 37.

The Development Code allows an alternative to placing buildings near public streets. Buildings may be oriented to internal travel aisles within a development if the internal aisle is developed like a public street with sidewalks and landscaping. The large building (Building A) on the southern part of the shopping center is designed this way.

October 1, 2008

Site Plan Review Application and Supporting Documents: We have provided each City Councilor with a binder that includes the Site Plan Review and Adjustment applications and all the supporting documents that were provided by the applicants. We thought it was important that the Council have available all of the documents at least for reference at the public hearing. The size of the drawings included in the binder is fairly small and some of the details the Council may be interested in may be hard to read. There are 22 pages of drawings. If you find as you review the drawings that you would like to have a larger copy of one or more of the drawings, Planning staff can provide those on request. We did include a large version of the site plan in the binder since this is the most important basic drawing included with the application. The large site plan is inserted in the back of the binder.

Please call me if you have questions before the public hearing.

Budget Impact:

None.

Attachments:

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COMMUNITY DEVELOPMENT DEPARTMENT

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

Ph: (541) 917-7550 Fax: (541) 917-7598
www.cityofalbany.net

STAFF REPORT Site Plan Review

GENERAL INFORMATION

DATE OF REPORT: October 1, 2008

FILES: SP-12-08 and AD-01-08

TYPE OF APPLICATIONS: SP-12-08: Site Plan Review for construction of a shopping center with six buildings on 25.67 acres of land. Tenants for the buildings have not yet been identified.

AD-01-08: Adjustment to allow some 24-foot-wide travel aisles in the parking lots on the northern parcel of the shopping center where 26-foot-wide travel aisles are usually required.

REVIEW BODY: City Council (The City Council "called up" the staff decision to approve the applications and will hold a *de novo* (new) hearing on the applications.)

PROPERTY OWNER/
APPLICANT: Oregon Acquisition One LLC; Andrew Sinclair; 201 - 11120 Horseshoe Way; Richmond, BC V7A 5H7

APPLICATION PREPARED BY: WRG Design, Inc.; 5415 SW Westgate Drive, Suite 100; Portland, OR 97221

ADDRESSES/LOCATIONS: Tax Lot 200: 4212 Santiam Highway SE
Tax Lot 2900: 1300 Goldfish Farm Road SE
Tax Lot 3000: 1330 Goldfish Farm Road SE

MAP/TAX LOT: Linn County Assessor's Map No. 11S-3W-9D; Tax Lots 200, 2900, 3000

ZONING: RC (Regional Commercial)

TOTAL LAND AREA: 25.67 acres

EXISTING LAND USE: Vacant land that has been used for storage of manufactured homes.

NEIGHBORHOOD: East Albany

SURROUNDING ZONING: North: LI (Light Industrial) and CC (Community Commercial) across Santiam Highway
South: RM (Residential Medium Density)
East: RC (Regional Commercial) across Goldfish Farm Road
West: CC (Community Commercial) and Linn County UGM -

SURROUNDING USES: North: Gas station, trailer sales across Santiam Highway
South: Single-family houses
East: Coastal Farm and Ranch Supply across Goldfish Farm Road
West: Gas station/convenience store, Veterans of Foreign Wars, vacant land

PRIOR HISTORY: File AN-02-01: The westerly 2/3 (approximately) of this property was annexed to the city in 2002. The easterly part of the property was annexed in 1964.

Files CP-01-03/ZC-01-03: The Comprehensive Plan map designation and the zoning of the southerly 12.1 acres of the westerly 2/3 of this property were changed from residential to commercial in 2006.

NOTICE INFORMATION

A Notice of Public Hearing was mailed to surrounding property owners on September 18, 2008. The property was posted with signs that advertise the public hearing on September 30, 2008. At the time the staff report was finished, the Planning Division had received three new letters with comments about the applications.

Three letters about the applications were received at the time a Notice of Filing was mailed on May 23, 2008. The Notice of Filing was mailed at the time the applications were complete and before the staff decision was made. The three letters included: 1) a letter from John Hartman dated May 26, 2008; 2) a letter from Paul and Kim Shreve dated May 30, 2008; and a letter from Bruce Wheeler/Coastal Farm dated June 5, 2008. These letters are attached for information to this staff report as Attachments 2, 3, and 4.

The letters were provided to the applicants for their response. The response, dated June 27, 2008, is attached as Attachment 5. Staff agrees with the responses and they are adopted by reference as findings in support of the decision to approve with conditions the Site Plan Review application. Additional information that relates to the issues raised in the letters is included in the Staff Analysis below.

A letter was received from the Oregon Department of Transportation (ODOT) in response to a Project Review provided to ODOT by the City. The ODOT letter is attached to this staff report as Attachment 6. Transportation is addressed under Review Criterion (1) below on page 4.

Four letters were received when the Notice of Public Hearing was mailed out. The four letters are: 1) a letter from John Hartman dated September 22, 2008; 2) a letter from Paul and Kimberly Shreve; 3) a letter from Barry and Janet Ruebenson dated September 26, 2008; and 4) a letter from Norm and Lynn Kellogg dated September 25, 2008. These letters are attached to this staff report as 21, 22, 23, and 24. The letters were not received in time to include responses in the staff report. In addition, Mr. Hartman wrote a letter dated September 15, 2008, to Councilor Christman. This letter is attached to the staff report as Attachment 25. The letter would be an *ex parte* communication (a communication that took place outside the hearing process), except we have attached the letter to this staff report so that it is available to anyone to read and respond to if they wish. All of the letters have been provided to the applicants for responses. The questions raised in the letters must be addressed in the final decision on the applications.

STAFF DECISION

File SP-12-08: APPROVAL WITH CONDITIONS of the Site Plan Review application for construction of a shopping center with six buildings on 25.67 acres of land. Tenants for the buildings have not yet been identified. The conditions of approval are listed in the staff report.

File AD-01-08: APPROVAL of the Adjustment application to allow some 24-foot-wide travel aisles in the parking lots on the northern parcel of the shopping center where 26-foot-wide travel aisles are usually required.

that would allow 24-foot-wide travel aisle in the parking lot adjacent to Buildings B, D, and E where 26 feet is usually required.

STAFF ANALYSIS

Site Plan Review File SP-12-08

Description of the Applications

Oregon Acquisition One LLC submitted to the City's Planning Division a Site Plan Review application and an Adjustment application for a proposed shopping center. The property where the shopping center is proposed is located on the south side of Santiam Highway, west of Goldfish Farm Road. The property is currently made up of three separate tax lots which total 25.67 acres. The shopping center would include six buildings. Tenants for the buildings have not yet been identified. The Adjustment application is to allow some 24-foot-wide travel aisles in the parking lots on the northern parcel of the shopping center where 26-foot-wide travel aisles are usually required.

The Site Plan submitted with the application (Sheet C6) shows that six buildings would be constructed. The buildings are designated Buildings A – F. Building A is shown to be 187,000 square feet. The other five buildings range in size from 4,000 square feet to 18,185 square feet. The total square footage of all of the building in the shopping center would be 235,480 square feet.

A new street would be constructed across the property from Goldfish Farm Road to the west boundary of the property. This street would eventually be extended to the west to Timber Street. This street is shown in the City's Transportation System Plan (TSP) as a street needed to accommodate vehicle traffic in this area as it develops. The requirement to build the street is included in an annexation agreement entered into by previous owners of the property and the City. The new street would divide the 25.67 acres owned by Oregon Acquisition One into a parcel of land on the north side of the street and a parcel of land on the south side of the street. Albany Development Code (ADC) Section 12.070 says "Streets are usually created through the approval of a subdivision or partition plat." However, the City Council may also approve the creation of a street by acceptance of a deed. If the creation of a street unintentionally results in a land partition, the owner is not required to apply for partition approval as long as the resulting parcels comply with Code standards.

A written document titled "SC Retail Center" was submitted with the Site Plan Review and Adjustment applications. The document includes a Proposal Summary, Site Statistics, and Findings and Conclusions that address each of the relevant Albany Development Code sections. This written document is referred to as the "Narrative" when it is cited in the staff report below. The Narrative has exhibits attached, including a Traffic Impact Analysis, Transportation Memorandum, Preliminary Drainage Report, Stormwater Memorandum, Noise Study, Geotechnical Report, Arborist Memorandum, and Architectural Memorandum.

A set of drawings was also submitted with the applications. The drawings include a Site Plan, Planting Plans, and drawings that show other details of the proposed shopping center construction. The drawings were done by WRG Design, Inc. and are dated 4/17/08. Revised drawings of certain sheets were submitted on May 19, 2008; July 25, 2008; and August 26, 2008. The Site Plan (Sheet C6) shows that six buildings will be constructed.

The drawings and other documents referenced above are cited in the staff report where information included in the drawings and other documents is applicable to the review criteria. The City Council will be provided with a copy of the drawings and other documents with the staff report prior to the public hearing.

Review Criteria

Albany Development Code (ADC) Section 2.650 includes the following review criteria which must be met for the Site Plan Review application to be approved. Code criteria are written in *bold italics* and are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

- (1) *The transportation system can safely and adequately accommodate the proposed development.*

FINDINGS OF FACT

- 1.1 The proposed shopping center would be built on property located at the southwest corner of Santiam Highway (Highway 20) and Goldfish Farm Road.
- 1.2 TSP shows that a new major collector street should be constructed across the shopping center property (Project #150). The new street will begin to connect Goldfish Farm Road and Timber Street. The Site Plan shows that the new collector street will be built from Goldfish Farm Road to near the west boundary of the shopping center property. The street will have to cross an intervening property not owned by the applicants. Street improvements will stop about 50 feet short of the west boundary of the shopping center property. See the Findings under 1.23 below.
- 1.3 ADC 12.060 says that no development may occur unless the development has frontage on or approved access to a public street currently open to traffic. A currently non-opened public right-of-way may be opened by improving it to City standards. Streets within and adjacent to a development must be improved to City standards. Any new street or additional street width planned as a portion of an approved street plan shall be dedicated and improved to City standards.
- 1.4 In order to comply with these requirements, Santiam Highway and the proposed east/west collector street must be improved to City standards along the frontages of the property where the shopping center is proposed. The Site Plan shows the required improvements.
- 1.5 ADC 12.290 requires that all development for which land use applications are required must include sidewalks adjacent to public streets. In the case of arterial or collector streets, sidewalks must be built during their construction and considered during their reconstruction. Sidewalks are required on both sides of all streets.
- ADC 12.300 says the required width for a sidewalk on an arterial or collector street is seven (7) feet. This width may be reduced to six (6) feet if the sidewalk is separated from the curb by a landscaped planter strip at least five (5) feet wide.
- 1.6 Santiam Highway is classified as a principal arterial street and is under the jurisdiction of the Oregon Department of Transportation (ODOT). The shopping center property has about 860 feet of frontage on Santiam Highway. Curb, gutter, and sidewalk have been constructed along the east 370 feet of the property's frontage. Improvements adjacent to the property include two vehicle travel lanes in each direction; a two-way center left turn lane; and on-street bike lanes. The posted speed limit is 45 miles per hour.
- 1.7 Goldfish Farm Road is classified as a minor arterial street. The street is under the jurisdiction of the City and is constructed to City standards. Improvements include curb, gutter, and sidewalk; a vehicle travel lane in each direction; a center left turn lane; and on-street bike lanes. The intersection of Santiam Highway and Goldfish Farm Road is controlled with a traffic signal.
- 1.8 Access to the proposed shopping center will be provided by the new collector street and by Goldfish Farm Road.
- 1.9 In a letter dated April 2, 2008, ODOT indicated that they consider Goldfish Farm Road to be a private approach in terms of Oregon Administrative Rules (OAR) for the purpose of access to the state highway (Santiam Highway). As a result of this determination, an approach road permit will be necessary. A traffic impact study approved by ODOT is a required component of a complete application for the access permit.

1.10 A portion of the property included in the site for the shopping center was the subject of recent Comprehensive Plan Map and Zoning Map amendments. The zoning designation of 12.1 acres of the property was changed from RS-6.5 (Residential Single Family) to RC (Regional Commercial). A condition of the map amendments was that, when developed, new vehicle trips from the entire shopping center site must be limited to no more than 800 net new p.m. peak hour trips. This limitation is referenced here as “the trip cap.”

1.11 The applicants submitted a Transportation Impact Analysis (TIA) with the Site Plan Review application. The scope of the study was established by ODOT. The TIA was done by Kittelson & Associates, Inc. (Kittelson), and is dated March 2008. In response to comments by City and ODOT staff, Kittelson also submitted two supplemental transportation information reports. The first report is dated May 16, 2008. The second report is dated May 30, 2008.

1.12 The total area of the six buildings that would be built is 235,480 square feet. Based on the ITE trip generation rate for Shopping Center (Category 820) and an earlier site plan that showed buildings that totaled 238,900 square feet, Kittelson estimates that construction of the shopping center would result in a total of 730 net new p.m. peak hour vehicle trips. (The total building square footage was reduced from 238,900 square feet to 235,480 square feet with the current site plan.)

When analyzing the impact of the proposed shopping center on the street and highway system, Kittelson assumed that the development of the shopping center would result in the 800 net new vehicle trips allowed under the trip cap. Because the TIA analyzed the impact of 800 peak hour trips rather than the lower number of peak hour trips the development is actually expected to generate, the TIA is conservative in projecting traffic impact.

1.13 The TIA analyzes the operation of the street and highway system at full build-out of the shopping center in 2009 and in 2024 (build out + 15 years). The study assumes that all driveway accesses for the center will be on the new east/west collector street and Goldfish Farm Road. No direct driveway access is proposed on Santiam Highway.

1.14 The TIA evaluates the two southern driveways on Goldfish Farm Road and the following intersections (Santiam Highway is referred to as “US-20” in the TIA):

- US-20/Waverly Drive
- US-20/Airport Road
- US-20/Fescue Street
- US-20/Timber Street
- US-20/Goldfish Farm Road
- US-20/Scaravel Hill Road
- Goldfish Farm Road/New Collector
- Timber Street/New Collector

1.15 US-20/Waverly Drive: US-20 is classified as a Regional Highway and is under the jurisdiction of ODOT. Waverly Drive is classified as a minor arterial street and is under the jurisdiction of the City. ODOT has jurisdiction over the intersection. ODOT’s performance standard for the signalized intersection is a volume to capacity (v/c) ratio of 0.85.

In 2009, without the proposed shopping center being built, the v/c ratio of the intersection at the p.m. peak hour would be 1.07. With construction of the shopping center, and no traffic mitigation, the v/c ratio would increase to 1.12. The applicants have identified mitigation as being construction of an eastbound right turn lane from US-20 onto Waverly Drive. Construction of the turn lane would reduce the year 2009 v/c ratio with construction of the shopping center to 1.05. Although that’s still higher than ODOT’s performance standard for the intersection, the improvement would offset the shopping center’s impact on the intersection.

The ultimate improvement planned for the intersection in the City's TSP includes the eastbound right turn lane as well as a second westbound left turn lane and a second southbound through lane. With the ultimate improvement in place, in 2024, the intersection is projected to operate with a v/c ratio of 0.86. In 2024, Albany will likely have become a Metropolitan Planning Organization (MPO) and the performance standard for the intersection will be a v/c ratio of 0.90.

The ultimate improvements will be partially funded by Transportation System Development Fees, and will likely be constructed at one time as part of a joint ODOT/City project. If the eastbound right turn lane were constructed at the time the shopping center is built, the applicants would need to acquire off-site property for dedication as public right-of-way, the improvement would be done as a stand-alone project and the improvements would need to be reconstructed in the future when the ultimate intersection improvement is constructed.

The applicant has proposed that rather than constructing the turn lane when the shopping center is built, that a condition of approval of the shopping center be that they pay a share of the cost of the eastbound right turn lane. The payment would be proportional to the shopping center's impact on the intersection. The funds would be held by the City and used in the future to help fund the larger ultimate intersection improvement. The applicant has calculated that 937 additional p.m. peak vehicle trips would enter the intersection in year 2024. Of those, 200 would be generated by the shopping center. The applicant has therefore, offered to pay an amount equal to $200/937$ of the estimated cost of the eastbound right turn lane.

The total cost of the east bound right turn lane is estimated to be \$480,000. The applicant has offered to pay \$102,455. Staff does not believe that paying for a proportional share of only the right turn lane would fully address the impact of the shopping center traffic on the intersection. The shopping center will add trips not to just the eastbound right turn movement, but also to other movements that create the need for the ultimate intersection improvement anticipated by the TSP. In order to be truly proportional, the shopping center would need to fund its share of all of the capacity improvements planned for the intersection. If private acquisition of off-site right-of-way was not a problem, the applicants would need to construct and pay for the full cost of the construction of the turn lane (\$480,000) in order to mitigate its impact on the intersection.

Given the difficulty of acquiring the needed off-site right-of-way from property owners who may not be willing to sell, an alternative to building the turn lane would be for the applicants to pay an amount equal to the proportional share of ultimate intersection improvements shown in the TSP as being needed to provide capacity for growth. The current cost of the ultimate improvement described in the City's TSP (Project #4) is \$2,749,648. The cost of the improvements needed to provide capacity for growth is \$952,377. The shopping center's proportional share of that cost would be $200/937 \times \$952,377$ or \$203,282. That amount is proportional to the shopping center's impact on the overall intersection, and also less than the estimated cost of building just the eastbound right turn lane.

- 1.16 US-20/Airport Road: US-20 is classified as a Regional Highway and is under the jurisdiction of ODOT. Airport Road and the I-5 on/off ramps on the south side of the intersection are also under the jurisdiction of ODOT. ODOT's performance standard for the signalized intersection is a v/c ratio of 0.75.

In 2009, without the proposed shopping center being built, the v/c ratio of the intersection at the p.m. peak hour would be 0.89. With construction of the shopping center, and no traffic mitigation, the v/c ratio would increase to 1.12. The applicants have identified mitigation as being development of separate left and left-through lanes for the northbound approach; separate left, through, and right turn lanes for the southbound approach; and modification of the traffic signal to accommodate the new intersection geometry. With the mitigation, the intersection would operate with a v/c ratio of 0.76 in 2009 with construction of the shopping center. Although that's still higher than ODOT's performance standard for the intersection, the improvement would offset the shopping center's impact on the intersection. The applicants propose to construct the identified mitigation as a condition of approval of the shopping center.

An analysis of the operation of the intersection in 2024 was done. The analysis shows that the intersection would operate with a v/c ratio of 0.64 with the construction of the interchange improvements identified in Albany's TSP and ODOT's Albany I-5 Corridor Refinement Plan.

- 1.17 US-20/Fescue Street: US-20 is classified as a Regional Highway and is under the jurisdiction of ODOT. The north and south approach to the intersection (Fescue Street I-5 on and off-ramps) are also under the jurisdiction of ODOT. ODOT's performance standard for the signalized intersection is a v/c ratio of 0.75.

In 2009, without the proposed shopping center being built, the v/c ratio of the intersection at the p.m. peak hour would be 0.67. With construction of the shopping center, and no traffic mitigation, the v/c ratio would increase to 0.81. The applicants have identified mitigation as being construction of an eastbound right-turn lane with an overlap phase on the traffic signal. With the mitigation, the intersection would operate with a v/c ratio of 0.71 in 2009 with construction of the shopping center. The applicant proposes to construct the identified mitigation as a condition of approval of the shopping center. An analysis of the operation of the intersection in 2024 was done. The analysis shows that the intersection would operate with a v/c ratio of 0.67 with the construction of the interchange and highway improvements identified in Albany's TSP and ODOT's Albany I-5 Corridor Refinement Plan.

- 1.18 US-20/Timber Street: US-20 is classified as a Regional Highway and is under the jurisdiction of ODOT. Timber Street is classified as a minor arterial and is currently under the jurisdiction of Linn County. ODOT has jurisdiction over the intersection.

Because the intersection is controlled with a minor street stop sign, ODOT's current performance standard is a v/c ratio of 0.80 for the worst case movement. In this case, the southbound left turn is the worst case movement. In the future when Timber Street is improved and a traffic signal installed, ODOT's performance standard will change to a v/c ratio of 0.75. The applicant does not propose to extend the new east/west collector street west of the shopping center property to make a connection to Timber Street. An analysis of the operation of the intersection in 2024 was done to evaluate how the intersection would perform when a connection is made to Timber Street. In 2024, with the construction of the interchange and highway improvements identified in Albany's TSP and ODOT's Albany I-5 Corridor Refinement Plan the intersection was projected to operate with a v/c ratio of 0.35.

- 1.19 US-20/Goldfish Farm Road: US-20 is classified as a Regional Highway and is under the jurisdiction of ODOT. Goldfish Farm Road is classified as a minor arterial and is under the jurisdiction of the City. ODOT has jurisdiction over the intersection. ODOT's performance standard for the signalized intersection is a v/c ratio of 0.75.

In 2009, without the proposed shopping center being built, the v/c ratio of the intersection at the p.m. peak hour would be 0.30. With construction of the shopping center, and no traffic mitigation, the v/c ratio would increase to 0.88. The applicants have identified mitigation as being construction of an eastbound right-turn lane; construction of dual northbound left turn lanes; and to restripe the southbound approach for a left and shared through/right turn lane. With this mitigation, the intersection would operate with a v/c ratio of 0.58 in 2009 with construction of the shopping center. An analysis of the operation of the intersection in 2024 was done. The analysis shows that the intersection would operate with a v/c ratio of 0.68. The applicants propose to construct the identified mitigation as a condition of approval of the shopping center.

- 1.20 US-20/Scravel Hill Road: US-20 is classified as a Regional Highway and is under the jurisdiction of ODOT. Scravel Hill Road is classified as a minor arterial and is under the jurisdiction of Linn County. ODOT has jurisdiction over the intersection. ODOT's performance standard for the stop-controlled intersection is a v/c ratio of 0.80 for the worst case movement.

In this case, the southbound left turn will be the worst case movement. In 2009, without the proposed shopping center being built, the v/c ratio of the intersection at the p.m. peak hour would be 0.07. With

construction of the shopping center, and no traffic mitigation, the v/c ratio would increase to 0.08. In 2024, the worst case movement is projected to operate with a v/c ratio of 0.10. The operation of the intersection meets ODOT's performance standard throughout the horizon year TIA and no mitigation is necessary.

- 1.21 Goldfish Farm Road/New Collector Street: Goldfish Farm Road is classified as a minor arterial and is under the jurisdiction of the City. The new collector will be classified as a major collector and will be under the jurisdiction of the City.

The applicants have proposed that the street have a right-of-way width of 79 feet. The street would have a curb to curb width of 50 feet. This width will provide 12-foot-wide travel lane in each direction; 12-foot left-turn pocket; a 2-foot-wide median island; and 6-foot-wide bike lanes. The applicants also propose to widen Goldfish Farm Road near the intersection to provide for a southbound right turn lane from Goldfish Farm Road onto the new collector street. Because the new intersection will be controlled with a stop sign on the eastbound approach, the City's performance standard is a v/c ratio of 0.85 for the worst case movement.

For this intersection, the worst case movement will be the eastbound left turn. In 2009, with construction of the shopping center, the v/c ratio will be 0.85 during the p.m. peak hour. This meets the City's performance standard. This result assumes that the development generates 800 net new peak hour trips. An analysis of the intersection's operation based on the 730 p.m. peak hour trips that the development is actually expected to generate, results in the conclusion that the intersection will operate with a v/c ratio of 0.80 in 2009. For 2024, two separate possibilities were considered. The first possibility is that the new east/west collector street will not have not been extended and connected to Timber Street. Under those conditions, assuming 800 net new trips, the v/c ratio of the intersection would remain 0.85. The second possibility is that the new east/west collector street has been extended to Timber Street and a new traffic signal has been installed at the US-20/Timber intersection. Under those conditions, the new intersection on Goldfish Farm Road would operate with a v/c ratio of 0.38. In all cases the intersection will meet the City's performance standard and no mitigation is necessary.

- 1.22 Timber Street/New Collector Street: Timber Street is classified as a minor arterial and is currently under the jurisdiction of Linn County. The new collector street will be classified as a major collector and will be under the jurisdiction of the City. The intersection does not currently exist and is not proposed to be constructed with this development.

When this intersection is constructed, the City's TSP indicates the need for installation of a traffic signal to control the intersection. The City's performance standard for signalized intersections is Level of Service (LOS) D. In 2024, during the p.m. peak hour, the intersection is projected to operate at LOS B. This result assumes that the new east/west collector street has been extended to Timber Street; Timber Street is improved between US-20 and 18th Avenue; and traffic signals are installed at both US-20/Timber and Timber/New Collector.

- 1.23 The Site Plan shows that public right-of-way will be dedicated across the shopping center property for the new east/west collector street from Goldfish Farm Road to the west boundary of the property. Extension of the street to the west boundary of the shopping center property was a condition of an annexation agreement entered into by a previous owner of part of the shopping center property and the City. A short section of right-of-way is needed across the property not owned by the applicants at the easterly west boundary of the shopping center property. The applicants have agreed to make an effort to acquire the offsite right-of-way and build this section of the street with the other required public improvements. In the event that the applicants cannot negotiate a purchase with the adjoining landowner, the applicants have indicated a willingness to pay the cost of condemnation and provide a financial assurance for completion of the street and utility improvements.

The westerly 280 feet of the new collector street, which includes the necessary area of off-site right-of-

way on the adjoining parcel, is not necessary to provide access for the shopping center. It is needed to extend the street and public utilities to the westerly boundary of the shopping center so that the street and utilities can be extended in the future.

The applicants submitted a street elevation profile that shows what the elevations of the street extension to Timber Street could be. At the request of the City's Engineering Division, the grade of the western end of the new collector street will slope down to the existing grade of the abutting property for the last 50 feet of the street. This last 50 feet of street will not be built with construction of the shopping center and the rest of the east/west collector street.

There will be a grade differential between the new street and adjoining properties that will require acquisition of construction and fill slope easements along a portion of the new street. The property owner will provide a payment to the City equal to the cost of building this 50-foot section of street. The payment will be used to build this section of street at the time the street is extended to the west at some time in the future. The City Engineer approved this plan.

- 1.24 The applicants propose to widen the west side of Goldfish Farm Road south of US-20 in order to accommodate an additional northbound left turn onto US-20, a southbound right turn lane onto the new collector street, and a lane transition south of the new collector street. The length of the widening will be about 670 feet, and will require dedication of additional right-of-way; replacement of curb, gutter, and sidewalk along the west side of the street; and new pavement for the widening.

Street Trees

- 1.25 ADC 12.321 says "When a new public street is created in conjunction with development, street trees are required in accordance with the standards provided in the Standard Construction Specifications and the Urban Forestry Management Plan."

ADC 12.324 says the following options are available to meet this requirement:

- (1) Submit a street tree plan to the City for planting and establishing trees within the public right-of-way that meets the City standards. The City Forester shall either approve or deny the plan based on the plan's compliance with these requirements.
- (2) Pay a fee to the City based upon a requirement for one tree per thirty linear feet (30') of street frontage. This fee shall be deposited into the City's Urban Forestry Program Fees Fund. The City shall thereafter assume responsibility for the purchase, installation, and establishment of street trees with the public right-of-way or public lands maintained by the City within or abutting the specified development.

These requirements apply only "when a new street is created." The proposed plan for the shopping center includes the creation of one new street – the new east/west collector street. Planting Plans L0, L1, L2, and L4 show that street trees will be provided along both sides of the street. The trees shown are Red Oaks, spaced 30 feet on center. The trees will be 3 inches in diameter at time of planting. The City Forester has approved the plan for street trees. The Planting Plans also show that street trees will also be provided along Goldfish Farm Road.

CONCLUSIONS

- 1.1 The Site Plan shows that street right-of-way for the new collector street shown in the City's TSP across the shopping center property will be dedicated by the property owner. Santiam Highway and the new east/west collector street will be improved to City standards along the frontages of the shopping center property. Sidewalks will be included along the streets. Goldfish Farm Road along the frontage of the property is already improved to City standards.

- 1.2 A condition of approval for a Comprehensive Plan Map and Zoning Map Amendment for this property limits the number of new vehicle trips that can be generated by development on the shopping center property to 800 net new p.m. peak hour trips.
- 1.3 The applicants submitted a Traffic Impact Analysis (TIA) with the Site Plan Review application and two supplemental transportation information reports. The TIA estimates that the proposed shopping center will generate 730 net new p.m. peak hour vehicle trips. When analyzing the impact on the transportation system, the TIA assumes that the shopping center will generate the 800 net new p.m. peak hour trips. The results of the TIA, therefore, are conservative, in that they overestimate the traffic impact that will be generated by the proposed shopping center. The impacts resulting from the development will be slightly less than what is projected by the traffic study, and intersection operations will be somewhat better.
- 1.4 The TIA concludes that the two new driveways on Goldfish Farm Road that will be built with the shopping center will operate at acceptable levels of service. The TIA also concludes that, with the mitigation identified in the TIA, all of the intersections analyzed will operate at acceptable levels of service, except the intersection of Santiam Highway (U.S. 20) and Waverly Drive.
- 1.5 To mitigate the impact of new traffic to and from the shopping center on the intersection of Santiam Highway and Waverly Drive, a condition of approval of the shopping center will be that the applicants (the property owner) pay to the City of Albany the cost of the property's proportionate share of the improvements identified in the City's TSP that will be needed for the intersection of Santiam Highway and Waverly Drive to operate at an acceptable level of service.
- 1.6 The applicants propose to dedicate the right-of-way needed for the new east/west collector street and to build the street from Goldfish Farm Road to the west boundary of the shopping center property, except that part of the street would cross a property currently not owned by the applicants and except for the westernmost 50 feet of the street. The applicants will make an effort to acquire the needed right-of-way across the property they don't own. If they are not able to acquire the right-of-way, the applicants will pay the cost the City would incur to condemn the property and the applicants will provide a financial assurance for utility and street improvements in the right-of-way.

As noted in the findings, the westerly 280 feet of the new collector street, which includes the necessary area of off-site right-of-way on the adjoining parcel, is not necessary to provide access for the shopping center. The applicants will not build the last 50 feet of the street so that the street can be sloped down to match the grade of the adjacent property. The elevation of the street will match when the adjacent property is developed and the street is extended to the west. The applicants will pay to the City the cost of building the last 50 feet of the street. The payment will be used to construct this section of street later when the street is extended west.

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

CONDITIONS

- 1.1 Prior to issuance of any building permits for the shopping center project, the property owner must dedicate the public right-of-way necessary to widen Santiam Highway west of Goldfish Farm Road. The new right-of-way line must be located at least 6 inches behind the new back of sidewalk location. [Improvements along the south side of the highway are also required. See 1.3(a) below.]
- 1.2 Prior to issuance of any building permits for the shopping center project, the property owner must dedicate the public right-of-way for the new east/west collector street from Goldfish Farm Road to the west boundary of the shopping center property. The property owner must also secure any fill slope and construction easements necessary for the construction of the new street.

In the event that the applicant cannot secure the necessary off-site right-of-way and easements from the adjoining parcel at 4196 Santiam Highway, the property owner must pay all City costs for condemnation of the right-of-way. The applicant must provide a financial assurance acceptable to the City Attorney for the costs of condemnation.

- 1.3 Prior to issuance of any building permits for the shopping center project, the property owner/developer must obtain construction permits from the agency with jurisdiction over the facility (ODOT or City) and then construct or financially assure the following (Santiam Highway is referred to as US-20 below):
- a. US-20 Site Frontage: Construct curb, gutter, sidewalk, and pavement to match existing along the west 480 feet of the property's frontage on US-20 generally as shown on the Site Plan. The design of the improvements must be approved by ODOT.
 - b. US-20/Airport Road: Construct separate left and left-through lanes for the northbound approach; separate left, through, and right turn lanes for the southbound approach; and modification of the traffic signal to accommodate the new intersection geometry. The design of the improvements must be approved by ODOT.
 - c. US-20/Fescue Street: Construct an eastbound right-turn lane with an overlap phase on the traffic signal. The design of the improvements must be approved by ODOT.
 - d. US-20/Goldfish Farm Road: Construct an eastbound right turn lane; dual northbound left turn lanes; and restripe the southbound approach for a left and shared through/right turn lane. The design of the improvements must be approved by ODOT.
 - e. Goldfish Farm Road/New Collector Street: Construct a southbound right turn lane from Goldfish Farm Road onto the new collector street together with a transition on the south side of the intersection as shown on the Site Plan. Improvements must include the new curb, gutter, sidewalk, pavement, and striping needed to accomplish the road widening.
 - f. New Collector Street: Construct a new collector street from Goldfish Farm Road to the west boundary of the shopping center property (except as noted in the paragraph below). Improvements shall be generally as shown on the Site Plan and include curb, gutter, and sidewalk; a vehicle travel lane in each direction; a center left turn lane; and a bike lane in each direction. A two-foot-wide concrete median island must be included from Goldfish Farm Road west to the first driveway on the south side of the road. The sidewalk along the collector street must be setback from the curb by a landscape strip at least six feet in width.

The last 50 feet (approximately) of the collector street will not be built at this time. The grade of this section of street must be constructed to the grade shown on the street profile submitted by the applicants to the City and attached to the email from Alan Lee to Jeff Woodward on August 15, 2008. Before any building permits are issued for the shopping center project, the applicant must pay to the City the estimated cost of constructing the last 50 feet of the street. The estimate must be prepared by the applicant and must be approved by the City Engineer.

- 1.4 Prior to issuance of any building permits for the shopping center project, the property owner must either secure and dedicate the right-of-way needed and construct a 250 foot eastbound right turn lane from US-20 onto Waverly Drive or pay to the City the amount of \$203,282 to be held and used by the City for future capacity improvements at the intersection.

- (2) *Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.*

FINDINGS OF FACT

Entrance-Exit Points

- 2.1 ADC 12.100(2) requires that driveways for commercial uses must have widths of 24-32 feet for two-lane driveways and 36 feet for three-lane driveways. Three-lane driveways must have designated lanes and turning movements. There must be a minimum separation of 22 feet between all driveways except for single- and two-family dwellings. The width of a driveway will be determined by measuring at the curb line and will exclude the transitions which must conform to standards fixed by the City Engineer.

The northern parcel will have two driveway accesses located on the new east/west collector street. The Site Plan shows that each of the driveways will be 26 feet wide. Each driveway will have two lanes.

The southern parcel will have two driveway accesses located on the new east/west collector street and two driveway accesses on Goldfish Farm Road. The Site Plan shows that the westerly driveway on the new collector street will be 30 feet wide. It will have two lanes. The Site Plan shows the easterly driveway will be 36 feet wide. It will have three lanes and directional pavement markings as required. The Site Plan shows that the northern driveway on Goldfish Farm Road will be 36 feet wide and the southern driveway will be 30 feet wide. The northern driveway will have three designated approach lanes and directional pavement marking arrows as required. The southern driveway will have two lanes.

- 2.2 ADC 12.100(3) requires that all driveways must be located the maximum distance which is practical from a street intersection and in no instance shall the distance from an intersection be closer than the following as measured from the nearest curb return radius: Arterial Street - 40 feet; Collector Street - 20 feet.

The new east/west street will be classified as a collector street. The nearest driveway for the northern parcel on the east/west street will be located about 200 feet from the intersection of Goldfish Farm Road. Goldfish Farm Road is classified as an arterial street. The nearest driveway for the southern parcel on the east/west street will be located about 500 feet from the intersection of Goldfish Farm Road.

- 2.3 Albany does not have a performance standard for the operation of private driveway connections to the public street system. Nevertheless, the traffic study included an analysis of the performance of the two driveway approaches to Goldfish Farm Road for Building A. The operation of both driveways will meet Albany's standard for the performance of two-way stop controlled intersections.

At year 2009 during the p.m. peak traffic hour the worst case movement at the northern driveway will operate with a v/c ratio of 0.82. The worst case movement at the southern driveway will operate with a v/c ratio of 0.03. At year 2024, with the new collector street connected to Timber Street the operation of the two driveways will greatly improve. The northern driveway will operate with a v/c ratio of 0.07, and the southern driveway with a v/c ratio of 0.01.

- 2.4 The applicants submitted a Circulation Plan with the Site Plan Review application (Sheet C5). All of the driveways for the site are on a public street that will include sidewalk facilities. The Site Plan shows that crosswalks will be striped across all of the site driveways in order to facilitate safe and efficient pedestrian movements along the public street system and into the shopping center.

Number of Required Parking Spaces

- 2.5 ADC 4.250, Table 2 lists the number of off-street parking spaces that are required for a variety of uses. ADC 4.250 says that "the area measured is the combined floor area of each level of a building exclusive of vent shafts, court yards, stairwells, elevator shafts, restrooms, storage rooms and rooms designed and

used for the purpose of storage and operation of maintenance equipment, and covered or enclosed parking areas.” The table shows that shopping centers must provide at least one off-street parking space for every 200 square feet of sales floor area.

The Site Plan (Sheet C6) submitted with the Site Plan Review application shows six buildings will be constructed. The buildings are designated Buildings A, B, C, D, E, and F. The Site Plan shows the square footage of each building and the number of parking spaces that will be provided. The buildings are described as being on either the “northern parcel” or the “southern parcel.” There are five buildings on the northern parcel and one building on the southern parcel.

The information on the Site Plan shows that the five buildings on the northern parcel will include a total of 48,480 square feet. The “net building sales area” is shown as 48,000 square feet. The applicants explain that they deducted 120 square feet from the gross floor area of each building for mechanical and electrical rooms as allowed by ADC 4.250. The 120 square feet would be a room(s) approximately 11 feet by 11 feet. (They could also have subtracted out the square footage of restrooms, but they didn’t.) The deduction from gross floor area is reasonable. The net floor area of the buildings on the northern parcel is 48,000 square feet. This building will need 240 off-street parking spaces. The Site Plan shows 240 spaces will be provided.

The information on the Site Plan shows that the building on the southern parcel will be 187,000 square feet. The net building sales area is shown as 172,000 square feet of sales floor area. The applicants explain that “based on average mechanical/storage size requirements for retailers of this magnitude, and past experience, 15,000 square feet of mechanical/storage area was excluded from the gross floor area to determine the total sales floor area... It should be noted the 15,000 square foot estimate is conservative and may ultimately end up being larger, thereby, reducing GLA further.” Planning staff confirmed with an architect that designs large format retail stores that storage/mechanical areas for this type of building may vary from about 4 percent to 8 percent of gross floor area. The 15,000 square feet assumed by the applicants is about 8 percent of the gross floor area of Building A. This building will need 860 off-street parking spaces. The Site Plan shows there will be 860 parking spaces on the southern parcel.

Parking Lot Design

2.6 ADC 9.120 includes parking area improvement standards.

ADC 9.120(2) requires that all parking areas conform to the setback, clear vision, landscaping, and buffering/screening provisions of the Code. The Site Plan shows that the proposed parking lots will meet the required 10-foot setback from front property lines. Buffering and screening will be provided along the west and south property boundaries. The Site Plan shows clear vision areas at the corners where driveways intersect streets. See additional analysis under Review Criterion (5) below.

ADC 9.120(3) requires that all parking areas have a durable, dust-free surfacing of asphaltic concrete, cement concrete, or other materials approved by the Director of Public Works. In written information submitted with the application, the applicants explain that the parking areas will be surfaced with asphalt.

ADC 9.120(4) requires that adequate drainage be provided to dispose of the run-off generated by the impervious surface area of the parking area. Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property. All drainage systems must be approved by the Director of Public Works. Storm drainage is addressed under Review Criterion (4) below.

ADC 9.120(5) requires a curb not less than 6 inches in height along the perimeter of all parking areas. Site Plan Note 5 shows a curb around the perimeter of the parking lot.

ADC 9.120(6) requires that all parking stalls fronting a sidewalk, alleyway, street or property line have a secured wheel bumper not less than 6 inches in height nor less than 6 feet in length, to be set back from the front of the stall a minimum of 2-1/2 feet. If the sidewalk is widened to 7 feet 6 inches to allow for vehicle encroachment, no wheel bumpers are required. Note 4, which appears on the Site Plan in the parking lots on the northern parcel on the Site Plan, says "Proposed typical 18.5' x 9' parking stall. Wheel stop will be installed if front of stall abuts a pedestrian way." Note 4 applies to most of the parking spaces on the northern parcel. There are places where parking spaces abut a sidewalk that is not 7.5 feet wide, so wheel bumpers will be required at these locations. Note 26 says "Proposed 15.5' x 9' parking stall. Wheel stop will be installed if front of stall abuts a pedestrian walkway." This note appears adjacent to walkways where appropriate bumper overhang area has been provided in conformance with ADC 8.380(5)(a). Note 16 says "Proposed 16.0' x 9' parking stall. Wheel stop will be provided if front of stall abuts pedestrian walkway."

Note 18, which appears on the Site Plan in the parking lots on the southern parcel, says "Proposed typical 18.5' x 9.5' parking stall. Wheel stop will be installed if front of stall abuts a pedestrian way." Note (6) in ADC 9.130, Table 1 says "where appropriate bumper overhang area is provided (extruded curbs), that parking space length can be reduced." This implies that the extruded curb will function as the wheel bumper and a separate wheel bumper is not required. There are no places on the southern parcel where a parking space abuts a sidewalk where an appropriate bumper overhang area has not been provided. No wheel bumpers will be required on the southern parcel. See the analysis of parking space and aisle width dimensions in response to ADC 9.130, Table 1 below.

ADC 9.120(7) requires that groups of more than 2 parking spaces must be located and served by an aisle or turnaround so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. The Site Plans shows that the parking areas for the shopping center will be arranged so that no backing or maneuvering will be necessary in public rights-of-way.

ADC 9.120(8) requires parking areas with more than 2 parking spaces to be permanently and clearly marked. Written information submitted with the application says the parking areas will be striped as shown on the Site Plan.

ADC 9.120(9) requires where a proposed parking area is adjacent to a developed or undeveloped site within the same zoning district, the proposed parking area must be designed to connect to the existing or future adjacent parking area. The shopping center property is zoned RC (Regional Commercial). The northwest corner of the shopping center property is adjacent to a property also zoned RC (Regional Commercial). Connecting development on the northern parcel of the shopping center with the adjacent lot would allow for internally linked trips and avoid forcing drivers who visit both sites from having to use the highway and city street systems to travel between sites. A condition of approval of the shopping center site plan will be that a connection to this property be provided.

ADC 9.120(10) requires that parking lots be landscaped in accordance with the standards listed in ADC 9.150. See the analysis of parking lot landscaping under Review Criterion (5) below.

ADC 9.120(12) requires that all parking areas must provide handicapped parking spaces in conformance with the Oregon State Structural Specialty Code. The Site Plan shows that 1,100 parking spaces will be provided. Of those spaces, 28 are designated as disabled parking spaces. The northern parcel has 240 spaces, with 10 of them accessible. The southern parcel has 860 spaces, with 20 of them accessible. The City's Building Division reviewed the spaces for location, dimensions, and signs and found them to be in conformance with the Oregon State Structural Specialty Code.

ADC 9.130, Table 1 shows required dimensional requirements for parking lots. Note 4 on the Site Plan shows that the typical parking space in parking lot on the northern parcel will be 9 feet wide and 18.5 feet long. Table 1 shows that 9-foot-wide parking spaces oriented at 90 degrees to vehicle travel aisles must be 18.5 feet long. Notes on the Site Plan say that wheel stops will be installed where required. Table 1

shows that the required aisle width is 26 feet. Most of the travel aisle widths are shown to be 24 feet. The applicants submitted an Adjustment application to allow the more narrow widths. An analysis of that application follows in this staff report. The other aisle widths are shown to be 26 feet.

Note 18 on the Site Plan shows that the typical parking space in the parking lot on the southern parcel will be 9.5 feet wide and 18.5 feet long. The travel aisle widths are all shown to be 26 feet. The southerly access to the shopping center is shown to be 30 feet wide. The access drive in front of Building A is shown to be 30 feet wide.

Bicycle Parking

2.7 ADC 9.120(13) requires bicycle parking as follows:

- (c) For commercial or office development -- at least 2 spaces, and 1 space for every 10 automobile spaces required. Up to two motor-vehicle parking spaces may be deleted if additional sheltered bicycle parking is provided at a rate of 5 bicycle spaces to 1 motor-vehicle space.
- (d) The Director may allow exemptions to or reductions in required bicycle spaces in connection with uses that are not likely to need bicycle parking.

A total of 240 vehicle parking spaces will be provided for the northern parcel. Twenty-four bicycle parking space are required. In written information provided with the application (Narrative, page 55), the applicants say they will provide 24 bicycle parking spaces on the northern parcel.

A total of 860 vehicle parking spaces will be provided on the southern parcel. Eighty-six bicycle parking spaces are required. The applicants request that the number of required bicycle parking spaces be reduced from 86 spaces to 43 spaces. They explain that they do not expect that a large-format retail store, such as Building A, will generate enough bicycle traffic to warrant 86 bicycle parking spaces. And they point out that the City granted a similar request to Costco when they built a store in Albany in 2001. That decision recognized that because of the large size and quantity of goods sold by Costco, their customers typically use automobiles to transport purchases.

The City's Transportation Analyst considered the request to reduce the number of bicycle parking spaces required for Building A and found that there have been no reports that demand for bicycle parking at Costco has ever approached or exceeded the supply provided. Based on this analysis, the request to reduce the number of bicycle parking spaces required for Building A can be granted.

Bicycle parking spaces must meet the following standards:

- (e) Required spaces should be visible and not hidden, and must be located as near as possible to building entrances used by automobile occupants.
- (f) Each required bicycle parking space must have a parking rack securely fastened to the ground. Parking racks must support each bicycle at a minimum of two points, including at least one point on the frame, and must allow the frame and at least one wheel to be locked with a U-type lock.
- (g) Bicycle parking areas must provide at least 3 feet of clearance around all 3 sides of a fully-loaded bicycle rack and have an overhead clearance of at least 7 feet.
- (h) At least one-half of required bicycle parking spaces must be sheltered. Spaces must be protected from precipitation by a roof overhang or a separate roof at least 7 feet in height. Bicycle parking spaces within roofed buildings and bike lockers are considered sheltered spaces.

The location of the required bicycle parking spaces is shown on the Site Plan (Note 13). The applicants submitted a detail drawing of the type of bicycle rack that is proposed. The drawing is attached to this staff report as Attachment 7. The applicants explain that all of the bicycle-parking areas are located near the main entrances to buildings. The bicycle spaces on the northern parcel are located under awnings directly north of Buildings F and C, and directly south of Building D. The bicycle spaces on the southern

parcel are located along the front facade with half of the stalls located under awnings to provide shelter. The spaces will be located in areas that will provide a minimum of 3 feet of clearance around all 3 sides of a fully-loaded bicycle rack and have an overhead clearance of at least 7 feet. Bicycle parking facilities will allow bike frames and one wheel to lock together with a U-type lock (Narrative, page 55).

Lighting

- 2.8 ADC 9.120(14) requires that any lights provided to illuminate public or private parking areas be arranged to reflect the light away from any abutting or adjacent residential district.

A Site Lighting plan was submitted with the application (Sheet C11). Four detail drawings with specifications were also submitted that show proposed light fixtures. The detail drawings show the light fixtures. The Site Lighting plan shows that lighting will be placed throughout the parking lot, near the buildings, and on the buildings.

The Site Lighting plans shows lighting contours. The plan shows that approximately 0.1 to 0.6 foot candles of light will be cast on the buffer area along the south boundary of the shopping center property at points about 20 feet from the property line. The plan shows that approximately 0.0 to 0.8 foot candles of light will be cast on the buffer area along the west boundary of the shopping center property at points about 15 feet from the property line.

The applicants explain that the photometric model used to estimate the amount of light does not account for the six-foot solid screen/sound walls that will be provided along the southern and western property boundaries because the model cannot account for the horizontal structure.

Staff asked the applicants to provide detail drawings that show how much light there will be at the property line and on adjacent property. In response, the applicants submitted lighting details. These drawings are attached to the staff report as Attachments 8 -12. The drawings show that the level of light at the south and west property lines varies from 0 foot candles to .3 foot candles.

The applicants point out that 0.2-foot candles is equivalent to moonlight (Narrative, page 69-70).

ADC 9.120(14) is the standard that applies to the lighting on the parking lot. ADC 9.480 says that "No direct or sky-reflected glare in excess of 0.5-foot candles of light, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Code. [Underlining added for emphasis.] This standard seems to be intended for industrial processes and parking lot lighting is specifically excluded. Nevertheless, the lighting details submitted by the applicants show that the lighting visible beyond the south and west property lines will be less than 0.5 foot candles.

CONCLUSIONS

- 2.1 The proposed driveways for the shopping center meet ADC location standards and width standards.
- 2.2 The new driveways on Goldfish Farm Road for the shopping center will have enough storage to accommodate vehicle queues waiting to turn on to Goldfish Farm Road.
- 2.3 The two new driveway intersections on Goldfish Farm Road will operate at an acceptable level of service.
- 2.4 The Circulation Plan submitted by the applicants shows a complete pedestrian access plan for the proposed shopping center.
- 2.5 The Site Plan shows the required number of off-street parking spaces will be provided.

- 2.6 The Site Plan and Planting Plans show that the proposed parking lots will conform to the setback, clear vision, landscaping, and buffering/screening provisions of the Code.
- 2.7 The parking lots will have perimeter curb, will be surfaced with asphalt, will be striped, and have adequate drainage.
- 2.8 The parking spaces will meet the required dimensional standards. Wheel stops will be provided where required.
- 2.9 A vehicle driveway connection must be made from the development on the northern property to the parcel of land to the west.
- 2.10 Parking spaces accessible to the disabled will be provided in conformance with the Oregon State Structural Specialty Code.
- 2.11 Bicycle parking will be provided in conformance with ADC 9.120(13). If only 43 bicycle parking spaces are provided, they must be all be covered spaces to make sure that there will be enough spaces in bad weather.
- 2.12 The lighting on the site will be arranged to reflect light away from the abutting residential land to the south.
- 2.13 This review criterion will be met when the following conditions are met.

CONDITIONS

- 2.1 The driveways to Goldfish Farm Road and the new collector street must be constructed at the locations and dimensions shown on the Site Plan.
- 2.2 All new driveways shall be stop controlled at their approach to a public street. The property owner/developer must install the stop signs.
- 2.3 Driveways with more than one exiting lane to a street shall have striped lane lines and directional pavement arrow markings.
- 2.4 The net building sales area for the northern parcel must not exceed 48,000 square feet if 240 parking spaces are provided as shown on the Site Plan. The net building sales area for Building A must not exceed 172,000 square feet if 860 parking spaces are provided as shown on the Site Plan. Net building sales area must be calculated by the applicant as described in ADC 4.250 and submitted with building permit applications. The calculations must be verified by city staff before building permits and/or tenant improvement permits are issued for each building and/or tenant space.
- 2.5 The parking lots for the shopping center must be constructed in conformance with ADC dimensional standards, substantially as shown on the Site Plan. The Site Plan submitted with building permit applications will be reviewed for conformance.
- 2.6 A two-way driveway connection must be made from the shopping center property/parking lot on the northern parcel to the parcel adjacent to the west.
- 2.7 At least 24 bicycle parking spaces must be provided on the northern parcel. At least 43 bicycle parking spaces must be provided on the southern parcel. The bicycle parking spaces must conform with ADC 9.120(13). The spaces that are provided on the southern parcel must be covered spaces in order to encourage to the extent possible the use of bicycles to access the site.

(3) *Public utilities can accommodate the proposed development.*

FINDINGS OF FACT

Sanitary Sewer

- 3.1 The City's utility maps show that there is an 8-inch public sanitary sewer main along the shopping center property's Highway 20 frontage and also along the Goldfish Farm Road frontage. An 8-inch main is stubbed to the property from the sewer main in Goldfish Farm Road, just south of the proposed main driveway for Building A.
- 3.2 ADC 12.470 requires that all new development must extend and connect to the public sewer system when service is available within 300 feet of the property.
- 3.3 ADC 12.490 requires that sewer collection mains must be extended along the full length of a property's frontage, or to a point identified by the City Engineer as necessary to accommodate likely system expansion.
- 3.4 ADC 12.510 requires that all new development must, where appropriate, make provisions for the continuation or appropriate projection of existing sewer lines serving surrounding areas. Line extensions may be required through the interior of a property to the developed where the City Engineer determines that the extension is needed to provide service to upstream properties.
- 3.5 The Sanitary/Water Plan (Sheet C9) submitted by the applicants shows that an 8-inch public sanitary sewer main will be extended to the property's west boundary within the proposed new east/west collector street, to a point south of Building E. Each proposed building would be served by individual sewer service laterals connected to this new public main.
- 3.6 Buildings B, C, D, E, and F can all be served by laterals tapped from the existing public sewer main along the south side of Highway 20. Building A can be served by a connection to the existing main in Goldfish Farm Road. The parcel at the northwest corner of the property is currently developed and is served by a connection to the main in Highway 20. Other parcels to the west of the property will be served by the public sewer main in Timber Street, or a future extension of this main. Therefore, no public sanitary sewer main extension is required within the proposed east/west collector street.
- 3.7 In 2007, the City retained a consultant to evaluate sewer lines within the Cox Creek Sewer Basin. The consultants conclusions are included in a report titled "City of Albany, Cox Creek Basin – Flow Monitoring, Wet Weather Modeling, and Capacity Analysis," dated July 25, 2007. It was determined that once the Wastewater Treatment Plant expansion project that is under construction now is completed there will be a limited amount of available capacity left in the lower end of this sewer basin based on flow capacity limits established in the "City of Albany, Cox Creek Basin – Flow Monitoring, Wet Weather Modeling, and Capacity Analysis". The Wastewater Treatment Plant project will be completed in December 2008. The City's Engineering staff estimates that the proposed development would not create wastewater flows greater than the assumed available capacity. However, the proposed development will consume the assumed remaining available capacity in the Cox Creek Sewer Basin. Therefore, capacity improvements in this sewer basin will be required prior to approval of any further development in the basin that requires an increase in sanitary sewer service *greater* than *what* is currently provided to the property or a new criteria for determining available capacity will need to be developed. Connection of a single family home on a lot that currently exist will continue to be allowed in all circumstances.

Water

- 3.8 The City's utility maps show that there is a 12-inch public water main along the north side of Highway 20 and a 24-inch main in Goldfish Farm Road.

- 3.9 ADC 12.410 requires that all new development, including a single-family residence, must extend and connect to the public water system when service is available within 150 feet of the property.
- 3.10 ADC 12.430 requires that water distribution mains must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. Main extensions may be required through the interior of properties when necessary to provide for service to other properties or to provide looping for fire flows.
- 3.11 AMC 11.01.120 (2)(c) says the City has sole right to determine size, location, and type of facility to be constructed. All engineering of public water facilities must be based on both domestic and fire protection design criteria, and in accordance with the City's water facility plan.
- 3.12 AMC 11.01.120 (2)(h) requires that all public main extensions must include fire hydrants and other appurtenances in a manner consistent with the recommendations of the water system facility plan, the Standard Construction Specifications, and/or the fire marshal.
- 3.13 AMC 11.01.120(2)(b) requires that all public water system improvements be installed in public rights-of-way or public utility easements. The normal location for the public water main extensions will be in a dedicated street right-of-way.
- 3.14 The Sanitary/Water Plan shows the extension of a public water main (the size is not shown) to the property's west boundary within the proposed east/west collector street. Each proposed building will be served by individual water services/meters connected to this new public main. This main must be a minimum 12-inch public water main, and must be extended to the westernmost boundary of the property, west of Building A.
- 3.15 Recent water system improvements in Goldfish Farm Road, from Highway 20 to Spicer Road, provide adequate pressure, flow, and redundancy to accommodate the proposed development.

Storm Drainage

- 3.16 ADC 12.530 says the review body will approve a development request only where adequate provisions for storm and flood water run-off have been made as determined by the City Engineer. Ditches are not allowed without specific approval of the City Engineer. Open natural drainageways of sufficient width and capacity to provide for flow and maintenance may be permitted.
- 3.17 ADC 12.550 requires that a culvert or other drainage facility shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The City Engineer must review and approve the necessary size of the facility, based on the provisions of the Storm Drainage Master Plans, and sound engineering principles and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.
- 3.18 ADC 12.560 says where it is anticipated by the City Engineer that the additional run-off resulting from the development will overload an existing drainage facility, the review body will withhold approval of the development until provisions have been made for improvement of said potential condition.
- 3.19 The applicants submitted a Preliminary Drainage Report with the Site Plan Review application. The report includes a description of the proposed drainage system for the shopping center and calculations.

At the request of the City's Engineering staff, the applicants submitted a revised Preliminary Drainage Report. The revised report is dated September 2, 2008. The revised report concludes that "The proposed conveyance system has the capacity to handle all storm events up to and including the 25-year storm event. The 100-year storm event is able to be conveyed to the Cox Creek outfall without flooding." (Preliminary Drainage Study, page 5.)

3.20 The Storm Sewer Plan (Sheet C8) shows private storm drainage pipes and two private detention ponds within the private parking lots, and public storm drainage pipes and detention within the public streets. This plan is generally acceptable, except the plan at the intersection of Goldfish Farm Road and Highway 20 must be modified as described in Finding 3.21 below.

3.21 The plan that was submitted would result in a conflict between the existing 24-inch water main and a proposed 30-inch pipe between SDMH#2 and SDMH#3. It will be necessary to cross the water main further to the north near where the existing storm drain main crosses because the water main is much deeper at that location. When the applicant submits detailed engineering plans for construction, the plans should route both the existing storm drainage in Goldfish Farm Road and the new storm drainage from the shopping center property over the deeper portion of the water main near Highway 20.

It is the City's practice to only approve parallel pipe systems as a last resort. It is not an efficient use of the City's resources to maintain two parallel systems. As such, the preferred alternative is to combine the two systems prior to crossing Goldfish Farm Road. This would require removing and replacing a portion of the existing storm system with a larger capacity pipe. The amount of cover over the storm drain pipe is anticipated to represent a challenge and may impact the design. The City Engineer will consider these, and any other alternative configurations, at the time construction plans are submitted to the City's Engineering Division.

3.22 The plan that was submitted also shows a new 30-inch main will be constructed along Highway 20, parallel with the existing 30-inch main across the north end of the Coastal Farm property. Similar to the crossing of Gold Fish Farm Road, the proposed configuration is not usually approved. The City will require that all options for combining these flows, including removing and replacing the existing pipe with a larger diameter pipe be considered. The City Engineer will consider proposed alternatives at the time of review of construction drawings.

3.23 The applicants proposed private drainage systems along the south and west boundaries of the shopping center property to collect drainage from the shopping center property at the toe of the fill slope and drainage that may drain toward the shopping center from adjacent properties.

3.24 This review criterion requires that public facilities can accommodate the proposed development. The applicants must submit enough information for the City Engineer to conclude that public storm drainage system to which the shopping center storm drainage system will discharge can accommodate the drainage from the shopping center.

Staff reviewed the Preliminary Drainage Report and concluded that the discharge of storm drainage from the shopping center will likely have a negligible effect on the water surface elevation of Cox Creek at the point of discharge.

A more detailed review of the proposed storm drainage system is done at the time the developer of the shopping center submits construction drawings to the City's Engineering Division and Building Division for review. The City has Engineering Standards that are applied at that time. The City Engineer may require design changes at that time.

The City Engineer has identified a culvert entrance at Santiam Highway as a potential restriction in the existing public storm drainage system. The City Engineer may require that the culvert entrance be improved or that the shopping center's drainage discharge on the downstream side of the culvert.

CONCLUSIONS

3.1 The proposed shopping center must be connected to the public sanitary sewer system. The applicant's utility plan shows that a new public sewer main will be extended in the east/west collector street. It is not necessary to construct this line. The buildings on the northern parcel can be connected to the existing

sewer mains in Santiam Highway and Goldfish Farm Road. The building on the southern parcel can be connected to the existing sewer main in Goldfish Farm Road.

- 3.2 The proposed shopping center must be connected to the public water system. The applicant's utility plan shows that a new public water main will be extended in the east/west collector street with services for each of the buildings in the shopping center. The new water main must be a 12-inch line and must be extended to the west boundary of the shopping center property as shown on the utility plan.
- 3.3 The proposed shopping center must be connected to the public storm drainage system. The storm drainage system that is shown on the applicant's utility plan is generally acceptable, but modifications are needed at the intersection of Goldfish Farm Road. Also, the parallel storm drain line shown in Santiam Highway east of Goldfish Farm Road may not be allowed. Modifications to the storm drainage plan shown on the utility plan are required in the conditions of approval below. It may be necessary to modify the culvert under Santiam Highway or discharge the storm drainage from the shopping center downstream of the culvert.

CONDITIONS

- 3.1 Before the City will issue any building permits for the shopping center project, the property owner/developer must construct a 12-inch public water main in the proposed east/west collector street through the property. This public water main must be extended from Goldfish Farm Road to the westernmost boundary of the shopping center property.
- 3.2 Before the City will issue any building permits for the shopping center project, the property owner/developer must construct private and public storm drainage facilities as shown on the Storm Sewer Plan that was submitted. However, alternate configurations to the proposed routing of pipes at the intersection of Goldfish Farm Road and Highway 20, and potentially along Highway 20 to the east, must be considered to avoid potential utility conflicts and so that parallel systems are not constructed.
- 3.3 The storm drainage system within the Goldfish Farm Road public right-of-way and within the new east/west collector street right-of-way must be a publicly owned and maintained system. The storm drainage systems on the private properties must be privately owned and maintained.
- 3.4 Private drainage systems must be provided along the south and west boundaries of the shopping center property to collect drainage that may drain toward the shopping center from adjacent properties now and to collect drainage from the shopping center property at the toe of fill slopes. These drainage systems must be maintained by the shopping center owner so that they continue to function as designed.
- 3.5 The property owner/developer must obtain a Permit for Private Construction of Public Improvements from the City's Engineering Division to build all required public improvements. Final design details (such as manhole locations, lateral locations, pipe size and grade, etc.) for required public improvements must be reviewed and approved by the City's Engineering Division.
- 3.6 Before the City will issue any building permits for the shopping center project, the property owner/developer must construct the public improvements identified above. Alternatively, the City will issue building permits for the project before all of the public improvement have been made if the property owner/developer provides an improvement assurance. The improvement assurance guarantees that the required infrastructure improvements will be made. The improvement assurance must be as specified in ADC 12.590 – 12.610.

- (4) *Any special features of the site (such as topography, hazards, vegetation, wildlife habitat, archaeological sites, historic sites, etc.) have been adequately considered and utilized.*

FINDINGS OF FACT

- 4.1 Topography. *Comprehensive Plan, Plate 7: Slopes*, does not show any steep slopes on this property. The Existing Conditions drawing submitted with the Site Plan Review application shows that elevations on the property range from about 225 feet to 232 feet. There is a pond on the property that is about 20 feet deeper than the 225-foot elevation.

The applicants submitted a Preliminary Geotechnical Review. The Review was done by GeoDesign, and is dated October 6, 2005. The report identifies the existing pond on the property. Aerial photographs show that the pond was created between 1979 and 1994. The pond is approximately 20 feet deep at its deepest location. The applicants propose to fill the pond. There was also a log pond located on the eastern area of the property, but that pond has been filled. The Review makes recommendations about foundation support, pavement, and other considerations for cost estimating purposes.

- 4.2 Hazards. *Comprehensive Plan, Plate 5: Floodplains*, does not show a 100-year floodplain on the property. FEMA/FIRM Community Panel Number 410137 0004F, dated July 7, 1999, shows that part of the property is in Zone A, an area inundated by a 100-year flood where no base flood elevation has been determined.

The applicants submitted a Base Flood Determination. The Determination was done by WRG Design, Inc. It's dated November 6, 2007. The Determination finds that the 100-year Base Flood Elevation is 231 feet. At the request of the City's Engineering staff, the applicants submitted a revised Base Flood Determination report. The report is dated September 1, 2008.

The applicants submitted an application for a Conditional Letter of Map Revision for Fill to FEMA. The applicants plan to fill the property to at least elevation 232 feet. With the fill, all of the buildings in the shopping center will be more than one foot above the 100-year flood elevation. The applicant received a Conditional Letter of Map Revision for Fill "outlining concurrency" on the site (Exhibit G of the application).

ADC 6.071 specifically excludes excavation and fill (grading) from the definition of development. Grading is regulated by Albany Municipal Code (AMC) Title 12. Filling the property is not subject to Site Plan Review. AMC 12.35.010(1) requires that a grading permit be obtained from the City's Public Works Department, Engineering Division if 50 cubic yards of fill or more is to be placed in a floodplain. The revised report concludes that the water surface elevation during a 100-year flood will rise less than one inch. A more detailed review of the proposed fill for the shopping center will be done at the time a grading permit application is submitted and reviewed. Adjacent property owners are given notice when an application for grading is received and have an opportunity to comment.

- 4.3 Vegetation. *Comprehensive Plan, Plate 3: Natural Vegetation and Wildlife Habitat*, shows an area of natural vegetation and wildlife habitat on the property. Plate 3 also shows a "dry log pond" surrounding the location where Goldfish Farm Road has been built south of Highway 20. Plate 3 was included in the first Comprehensive Plan in 1989. Conditions in the vicinity of this property have apparently changed.

The vegetation on the property now is mostly weeds and scattered trees. The trees appear to be mostly volunteer cottonwood trees.

ADC 9.207 requires Site Plan Review approval for the felling of five or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone. AMC 7.98.030(6) requires an application to the City and a

permit to remove any tree larger than or equal to six and one-half feet in circumference (approximately 25 inches in diameter).

The applicants submitted a Tree Removal Plan (Sheet C4). The Tree Removal Plan shows that there are four trees larger than 8 inches in diameter that will be removed to construct the proposed shopping center. The trees are four 10-inch black cottonwood trees. Site Plan Review for the proposed tree felling is not required. None of the trees are larger than 25 inches in diameter. A permit to fell the trees is not required.

- 4.4 Wetlands. *Comprehensive Plan, Plate 6: Wetland Sites*, does not show any wetlands on this property. The City's East I-5 Local Wetlands Inventory identifies wetlands on the property. The wetlands are not classified as significant. The applicants submitted a copy of a Wetlands Delineation Report for the property. The report was done by Environmental Science & Assessment, LLC. The report is dated January 29, 2007. The report concludes that there are three small wetlands and the pond on the property. The wetlands total 4.4 acres. The pond is about 4 acres.

The applicants also submitted a letter from the Oregon Department of State Lands (DSL). DSL administers wetlands regulations in Oregon. The letter says that DSL has reviewed the wetland delineation report and that DSL concurs with the conclusions of the report. The letter concludes that, although there are wetlands on the property, there are no waters on the site that are subject to the permit requirements of the state's Removal-Fill Law.

ADC 6.290 includes local wetland regulations. ADC 6.280 says the regulations apply to those areas meeting DSL's criteria, identified as wetlands on the Comprehensive Plan wetlands map exhibit, and designated as Open Space in the Comprehensive Plan. The wetlands on the shopping center property do not meet DSL's criteria and the property is not designated Open Space on the Comprehensive Plan Map. (The property is designated General Commercial on the Comprehensive Plan Map.)

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

CONCLUSIONS

- 4.1 The three special features of the shopping center site are the existing pond, the floodplain, and the wetlands. The applicants will fill the pond. They will also fill the rest of the property to at least elevation 232 feet. The Base Flood Determination submitted by the applicants finds that the 100-year Base Flood Elevation is 231 feet. All of the buildings in the shopping center will be at least one foot above the 100-year flood elevation. A grading permit must be obtained for the proposed fill on within the floodplain.
- 4.2 There are about 4 acres of wetlands on the property. The City's local wetlands regulations do not apply to the wetlands. The state DSL has determined that the wetlands on the site are not subject to the permit requirements of the state's Removal-Fill Law. The wetlands will be filled to construct the shopping center.
- 4.3 The special features on this site have been adequately considered and utilized.
- 4.4 This review criterion will be met when the following condition is met.

CONDITION

- 4.1 The property owner/developer must obtain a grading permit from the City's Engineering Division for fill in the floodplain if 50 cubic yards of fill or more is proposed.

- (5) *The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.*

FINDINGS OF FACT

5.1 ADC 2.600 says site plan review is not intended to evaluate the proposed use or the structural design of the proposal. Rather, the review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping.

5.2 Surrounding development and land uses include a gas station and trailer sales to the north; single-family houses to the south; a Coastal Farm and Ranch Supply store, offices, and distribution facility to the east; a gas station/convenience store, Veterans of Foreign Wars, and vacant land to the west.

5.3 Building and Parking Lot Setbacks. ADC 4.090, Table 1 shows that the minimum front setback for buildings and parking areas in RC zoning districts is 10 feet. The site plan shows that all of the buildings and parking areas in the proposed shopping center will be set back at least 10 feet from front property lines (along streets). The Site Plan and building elevation drawings show that there will be awnings on the buildings on the northern parcel. Written information submitted with the Site Plan Review applications says that the awnings will be 5 feet wide (Narrative, page 25-26). They will extend into the front yard setback along the north side of the new east/west collector street. ADC 4.140(2)(a) allows building features, such as awnings, to project into front yard setbacks up to 5 feet.

ADC 4.090, Table 1 shows that no setback is required along interior (side and back) property lines, except Note 5 says that interior yards abutting residential districts and/or uses require 1 foot of setback for each foot of finished wall height with a minimum setback of 10 feet. The Site Plan shows that all buildings and parking areas will be setback at least 10 feet from interior property lines. Part of the property to the west is zoned Linn County UGM. The City's Comprehensive Plan shows the property designated URR. When the property is annexed to the City, the property could be zoned for a variety of residential uses or two types of commercial use. The property to the south is zoned RM (Residential Medium Density) and Linn County UGM. Building A is the only building that abuts a residential zoning district or use. The Site Plan shows that Building A, which is a maximum of 35 feet in height, will be set back a distance that varies from 45 to 110 feet from the west and south property lines. (See also the requirements for buffering and screening in 5.8 below.)

5.4 Building Height. ADC 4.090, Table 1 shows that there is no maximum height for buildings in RC zoning districts. The building elevation drawings submitted with the Site Plan Review application show that the proposed buildings will vary from 24 feet to 35 feet in height to the top of roof parapets.

5.5 Lot Coverage. ADC 4.090, Table 1 shows that the maximum lot coverage allowed in RC zoning districts is 90 percent. In written information submitted with the application (Narrative, page 24), the applicants say the lot coverage for the northern parcel will be 82.1 percent for the northern parcel and 83.7 percent for the southern parcel. The Site Plan shows the total area of the northern parcel is 221,882 square feet and that the landscape area is 39,775 square feet. Landscape areas cover 17.9 percent of the parcel. The remainder is building and parking lot coverage which equals 82.1 percent of the parcel. The Site Plan shows the total area of the southern parcel is 822,596 square feet and that the landscape area is 134,195 square feet. Landscape areas cover 16.3 percent of the parcel. The remainder is building and parking lot coverage which equals 83.7 percent of the parcel. The lot coverage for both parcels is less than the maximum 90 percent allowed.

5.6 Landscaping of Yards. ADC 4.270 says that front and interior setback yards, exclusive of accessways and other permitted intrusions, must be landscaped before occupancy. The minimum landscaping per 1000 square feet of required setback yard areas in all commercial and industrial zones is:

- (1) Five 5-gallon or eight 1-gallon shrubs, trees, perennials, or accent plants.

- (2) The remaining area must be treated with living ground cover, lawn, or bark, rock, or other attractive ground cover.
- (3) In addition, one tree at least six feet in height is required for every 30 feet of street frontage.

The applicants submitted Planting Plans with the application (Sheets L0 – L9). The Planting Plans show that required landscaping will be provided in the interior yards along the west and south boundaries of the site. (See also the requirements for buffering and screening in 5.8 below.) The Planting Plans show the required landscaping in the front yard along Santiam Highway and Goldfish Farm Road. In addition, the Planting Plans show Red Oak trees will be planted in the landscape strip along Goldfish Farm Road and along the new east/west collector street.

5.7 Parking Lot Landscaping. ADC 9.150 includes required landscaping standards for parking lots.

- (1) Planter Bays. Parking areas shall be divided into bays of not more than 12 parking spaces. Between or at the end of each parking bay there shall be curbed planters of at least 5 feet in width. Each planter shall contain one tree at least 10 feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area.

The Site Plan shows that the parking areas will be divided into bays of not more than 12 parking spaces. The Site Plan shows curbed planters at the end of each row of parking, except in front of Building D and F, and on the north side of Building A.

The planter bays in the parking lots on the northern parcel are shown to be 5 feet wide. The planter bays on the southern parcel are shown to be 6 feet wide. The Planting Plans show that each required planter bay will have the required landscaping, except at south end of the row of parking to the east of Building C; two rows of parking north of Building A; the ends of the rows of parking along Goldfish Farm Road at both driveways; and some places on the southern parcel where only one Emerald Queen Maple tree is shown for two planter bays. Each planter bay is 6 feet by 18.5 feet (111 square feet). Each planter bay must have one tree.

- (2) Entryway Landscaping. Entryways into parking lots shall be bordered by a minimum 5-foot-wide landscape planter strip meeting the same landscaping provisions as for planter bays, except that no sight obscuring trees or shrubs are permitted.

There are three entries to the proposed shopping center along Goldfish Farm Road. The Planting Plans show that the entryways will be bordered by minimum 5-foot-wide planter strips with the required landscaping. The “vision clearance triangles” at the entries are clear of sight obscuring trees or shrubs (no vegetation taller than 2 feet is allowed).

- (3) Parking Space Buffers. Parking areas shall be separated from the exterior wall of a structure by pedestrian entrance ways or loading areas or by a 5-foot strip of landscaping materials.

The Site Plan shows that all of the parking areas are separated from the exterior walls of structures by walkways, loading areas, or landscape strips.

5.8 Buffering and Screening: ADC 9.210 requires buffering and screening in order to reduce the impacts on adjacent uses which are of a different type. Buffering and screening is required in accordance with the matrix shown on ADC page 9-11. The property owner of each proposed development is responsible for the installation and maintenance of the buffering and screening. Where a proposed use abuts undeveloped property, only one half of the buffer width shall be required.

ADC 9.240 says the minimum improvements within a buffer area must consist of the following:

- (1) At least one row of trees. These trees will be not less than 10 feet high at time of planting for deciduous trees and spaced not more than 30 feet apart and 5 feet high at time of planting for evergreen trees and spaced not more than 15 feet apart. This requirement may be waived by the Director where it can be demonstrated that such trees would conflict with other purposes of this Code (e.g. solar access).
- (2) At least five 5-gallon shrubs or ten 1-gallon shrubs for each 1,000 square feet of required buffer area.
- (3) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs).

ADC 9.250 says where screening is required, the following standards apply in addition to conditions (1) and (3) above:

- (1) One row of evergreen shrubs which will grow to form a continuous hedge at least four feet in height within two years of planting, or
- (2) A minimum of a five-foot fence or masonry wall constructed to provide a uniform sight-obscuring screen, or
- (3) An earth berm combined with evergreen plantings or a fence which forms a sight and noise buffer at least six feet in height within two years of installation.

The matrix on ADC page 9-11 shows that a 10-foot-wide buffer area and screening is required between a proposed commercial use and residential zoning districts. The matrix also shows that a 10-foot-wide buffer area is required between a commercial use and any arterial street.

Property to the north: Santiam Highway (an arterial street) borders the shopping center property to the north. A 10-foot side buffer area is required between the shopping center and the street. The Site Plan and the Planting Plans show the required buffer area and landscaping, except the deciduous trees are spaced 40 to 60 feet apart. The trees must be spaced a maximum of 30 feet apart.

Property to the east: Goldfish Farm Road (an arterial street) borders the shopping center property to the east. A 10-foot side buffer area is required between the shopping center and the street. The Site Plan and the Planting Plans show the required buffer area and landscaping, except the deciduous trees are spaced up to 90 feet apart. The trees must be spaced a maximum of 30 feet apart.

Property to the west: Part of the property adjacent to the shopping center property to the west and south is outside the Albany city limits and is zoned Linn County UGM. The intent of UGM zoning districts is to protect the land for future urban density development.

The Albany Comprehensive Plan Map shows this property designated URR (Urban Residential Reserve). ADC 2.570, Plan Designation Zoning Matrix, shows that a variety of residential zoning designations and two commercial zoning designations are compatible with the URR Comprehensive Plan Map designation. This property could be zoned residential or commercial when annexed to the city.

The Site Plan and Planting Plans show a buffer area and the required landscaping will be provided along the southern section of the west property line adjacent to the UGM land (evergreen trees 6 – 8 feet tall at time of planting spaced 15 feet apart). The width of the buffer is not shown, but it scales about 15 feet on the Site Plan and Planting Plan.

Site Plan Note 10 identifies a “Proposed retaining wall,” and Note 22 says “Install 6’ tall decorative screen.” See landscape plans for detail.” See further discussion about the screen wall/fence under Finding 5.12 below.

Property to the south: The Site Plan shows a buffer area that varies in width from 30 feet to 56 feet will be provided along the south property line. The buffer is located between the south property line and a paved vehicle travel lane that will be constructed adjacent to Building A and continue out to Goldfish Farm Road. The Planting Plans (Sheet L7 and L8) show that the required landscaping will be provided in the buffer area (evergreen trees 6 – 8 feet tall at time of planting spaced 15 feet apart).

A stormwater detention pond will be located partly in the buffer area along the south property line. ADC 9.230 says a buffer area may only be occupied by utilities, screening, sidewalks, bikeways and landscaping. No buildings, accessways or parking areas are allowed in a buffer area except where an accessway has been approved by the City. The stormwater detention pond can be classified as either a utility or landscaping, or something similar, and is therefore allowed in the buffer area.

Site Plan Note 10 identifies a “Proposed retaining wall,” and Note 20 says “Install 6’ tall decorative screen wall along entire southern property line. See landscape plans for detail.” See further discussion about the screen wall/fence under Finding 5.12 below.

Sheet L10 is titled “Woodcrete Screen Wall Detail.” This is the screen wall/fence proposed along the west and south boundaries of the property. Exhibit I is a set of details submitted with the application. One of the detail drawings shows a “Woodcrete” fence. Specifications for the fence are also included. Neither Sheet L10 nor Exhibit I show a retaining wall. The applicants later submitted detail drawings (cross sections) that show the retaining walls and fences. The drawings are attached to this staff report as Attachments 13 – 19. See further discussion about the walls and fences in Finding 5.12 below.

- 5.9 Irrigation System. ADC 9.160 requires that all required landscape areas be provided with a piped underground irrigation system, unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit.

The Planting Plans say that all landscape areas will have a complete underground automatic irrigation system.

- 5.10 Outside Storage. ADC 4.290(3) says in RC zones:

- (a) Exterior display of goods is permitted except in the required front yard setback or buffer yard. Display is limited to a sample of goods offered for sale by the establishment. Display areas may not be used for storage. Display areas may not expand beyond 25 percent of the primary street frontage and must be designated on the site plan. Display areas adjacent to residential districts or uses must be set back at least 10 feet and must be screened from view with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material.

The Site Plan shows an “outdoor seasonal sales area” on the north side of Building A. The sales area is not in the required front yard setback or in a buffer yard. The frontage of the southern parcel where Building A is located is more than 800 feet long. The sales area is shown to be 181 feet long. This is about 23 percent of the frontage. The sales area is not adjacent to a residential district or use.

- (b) Exterior storage is permitted in interior yards, but is excluded from required buffer yards and minimum required setback areas. Storage areas adjacent to residential districts or uses must be screened from view with a sight-obscuring fence, wall, hedge, or berm, any or all of which must be constructed of non-combustible material. This enclosure must be located on the property at the required setback line as if the berm, fence, wall, or hedge were a building.

No exterior storage is shown on the Site Plan.

- 5.11 Screening of Refuse Containers. ADC 4.300 requires that any refuse container or disposal area that would otherwise be visible from a public street, customer, or resident parking area, any public facility, or any residential area, must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least 6 feet tall. All refuse materials must be contained within the screened area. Refuse disposal areas may not be located in required setbacks or buffer yards and must be placed at least 15 feet from any dwelling window.

The Site Plan Note 9 shows a “proposed loading/garbage area” adjacent to Buildings B, D, E, and F, and multiple garbage areas adjacent to Building A. These areas are not located in required setbacks or buffer yards or near any dwelling window.

There is no reference on the plans to enclosures for the garbage areas. A detail drawing (Exhibit I with the application) that shows a “trash enclosure” was submitted separate from the site plan. The trash enclosure shown on the detail drawing is 6 feet in height and includes masonry walls and a solid metal gate.

The garbage areas for Buildings B, D, E, and F must be screened because they will be visible from public streets, customer parking areas. The garbage areas for Building A do not have to be screened because they will not be visible from public streets, customer parking areas, resident parking areas, public facilities, or any residential areas, but the applicants say they will screened anyway.

- 5.12 Fences. ADC 4.310 includes the following standards for fences in commercial zoning districts.

- (3) Fences are limited to the height and locational standards listed below:
- (a) Fences may be up to eight (8) feet in height provided that the fence is located behind the required front yard planting area and outside of any vision clearance area.
 - (b) Fences more than six (6) feet in height require Building Permits.
- (4) Wherever a sight-obscuring fence, wall or hedge is required under the provisions of this Code, it must meet the following provisions:
- (a) Opacity. In order to be “sight-obscuring,” fences and walls will be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges will be of an evergreen species that will meet and maintain year-round the same standard within three (3) years of planting.
 - (b) Height. Fences and walls will be a minimum of six feet in height. Hedges will be of a species capable of attaining a height of at least six (6) feet within three (3) years of planting, given their age, height and health when planted.
 - (c) Maintenance. Fences and walls will be maintained in safe condition and opacity is maintained as required in subsection (a) of this section. Wooden materials will be protected from rot, decay, and insect infestation. Plants forming hedges will be replaced within six (6) months after dying or becoming diseased to the point that the opacity required in subsection (a) of this section is not met.

The Site Plan (Notes 10 and 27) show that a retaining wall with a wrought iron fence will be constructed along the northerly section of the west property line of the shopping center adjacent to the existing commercial property. Notes 10 and 24 show that a retaining wall and wrought iron fence will be constructed along the north edge of the “storm water management” (SWM) pond near the south boundary of the property. Note 24 shows that a wrought iron fence will be constructed around the SWM pond near the northeast corner of the property.

The Site Plan (Note 22) shows that a “decorative screen wall” will be built along the southern section of the west property boundary of the shopping center property adjacent land designated for residential use.

The Site Plan (Notes 10 and 20) shows that a “decorative screen wall” will be built along the south boundary of the shopping center property adjacent to an existing residential subdivision and adjacent to vacant land.

Notes 20 and 21 say “See landscape plans for detail.” Sheet L10 shows detail drawings of a screening wall and “piers.” The piers are underground and support the fence. There is no reference to a retaining wall on these drawings.

Written information submitted with the application references a retaining wall along the west boundary of the property, but not the south boundary (Narrative, page 31). Application Exhibit I includes two drawings of wrought iron fences, one is 4 feet tall and the other is 6 feet tall. Neither drawing shows a retaining wall.

Sheet L10 is titled “Woodcrete Screen Wall Detail.” This is the fence proposed along the south and west boundaries of the property. Exhibit I is a set of details submitted with the application. One of the detail drawings shows a “Woodcrete” fence. Specifications for the fence are also included. Neither Sheet L10 nor Exhibit I show a retaining wall.

[The applicants later submitted detail drawings that show cross sections for the retaining walls and fences along the south and west boundaries of the property. The applicants also submitted specific elevation information about the height of the walls and fences. The information showed that the wall and fence along the south boundary of the property would vary in height from 6 feet to 10.5 feet. The section of fence that would exceed 8 feet is located along the most westerly section of the south property line adjacent to undeveloped property. The information showed that the wall and fence along the west boundary of the property would vary in height from 12 feet to 15.5 feet. The maximum height for a fence in this RC zoning district is 8 feet. The drawings and other information that were submitted showed that the retaining walls with the fences on top of them would create fences taller than 8 feet. The applicants explained that when the undeveloped property to the south and west is developed, the owners will have to fill the property. When the adjacent property was filled, the fence along the south and west property lines would then be shorter, but it would still exceed 8 feet in some places. The applicants decided to change their plan so that the fence would not exceed 8 feet. This information is not necessarily germane to the review of the plans as they are today, but help explain the evolution of the project.]

The applicants submitted a new set of drawings dated August 15, 2008, that show the fence along the west property line. The drawings are attached to this staff report as Attachments 13 -19. The plans show that the fence will be moved back from the west property line. A 6-foot Woodcrete fence will be placed a distance that varies from 10 feet to 36 feet back from the west property line. This will create a slope that varies from 2:1 to 4:1 from the west property line to the fence. The slope will be landscaped with the plant materials required in the buffer area along this property line.

The applicants did not submit a drawing that shows how the fence along the south property line near the west end adjacent to the undeveloped property will be made less than 8 feet. It is possible to incorporate a transition from the fence along the south property line that does not exceed 8 feet to the setback fence along the west property line that does not exceed 8 feet at any point. This will be a condition of approval. (One way the height of the fence can be reduced is by reducing the height along this section of fence to 42 inches, which is the minimum height required for pedestrian safety. The total height of the retaining wall and fence would then be 8 feet.)

5.13 Environmental Standards: ADC 9.440 – 9.500 include environmental standards.

Noise: The applicants submitted a Noise Study for the proposed shopping center. The study was done by Daly Standlee & Associates. It’s dated May 15, 2008. The purpose of the study was to determine if any noise mitigation measures would be necessary to meet applicable noise regulations.

The applicable noise regulations are Oregon Department of Environmental Quality (DEQ) Noise Control Regulations for Industry and Commerce (Oregon Administrative Rules 340-035-0035) and AMC 7.08.050 (and referenced in ADC 9.440).

OAR 340-35-035 – Table 8 shows allowed noise limits. The table is included below.

OAR 340-35-035 – TABLE 8	
New Industrial and Commercial Noise Source Standards	
Allowable Statistical Noise Levels in Any One Hour	
7 am – 10 pm	10 pm – 7 am
L ₅₀ – 55 dBA	L ₅₀ – 50 dBA
L ₁₀ – 60 dBA	L ₁₀ – 55 dBA
L ₀₁ – 75 dBA	L ₀₁ – 60 dBA

AMC 7.080.050 says “It is unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any loud, disturbing, or unnecessary noise in the City. The following acts are declared to be violations of this section, but such enumerations are not deemed to be exclusive...” The Code lists 10 violations, none of which specifically address commercial development. Noisy “mechanical devices” and vehicles are included in the list.

Noise at the shopping center will be generated by outside refrigeration equipment, rooftop heating and cooling equipment (HVAC), trash compactors, parking lot sweepers, and refrigerated trailers at loading docks. The assumptions of the study model the worst case scenario where all of these noise sources are operating at the same time. Daly Standlee & Associates (DSA) used a computer program they developed based on established acoustical sound propagation equations presented in reference materials. The program describes the effects of distance, atmospheric absorption, and man-made barriers on sound propagation. The intent of the noise analysis is to predict the greatest amount of noise that could possibly be radiated from the shopping center to surrounding residences.

The noise study includes predicted noise levels for both daytime hours (7:00 a.m. – 10:00 p.m.) and nighttime hours (10:00 p.m. – 7:00 a.m.). The computer model includes daytime noise generating activities in the daytime hour calculations and nighttime activities in the nighttime hour calculations. The noise study assumes the 6-foot sound wall shown in the drawings submitted with the Site Plan Review application will be provided. First floor noise levels were predicted for daytime hours because outdoor activities are considered to be of most concern during those hours. Second story noise levels were predicted for nighttime hours because the noise levels outside of bedrooms is considered of most concern during those hours.

The study notes that the methodology used by the computer model results in the maximum hourly statistical noise levels that would ever be expected at the houses nearest the shopping center and that the conditions used by the model (worst case scenario) will most likely never occur. Therefore, the sound levels predicted by the computer model should be considered very conservative.

The DEQ noise regulations limit sound that occurs for a duration of 1 percent of an hour, 10 percent, and 50 percent of an hour. The noise study finds that during the loudest daytime hour, the 1 percent and 50 percent levels are within the allowed limits at the houses along the south boundary of the shopping center property. (Daytime is defined between 7:00 a.m. – 10:00 p.m.) The 10 percent limit would be exceeded by 1 decibel without mitigation. The predicted noise level was found to be caused by the combination of the noise from the parking lot sweeper and the noise from the rooftop chillers.

The noise study finds that during the loudest nighttime hour, the 1 percent and 10 percent levels are within the allowed limits at the houses along the south boundary of the shopping center. The 50 percent limit would be exceeded by up to 5 decibels at the second floor windows of the houses west of the

shopping center. The predicted noise level was found to be caused solely by the chillers located on the roof of the building.

The noise study finds that if the noise radiating from the chillers was reduced by approximately 5dBA, the overall noise level at both the ground level and the second story windows at all of the houses could be made to comply with the DEQ regulations during both daytime and nighttime hours.

The study finds the predicted noise level can be reduced to meet the DEQ regulations by constructing 8-foot-high barriers alongside the chillers. Alternatively, a variety of chillers that are approximately 13 dBA quieter than that assumed in the study could be used to achieve the needed reduction. This approach has been used on several projects analyzed by DSA in the past and found to be an effective way to control chiller radiated noise.

As noted in Findings 5.3 and 5.8 above, the property adjacent to the west is designated primarily for future residential development. The noise study does not address the impact of noise from the shopping center on the property to the west. It will be necessary to establish the impact and any necessary mitigation measures. This will be included as a condition of approval below.

Visible emissions: The shopping center is not expected to generate any visible emissions.

Water quality: ADC 9.455 applies to industrial development, not commercial development. Nevertheless, the shopping center will include a storm drainage system that uses detention basins which will also treat the stormwater before it is discharged to the public storm drainage system. See the findings about the storm drainage system under Review Criterion (3) above.

Vibration: The shopping center is not expected to generate any vibration. ADC 9.460 says that vibrations from temporary construction and vehicles that leave the site (such as trucks) are exempt; vibrations lasting less than 5 minutes per day are also exempt from regulation.

Odors: Tenants in the shopping center may include businesses that cook food. The only odor expected to be generated by the shopping center will be odors generated by cooking food. Vents will be located through the roof(s) of the building(s). This is the most effective way to dissipate cooking odors.

Glare: See Findings 2.9 above.

Heat: The shopping center is not expected to produce any heat other than normal heat generated by HVAC systems for the buildings.

Insects and rodents: The shopping center may attract insects and/or rodents because food and refuse will be stored, sold, and prepared on the site. The shopping center management and tenants will control any insects or rodents that become a nuisance.

Hazardous waste: The shopping center is not expected to produce any hazardous waste.

- 5.14 Operating characteristics. The operating characteristics of the proposed shopping center will include primarily vehicles, including cars and trucks going to and from the site. See the findings, conclusions, and conditions under Review Criterion (1) above. Other operating characteristics are described above.
- 5.15 Commercial Design Standards. See the findings, conclusions, and conditions in the design standards review that follows this section of the staff report.

CONCLUSIONS

- 5.1 The Site Plan shows that the setbacks of the proposed buildings and parking lots will meet required setbacks from property lines. There is no maximum height for buildings in this RC zoning district. The proposed lot coverage of buildings and parking areas is less than the maximum 90 percent lot coverage allowed.
- 5.2 The Site Plan and Planting Plans show that the front and interior yards for the proposed shopping center will be landscaped as required.
- 5.3 The Site Plan and Planting Plans show that the required planter bays and landscaping in the planter bays will be provided, except a few revisions to the plans are needed. The revisions are required as conditions of approval below.
- 5.4 The Site Plan and Planting Plans show that the required buffering and screening will be provided, except a few revisions to the spacing of the trees along Santiam Highway and along Goldfish Farm Road are needed. The revisions are required as conditions of approval below.
- 5.5 An irrigation system will be provided as required.
- 5.6 No outside storage is proposed. Outside display in conformance with ADC 4.290(3) is proposed.
- 5.7 All of the refuse containers in the "garbage areas" shown on the site plan must be screened as required in ADC 4.300 and substantially as shown on the "trash enclosure" detail drawing submitted by the applicants.
- 5.8 The "decorative screen wall" shown on Sheet L10 of the plans submitted by the applicants must be provided along the southern section of the west boundary and all of the south boundary of the shopping center property. A wrought iron fence may be provided as shown along the northerly section of the west property line adjacent to the developed commercial property.
- 5.9 The fence along the west property line must be constructed as shown on the drawings submitted by the applicants dated August 15, 2008. The transition from the fence along the south property line to the setback fence along the west property line must not exceed 8 feet in height.
- 5.10 The noise study submitted by the applicants shows that noise generating equipment that will be used on the shopping center property will not exceed the maximum noise level allowed at property to the south if mitigation measures are implemented. The mitigation measures are required in the conditions of approval below. In addition, a noise study must be submitted that establishes that generating equipment that will be used on the shopping center property will not exceed the maximum noise level allowed at property to the west.
- 5.11 The shopping center will meet the environmental standards listed in the Findings above.
- 5.12 The design and operating characteristics of the proposed development will be reasonably compatible with surrounding development and land uses with mitigation and when the conditions of approval listed below are met.

CONDITIONS

- 5.1 ADC 9.150(1) requires that parking areas shall be divided into bays of not more than 12 parking spaces. Between or at the end of each parking bay there shall be curbed planters of at least 5 feet in width. Each planter shall contain one tree at least 10 feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area.

The Site Plan that was submitted does not show all the required planter bays. Additional parking bays are required in front of Building D and F, and on the north side of Building A.

The Planting Plans show that additional trees are needed in the planter bays at the south end of the row of parking to the east of Building C; two rows of parking north of Building A; the ends of the rows of parking along Goldfish Farm Road at both driveways; and some places on the southern parcel where only one Emerald Queen Maple tree is shown for two planter bays.

- 5.2 ADC 9.210 requires a 10-foot-wide buffer area between a commercial use and any arterial street. Santiam Highway and Goldfish Farm Road (arterial streets) border the shopping center property to the north and east. A 10-foot wide buffer area is required between the shopping center and these streets. The Site Plan and Planting Plans show the required buffer area and landscaping, except the trees are spaced up to 90 feet apart. The trees must be spaced a maximum of 30 feet apart.
- 5.3 A minimum 10-foot-wide buffer area and landscaping are required along part of the west boundary of the shopping center property. The width of the buffer along the west boundary is not shown, but it scales about 15 feet on the Site Plan and Planting Plans. The buffer area must be at least 10 feet wide.
- 5.4 All of the refuse containers in the “garbage areas” shown on the Site Plan must be screened as required in ADC 4.300 and substantially as shown on the “trash enclosure” detail drawing submitted by the applicants.
- 5.5 Before any building permits will be issued for the shopping center project, a revised site plan must be submitted that shows the requirements above will be met. Specific places where the requirements are not met are referenced in 5.1 above, but these references are not meant to be exclusive. There may be other places that do not meet the ADC 9.150(1) landscape requirements. The final landscape plans must show the requirements will be met at every location in the shopping center.
- 5.6 The retaining wall and “decorative screen wall” must be provided along the south boundary of the shopping center property substantially as shown on Sheet L10 of the plans and the drawings dated August 11, 2008 submitted by the applicants.
- 5.7 The fence along the west boundary of the property must be provided as shown on the set of four drawings submitted by the applicants dated August 15, 2008. These drawings show a 6-foot Woodcrete fence will be placed a distance that varies from 10 feet to 36 feet back from the west property line. This will create a slope that varies from 2:1 to 4:1 from the west property line to the fence. The slope will be landscaped with the plant materials required in the buffer area along this property line.
- 5.8 The drawings submitted by the applicants dated August 11, 2008 show that most of the fence along the south boundary of the shopping center property will not exceed 8 feet in height. The drawings show that a short section of fence along the west end of the south boundary would exceed 8 feet.

The applicants did not submit a drawing that shows how the fence along the south property line will be made less than 8 feet. The fence along the south boundary of the shopping center property may not exceed 8 feet. This creates the need for a shorter fence or a transition between the fence along the south property line that does not exceed 8 feet to the fence along the west property line. The applicants must submit drawings to the City’s Planning Division that show a shorter fence and/or how the transition will be made. The drawings must be approved prior to construction of the fence.

- 5.9 Noise generated at the shopping center must meet applicable noise regulations. The applicable noise regulations are Oregon Department of Environmental Quality (DEQ) Noise Control Regulations for Industry and Commerce (Oregon Administrative Rules 340-035-0035) and Albany Municipal Code (AMC) 7.08.050 (and referenced in ADC 9.440).

- 5.10 The noise mitigation measures identified in the Noise Study submitted by the applicants must be implemented. The Noise Study was done by Daly Standlee & Associates and is dated May 15, 2008. The mitigation measures shall be as follows:
- a. Construct 8-foot high barriers alongside the chillers on the roof of Building A. Alternatively, a variety of chillers that are approximately 13 dBA quieter than that assumed in the study may be used to achieve the needed reduction. (The chillers assumed in the Noise Study generate 70 dBA.)
- 5.11 Prior to issuance of any building permits for the shopping center project, the property owner/developer must submit to the City's Planning Division a noise study that shows the impact of noise generating equipment that will be used on the shopping center property will not exceed the maximum noise level allowed at property to the south and any mitigation measures necessary to achieve compliance.

DESIGN STANDARDS

Building Orientation (ADC 8.330). Building orientation and maximum setback standards are established to help create an attractive streetscape and pleasant pedestrian environment.

- (1) ***New commercial buildings shall be oriented to existing or new public streets. Building orientation is demonstrated by placing buildings and their public entrances close to the street so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.***
 - (a) ***On sites smaller than 3 acres, commercial buildings shall be oriented to the public street/sidewalk and off-street parking shall be located to the side or rear of the building(s), except where it is not feasible due to limited or no street frontage or where there are access restrictions.***

FINDINGS OF FACT

The site where the shopping center is proposed is 25.67 acres. The site is not smaller than 3 acres. Nevertheless, the Site Plan shows that Buildings C, D, and F on the northern parcel will be oriented to the new east-west collector street. The building elevation drawings submitted with the application show that each of these buildings will have nearly identical facades facing the street, and on the opposite sides facing the parking lots. Each of these buildings will have public entrances on the east-west collector street. The buildings will be setback from the front property line distances that vary from 10 feet to 25 feet, which provides areas in front of the buildings for landscaping and benches. Parking will be located to the side and rear of these buildings. A Circulation Plan (Sheet C5) was submitted with the application.

- (b) ***Buildings on larger sites [larger than 3 acres] may be setback from the public street and oriented to traffic aisles on private property, if the on-site circulation system is developed like a public street with pedestrian access, landscape strips and street trees.***

FINDINGS OF FACT

In order to fully use the entire northern parcel, Buildings B and E are setback from the public street and oriented to traffic aisles that are developed like public streets. The traffic aisles to which Buildings B and E are oriented have setback sidewalks with landscape strips. The sidewalks provide access to each of the buildings. The application shows these buildings will also have nearly identical facades facing the traffic aisle, and opposite facing the parking lot.

Building A is setback from the new east/west collector street and from Goldfish Farm Road. The traffic aisle in front of the building is developed like a public street with a wide sidewalk with street trees in tree wells in front of the building and a sidewalk with landscaping on the other side. Wide pedestrian connections will be provided to Goldfish Farm Road. See the discussion about these pedestrian connections under the discussion related to ADC 8.380 below.

- (2) ***At least one major public entrance shall be visible from the abutting public street. Corner entrances may be used to provide orientation to two streets. Customer entrances should be clearly defined, highly visible, using features such as canopies, porticos, arcades, arches, wing walls and planters.***

FINDINGS OF FACT

All of the entrances for the buildings on the northern parcel, on the facades that face the new east/west street (Buildings C, D, and F) or face the drive aisle (Buildings B and E), will be visible from the new east/west collector street or the drive aisle. Buildings D and F also have corner entrances. The building elevation drawings

submitted with the application show that customer entrances are defined with metal awnings, towers and/or cornice treatments above the doors.

The two public entrances for Building A will be visible from Goldfish Farm Road and from the east/west collector street. The building elevation drawings show that these entrances will be defined by bumping out the entrances and putting canopies over them.

CONCLUSIONS

ADC 8.330 explains that "Building orientation and maximum setback standards are established to help create an attractive streetscape and pleasant pedestrian environment." ADC 8.330(1) says that "New commercial buildings shall be oriented to existing or new public streets. Building orientation is demonstrated by placing buildings and their public entrances close to the street so that pedestrians have a direct and convenient route from the street sidewalk to building entrances. ADC 8.330(1)(a) says "On sites smaller than 3 acres, commercial buildings shall be oriented to the public street/sidewalk and off-street parking shall be located to the side or rear of the building(s)..." ADC 8.330(1)(b) says "Buildings on larger sites [larger than 3 acres] may be setback from the public street and oriented to traffic aisles on private property if the on-site circulation system is developed like a public street..." ADC 8.330(2) says "Customer entrances should be clearly defined..."

The purpose of the design standards listed above is to "help create an attractive streetscape and pleasant pedestrian environment." New commercial buildings must be oriented to public streets, or may be oriented to traffic aisles on the property if the traffic aisles are developed like public streets. Customer entrances should be clearly defined. As explained in the Findings of Fact above, all of the buildings in the proposed shopping center are oriented to the new public east/west collector street or to a traffic aisle developed like a public street. This creates an attractive streetscape and a pleasant pedestrian environment. The parking areas are located at the back or side of the buildings, if the front of the building is on the public street or traffic aisle developed like a public street. The customer entrances along the public street and/or traffic aisle are clearly defined with awnings, etc.

The function of the buildings in creating an attractive streetscape and pleasant pedestrian environment is compromised, however, by placing identical public entrances and building features (such as awnings and signage) on the parking lot (back side) of the buildings.

In such a design, customer entrances are not "clearly defined" as required by ADC 8.330(2). There will be a tendency on the part of retailers to orient toward the parking lot, and to limit entry to that door for security and inventory control. This would result in a design with the *potential* for a pedestrian-oriented design without *accomplishing* it. The intent of the design standards will likely be negated. To create an attractive streetscape and pleasant pedestrian environment and meet the design standards referenced above, public entrances may not be located on the back sides of the buildings.

CONDITION

1. Public entrances may not be located on the parking lot (back) sides of Buildings B, C, D, E, and F.

General Building Design (ADC 8.340). New commercial buildings shall provide architectural relief and interest with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided when practicable.

- (1) ***Ground floor windows shall be provided along building frontages adjacent to sidewalks. The main front building elevation(s) shall provide windows or transparency at the pedestrian level in the following minimum proportions: RC zone - 25% transparency.***

FINDINGS OF FACT

The building elevation drawings show that the main front building elevations for Buildings C, D, and F are located on the new east/west collector street. A table included in the Narrative (page 42) shows that Building C will have 53 percent glazing. Building D will have 59 percent glazing. Building F will have 59 percent glazing. The main front building elevations for Buildings B and E will be on internal drive aisles, which are developed like a public street. The table shows that Building B will have 71 percent glazing. Building C will have 64 percent glazing. Building E will have 67 percent glazing. The building elevation drawings and the table show that the other frontages of these buildings adjacent to sidewalks will also have glazing as required.

The building elevation drawing for Building A and calculations submitted by the applicants show that the main front building elevation will have 34 percent glazing. The other sides of the building are not located adjacent to sidewalks and are therefore, not required to have windows or transparency.

CONCLUSION

This standard is met.

- (2) *Walls visible from a public street shall include a combination of architectural elements and features such as offsets, windows, entry treatments, wood siding, brick stucco, synthetic stucco, textured concrete block, textured concrete, and landscaping.*

FINDINGS OF FACT

All of the walls of the buildings will be visible from at least some angle from a public street. The building elevation drawings show that all of the walls will include combinations of offsets, windows, awnings, canopies, EIFS (exterior insulation and finish system), cornices and trim, white ground face CMU (cement masonry units), burgundy red split face CMU, painted precast concrete trim, metal lattice, and landscaping.

CONCLUSION

This standard is met.

Street Connectivity and Internal Circulation (ADC 8.350). The following standards emphasize the importance of connections and circulation between uses and properties. The standards apply to both public and private streets.

- (1) *New commercial buildings may be required to provide street or driveway stubs and reciprocal access easements to promote efficient circulation between uses and properties, and to promote connectivity and dispersal of traffic.*
- (2) *The internal vehicle circulation system of a commercial development shall be a continuation of the adjacent public street pattern wherever possible and promote street connectivity. The vehicle circulation system shall mimic a traditional local street network and break the development into numerous smaller blocks.*
- (3) *Travel lanes shall be internal to the site and shall not be located between the sidewalk(s) and building(s), except as provided in (4) below.*
- (4) *Where drop off facilities are provided, they shall be designed to meet the requirements of the American Disabilities Act but still provide for direct pedestrian circulation.*

FINDINGS OF FACT

The shopping center property has frontage on Santiam Highway to the north and frontage on Goldfish Farm Road to the east. One of the properties to the south is developed with a subdivision. All of the lots have access to public streets. The other property to the south abuts the subdivision. Streets inside the subdivision have been stubbed so that the streets can be extended into the other property when it is developed. A new east/west collector street will be constructed from Goldfish Farm Road through the shopping center property to the west, providing the opportunity to extend the street to west when it is needed.

There are no public streets adjacent to the shopping center property that can be extended into the property. The proposed vehicle circulation system inside the development breaks the development into numerous blocks. (See the Circulation Plan, Sheet C5). There are no travel lanes located between sidewalks and buildings. No drop off facilities will be provided.

CONCLUSION

This standard is met.

- (5) *Internal roadways shall be designed to slow traffic speeds. This can be achieved by keeping road widths to a minimum, allowing parallel parking and planting street trees to visually narrow the road.*

FINDINGS OF FACT

The "internal roadways" on the northern parcel are the two entry ways to the development on this parcel and the vehicle travel aisles in the parking lots. ADC 9.130, Table 1 shows that the minimum aisle width for vehicle travel aisles for parking spaces configured at 90 degrees to the aisles is 26 feet. The Site Plan shows that the entry ways and some of the aisle widths will be 26 feet. Some of the aisle widths will be 24 feet. The 26-foot-wide travel aisles are the minimum width and the 24-foot-wide travel aisles are less than the usual minimum width. The applicants have submitted an Adjustment application to allow the narrower width.

The "internal roadways" on the south parcel are the vehicle travel aisles in the parking lot, an access drive along the south edge of the parking lot, and an access drive along the front of Building A. ADC 9.130, Table 1 shows that the minimum aisle width for vehicle travel aisles for parking spaces configured at 90 degrees to the aisle is 26 feet. The Site Plan shows that the vehicle travel aisles in the parking lot will all be 26 feet wide, which is the minimum width allowed. The access drive along the south edge of the parking lot is shown to be 30 feet wide. There will be a sidewalk and landscape strip along this drive to visually narrow the road. The access drive in front of the store will be 30 feet wide. There will be landscape planters, striped crosswalks, cross hatch striping, and "Yield" signs painted on the pavement to slow traffic.

CONCLUSION

This standard is met.

***Pedestrian Amenities (ADC 8.360).** Amenities such as awnings, seating, special paving and planters can have a dramatic affect on the pedestrian environment. Commercial developers should give as much thought to the pedestrian environment as they give to vehicle access, circulation and parking. The standards for pedestrian amenities are related to the scale of the development and also provide the flexibility for the developer to select the most appropriate amenities for the particular site and use.*

- (1) *All new commercial structures shall provide pedestrian amenities. The number of pedestrian amenities shall comply with the following sliding scale.*

<i>Size of Structure or Improvement</i>	<i>Number of Amenities</i>
<i>Less than 5,000 sf</i>	<i>1</i>
<i>5,000 – 10,000 sf</i>	<i>2</i>
<i>10,001 – 50,000 sf</i>	<i>3</i>
<i>More than 50,000 sf</i>	<i>4</i>

- (2) *Acceptable pedestrian amenities include the following improvements. No more than two of any item may be used to fulfill the requirement:*

- (a) Sidewalks at least 10 feet wide with ornamental treatments (e.g., brick pavers), or sidewalks which are 50% wider than required by the Code.*
- (b) Benches and public outdoors seating for at least four people.*
- (c) Sidewalk planter(s) enclosing a total of 8 square feet.*
- (d) Pocket parks or decorative gardens (minimum usable area of 300 square feet).*
- (e) Plazas (minimum usable area of 300 square feet).*
- (f) Street trees that are 50 percent larger than required by the Code.*
- (g) Weather protection (awnings, etc.).*
- (h) Other pedestrian amenities that are not listed but are similar in scale and benefit.*

- (3) *Pedestrian amenities shall comply with the following standards:*

- (a) Amenities shall be located outside the building main entrance, along pedestrian corridors, or near transit stops. Amenities shall be visible and accessible to the general public from an improved public or private street. Access to pocket parks, plazas, and sidewalks must be provided via a public right-of-way or a public access easement.*
- (b) Amenities are not subject to setback requirements*
- (c) Amenities are consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle (e.g., 10 years before replacement).*

FINDINGS OF FACT

Building A will be 187,000 square feet (4 pedestrian amenities required). Building B will be 6,055 square feet (2 pedestrian amenities required). Building C will be 4,000 square feet (1 pedestrian amenity required). Building D will be 18,435 square feet (3 pedestrian amenities required). Building E will be 9,750 square feet (2 pedestrian amenities required). Building F will be 11,240 square feet (3 pedestrian amenities required).

The Site Plan shows that pedestrian amenities will include awnings, widened sidewalks, larger street trees, and benches. The Site Plan shows that Building A will have 4 awnings (only 2 may be counted), a 10-foot-wide sidewalk through the parking lot where only a 7-foot-wide sidewalk is required, and four benches in front of the building. Building B will have awnings and a benches. Building C will have awnings and benches. Building D will have awnings. Building E will have awnings. Building F will have awnings and benches. Each bench will have seating for four people. The applicants submitted a detail drawing that shows the type of bench that will be provided (Attachment 20 attached to this staff report).

CONCLUSION

This standard is met.

Pedestrian Connections (ADC 8.370).

- (1) *New retail, office and institutional buildings at or near existing or planned transit stops shall provide for convenient pedestrian access to transit.***

FINDINGS OF FACT

There is not an existing or planned transit stop on Santiam Highway or on Goldfish Farm Road. Albany Transit System buses currently go east on Santiam Highway only to Price Road, which is about 1/2 mile to the west of Goldfish Farm Road.

CONCLUSION

This standard does not apply because there is not a transit stop nearby.

- (2) *Walkways shall connect building entrances to streets adjoining the site.***

FINDINGS OF FACT

The Site Plan shows two walkways from Santiam Highway that connect to the front doors of the buildings on the northern parcel. Buildings C, D, and F have plazas in front of them that connect directly to the sidewalk along the new east/west collector street. The Site Plan shows two walkways from Goldfish Farm Road that connect to the front doors of the building on the southern parcel.

CONCLUSION

This standard is met.

- (3) *Pedestrian connections to adjoining properties shall be provided except where such connection is impractical. Pedestrian connections shall connect the on-site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential of redevelopment, street, access ways and walkways on site shall be laid out or stubbed to allow for extension by the adjoining property.***

FINDINGS OF FACT

Santiam Highway is adjacent to the north boundary of the shopping center property. As noted in (2) above, walkways will connect the shopping center to the sidewalk along Santiam Highway. Goldfish Farm Road is adjacent to the east boundary of the shopping center property. As noted in (2) above, walkways will connect the shopping center to the sidewalk along Goldfish Farm Road. The proposed east/west collector street and sidewalks on both sides will be extended to the west boundary of the shopping center property so that the street and sidewalks can be extended to serve properties to the west in the future. There is a residential subdivision along the south boundary of the shopping center property and the property further west is designated on the Comprehensive Plan Map for residential use. The backyards of the existing subdivision abut the shopping center property. Two streets with sidewalks on both sides have been extended in the existing subdivision to the boundary of the property further west, so it is expected to be developed with the same street and sidewalk pattern as the existing subdivision. No pedestrian connections between the property to the south, other than the sidewalk along Goldfish Farm Road are practical or necessary.

CONCLUSION

These standards are met.

Large Parking Areas (ADC 8.380) The amount of parking needed for larger commercial development can result in a large expanse of pavement. Landscaping within a parking area shall be incorporated in a manner that is both attractive and easy to maintain, minimizes the visual impact of surface parking, and improves environmental and climatic impacts. In addition to the provisions of Article 9, the following standards apply to commercial development where more than 75 parking spaces are proposed.

- (1) Walkways are necessary for persons who will access the site by walking, biking or transit. A continuous pedestrian walkway at least 7 feet wide shall be provided from the primary frontage sidewalk to the customer entrance for each building. This internal walkway shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least 50 percent of the length of the walkway. The walkways must be designed for access by disabled persons. If the walkway crosses a parking area or vehicle aisle, the standards in subsection (2) below apply.***

FINDINGS OF FACT

The parking lot for the northern parcel will have 240 parking spaces. The primary frontage of this parcel is the new east/west collector street. The Site Plan shows a 7-foot-wide sidewalk will be provided from the sidewalk along the east/west collector street to the front door of each building. The Site Plan and Planting Plans show landscaping will be located along the entire length of the walkways. It will be necessary to add benches along the walkways to meet this requirement.

The parking lot for the southern parcel will have 860 spaces. The primary frontage of the southern parcel is Goldfish Farm Road. The Site Plan shows two continuous pedestrian walkways from Goldfish Farm Road to the customer entrances for Building A. The northerly walkway is shown to be 10.5 feet wide. The southerly walkway is shown to be 7 feet wide. The walkways will be striped where they cross a vehicle travel aisle. The Site Plan and Planting Plans show that there will be landscaping and benches located along the entire length of the walkways. The walkways must be designed for access by disabled persons.

CONCLUSION

These standards will be met when the following conditions are met.

CONDITIONS

2. At least two benches must be added along the two walkways in the northern parking lots.
 3. All of the walkways within the proposed development must be designed for access by disabled persons.
- (2) For the safety of pedestrians, parking lots shall be designed to separate pedestrians from vehicles and include protected pedestrian walkways from parking areas to building entrances. Walkways shall be protected by landscaping or parking bumpers. Walkways shall have a minimum width of 7 feet with no car overhang or other obstruction; 9 feet 6 inches for car overhang on one side; 12 feet for car overhang on both sides. Walkways may cross a vehicle aisle if distinguished by a color, texture or elevation different from the parking and driving areas. Walkways shall not share a vehicle aisle.***

FINDINGS OF FACT

The Site Plan shows that two walkways will be provided in the parking lots on the northern parcel to separate pedestrians from vehicles. These walkways are shown to be 7 feet wide. A 6.5-foot-wide landscape strip will be provided on each side of each of the walkways. The Site Plan shows the walkways will be striped where they cross a vehicle travel aisle. Neither of the walkways share a vehicle travel aisle.

The Site Plan shows that two walkways will be provided in the parking lot on the southern parcel to separate pedestrians from vehicles. As noted above, the northerly walkway is shown to be 10.5 feet wide. The southerly

walkway is shown to be 7 feet wide. A landscape strip about 5 feet wide will be provided on each side of the northerly walkway to protect pedestrians from the adjacent parking spaces. A landscape strip about 6 feet wide will be provided on each side of the southerly walkway. The Site Plan shows the walkways will be striped where they cross a vehicle travel aisle. Neither of the walkways share a vehicle travel aisle.

CONCLUSION

These standards will be met when the following conditions are met.

CONDITION

4. The walkways in the parking lots must be constructed substantially as shown on the Site Plan that was submitted for review. The crossings must be striped where they cross a vehicle travel aisle.
- (3) *The parking area shall be divided into pods of no more than 50 spaces each with landscape strips, peninsulas, or grade separations to reduce the visual impact of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walkways.*

FINDINGS OF FACT

The Site Plan shows the parking lots on the northern parcel and the southern parcel will be divided into pods of no more than 50 spaces. The Planting Plans show that each pod will be separated with landscape strips and/or walkways.

CONCLUSION

This standard is met.

- (4) *Pods may have access at one or both ends. A pod may be U-shaped with double access at one end.*

FINDINGS OF FACT

The pods shown on the Site Plan each have access at one or two ends.

CONCLUSION

This standard is met.

- (5) *Pods shall be separated with physical breaks by providing one or more of the following:*
 - (a) *Landscape strips between parallel parking rows that are a minimum 5 feet in width with no car overhang and 10 feet in width with a car overhang. When incorporating pedestrian walkways, such strips shall be a minimum of 20 feet in width to accommodate vehicular overhangs, walkways, lights, posts and other appurtenances.*
 - (b) *Building pads, landscaped pedestrian walkways, interior streets or other site features.*

FINDINGS OF FACT

The Site Plan shows that the landscape strips between rows of parking spaces will be 6 feet wide. The parking spaces will be 18.5 long, which is the required dimension for a space where no bumper overhang is provided. To ensure that cars do not pull forward and use the curb along the landscape strip as a wheel stop, a wheel bumper will have to be provided at the front of each parking stall.

CONCLUSION

This standard will be met when the following conditions are met.

CONDITION

5. Each of the parking spaces that abut a landscape strip that is less than 10 feet wide must have wheel bumper placed at least 2-1/2 feet from the front of the parking space. The wheel bumpers must be at least 6 inches in height and 6 feet in length and be secured to the pavement.
- (6) *Landscaping for large parking areas shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree per eight parking spaces to create a canopy effect. The total parking area includes parking spaces, travel aisles, sidewalks and abutting landscaped areas.*

FINDINGS OF FACT

The Site Plan shows that the northern parking lots will have 12.3 percent landscaping. The parking lots on the southern parcel will have 11.2 percent landscaping. Calculations are provided in the Narrative (page 49).

A table included on the Tree Plan (Sheet L0) shows that the northern parcel will have 240 parking spaces. If one tree for every eight parking spaces was provided, a total of 30 trees would be required. The table shows that 39 trees will be provided. The table shows that the southern parcel will have 860 parking spaces. If one tree for every eight parking spaces was provided, 108 trees would be required. The table shows that 130 trees will be provided. More trees than the minimum required number of trees will be provided in the parking lots.

CONCLUSION

This standard is met.

Compatibility Details (ADC 8.390). Commercial development shall be designed to comply with the following applicable details and any other details warranted by the local conditions.

- (1) *Lighting is arranged to reflect away from adjoining properties and/or streets.*

FINDING OF FACT

See Finding 2.8 above.

CONCLUSION

This standard is met.

- (2) *Undesirable impacts produced on the site, such as noise, glare, odors, dust or vibrations have been adequately screened from adjacent properties.*

FINDINGS OF FACT

See the Findings under 5.13 above.

CONCLUSION

This standard is met.

- (3) *The site is protected from any undesirable impacts that are generated on abutting properties.*

FINDINGS OF FACT

Santiam Highway abuts the shopping center property to the north. There is a gas station and a business that sells horse trailers on the properties across Santiam Highway. Goldfish Farm Road abuts the property to the west. There is Coastal Farm and Ranch Supply retail store, corporate offices, and warehouse on the property across Goldfish Farm Road. There is a residential subdivision on the property to the south and vacant land. There is a gas station/convenience store, a Veterans of Foreign Wars club on the properties to the west and vacant land.

Both Santiam Highway and Goldfish Farm Road are classified as an arterial streets. The buffer matrix on ADC page 9-11, requires buffering along arterial streets to mitigate the impact of traffic on adjacent land uses. The surrounding retail businesses generate traffic, but little other impact. The Site Plan and Planting Plans show that the required buffer area will be provided along Santiam Highway and along Goldfish Farm Road. Conditions of approval under Review Criterion (5) above require revisions to the spacing of the trees in the buffer areas.

CONCLUSION

This standard is not applicable because no undesirable impacts are generated on abutting properties.

- (4) *Unightly exterior improvements and items such as trash receptacles, exterior vents and mechanical devices have been adequately screened.*

FINDINGS OF FACT

ADC 4.300 requires that "Any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least 6 feet tall. All refuse materials must be contained within the screened area. Refuse disposal areas may not be located in required setbacks or buffer yards and must be placed at least 15 feet from any dwelling window."

The Site Plan shows "garbage/loading areas" (Note 9) for each building, except Building C. A detail drawing of a "trash enclosure" was submitted with the application. The detail drawings shows a trash enclosure with masonry (concrete block) walls and a solid metal door. This meets the ADC 4.300 requirement for screening trash enclosures. All of the mechanical equipment for the buildings will be on the roofs of the buildings and will be screened by parapet walls.

CONCLUSION

This standard will be met when the following condition is met.

CONDITION

6. ADC 4.300 requires that "Any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least 6 feet tall. All refuse materials must be contained within the screened area. Refuse disposal areas may not be located in required setbacks or buffer yards and must be placed at least 15 feet from any dwelling window."

The garbage/loading areas must meet these requirements. Trash enclosures must be screened as shown on the detail drawing submitted with the application, or equivalent.

- (5) *Storage areas, trash collection facilities and noise generating equipment have been located either away from public streets and abutting residential uses or zones or sight obscuring fencing has been provided.*

FINDINGS OF FACT

The Site Plan does not show any outside storage areas. See the discussion about noise generating equipment and trash collection facilities under (4) above.

CONCLUSION

This standard is met.

- (6) *Where needed, loading facilities are provided on-site and are of sufficient size and number. Where possible, these areas shall be designed so that vehicles enter and exit the site in a forward motion.*

FINDINGS OF FACT

ADC 4.260 requires that loading area for commercial buildings must be off the street and must meet the following requirements:

- (1) Vehicles in the berths shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
- (2) A school having a capacity greater than twenty-five students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.
- (3) The minimum area required for commercial loading spaces is as follows:
250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.
500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.
750 square feet for buildings in excess of 50,000 square feet of gross floor area.
- (4) The required loading area shall not be less than ten feet wide by twenty-five feet long and shall have an unobstructed height of fourteen feet.
- (5) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- (6) Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting.

The Site Plan shows a garbage/loading area for each building, except Building C. Two of these areas are shown for Building A. In addition, the Site Plan shows a loading dock for Building A. The loading areas are located so that vehicles in these areas will not protrude into a public right-of-way or sidewalk. Each of the loading areas is at least ten feet wide by twenty-five feet long. None of the loading areas are located under any obstruction.

The loading areas are located on the west side of Building A. There are three proposed loading doors facing south and three loading doors facing north.

Building A will be more than 50,000 square feet. The minimum area loading area required for this building is 750 square feet. The two loading areas for Building A are 9,460 square feet.

Buildings B, D, E, and F will all be less than 20,000 square feet. The minimum loading area required for these buildings is 250 square feet. The Site Plan shows the loading area for Building B will be 250 square feet. Building C is less than 5,000 square feet, so it is not required to have a loading area. No loading area is shown on the Site Plan for Building C. The loading area for Building D will be 360 square feet. The loading area for Building E will be 250 square feet. The loading area for Building F will be 260 square feet.

CONCLUSION

These standards are met.

STAFF ANALYSIS

File AD-01-08

Albany Development Code (ADC) Section 2.080 includes the following review criteria which must be met for the Adjustment application to be approved. Code criteria are written in *bold italics* and are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Description of the Application

The applicants submitted an Adjustment application with the Site Plan Review application for the shopping center. The adjustment would allow some 24-foot-wide travel aisle in the parking lot where 26 feet is usually required.

(1) The requested adjustment is for 10 percent or less of the numerical development standard.

FINDINGS OF FACT

- 1.1 ADC 9.130, Table 1 shows required dimensions for parking spaces and aisles. The Site Plan shows that all of the parking spaces on the northern parcel will be configured at 90 degrees to vehicle travel aisles. The spaces are shown to be 9 feet wide. Table 1 shows that for 9-foot-wide spaces oriented at 90 degrees to vehicle travel aisles, the vehicle travel aisles must be at least 26 feet wide. Some of the vehicle travel aisles on the northern parcel are shown to be 26 feet wide and some are shown to be 24 feet wide.
- 1.2 The applicants request that an adjustment be granted to allow the 24-foot-wide vehicle travel aisles. Two feet is an 8 percent reduction in the usual 26-foot required aisle width.

CONCLUSIONS

- 1.1 The requested adjustment is to allow some of the vehicle travel aisles in the parking areas on the northern parcel to be 8 percent less in width than the 26 feet width usually required.
 - 1.2 Eight percent is less than 10 percent of the 26-foot numerical standard.
 - 1.3 This review criterion is met.
- (2) The need for the requested adjustment is created by the configuration of an existing or proposed structure on the site.***

FINDINGS OF FACT

- 2.1 ADC Article 22 defines a structure as "Anything constructed or built, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner."
- 2.2 The placement of the proposed buildings, a stormwater detention facility, pedestrian walkways, and landscape strips on the site leave only 24 feet for the width of some of the vehicle travel aisles.
- 2.3 ADC 9.130, Table 1, Note (5) says that the minimum aisle width for two-way traffic and for emergency vehicle operations area is 24 feet. The proposed 24-foot-wide vehicle travel aisles meet this minimum width.

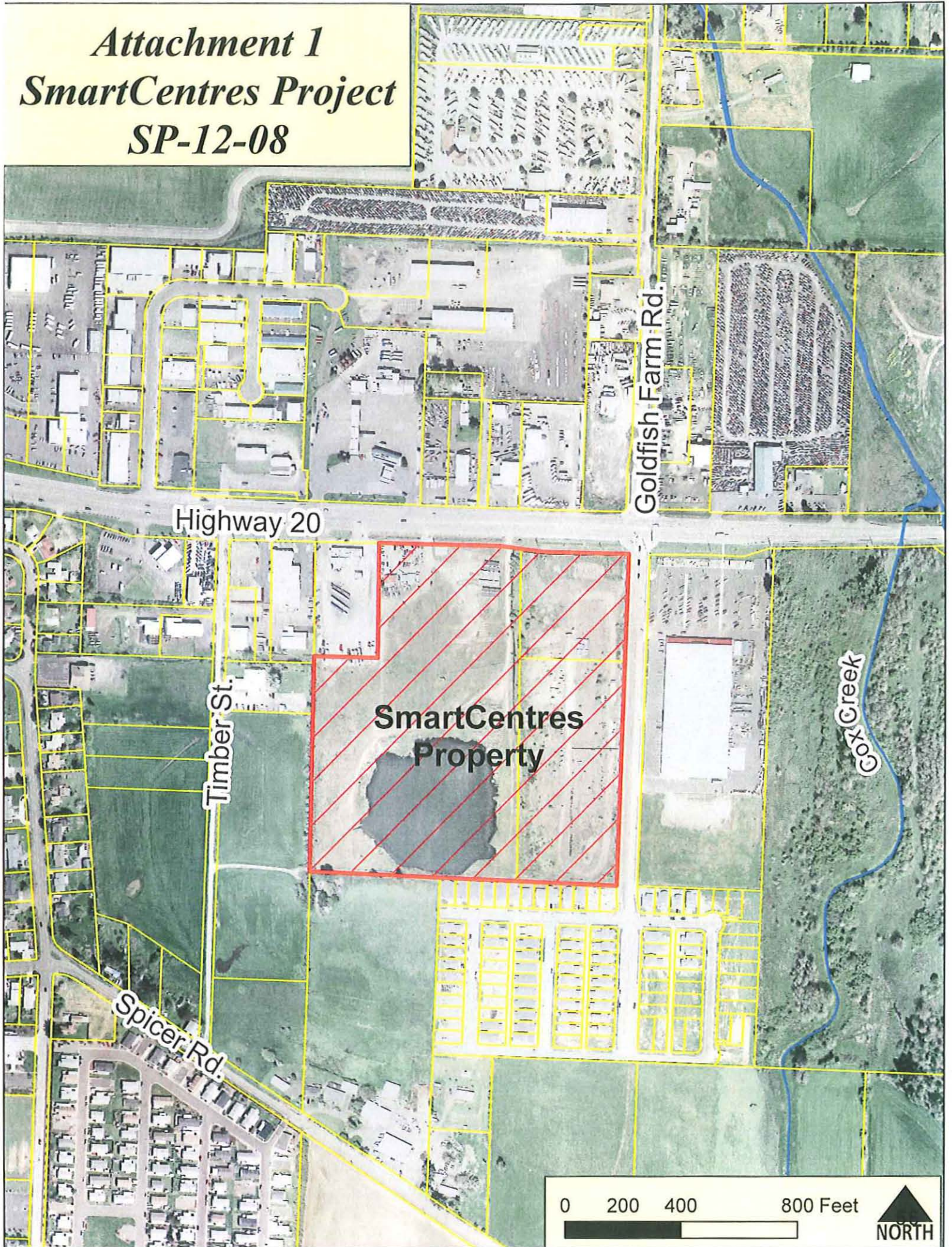
CONCLUSIONS

- 2.1 The need for the narrower vehicle travel aisles is created by the configuration of structures on the site.
- 2.2 This review criterion is met.

Attachments: Attachments 1 - 27

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Attachment 1
SmartCentres Project
SP-12-08



May 25, 2008

To: Community Development Department-Albany City Council
333 Broadalbin Street SW
Albany, OR 97321

From: John Hartman
3832 Oranda Street SE
Albany, OR 97322

Re: File # SP-12-08 & AD=-01-08, Notice of Filing for SmartCentre Development
Addresses: Tax Lot 200 4212 Santiam Highway SE
Tax Lot 2900 1300 Goldfish Farm Road SE
Tax Lot 3000 1330 Goldfish Farm Road

Dear City Council members,

Thank you for allowing me the opportunity to enter my testimony into the public record in regards to the upcoming vote on the Notice of Filing by Oregon Acquisition One related to the development of the so-called SmartCentre project on the corner of Highway 20 and Goldfish Farm Road. While it is true that allowing this development to go forward will bring benefit to the City, largely in the form of property tax revenues, there are a number of concerns that Councilors should grant careful consideration.

In years past, the City made a decision to allow for growth, both residential and commercial on the east side of I-5. For better or worse, that growth has proceeded apace. However, the interface between residential properties and a commercial venture of the scale proposed by Oregon Acquisition One requires the Council to carefully analyze the potential downside as well.

There are a number of concerns listed below, none of which will put an undue burden on the developer. I ask that the City Council to craft some narrow restrictions on the development so as to preserve the quality of life and the property values of homeowners in the Coastal Crossing subdivision. The families living in our subdivision will bear the brunt of the problems certain to arise from a shopping center as proposed. Certainly, taxpaying citizens of Albany deserve at least as much consideration as some faceless commercial property developer.

(2)

1) Traffic Congestion

The plan depicts only two entry points into the development parking zones, both off of Goldfish Farm Road. The zoning has indicated that the property will not exceed 600 entries/exits per hour. However, there are no guarantees, nor is there any enforcement as to this restriction, making it an empty, meaningless gesture. At best, this figure is a guess. Consequently, if the plan is approved, the developer should be required to place an entry/exit point on Highway 20. This would alleviate some of the congestion certain to occur. The City should also add some sort of monitoring ability and penalty structure to insure that traffic counts stay within the approved number.

Additionally, the Goldfish Farm Road/Highway 20 intersection demonstrates only a single lane will be added for left turns out onto the highway, with no extra right hand turn lane for east bound traffic. The congestion at this semaphore will be significant regardless of how many lanes are added, but two turn lanes in either direction would seem wise.

In addition, there is no suggestion as to how to handle the increased traffic on Goldfish Farm Road coming from north of Highway 20. Currently, this is a poorly maintained two lane road barely wide enough to handle the small amount of traffic it currently experiences. Given that SmartCentre business will most certainly increase traffic flows on that portion of Goldfish Farm Road, it would seem appropriate for the Council to insist on major road improvements on that portion of Goldfish Farm Road prior to approving any large development at the corner of Hwy. 20 and Goldfish Farm Road.

It appears also that the plan to have trucks load and unload at the north end of Building A will cause a great deal of congestion within the parking lot. While that is challenging enough, the Council should seriously consider the following regarding truck and delivery traffic:

- a) no truck delivery after 5:00 PM
- b) no trucks to be parked and idling after close of business
- c) no trucks to be allowed to exit by going around Building A after 5:00 PM

2. Retaining Wall and Building A setback at southwest corner of the development

From the plans available, it appears as though there is barely 60' of setback between the southern edge of Building A and the property line abutting the homes on Mackinaw Street in the Coastal Crossing subdivision. Given the level of noise certain to be generated by the ongoing traffic and air-handling equipment, the Council should insist on creating a deeper setback, perhaps 120 feet. Doing so would grant the families living on Mackinaw Street greater quiet.

(3)

The City Council should mandate that the retaining wall be extended to a height of 20 feet. This would allow those home owners along Mackinaw Street who have two-story homes to be able to sleep and enjoy the peace and quiet which they thought they were getting when they purchased the homes in question.

Many people in the Coastal Crossing subdivision work the night shift and sleep during the day. A taller wall would allow them more of an opportunity to sleep. Additionally, the higher wall would, by deadening sound, help prevent the loss of property value certain to be caused by increased noise pollution.

3. Light Pollution and Noise Pollution from Rooftop Air-Handling Equipment

The City Council should require the developer to do the following:

- a. all parking lot lighting should be domed so as to cause all light to be cast in a downward direction, with the minimal amount of industrial light spilling outside of the property as possible. All lighting fixtures should be of the quiet type, preferably not sodium lamps, which are extremely noisy.
- b. all air-handling equipment on the rooftop of Building A should be shrouded with some sort of damping system to direct all air-conditioning and other fan noise pollution away from the residents of Coastal Crossing subdivision.

4. Increased Costs Related to Criminal Activity at Big Box Stores

As indicated in #1 above, having to do with vehicle entry and exit points, other issues not mentioned in the plan are:

- a. access to the Coastal Crossing subdivision by emergency services personnel.
- b. The increased need for police patrols as a result of the growth and magnitude of the development. Council members need to seriously consider the following news stories involving criminal activity taking place at WAL-MART stores.

For years, public reports have chronicled the terrible problem of crimes at Wal-Mart stores. Horrific reports of rape, murder kidnappings, robbery and assault at Wal-Mart stores. For many police officials, the issue of crimes at Wal-Mart stores has been "overwhelming:"

In South Strabane, PA: Police Chief Don Zofchak met with Wal-Mart officials in 2004 trying to reduce their calls to the police. "Frankly, it was unbearable.... I've got 26 square miles and God knows how many other businesses to deal with. Their requests or demands for service, proportionally, were overwhelming." [Pittsburgh Post Gazette, March 27, 2005]

North Lebanon, PA: Police Chief Kim Wolfe said that, "If we had known the number of calls [from Wal-Mart], we probably would have considered an increase in officers.... We just had no idea what it would be like. It doesn't matter what time of the day or night; we get calls there." [The Lebanon Daily News, January 27, 2005]

(4)

Among the critical findings of the “Is Wal-Mart Safe?” study:

<http://walmartcrimereport.com/report.pdf>

- a) Wal-Mart stores experience a significant number of police incidents. In 2004, police received 148, 331 calls for service for the 551 Wal-Mart stores analyzed.
- b) The average number of reported incidents per store for the 551 stores analyzed was 269.
- c) The Wal-Mart stores in our sample that reported the most incidents in 200 experienced higher average rates of reported police incidents than nearby Target stores.
- d) Based on the average rate of reported incidents for the 551 Wal-Mart stores analyzed in this study, we estimate that in 2004 police may have received almost 1 million calls for service at Wal-Mart stores or parking lots – or 2 reported police incidents per minute in 2004.
- e) Nationally, Wal-Mart stores cost local taxpayers an estimated \$77 million in increased policing costs in 2004.

While these statistics and the issue of criminal activity are unrelated directly to the application in question, the City Council is not obligated to vote based only on the merits of the application. The City Council is able to take into consideration other factors related to the development. The Council must have a clear understanding of all issues, not the least of which are the safety of ALL of Albany’s citizens and ALL the costs associated with going forward on a project like SmartCentre.

In the end, the Council must balance the desire for growth against the need for livability. I ask that the leaders of our municipality demonstrate an understanding for the need to protect citizens from the continuing sprawl that threatens not only the residents of Coastal Crossing, but all the citizens of Albany.

May 30, 2008

ATTACHMENT 3

The enclosed letter is our written comments we would like to submit to the planning Division. The letter is in reference to the site plan review for the proposed shopping center located off Hwy 20 and in close proximity to the Coastal Crossing sub-division. The type of applications listed on the Notice of Filing are SP-12-08 and AD-01-08.

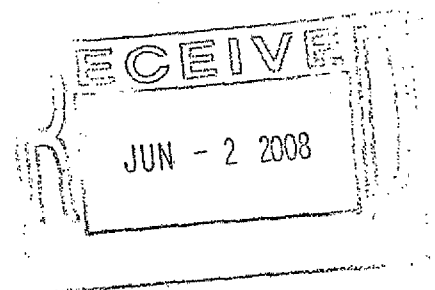
our contact information:

Paul & Kim Shreve
4349 Mackinaw Ave SE
Albany, Oregon 97322

(971) 570-3225

(971) 570-3180

PK.Shreve@comcast.net



May 30, 2008

Paul and Kimberly Shreve
4349 Mackinaw Ave. SE
Albany, Oregon 97322
(971) 570-3225
(971) 570-3180

Planning Division
P.O. Box 490
Albany, OR 97321

Planning Division:

As a family living on Mackinaw Avenue we feel that this proposed development will have a direct impact on our life here in the Coastal Crossing Sub-division. In an attempt to lessen any possible unforeseen or unintended impact to our neighborhood we would like to see our concerns addressed by the plan review committee. The following is a list of these concerns, including some of the details we have identified from the site plan.

Truck Route:

Concerns about the proximity of the truck route to the residential property line. We feel that on a 26 acre property the truck route could be placed to minimize the negative impact of truck traffic (frequency, noise and pollution) on residents.

Storm Water Management Pond:

Water runoff from our yards currently flows down the slope of the landscape and beyond our property line. A solid retaining wall at the property line could create flooding in our yards. We have concerns about how the storm water ponds will handle the runoff they receive. For example, overflowing, flooding or stagnant water (bringing mosquitoes).

Tree Buffer:

We are concerned about the types of trees to create the buffer and potential property damage or excessive cleanup created by falling leaves or needles and potential for trees to blow over. We currently experience a lot of gusty winds from the direction.

We also have concerns about the maintenance of the landscaping within the storm water pond fence.

Traffic:

No entrance or exit on Hwy 20 leads all retail and commercial traffic down Goldfish Farm Rd. This will create congestion for all residents entering or exiting our development. This also creates limited access for emergency vehicles.

Increased traffic around the freeway off ramps creates more potential hazards as the yield signs currently in place already pose a danger to passing vehicles. Freeway off ramp stop signs could help mitigate this hazard in the event no other freeway entrance or exit changes are made.

Adjusting the width of the travel aisles in the proposed area seems unnecessary as it will only create more congestion in the parking lot.

Thank you for considering our comments and please feel free to contact us if any more detail or clarification is necessary.

Sincerely,

Paul, Kim & Hannah Shreve

Paul, Kim and Hannah Shreve



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June 5, 2008

Community Development Department
 City of Albany
 P. O Box 490
 Albany, OR 97321

Re: Site Plan Review Application SP-12-08, Oregon Acquisition One, LLC.

Dear Planning Staff,

As the owner of Coastal Farm and Ranch with our corporate offices, distribution center and retail store located opposite the applicants property on Goldfish Farm Road, I have reviewed their development proposal and wish to lodge strong support for approval by the City. My support is based on the following reasons.

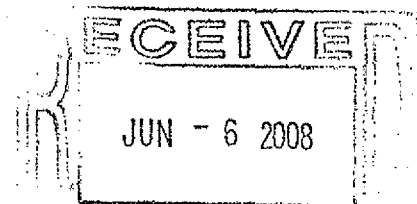
1. With annexation in recent years of approximately 400 plus acres on the eastside, to meet future growth and expansion for the City, this Highway 20 and Goldfish Farm Road development site is a logical gateway or hub to service the retail needs for existing and future eastside residents. This would also include residents beyond Albany via I-5 and Highway 20.
2. This is a logical regional development site.
3. While there will be some traffic impacts, particularly as I have reviewed them in relation to Coastal Farm's development requirements that were approved by the City at the time of our construction, they will be within the anticipated requirements established by the City and ODOT.
4. The applicants proposed building designs, will be an attractive addition esthetically to the area.
5. The applicants planned retail facility will compliment that of Coastal Farm and Ranch.

I trust that the above Site Review Application by Oregon Acquisition One, LLC., will received approval by the City of Albany.

Sincerely,

COASTAL FARM AND RANCH

Bruce G. Wheeler
 President



P.O. Box 99
 Albany, OR 97321
 (541) 957-3450

Albany
 1355 Goldfish Farm Rd., SE
 Albany, OR 97322
 (541) 928-2511

Woodburn
 1550 Mt. Hood Ave.
 Woodburn, OR 97071
 (503) 981-6322

Eugene
 2200 W. 6th Street
 Eugene, OR 97402
 (541) 687-5810

Roseburg
 740 NE Garden Valley Blvd.
 Roseburg, OR 97470
 (541) 957-0741

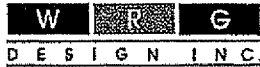
Gresham
 2865 NE Hogan Drive
 Gresham, OR 97030
 (503) 674-5337

Oregon City
 1900 McLoughlin Blvd SE, Suite 120
 Oregon City, OR 97045
 (503) 657-5780

Big R
 2112 S. First St.
 Yakima, WA 98903
 (509) 457-2447



260 Highline Drive
 East Wenatchee, WA 98802
 (509) 886-1560



June 27, 2008

Mr. Don Donovan
 City of Albany
 P.O. Box 490
 Albany, OR 97321-0144

RE: SC Retail Center (SP-12-08, SP-11-08, AD-01-08)
 Responses to Public Comments

Dear Don,

On behalf of Oregon Acquisition One LLC, please find within this letter the following responses to public comments received by the City in regards to SP-12-08, SP-11-08, and AD-01-08. The Applicant has addressed all of the relevant comments submitted and, per your instructions, has based their responses on the materials submitted heretofore related to this project. There is no new evidence or information offered in response to public comments.

PUBLIC COMMENTS

Comments from letter dated May 30, 2008 from Paul & Kim Shreve (4349 Mackinaw Ave. SE, Albany OR, 97322)

Truck Route: Concerns about the proximity of the truck route to the residential property line. We feel that on a 26 acre property the truck route could be placed to minimize the negative impact of truck traffic (frequency, noise and pollution) on residents.

Response: The driveway that runs parallel to the southern property line will be located a minimum of 30 feet and up to 56 feet from the property line. In between the southern edge of the driveway and the south property line will be a densely planted vegetative screen consisting of large evergreen trees and shrubs. In addition, a solid six-foot screen wall will be located on the southern property line to enhance screening of truck noise and pollution.

The Applicant commissioned a noise study to verify that the six-foot screen wall will mitigate the anticipated truck noise. The study evaluated a worst case scenario that assumed refrigerated and dry good delivery trucks could arrive at Building A at any hour of the day or night. The analysis concluded that the most significant amount of noise to impact residents will be generated by the chillers on top of the Building A roof – not trucks. In order to off-set the noise from chillers, individual eight (8) feet high barriers could be constructed along side the chillers to effectively reduce their noise. Once the mitigation measures are included with the development, all noise produced by the shopping center will satisfy all DEQ noise regulation requirements. As verified by the noise study, the combination of distance, vegetative screening, and the solid screen wall adequately addresses the concern expressed about the potential negative impact of truck traffic on the residential neighborhood to the south of the project site.

Storm Water Management Pond: Water runoff from our yards currently flows down the slope of the landscape and beyond our property line. A solid retaining wall at the property line could create flooding in our yards. We have concerns about how the storm water ponds will handle the runoff they receive. For example, overflowing, flooding or stagnant water (bringing mosquitoes).



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Response: A footing drain will be provided along the base of the retaining wall foundation to collect any potential runoff from the rear yards of the residences located to the south of the project site. The sizing of the proposed storm water management pond has taken into account all overland basin storm water flows. An overflow structure is included in the storm pond design that will release water to insure flooding does not occur.

The Applicant must provide the water quality facilities to insure that storm water run-off into streams is clean and supports the water habitat. A side effect of these ponds is the creation of some standing water. However, a significant amount of stagnant water will not occur with the proposed plan, and it will be far less than the existing 4 acre pond on site. At most, twelve inches of water will pond at the eastern portion of the southern pond, and within the northern pond, during winter months when mosquito habitat is not supported. During the summer months, when breeding occurs, when there is significant breeding, there is minimal storm water run-off and minimal standing water to support mosquito habitat.

Tree Buffer: We are concerned about the types of trees to create the buffer and potential property damage or excessive cleanup created by falling leaves or needles and potential for trees to blow over. We currently experience a lot of gusty winds from the direction.

Response: The trees within the landscaped area along the southern property line are coniferous trees which will establish an evergreen visual buffer. The trees were selected primarily with non-needed foliage to minimize the impact of falling leaves or needles. No pine trees have been specified and the trees which were selected are varieties which will not get too tall or broad, thereby minimizing overhang into the adjoining properties. In addition, the trees were selected based on site-specific conditions, including a high water table. The trees will be staked at the time of planting, and the solid screen wall will offer some degree of a windbreak for the trees.

We also have concerns about the maintenance of the landscaping within the storm water pond fence.

Response: The Applicant will ensure that the landscaping provided within the storm water facility along the southern property line is maintained to the City's standards. The Applicant's property management division will ensure the upkeep of the development as they understand a well maintained project is critical in customer satisfaction. Furthermore, the City of Albany requires a bond for all landscaping to insure that they are successfully planted and established within a two year period.

Traffic: No entrance or exit on Highway 20 leads all retail and commercial traffic down Goldfish Farm Road. This will create congestion for all residents entering or exiting our development. This also creates limited access for emergency vehicles. Increased traffic around the freeway off ramps creates more potential hazards as the yield signs currently in place already pose a danger to passing vehicles. Freeway off ramp stop signs could help mitigate this hazard in the event no other freeway entrance or exit changes are made.

Response: An ingress/egress point along Highway 20 will not be necessary for the proposed development. The nearby road network (including Goldfish Farm Road) will require certain improvements to mitigate anticipated traffic impacts of the proposed development. Details of these improvements are included in the Traffic Impact Analysis (TIA) submitted with the application. When all of the mitigation measures proposed by the Applicant are implemented, Goldfish Farm Road and Highway 20 will have enough capacity to accommodate the increased volume of traffic. This is supported by the letter submitted by ODOT dated June

2, 2008 that indicates an acceptable package of mitigation can be provided with the development.

The Applicant is also proposing improvements to the freeway off-ramps in the area as part of the mitigation measures included with the development as detailed in the TIA. The proposed improvements will extend the functional life of the ramp terminal and improve operating conditions.

Adjusting the width of the travel aisles in the proposed area seems unnecessary as it will only create more congestion in the parking lot.

Response: The adjustment requested for the width of the drive aisles in the northern half of the development is created by the required configuration of proposed Buildings B, D, and E. ADC 8.330(1) requires that these buildings be placed close to surrounding streets in order to create an attractive streetscape and pleasant pedestrian environment. The Applicant has designed the project to conform to these requirements as depicted in Exhibit A. The site has additional constraints, including the existing and proposed street network, which includes a 10 ft setback on the east-west collector street and along US 20 that creates a narrow development site surrounded by public streets on three sides, the need to locate a stormwater facility in the northeast corner of the site, and the lack of direct access onto either Goldfish Farm Road or US 20.

The site's pedestrian and vehicular circulation system is designed with the goal of providing safe, convenient, and attractive ingress to and egress from the site and each of the individual buildings on the site. However, in light of the site's constraints and the required configuration of the buildings, it is infeasible to design a parking and circulation system that complies with all of the City's standards. Rather than sacrifice the attractive configuration of the buildings, reduce parking lot landscaping, or minimize pedestrian connections, the Applicant has proposed to slightly reduce parking lot aisle widths for interior portions of the northern parcel. This reduction will not reduce the use or functionality of the parking field or jeopardize the safety of pedestrians, bicyclists, or vehicles on the site and will meet the intent of the ADC.

Comments from letter dated May 25, 2008 from John Hartman (3832 Oranda Street SE, Albany OR 97322)

1) Traffic Congestion

The plan depicts only two entry points into the development parking zones, both off of Goldfish Farm Road. The zoning has indicated that the property will not exceed 600 entries/exits per hour. However, there are no guarantees, nor is there any enforcement as to this restriction, making it an empty meaningless gesture. At best, this figure is a guess. Consequently, if the plan is approved, the developer should be required to place an entry/exit point on Highway 20. This would alleviate some of the congestion certain to occur. The City should also add some sort of monitoring ability and penalty structure to insure that traffic counts stay within the approved number.

Additionally, the Goldfish Farm Road/Highway 20 intersection demonstrates only a single lane will be added for left turns out onto the highway, with no extra right hand turn lane for east bound traffic. The congestion at this semaphore will be significant regardless of how many lanes are added, but two turn lanes in either direction would seem wise.

In addition there is no suggestion as to how to handle the increased traffic on Goldfish Farm Road coming from north of Highway 20. Currently, this is a poorly maintained two lane road

barely wide enough to handle the small amount of traffic it currently experiences. Given that SmartCentre business will most certainly increase traffic flows on that portion of Goldfish Farm Road, it would seem appropriate for the Council to insist on major road improvements on that portion of Goldfish Farm Road prior to approving any large development at the corner of Highway 20 and Goldfish Farm Road.

It appears that the plan to have trucks load and unload at the north end of Building A will cause a great deal of congestion within the parking lot. While that is challenging enough, the Council should seriously consider the following regarding truck and delivery traffic:

- a) no truck delivery after 5:00 PM
- b) no trucks to be parked and idling after close of business
- c) no trucks to be allowed to exit by going around Building A after 5:00 PM

Response: To clarify, the proposed development includes three access points off Goldfish Farm Road. Furthermore, the approved zone change permits up to 800 entries/exits per hour. This number of trips was based on a significant analysis by Kittelson and Associates, which utilized nationally recognized trip generation calculations as identified by the Institute of Transportation Engineers (ITE). The monitoring of these trips is enforced through the limitation on the square footage of retail use that can be built on the site. The proposed development is less than the allowable retail square footage, and thereby will not exceed the permitted number of trips on the site.

The nearby road network (including Goldfish Farm Road) will require certain improvements to mitigate anticipated traffic impacts of the proposed development. Details of these improvements are included in the TIA submitted with the application. The US 20/Goldfish Farm Road intersection will be modified to include a new eastbound right-turn lane, dual northbound left-turn lanes, and southbound shared through-right-turn and exclusive left-turn lanes. When all of the mitigation measures proposed by the Applicant are implemented, Goldfish Farm Road and Highway 20 will have enough capacity to accommodate the increased volume of traffic. This is supported by the letter submitted by ODOT dated June 2, 2008 that indicates an acceptable package of mitigation can be provided with the development.

With regard to the truck loading area for Building A, the loading area will be located on the west side of the building, not the north side. It will be accessed via a driveway from the new east-west collector street, which is located on the north side of Building A. As the ingress to the loading area will be located far away from the main parking lot for Building A, the Applicant does not anticipate that truck deliveries will cause any congestion within the parking lot.

2) Retaining Wall and Building A setback at southwest corner of the development

From the plans available, it appears as though there is barely 60' of setback between the southern edge of Building A and the property line abutting the homes on Mackinaw Street in the Coastal Crossing subdivision. Given the level of noise certain to be generated by the ongoing traffic and air-handling equipment, the Council should insist on creating a deeper setback, perhaps 120 feet. Doing so would grant the families living on Mackinaw Street greater quiet.

The City Council should mandate that the retaining wall be extended to a height of 20 feet. This would allow those home owners along Mackinaw Street who have two story homes to be able to sleep and enjoy the peace and quiet which they thought they were getting when they purchased the homes in question.

Many people in the Coastal Crossing subdivision work the night shift and sleep during the day. A taller wall would allow them more of an opportunity to sleep. Additionally, the higher wall would, by deadening sound, help prevent the loss of property value certain to be caused by increased noise pollution.

Response: The Applicant is fully aware of and understands the concerns of property owners to the south regarding noise, which may emanate from the proposed development. Beyond the proposed screen wall and vegetative screen, the noise study shows that relatively modest things can be done to reduce noise levels to comply with State and local standards without the need for a 20-foot high noise wall.

The applicable interior yard setback standard found in Table 1 of Section 4.090 requires non-residential structures that abut residential districts to have one foot of setback for every foot of finished wall height of the non-residential building. The finished wall height of Building A will be 30 feet; as such, 30 feet of setback is required between the south façade of Building A and the south property line. The proposed setback from Building A to the south property line is 90 feet 6 inches, which far exceeds the required setback. Included within the 90.5-foot wide setback is a 30-foot wide heavily landscaped buffer area between the southern property line and the edge of the driveway, which runs parallel to the property line.

The Applicant has submitted a noise study to the city, which examined the potential impacts of noise from Building A on the Coastal Crossing subdivision to the south. The noise study assumed worst case scenarios of potential daytime and nighttime noise that might emanate from the building and truck and other vehicular operations on the site. The study found that the noise levels generated in the scenarios established for the study might exceed the criteria established by the Oregon Department of Environmental Quality during both daytime and nighttime hours. The primary potential cause of the excessive noise levels was the presence of rooftop chillers on Building A. The study concluded that mitigation measures could be taken to reduce the impact of noise emanating from the chillers. Mitigation measures could include individual, eight-foot high barriers constructed alongside the chillers to reduce the noise impact on the residences to the south or using a variety of alternative chillers that have been found to operate at much lower noise levels than the standard chillers assumed in the worst-case scenarios in the study.

3) Light Pollution and Noise Pollution from Rooftop Air-Handling Equipment

The City Council should require the developer to do the following:

- a. All parking lot lighting should be domed so as to cause all light to be cast in a downward direction, with the minimal amount of industrial light spilling outside of the property as possible. All lighting fixtures should be of the quiet type, preferably not sodium lamps, which are extremely noisy.
- b. All air-handling equipment on the rooftop of Building A should be shrouded with some sort of damping system to direct all air-conditioning and other fan noise pollution away from the residents of the Coastal Crossing subdivision.

Response:

- a. All lighting within the parking areas will be arranged to reflect light away from the abutting residential neighborhood to the south and include cut-off shields on the light fixtures. As indicated on the lighting plan included with the application package, a 0.2 foot candle level, which is less than the maximum permitted 0.5 foot candle level, per code requirements, may be emanated along the southern residential property line. The lighting plan provided does not account for the six-foot solid screen wall that is provided as the photometric model can not account for the horizontal structure. If considered, there may be no impact on adjacent

properties to the south. As the Applicant can not provide certainty regarding the effects of the wall, it should be noted that the 0.2 candle, which would be the worst case scenario, is equivalent to moonlight and should have negligible impact on the properties. Furthermore, the Applicant is proposing to use metal halide lamps, which do not create the noise as mentioned in the comment.

b. As mentioned above, the noise study completed for the project found that chillers placed on the rooftop of Building A might contribute to noise levels in excess of Oregon DEQ standards on the residential neighborhood to the south during daytime and nighttime hours. The study concluded that potential noise impacts could be mitigated by constructing individual, eight-foot high barriers alongside the rooftop chillers or using a variety of alternative chillers that have been found to operate at much lower noise levels than the standard chillers assumed in the noise study. The Applicant is prepared to implement these mitigation measures on Building A to reduce potential noise levels to comply with Oregon DEQ standards.

4) Increased Costs Related to Criminal Activity at Big Box Stores

As indicated in #1 above, having to do with vehicle entry and exit points, other issues not mentioned are:

- a. access to the Coastal Crossing subdivision by emergency services personnel.
- b. The increased need for police patrols as a result of the growth and magnitude of the development. Council members need to seriously consider the following news stories involving criminal activity taking place at WAL-MART stores.

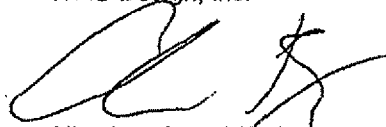
Response:

a. Access to the Coastal Crossing subdivision from Goldfish Farm Road for emergency services personnel will not be impeded as a result of the proposed development. As mentioned above, the Applicant will be making several improvements to the local roadway network that will provide adequate mitigation for the development. In addition, the Applicant will provide the dedication and construction of a new east-west collector road from Goldfish Farm Road to western edge of the parcel, which will ultimately assist in providing additional access for emergency vehicles.

b. The tenant for Building A has not been determined yet. As such, the comment is not relevant to the criteria outlined in the Albany Development Code (ADC), which serve as the basis of review for the proposed Site Plan Review application. Nonetheless, the Applicant is committed to creating family oriented development centers. To insure such an environment, the Applicant is committed to providing a safe and attractive shopping center and as such the Applicant will employ the necessary security measures to ensure a safe environment is provided. The Applicant will actively manage the shopping center and through its property management division will ensure the security and safety of the proposed development.

We appreciate the opportunity to respond to the comments that were submitted. Thank you for your continued assistance with this project.

Sincerely,
WRG Design, Inc.



Alisa Pyszka, AICP, LEED AP
Planning Project Manager

cc: Andrew Sinclair, SmartCentres
Mark Whitlow, Perkins Coie
Kevin Russell, WRG Design
File (FPC5530.DD3)





Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Corvallis Office

3700 SW Philomath Blvd.

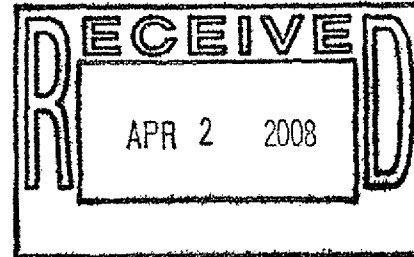
Corvallis, OR 97333-1147

Telephone 541.757.4211

Fax 541.757.4290

April 2, 2008

Don Donovan
 Community Development Department
 City of Albany
 P.O. Box 490
 Albany, OR 97321



Subject: SP-12-08 Smart Centres Site Plan Review

Dear Mr. Donovan:

Thank you for providing ODOT with an opportunity to participate in the site plan review for the Smart Centres development. ODOT has the following comments on the review. These comments should be included in the hearing record for SP-12-08. ODOT requests that a notice of decision be provided to ODOT when a decision is made by the City of Albany.

ODOT received copies of the Kittelson traffic impact analysis (TIA) from Ron Irish on March 11, 2008. Our review has been initiated, but is not complete. At this time, ODOT has concerns about the application stemming from the following issues. ODOT believes these issues must be resolved before the application can be considered complete, and before development on the site can be authorized.

- 1) Construction of the proposed eastbound right-turn lane at the US-20/Waverly Avenue intersection is not part of a project included in current State Transportation Improvement Program (STIP). Improvements to a state highway are subject to design review and approval by ODOT, but ODOT has not received any construction design plans for review. Consequently, ODOT has not approved the proposed mitigation. The TIA states that additional highway right-of-way would have to be acquired to construct the turn lane, but this additional right-of-way is not under the applicant's control. Has documentation been provided demonstrating that the right-of-way needed for this improvement can, or has been obtained from the adjacent landowner(s)? If the right-of-way

cannot be obtained, are other actions proposed to meet the mobility needs at this intersection? Whenever the final mitigation improvements are identified, evidence that ODOT has approved these improvements should be provided as part of a complete application.

- 2) Construction of the proposed modifications to the I-5/US-20 Interchange is not part of a project in the current STIP. The modifications are subject to ODOT design review and approval and separate review and approval by the Federal Highway Administration (FHWA). ODOT will prepare the review request for FHWA review, but information from the applicant will be needed in order to submit the application. FHWA review must be completed and ODOT must concur that the proposed mitigation is acceptable. ODOT will identify what information is needed to complete ODOT's design review as well as to submit the proposed changes to FHWA for review and approval, but the applicant has not requested ODOT to provide this information. A complete application should include documentation showing that ODOT and FHWA have authorized the proposed mitigation.
- 3) The development proposes to use South Goldfish Farm Road for highway access. Oregon Administrative Rule 734-051 defines this public road as a private approach road to a state highway. A new approach road permit is necessary to allow use of the road for an area not addressed in the original permit. ODOT has not received an application for a permit nor have requirements for permit issuance been established by ODOT. An approved approach road permit should be provided as part of a complete application.
- 4) Inappropriate standards are identified and used in the TIA. For example, the TIA states that a Volume/Capacity (V/C) ratio of 0.80 applies to the US-20/Waverly Drive intersection (p25). US-20 is classified as a Regional Highway in the Oregon Highway Plan (OHP): at the posted speed of 35 MPH, OHP Table 6 calls for a V/C ratio of 0.85. Designation of a metropolitan area in the Albany area will not change the OHP mobility standard at this location.

Albany is not a metropolitan area. OHP mobility standards apply to development in a manner similar to the application of City of Albany standards – the current standards apply when development proposals are submitted. Other standards that may become effective at some future time are not applicable.

- 5) The TIA used ODOT's Automatic Traffic Recorder (ATR) 22-010 to characterize regional traffic growth. The ATR used is located on OR-226 (Albany-Lyons Highway), about ½ mile east of that highway's intersection with US-20. ODOT

does not agree that this ATR site is indicative of regional traffic growth. ODOT believes that the Albany Transportation Model should be used to characterize regional traffic growth.

- 6) The city council's decision on the plan amendment and zone change called for the developer to record the trip cap as a perpetual limitation on property development. ODOT understood that this required the applicant to establish this limitation as part of the property's chain of title. A copy of these restrictions has not been provided to ODOT. Has this already been accomplished, or has the applicant provided a copy of a draft as part of the development review application?

ODOT believes that the application must contain the information needed to address these concerns before the application can be considered complete; before the proposed mitigation actions can be described as providing for a "transportation system that safely and adequately accommodates the proposed development,"¹ and before the mitigation actions can be said to have shown that "entrance-exit points have been designed to facilitate traffic and pedestrian safety and avoid congestion."² As a result, ODOT believes that a decision on the site plan review should be delayed until the application can be modified to demonstrate that the criteria for decision have been met. ODOT may have additional concerns about the TIA when its review of the report is completed.

Yours truly,



John G. deTar
Senior Region Planner

email copies sent to:

Gerry Juster, ODOT
Derryl James, ODOT
Gene Walton, ODOT
Steve Wilson, ODOT

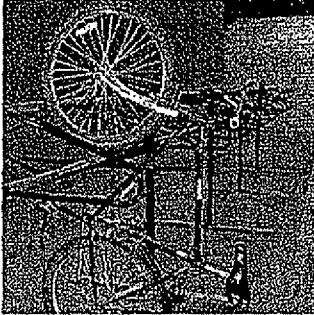
Mark Whitlow, Perkins Coie
Del Huntington, Kittelson & Associates
Ron Irish, Albany Engineering
Erik Havig, ODOT

¹ Albany Development Code 2.650(1)

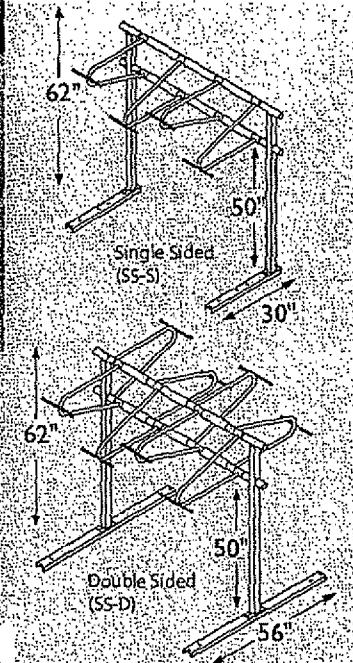
² Albany Development Code 2.650(2)

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- Soft coating on hangers won't scratch bikes



Model	Mount	Finish*
SS-S	FT	PC
SS-D	Wall	(Feet are galvanized)

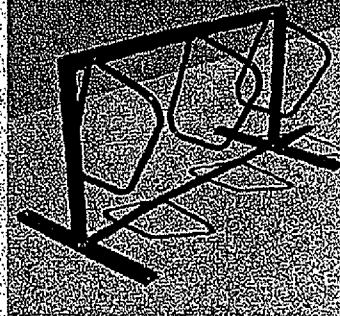
*See middle of spread for more information

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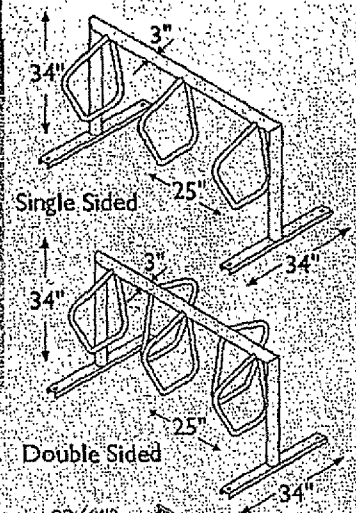
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- High security
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- Single or double sided
- Single sided model helps keep sidewalks clear
- Materials: Crossbeam 3" OD 7 gauge tube and 1.25" 11 gauge tube for ears

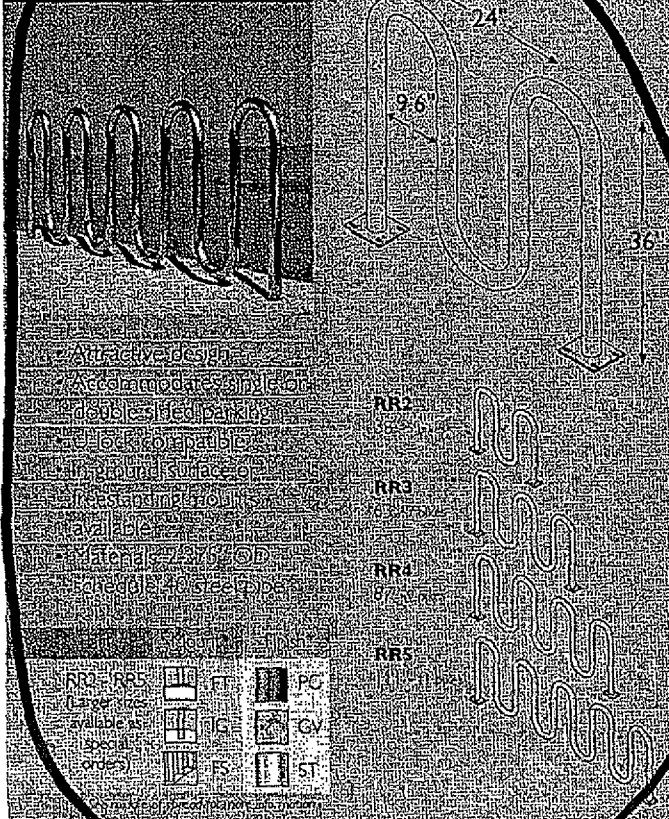


- S3 (64")** 3-5 bikes
- S4 (89")** 4-6 bikes
- S5 (114")** 5-7 bikes
- S6 (139")** 6-8 bikes
- D5 (64")** 5-7 bikes
- D7 (89")** 7-8 bikes
- D11 (139")** 11-12 bikes

Model	Mount	Finish*
S3-D11	FT	PC
	IG	GV
	FS	ST

*See middle of spread for more information

Rolling Rack



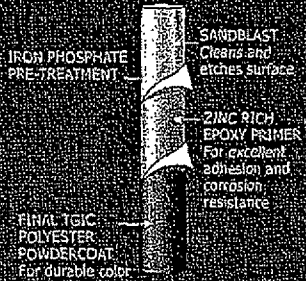
- Attractive design
- Accommodates single or double-sided parking
- U-lock compatible
- Fits on ground surface or in a stairwell
- Available in 2, 3, 4 or 5 hangers
- Material: 2" x 1/2" OD galvanized 40 size pipe

Model	Mount	Finish*
RR2-RR5	FT	PC
(also available as wall mount)	IG	GV
	FS	ST

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Finish Options

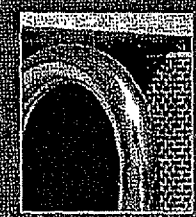
TGIC Powder Coat - PC
We offer over 250 high quality TGIC powder coated colors. Our painting method ensures some of the highest quality coating in the industry. All racks are sandblasted, micro-etched and cleaned with an iron-phosphate treatment. The racks are then primed with a tough, super adhesive epoxy primer before a final thick layer of polyester powdercoat is applied. **For this option specify PC.**



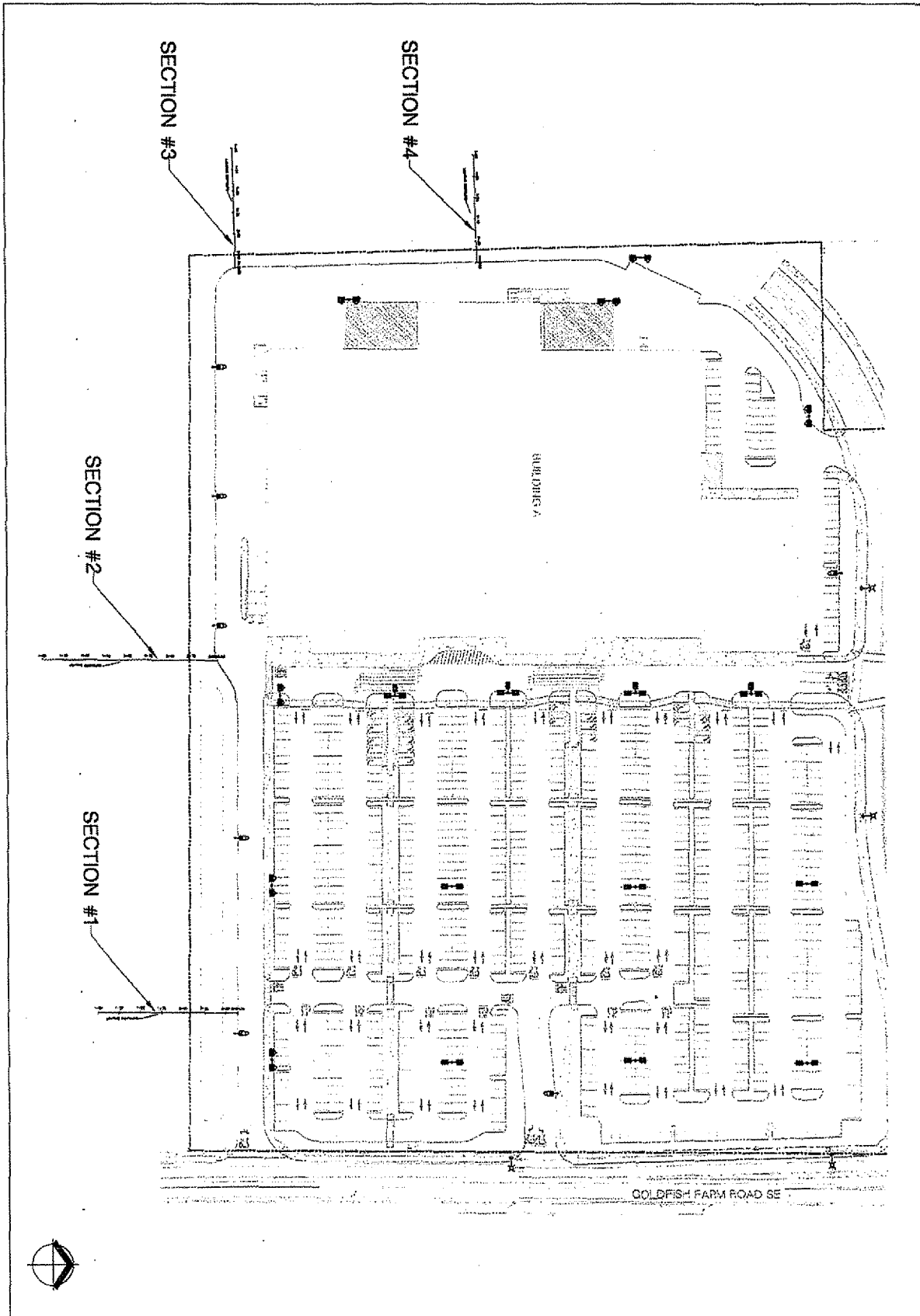
Hot Dipped Galvanized - GV
Galvanizing is an extremely durable and low cost finish option. Unless otherwise noted, a hot dipped galvanized finish is included in the cost of all Dero products. We suggest using galvanized or stainless steel in locations where snow removal and corrosion are an issue. **For this option specify GV.**



Stainless Steel - ST
Stainless steel is the most beautiful and durable option. We use a 304 grade stainless steel which will continue to look brand new and attractive for years. **For this option specify ST.**



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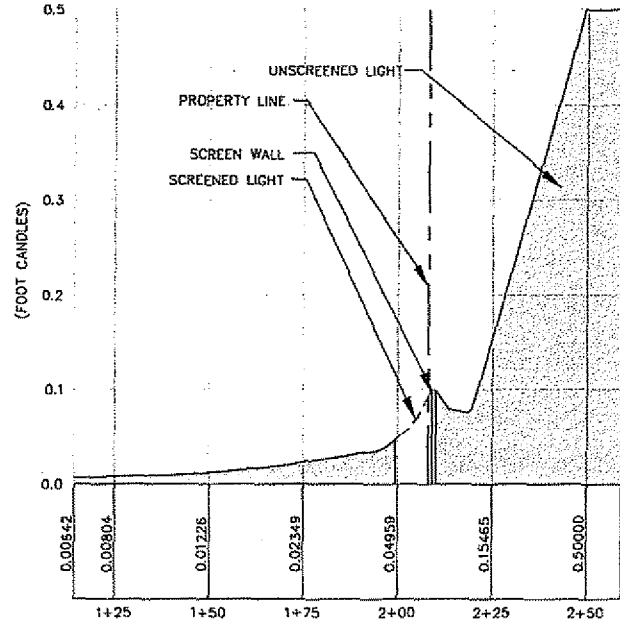


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 DATE: 9/26/08
 BY: MXM
 SHEET NO. 0

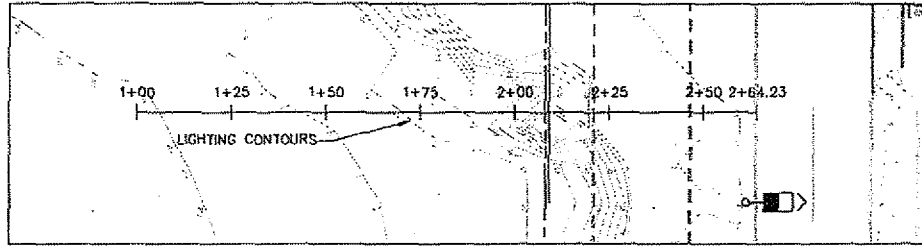
LIGHTING SECTION - KEY MAP
HIGHWAY 20 RETAIL CENTER

SMARTCENTRES
 ALBANY, OREGON

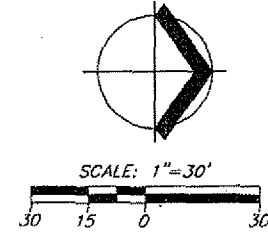
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 616 SW Westgate Dr. Ste 100 Portland, OR 97221
 Tel: 503.281.2500 Fax: 503.281.2000
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LIGHTING PROFILE (SECTION #1)

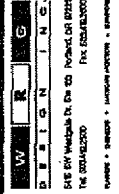


LIGHTING SECTION #1



NOTE:

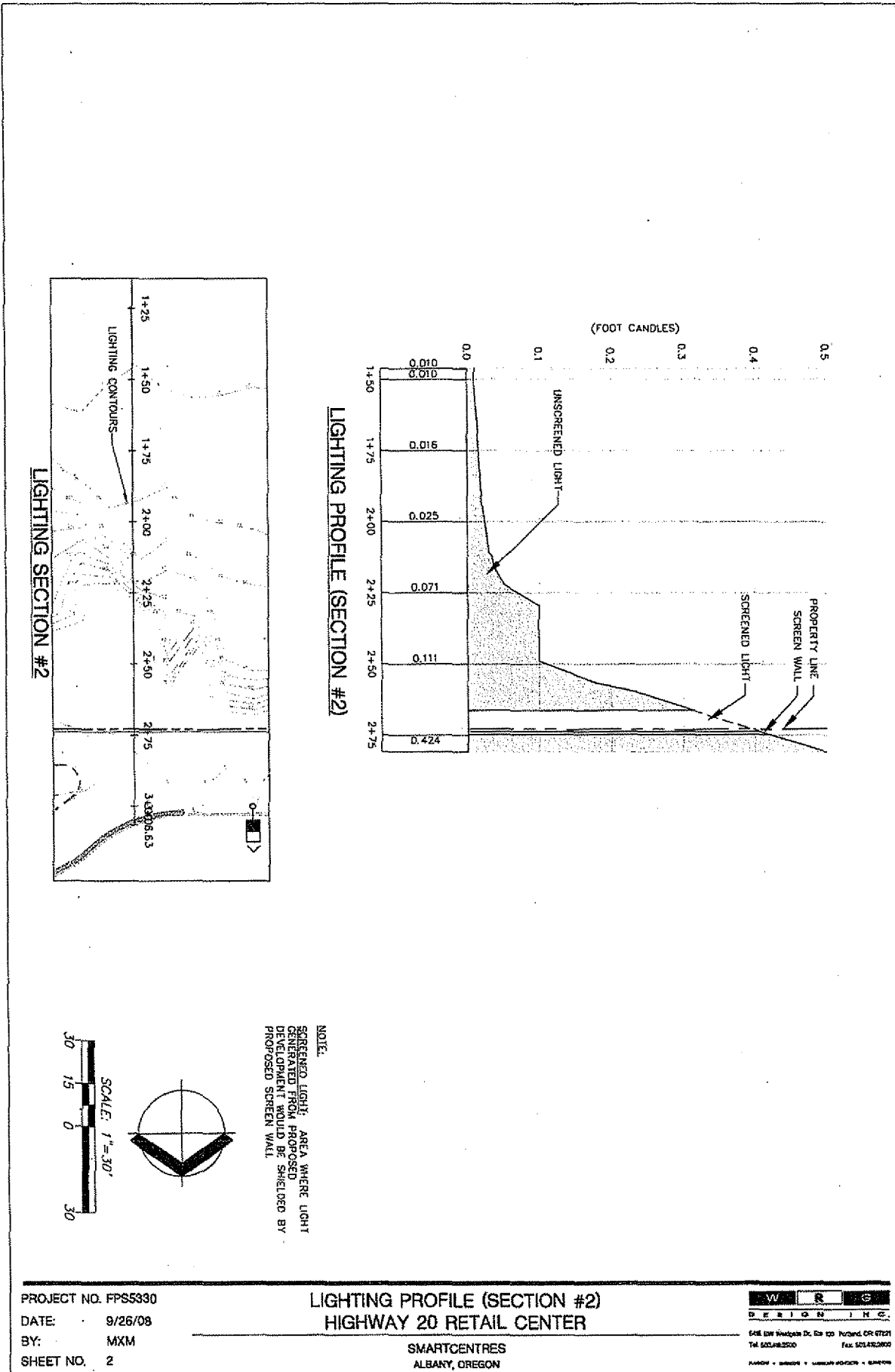
SCREENED LIGHT: AREA WHERE LIGHT GENERATED FROM PROPOSED DEVELOPMENT WOULD BE SHIELDED BY PROPOSED SCREEN WALL

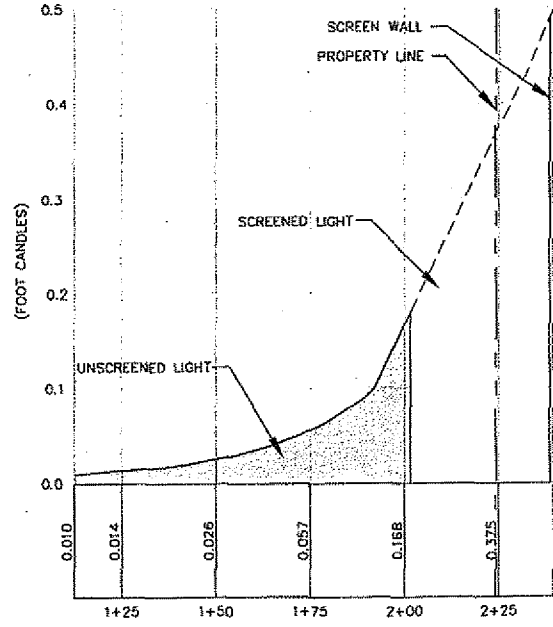


LIGHTING PROFILE (SECTION #1)
HIGHWAY 20 RETAIL CENTER

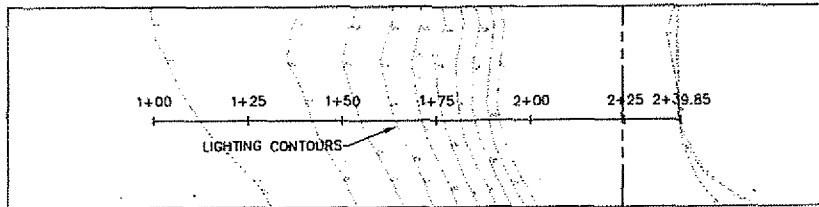
SMARTCENTRES
ALBANY, OREGON

PROJECT NO. RPB5330
DATE: 9/26/08
BY: NYM
SHEET NO. 1



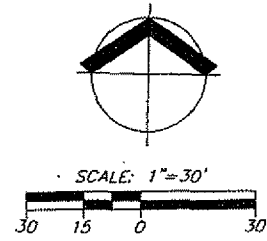


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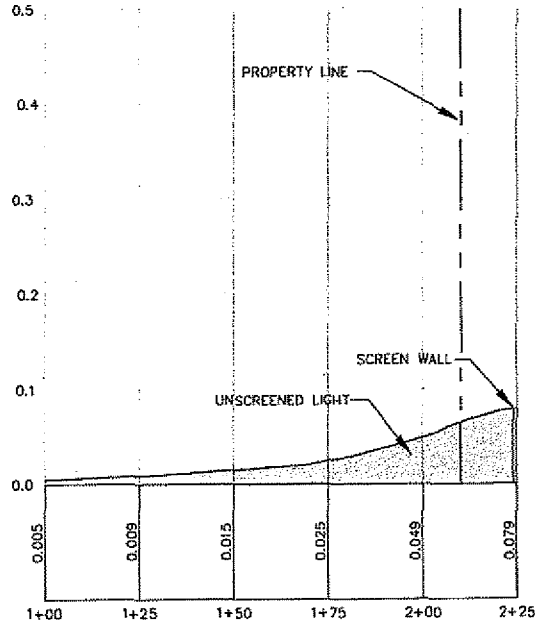


LIGHTING SECTION #3

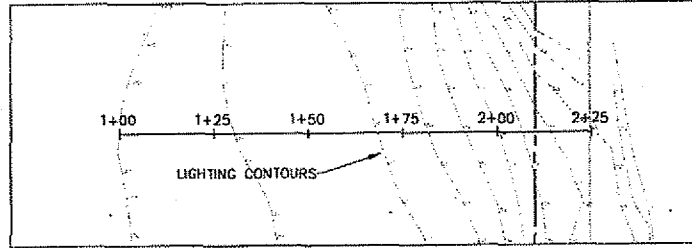
NOTE:
 SCREENED LIGHT: AREA WHERE LIGHT
 GENERATED FROM PROPOSED
 DEVELOPMENT WOULD BE SHIELDED BY
 PROPOSED SCREEN WALL.



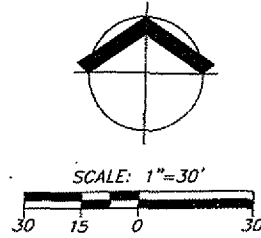
PROJECT NO. FPSS690	SMARTCENTRES ALBANY, OREGON
DATE: 9/26/08	LIGHTING PROFILE (SECTION #3) HIGHWAY 20 RETAIL CENTER
BY: MXM	SECTION 3
SHEET NO. 3	DATE: 9/26/08 BY: MXM PROJECT: SMARTCENTRES - ALBANY, OREGON



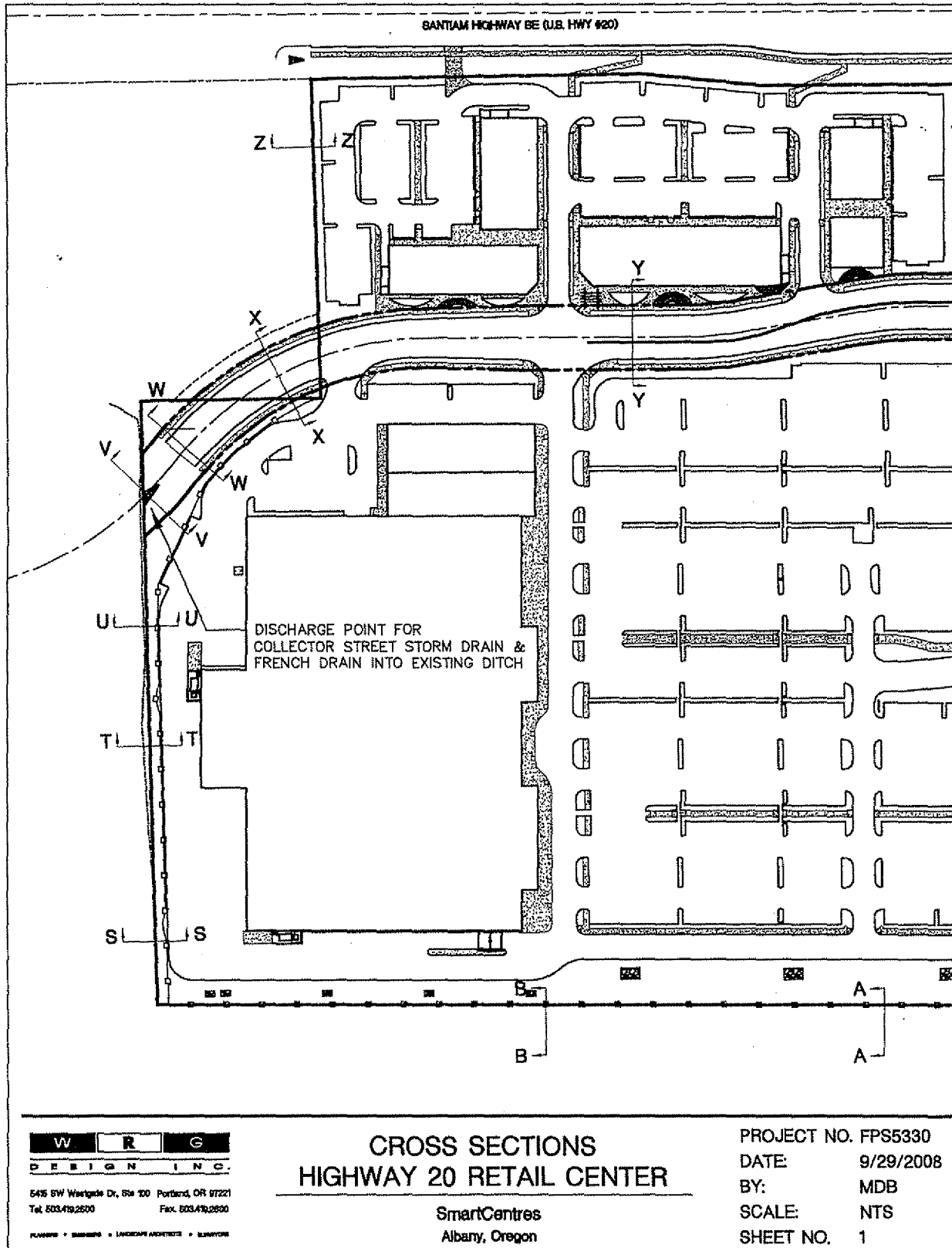
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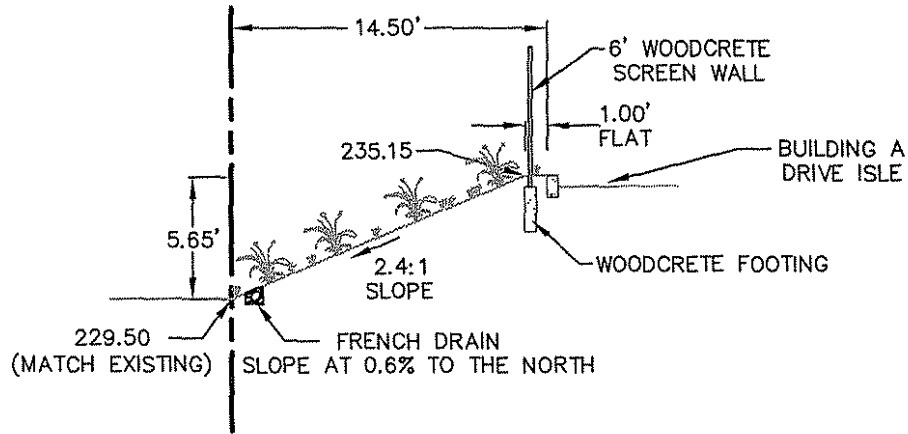


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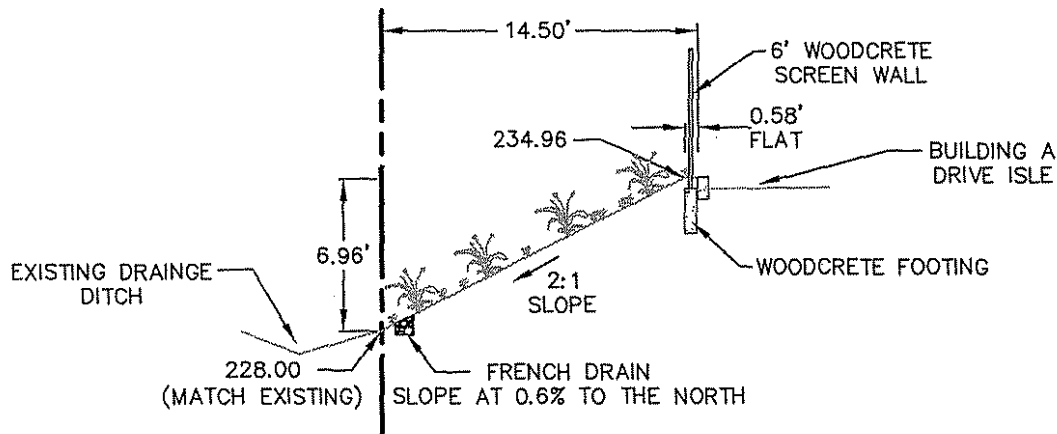


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 DATE 9/26/08
 BY: MXM
 SHEET NO. 4
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 LIGHTING PROFILE (SECTION #4)
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WESTERN PROPERTY LINE CROSS SECTION S-S
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WESTERN PROPERTY LINE CROSS SECTION T-T
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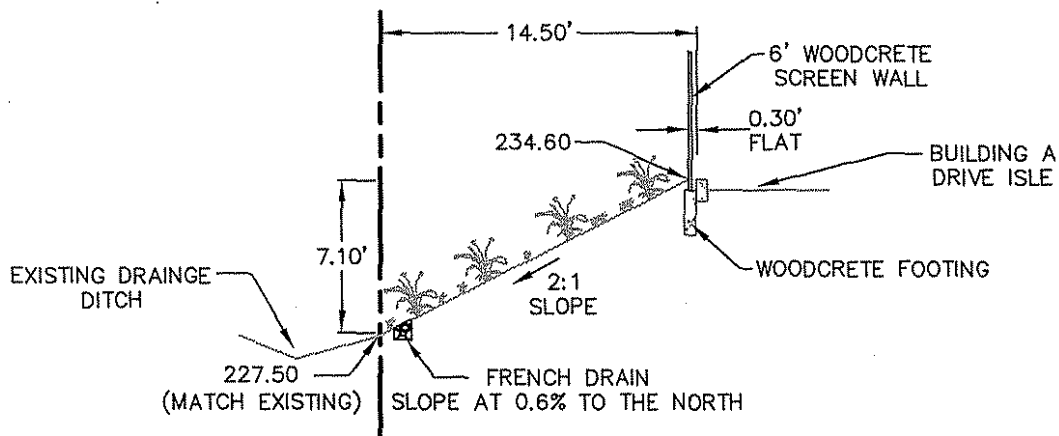
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DATE: 9/29/2008
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SHEET NO. 2



WESTERN PROPERTY LINE CROSS SECTION U-U
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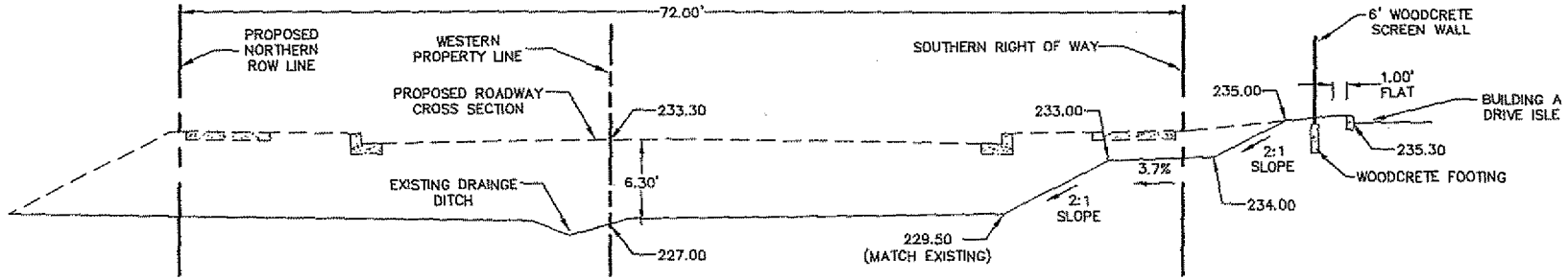
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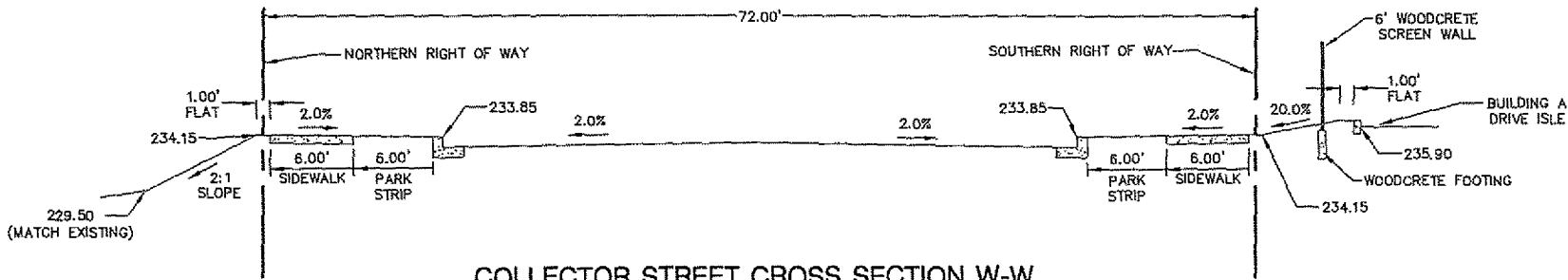
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HIGHWAY 20 RETAIL CENTER**

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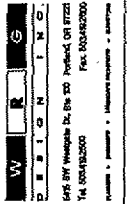
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SCALE: NTS
SHEET NO. 3



WESTERN PROPERTY LINE CROSS SECTION V-V
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COLLECTOR STREET CROSS SECTION W-W
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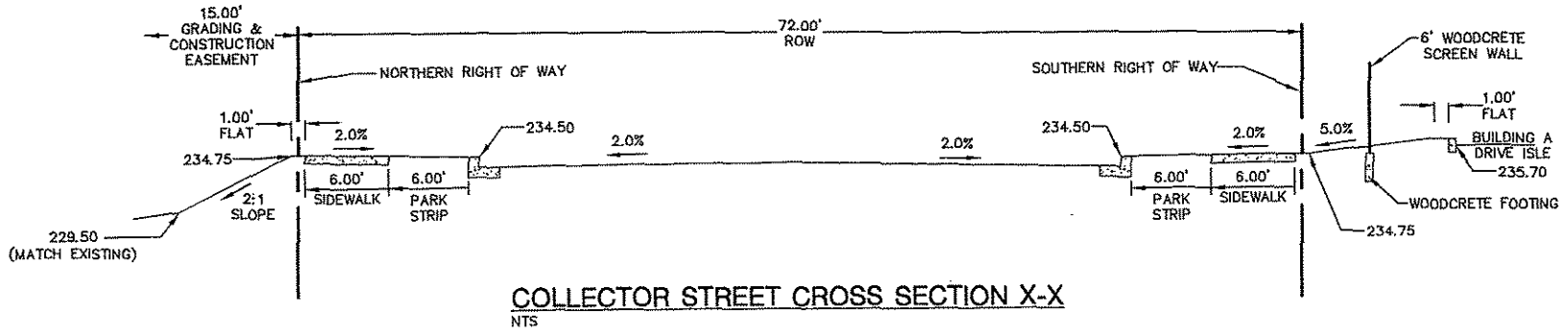


**CROSS SECTIONS
HIGHWAY 20 RETAIL CENTER**

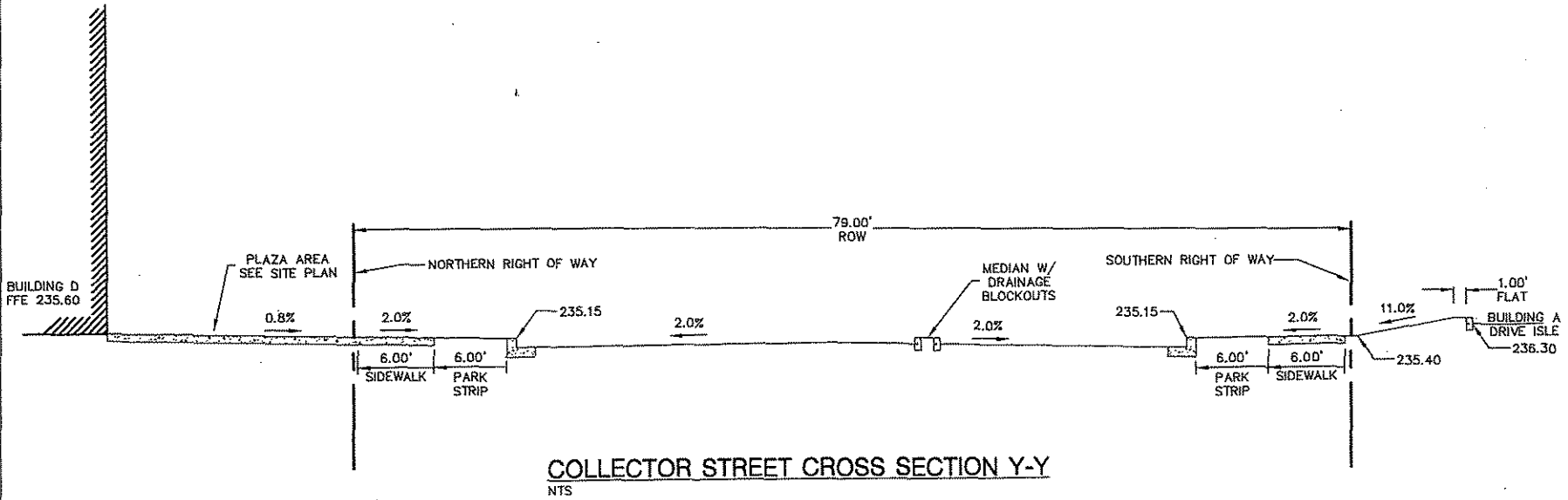
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BY: DJN
SHEET NO. 4

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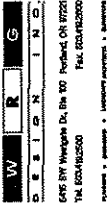
SmartCentres
Albany, Oregon



COLLECTOR STREET CROSS SECTION X-X
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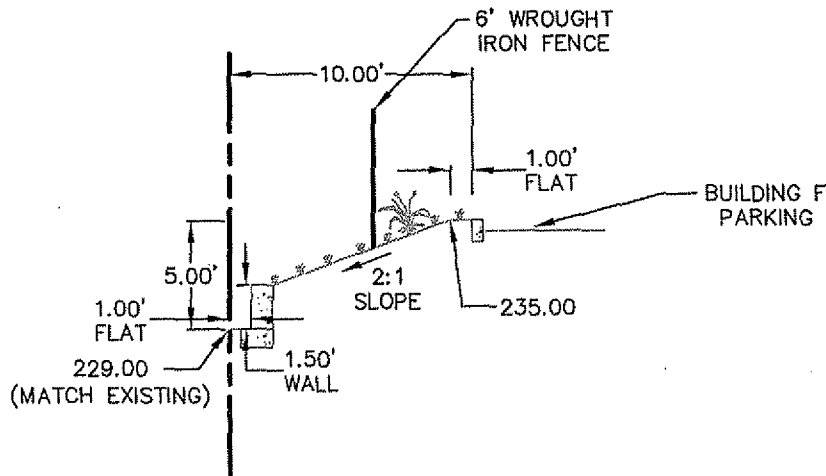
COLLECTOR STREET CROSS SECTION Y-Y
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CROSS SECTIONS
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 BY: DJN
 SHEET NO. 5



WESTERN PROPERTY LINE CROSS SECTION Z-Z
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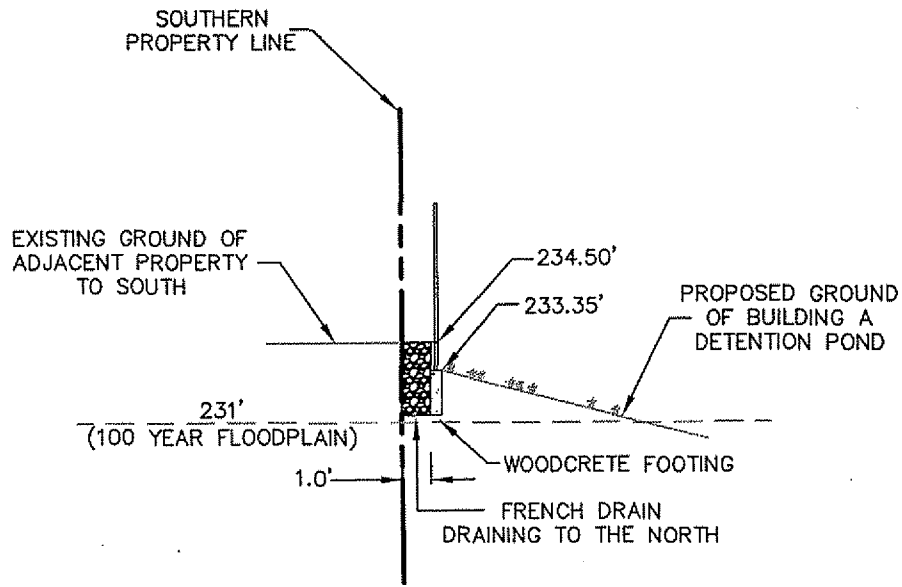
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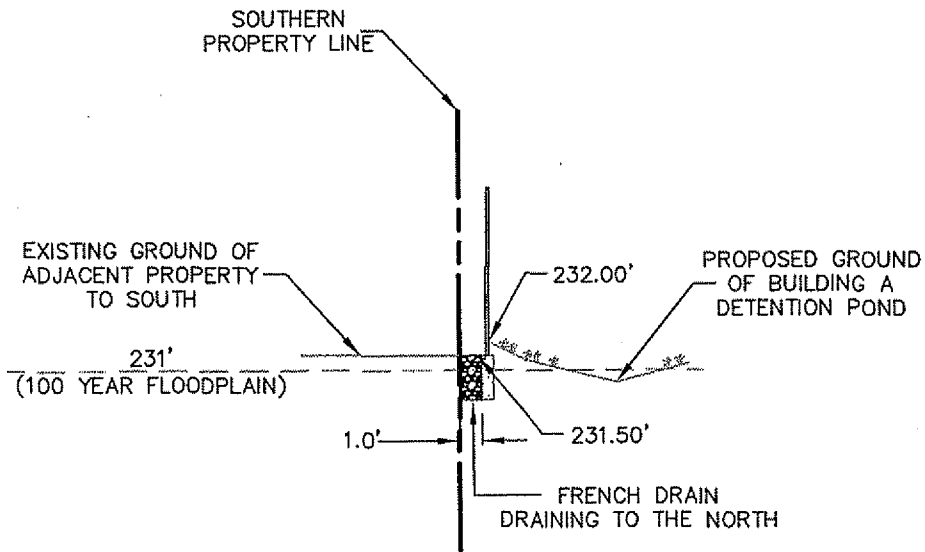
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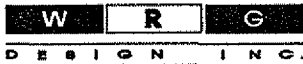
PROJECT NO. FPS5330
 DATE: 9/29/2008
 BY: MDB
 SCALE: NTS
 SHEET NO. 6



SECTION A-A
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SECTION B-B
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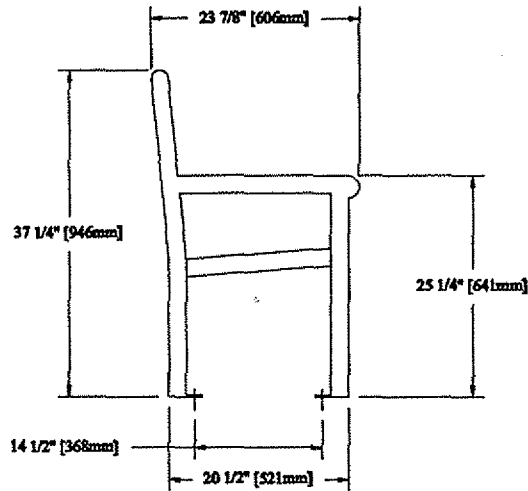
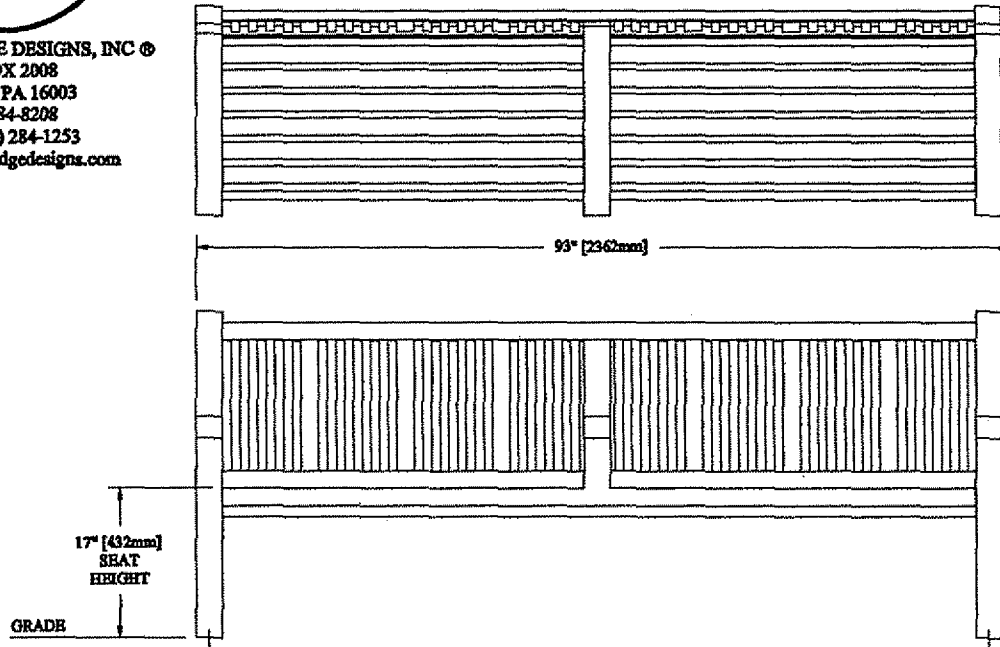
**CROSS SECTIONS
HIGHWAY 20 RETAIL CENTER**

SmartCentres
Albany, Oregon

PROJECT NO. FPS5330
DATE: 9/29/2008
BY: MDB
SCALE: NTS
SHEET NO. 7



KEYSTONE RIDGE DESIGNS, INC. ©
 P.O. BOX 2008
 BUTLER, PA 16003
 1-800-284-8208
 FAX: (724) 284-1253
 www.keystoneridgedesigns.com



PATENT NO.
 DES. 376,270

READING 8' BENCH WITH BACK AND CENTER ARM

PLAN - ELEVATION

RE28C

STEEL FINISH
 KEYSERLD® POWDER COATING

HARDWARE
 ANCHOR BOLTS
 NOT INCLUDED

DRAWN BY: R.R.

DATE: 12-12-01

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September 22, 2008

To: The Albany City Council
Re: Files SP-12-08 and AD-01-08

Please enter the following as testimony regarding the Public Hearing on SmartCentre development scheduled for Wednesday, October 8, 2008.

The City Council must seriously consider halting the entire approval process for the so-called SmartCentre development for the following reasons.

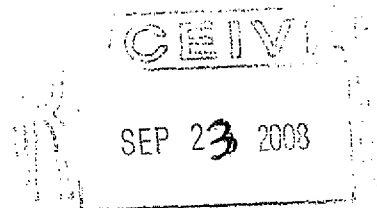
1) The entire process for making a determination is flawed and biased. The City Planning Department reaches their decisions about whether the plan presented meets Albany municipal code. The process is inherently flawed. The Planning Department relies on studies manufactured by the applicant. This is akin to leaving the fox in charge of the hen house. Of course, the applicant claims to hire only recognized experts in the field. However, it isn't hard difficult to guess which way a highly paid consulting firm is going to lean. At minimum, the City should hire the firms to do these studies and force major developers to pay for them.

When final approval of the plan is in the best interest of the applicant, why should we expect anything other than reporting that slants in the applicant's direction? In the applicant's traffic study, we are asked to believe that nothing untoward will result from the overflow traffic certain to abound. From the applicant's noise study, we are lead to believe that the applicant has made a sincere and honest effort to mitigate the every source of noise pollution they will create. All one need do is look at the current mess in the American banking and financial system to understand that it is simply unwise to rely on business to act in any interest besides their own. Indeed, why would they if those in charge of oversight have structured a process allowing the regulated to create the regulatory framework?

2) In regards to the Public Hearing Procedure as outlined in the City Planning letter issued in September: We read that the first phase of the hearing will be declaration of ex parte' contacts. Here again, thanks to state statute, the process is biased in favor of the applicant. Only those who demonstrate any contacts that might bear negatively against the application are forced to explain. However, there is no statutory requirement for those who may be in favor of the applicant. Tangentially to the ex parte' rules, if any Councilor has visited the proposed site at any time prior to the October 8, 2008 Public Hearing, he or she must declare that visit and the circumstances surrounding it. Failure to make such a declaration would indicate a biased, pre-determined mindset, a stance not allowed under strict interpretation of ex parte' statutes.

Why does negative bias necessarily exposed while pro bias is assumed to be fine? How is it that a member of the City Council can be favorable to a development when they supposedly have had no exposure to what the development will be? Of course, it is absurd to think that City Councilors, both for and against, haven't all seen and read the multiple press accounts of the SmartCentre. To assume that Councilors are neutral until the moment of the vote is fatuous. In essence, the ex parte' rules are biased in favor of developers, not neutral as some would have us believe.

3) I believe it is necessary for the Council to at least postpone judgement on this application until and unless a full and complete study of the economic impact on the City is completed. Once again, the bias is for Councilors to vote aye because of what appears to be a major financial windfall for the City. However, there does not appear to have been any study done on the cost side of the SmartCentre project. It would seem prudent for the City to at least examine both sides of the equation before ruling on a project of this scale.



2.

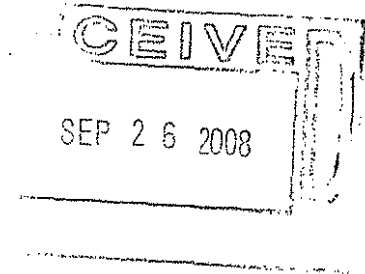
4) Assuming the SmartCentre project is green-lighted, which City office is charged with overseeing the project's construction phase? We have read about many promises the developer made in regards to mitigation of noise, traffic and other issues. We have read that the City Planning office has placed a number of conditions on the developer. But what we haven't seen is a plan for the City to maintain proper oversight of the construction to insure the developer meets all requirements. Again, the bias always favors the developer.

In conclusion, I ask the Council to deny approval for the SmartCentre project. Thanks to the ex parte' statutes, the citizens of Albany hope that no member of the Council has viewed the physical site. Thanks to the ex parte' statutes, the citizens of Albany hope that no one on the Council has considered the impact on the homeowners who will be essentially isolated in a small ghetto behind the SmartCentre monstrosity. The rules of this entire process are so slanted in favor of the applicant that it is difficult to understand how any member of the council can vote aye with a clear conscience.

John Hartman
3832 Oranda Street SE
Albany, OR 97322

September 24, 2008

Paul and Kimberly Shreve
4349 Mackinaw Ave. SE
Albany, Oregon 97322
(971) 570-3225
(971) 570-3180



Planning Division
P.O. Box 490
Albany, OR 97321

Planning Division and Albany City Council:

We live in the Coastal Crossings development and are neighbors of the proposed development on the SmartCenters Property. On May 30, 2008 we submitted comments regarding the proposed development (A copy is attached).

We continue to be very concerned about all the issues raised in our first letter, particularly given that we have not been made aware that any of our issues have been considered or addressed. Briefly, those issues are:

- *The proposed truck route and its proximity to the residences.
- *The storm water management pond and how it will handle the run-off from our property and adjacent lots.
- *The tree buffer (specifically types of trees and their maintenance).
- *The traffic congestion created on Goldfish Farm Rd.

Since our May letter, we have a significant new concern that the City needs to address as part of the Site Plan Review process.

The City is aware that there are serious issues (including structural deficiencies) with the manner in which a number of homes in the Coastal Crossings development were built. We are in the process of working through these issues with attorneys, architects, engineers, contractors and insurance companies.

It is crucial that the development right next to us be conditioned to require that it be carried out in a manner to minimize impacts to our vulnerable houses. We are extremely concerned about hazards such as shifting ground and soils, water run-off and vibration associated with the development process and future use of the property. These are safety issues for us and have the potential for devastating impacts to our homes and families.

The Albany Development Code (ADC) provides that a purpose of a Site Plan Review is to ensure that proposed development is done in a safe manner which is compatible with

existing development. ADC 2.600. The City can only grant a Site Plan Review approval if the Site Plan meets or can be conditioned by the City to ensure, among other things, that "negative impacts [to surrounding development] have been sufficiently minimized." ADC 2.650(5). To ensure that this so, City is empowered to attach conditions of approval to the Site Plan Review application. ADC 2.660.

Accordingly, we respectfully request that the City ensure that the Site Plan be conditioned to ensure that the development is carried out in a manner so as to minimize and avoid risks, such as those identified above, to our homes. We believe that the City bears special responsibility in this particular case given that the City permitted and inspected our houses during the construction process but did not identify the very structural problems that, when combined with the neighboring development, are causing us grave concern for the safety of our homes and families.

Thank you for considering our comments and please feel free to contact us as needed. Please also feel welcome to contact our attorney: Justin Wirth, Jeanne Smith & Associates, PC, 104 SW Second Street, Corvallis, OR 97339, (541) 752-6416.

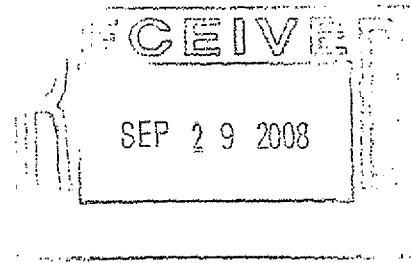
Sincerely,

Handwritten signatures of Paul and Kim Shreve. The signature for Paul is on the left and the signature for Kim is on the right.

Paul and Kim Shreve

September 26, 2008

Barry and Janet Ruebenson
3823 Goldfish Farm RD SE
Albany, OR 97322
541-791-9504



Planning Division
P.O. Box 490
Albany, OR 97321

Planning Division and Albany City Council,

We live in the Coastal Crossings Development and are neighbors of the proposed development on the SmartCenters property.

We are very concerned about a number of issues relating to this project. Those issues include:

- *The proposed truck route and its proximity to the residences.
- *The storm water management pond and how it will handle the run-off from the Coastal Crossing properties and adjacent lots.
- *The tree buffer (specifically types of trees and their maintenance).
- *The traffic congestion created on Goldfish Farm Rd.
- *Noise and air pollution (from the buildings and the traffic)

The Albany Development Code (ADC) provides that a purpose of a Site Plan Review is to ensure that proposed development is done in a safe manner which is compatible with existing development. ADC 2.600. The City can only grant a Site Plan Review approval if the Site Plan meets or can be conditioned by the City to ensure, among other things, that "negative impacts [to surrounding development] have been sufficiently minimized." ADC 2.650(5). To ensure that this is so, City is empowered to attach conditions of approval to the Site Plan Review application. ADC 2.660.

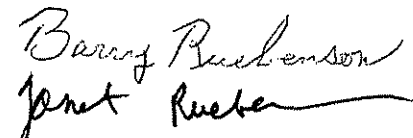
The City is aware that there are serious issues (including structural deficiencies) with the manner in which a number of homes in the Coastal Crossings development were built. We are in the process of working though these issues with attorneys, architects, engineers, contractors and insurance companies.

It is crucial that the development right next to us be conditioned to require that it be carried out in a manner to ensure our vulnerable houses are not affected by hazards such as shifting ground and soils, water run-off and vibration associated with the development process and future use of the property. These are safety issues for us and have the potential for devastating impacts to our homes and families. All the homes in the Coastal Crossings development that have been affected by these structural deficiencies need to be considered before this plan moves forward.

We respectfully request that the City ensure that the Site Plan be conditioned to ensure that the development is carried out in a manner so as to avoid risks, such as those identified above, to all our homes. We believe that the City bears special responsibility in this particular case given that the City permitted and inspected our houses during the construction process but did not identify the very structural problems that, when combined with the neighboring development, are causing us grave concern for the safety of our homes and families.

Thank you for considering our comments and please feel free to contact us as needed. Also, feel welcome to contact our attorney: Justin Wirth, Jeanne Smith & Associates, PC, 104 SW Second Street, Corvallis, OR 97339, (541) 752-6416, and our contractor: Allstar Construction, Adam Blagg, PO Box 1613, Albany, OR 97321, 541-924-1841.

Thank You,

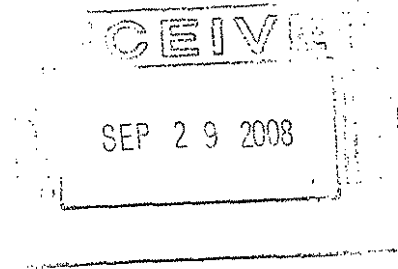

Barry and Janet Ruebenson

Cc: M. Whitlow
WRG Design
J. Wirth
A. Blagg

September 25, 2008

Norm and Lynn Kellogg
3811 Goldfish Farm Rd SE
Albany, Oregon 97322
(541) 829-3355
(541) 829-3396

Planning Division
P.O. Box 490
Albany, OR 97321



Planning Division and Albany City Council:

We live in the Coastal Crossings development and are neighbors of the proposed development on the SmartCenters Property.

The following is a list of the concerns, including some of the details we have identified from the site plan.

Truck Route:

Concerns about the proximity of the truck route to the residential property line. We feel that on a 26 acre property the truck route could be placed to minimize the negative impact of truck traffic (frequency, noise and pollution) on residents.

Storm Water Management Pond:

Water runoff from the yards on Mackinaw currently flows down the slope of the landscape and beyond our property line. A solid retaining wall at the property line could create flooding in those yards. We have concerns about how the storm water ponds will handle the runoff they receive. For example, overflowing, flooding or stagnant water (bringing mosquitoes).

Tree Buffer:

We are concerned about the types of trees to create the buffer and potential property damage or excessive cleanup created by falling leaves or needles and potential for trees to blow over. We currently experience a lot of gusty winds from the direction.

We also have concerns about the maintenance of the landscaping within the storm water pond fence.

Traffic:

No entrance or exit on Hwy 20 leads all retail and commercial traffic down Goldfish Farm Rd. This will create congestion for all residents entering or exiting our development. Since Goldfish Farm Rd currently does not go through to Spicer, this will also increase traffic coming into the residential area as they will try to get out of the area. The speed limit should also be addressed, it is currently posted as 35 mph in the residential area, and it should be lowered to 25 mph. This also creates limited access for emergency vehicles.

Increased traffic around the freeway off ramps creates more potential hazards as the yield signs currently in place already pose a danger to passing vehicles. Freeway off ramp stop signs could help mitigate this hazard in the event no other freeway entrance or exit changes are made.

Adjusting the width of the travel aisles in the proposed area seems unnecessary as it will only create more congestion in the parking lot.

We have a significant new concern that the City needs to address as part of the Site Plan Review process.

The City is aware that there are serious issues (including structural deficiencies) with the manner in which a number of homes in the Coastal Crossings development were built. We are in the process of working through these issues with attorneys, architects, engineers, contractors and insurance companies.

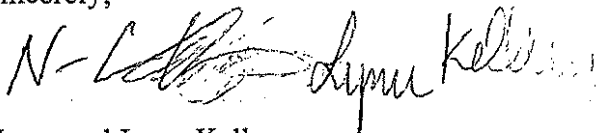
It is crucial that the development right next to us be conditioned to require that it be carried out in a manner to minimize impacts to our vulnerable houses. We are extremely concerned about hazards such as shifting ground and soils, water run-off and vibration associated with the development process and future use of the property. These are safety issues for us and have the potential for devastating impacts to our homes and families.

The Albany Development Code (ADC) provides that a purpose of a Site Plan Review is to ensure that proposed development is done in a safe manner which is compatible with existing development. ADC 2.600. The City can only grant a Site Plan Review approval if the Site Plan meets or can be conditioned by the City to ensure, among other things, that "negative impacts [to surrounding development] have been sufficiently minimized." ADC 2.650(5). To ensure that this so, City is empowered to attach conditions of approval to the Site Plan Review application. ADC 2.660.

Accordingly, we respectfully request that the City ensure that the Site Plan be conditioned to ensure that the development is carried out in a manner so as to minimize and avoid risks, such as those identified above, to our homes. We believe that the City bears special responsibility in this particular case given that the City permitted and inspected our houses during the construction process but did not identify the very structural problems that, when combined with the neighboring development, are causing us grave concern for the safety of our homes and families.

Thank you for considering our comments and please feel free to contact us as needed. Please also feel welcome to contact our attorney: Justin Wirth, Jeanne Smith & Associates, PC, 104 SW Second Street, Corvallis, OR 97339, (541) 752-6416.

Sincerely,

A handwritten signature in black ink, appearing to read "Norm and Lynn Kellogg". The signature is written in a cursive, somewhat stylized script.

Norm and Lynn Kellogg

September 15, 2008

Councilor Jeff Christman
3802 Chicago Street SE
Albany, OR 97322

Dear Councilor Christman,

In a recent mailing from the Albany Community Development Department, I was informed that the department had granted approval for the SmartCentre development on Highway 20 at Goldfish Farm Road. The letter stated that, "The City based its decision on the project's conformance with the review criteria listed in the Albany Development Code."

The Community Development Department has gone by the book in this process, following necessary procedures and guidelines. It is clear that each City office that has touched this development has followed procedure in the proscribed manner. But this is not about process or bureaucracy. The problem lies at the policy level set in place by our elected leadership.

Here is how it all looks to a relative newcomer to Albany. Sometime ago, the City allowed the Coastal Crossing subdivision to fill with the new single-family homes. The City viewed residential growth as valuable. More revenue and a growing population are traditional signs of progress. What could be wrong with that?

Then, a large company sees an opportunity to expand into Albany. They find a location at Highway 20 and Goldfish Farm Road and go before the City to get that property re-zoned to allow the expansion. The City Council again views growth and increased revenues as valuable. The zoning change is approved. The cycle is repeated. What could be wrong with that?

All that's left is to make the developer jump through a few hoops. Progress evolves. City Councilors come and go. But progress always exacts a cost from someone. From my perspective, the City Council has meandered from decision to decision without examining and considering as many perspectives as it might. The allure of growth is seductive.

In the name of progress, it matters not that the Coastal Crossing subdivision will essentially become a small ghetto tucked in behind a new shopping center. In the name of progress, it doesn't matter that people foolish enough to buy a home in the Coastal Crossing development will likely suffer valuation losses when their homes are suddenly kitty-corner from a parking lot servicing 600-vehicles per hour. It is unimportant that a small percentage of Albany citizens will be forced to listen as trucks and rooftop air units boil away on a summer's night. This will be our price for progress.

Of course, my motivations are purely selfish. I hoped my investment in Albany might some day have a payoff, or at minimum hold its value. Even though current market conditions are less than rosy, housing downturns are usually temporary. At some point, home valuations will begin to rise. But will that rise happen when one's home lies in the shadow of a shopping mall? My instincts say that's not likely.

If the City Council does not deny the SmartCentre, the 60 or so homeowners here in the Coastal Crossing subdivision will, I guess, just have to pay the price. The children that reside here will simply have to dodge the vehicles certain to pour into our streets. In a neighborhood with only one outlet to Highway 20, the increased traffic and noise will certainly add a wonderful quality.

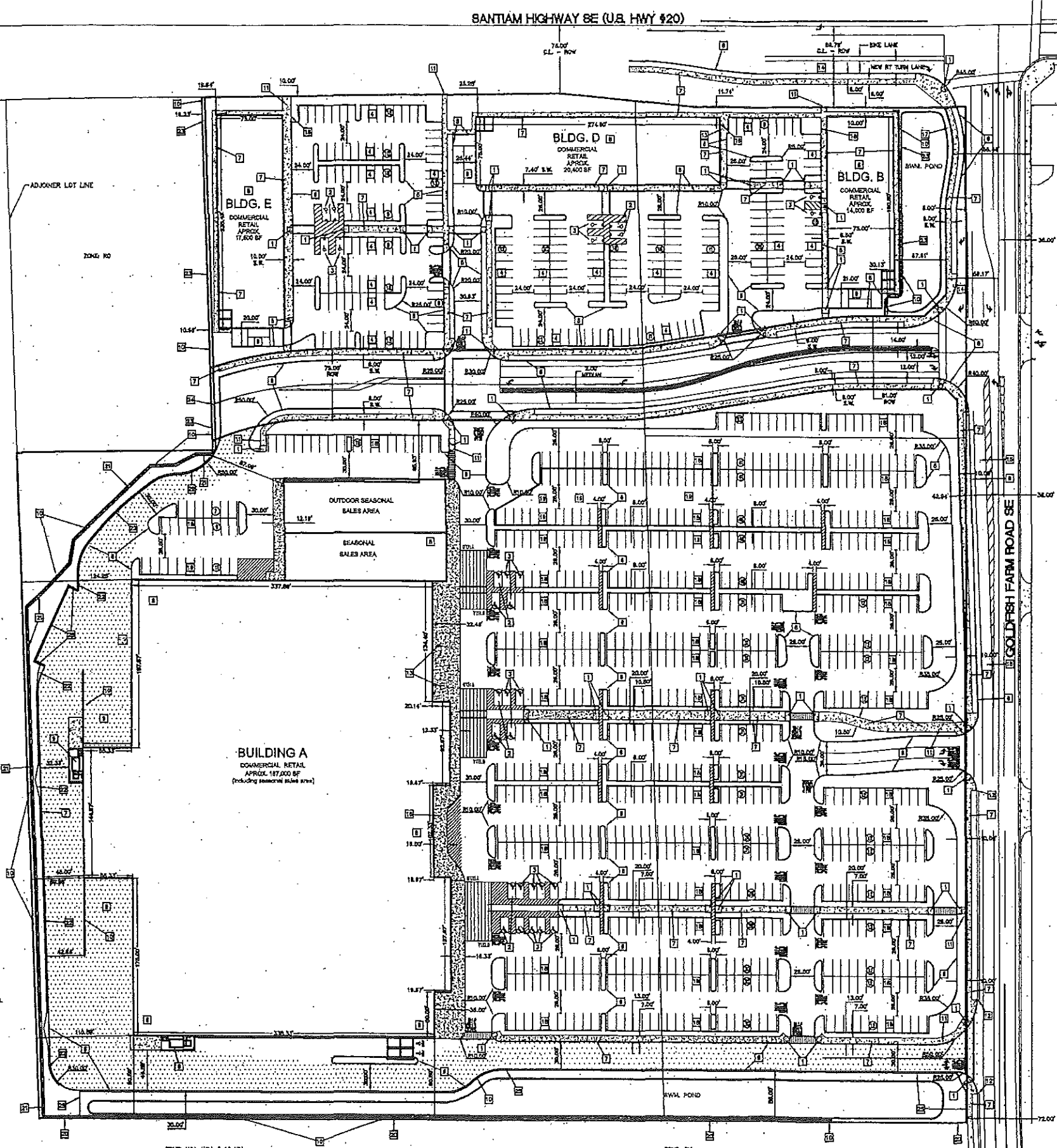
Now the City Council has a chance to help preserve the qualities that make Albany a great place to live. You have one last occasion to revisit the true cost of progress. I urge you to think about that cost. This neighborhood asks that you consider the needs, wants and desires of those who live here. You need to ask yourself if you'd approve this development if it were to be built in your neighborhood. You need to consider if yet another shopping mall adds anything of real importance.

If built, SmartCentre will cost all of Albany in ways as yet unknown. But the heaviest burden will fall on those who live in its shadow. I urge you to vote no on SmartCentre.

Regards,

John Hartman
3832 Oranda Street SE
Albany, OR 97322

W R G
 DEBORN
 645 SW Washington Dr. Ste 100 Portland, OR 97221
 TEL: 503.493.2500 FAX: 503.493.2500
 LANDSCAPE ARCHITECTS • SURVEYORS



- SITE CONSTRUCTION NOTES**
- 1 PROPOSED TYPICAL HANDICAP RAMP WITH TACTILE WARNING PER A.D.A. STANDARDS.
 - 2 PROPOSED TYPICAL VAN ACCESSIBLE HANDICAP PARKING STALL WITH A.D.A. APPROVED SYMBOL AND SIGN.
 - 3 PROPOSED TYPICAL ACCESSIBLE HANDICAP PARKING STALL WITH A.D.A. APPROVED SYMBOL AND SIGN.
 - 4 PROPOSED TYPICAL 18.5'x9.5' PARKING STALL. WHEEL STOP WILL BE INSTALLED IF FRONT OF STALL ADJUTS PEDESTRIAN WALKWAY.
 - 5 PROPOSED STANDARD CONCRETE CURB.
 - 6 PROPOSED STANDARD CONCRETE CURB AND GUTTER.
 - 7 PROPOSED STANDARD CONCRETE SIDEWALK.
 - 8 SEE ARCHITECTURAL PLANS FOR BUILDING LAYOUT AND ELEVATIONS INFORMATION.
 - 9 PROPOSED LOADING / UNLOADING AREA.
 - 10 PROPOSED RETAINING WALL.
 - 11 PROPOSED PEDESTRIAN CONNECTION TO PUBLIC RIGHT OF WAY MATCH INTO AND PROTECT EXISTING CURB AND GUTTER.
 - 12 PROPOSED BICYCLE PARKING AREA.
 - 13 PROPOSED WIDENED STREET WITH NEW RIGHT HAND TURN LANE.
 - 14 PROPOSED WIDENED STREET SECTION.
 - 15 PROPOSED BENCHES FOR PEDESTRIANS.
 - 16 PROPOSED MONUMENT SIGN LOCATION.
 - 17 PROPOSED TYPICAL 18.5'x9.5' PARKING STALL. WHEEL STOP WILL BE INSTALLED IF FRONT OF STALL ADJUTS PEDESTRIAN WALKWAY.
 - 18 SEASONAL OUTDOOR SALES AREA (15,000 SF)
 - 19 INSTALL SCREEN WALL ALONG ENTIRE SOUTHERN PROPERTY LINE. SEE LANDSCAPE PLANS FOR DETAIL.
 - 20 INSTALL 4' TALL FENCE AT TOP OF RETAINING WALL.
 - 21 INSTALL STANDARD GUARD RAIL.
 - 22 INSTALL 42" TALL PEDESTRIAN RAIL AT THE TOP OF WALL.
 - 23 INSTALL TYPE 3 TRAFFIC BARRICADE AT BACK OF CURB.
 - 24 INSTALL DECORATIVE FENCE AROUND STORM DETENTION POND.
 - 25 INSTALL 8" TALL CMU WALL AROUND BUMP OUT.

NORTHERN PARCEL BUILDING COVERAGE
 TOTAL SITE AREA: 221,638 SF
 TOTAL BUILDING AREA: 51,900 SF
 BUILDING COVERAGE: 23.4%

NORTHERN PARCEL LANDSCAPING %
 TOTAL SITE AREA: 221,638 SF
 TOTAL LANDSCAPE AREA: 40,841 SF
 LANDSCAPE: 18.4%

NORTHERN PARCEL PARKING DATA
 TOTAL BUILDING AREA: 51,900 SF
 TOTAL PARKING STALLS: 255
 STALLS PER S.F. OF BUILDING: 1 STALL / 203 SF

SOUTHERN PARCEL BUILDING COVERAGE
 TOTAL SITE AREA: 222,807 SF
 TOTAL BUILDING AREA: 187,000 SF
 BUILDING COVERAGE: 83.9%

SOUTHERN PARCEL LANDSCAPING %
 TOTAL SITE AREA: 222,807 SF
 TOTAL LANDSCAPE AREA: 134,448 SF
 LANDSCAPE: 60.3%

SOUTHERN PARCEL PARKING DATA
 TOTAL BUILDING AREA: 187,000 SF
 NET SALES AREA: 182,375 SF
 TOTAL PARKING STALLS: 840
 STALLS PER S.F. OF BUILDING: 1 STALL / 189 SF (NET SALES AREA)

- LEGEND**
- EXISTING BOUNDARY LINE
 - EXISTING LOT LINE
 - EXISTING STREET STRIPING
 - EXISTING CURB LINE
 - EXISTING CENTER LINE
 - EXISTING SIDEWALK
 - PROPOSED RIGHT OF WAY
 - PROPOSED CURB LINE
 - PROPOSED SIDEWALK
 - PROPOSED CENTER LINE
 - PROPOSED BUILDING
 - PROPOSED PARKING LOT STRIPING
 - PROPOSED STREET STRIPING
 - PROPOSED RETAINING WALL
 - NUMBER OF STALLS IN A BAY
 - PROPOSED TRUCK ROUTE
 - PROPOSED FENCE
 - PROPOSED GUARD RAIL
 - PROPOSED SCREEN WALL

EXISTING LOT DATA

PARCEL 1 (WESTERN LOT)
 718,828 SQ.FT. (16.44 AC)
 11-3W-90-200

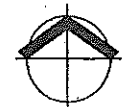
LOT 2 (NORTHEAST LOT)
 134,819 SQ.FT. (3.07 AC)
 11-3W-90-200

LOT 3 (SOUTHEAST LOT)
 287,369 SQ.FT. (6.61 AC)
 11-3W-90-3000

BUILDING	# REQUIRED	AMENITIES PROVIDED
BUILDING "A"	4	A, W, T, B
BUILDING "B"	3	A, T, B
BUILDING "D"	3	A, T, B
BUILDING "E"	3	A, T, B

SYMBOLS:
 A = AMENITY
 W = WIDENED SIDEWALK
 T = LARGER STREET TREES
 B = BENCHES

*PER CITY OF ALBANY DEVELOPMENT CODE SECTION 8.360



SCALE: 1"=80'
 80 30 0 60

SITE PLAN
 HIGHWAY 20 RETAIL CENTER
 SMARTCENTRES
 Albany, Oregon

PROJECT NO: FP86330
 DATE: 3/7/08
 DESIGNED BY: MOB
 DRAWN BY: MOB
 CHECKED BY: KBR

Memo



Daly • Standlee & Associates, Inc.

4900 S.W. Griffith Drive
Suite 216
Beaverton, Oregon 97005
(503) 646-4420
Fax (503) 646-3385

Date: September 30, 2008

To: Andrew Sinclair

SmartCentres
#201-11120 Horseshoe Way
Richmond, BC, Canada V7A5H7

From: Kerrie G. Standlee, P.E.

Re: SmartCentres' Albany Shopping Center Environmental Noise Study

DSA File #: 119082

Andrew:

At your request, I had Mike Raley of our office pull up the noise analyses developed for the proposed Albany, Oregon Shopping Center project and make a few more predictions so that we could determine if any additional mitigation measures would be required to ensure the noise radiating to the vacant properties west and south of the project would be in compliance with the noise requirements in the Albany Development Code (Section 9.440). In addition, I am sending you this memo to respond to your question about whether or not the actual ground elevations were used in the original noise analysis.

As you are aware, Section 9.440 of the Development Code states that the DEQ noise regulations apply to firms located adjacent to or near noise-sensitive uses such as dwellings, religious institutions, schools and hospitals and that any property within the city where a noise sensitive building could be constructed under the Development Code would be treated as if it contained a noise sensitive building. In such a situation, the appropriate measurement point to determine compliance with the DEQ noise regulations would be that point on the vacant property 25 feet from an approved building site in the direction of the noise source or the property line separating



the vacant property from the noise source, which ever point is further from the noise source. In the case of the vacant property west and south of the project, if the property was within the City of Albany, a residence could be constructed 15 feet or more from the property line. So the DEQ noise compliance point on that property would be the property line between the shopping center and the adjacent property unless it is known that noise sensitive structures would be constructed on that property further than 25 feet from the property line.

Noise predictions were made for points along the west and south property lines using the same noise modeling program used for the site during the original noise study and the same operational information used in the original noise study with one exception. In the original noise study analysis, DSA assumed that two refrigerated trailers would be at the south loading dock of Building A with their refrigeration units operating for a full hour during the loudest hour of the night to be conservative. For this analysis, we advised you that using the above assumption would make it difficult to meet DEQ requirements at the property lines adjacent to the vacant property to the west and south of the site. Accordingly, you have stated that in order to ensure City of Albany and DEQ requirements are met for those vacant properties, SmartCentres would voluntarily require the end user of Building A to shut off all refrigeration equipment associated with refrigerated trailers within 6 minutes of arrival at the south loading docks during nighttime hours (10:00PM – 7:00AM), if deliveries would be made during that time. This assumption was made for the revised analysis.

Using the revised loading dock assumption, the results of the predictions show that no additional noise mitigation will be required beyond that proposed in the original noise study report to ensure the noise at the west and south property lines will be in compliance with the DEQ noise regulation limits. It should be mentioned that if the free standing barriers suggested in the noise study report are used to control the amount of rooftop chiller noise radiating to residences to the south, it will be required that those barriers are constructed along the west side of the chillers in addition to the south and east sides of the chillers to ensure the noise radiating to the west is in compliance with the DEQ noise regulations along the full length of the west and south property line. If the quieter chillers are used on the roof of Building A, that mitigation measure alone will ensure the noise at the west and south property lines is in compliance with City of Albany and DEQ requirements.

The attached figures present pictorial representations of the sound levels that will radiate from the project with the revised equipment operation discussed above.

Regarding the question from the City about whether the original analysis took into account the final elevations of the site, the analysis was made assuming the floor elevation of Building A was at the same elevation as the floor of the houses to the south. As I understand it now, the proposed floor elevations will be higher than the elevation of the ground at the homes. Given that fact, the actual noise levels found at the adjacent properties will be less than the noise levels predicted in the original analysis due to the fact that there will be an increased barrier effect provided by Building A's parapet. As the floor and roof elevations of Building A rise relative to the adjacent properties, the barrier effect of the parapet increases due to the increased path length difference between the direct line of sight between the



SmartCentres' Albany Shopping Center Environmental Noise Study

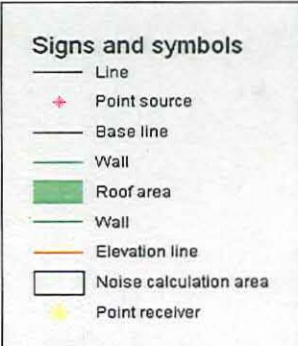
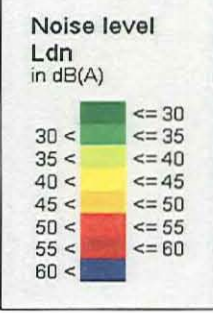
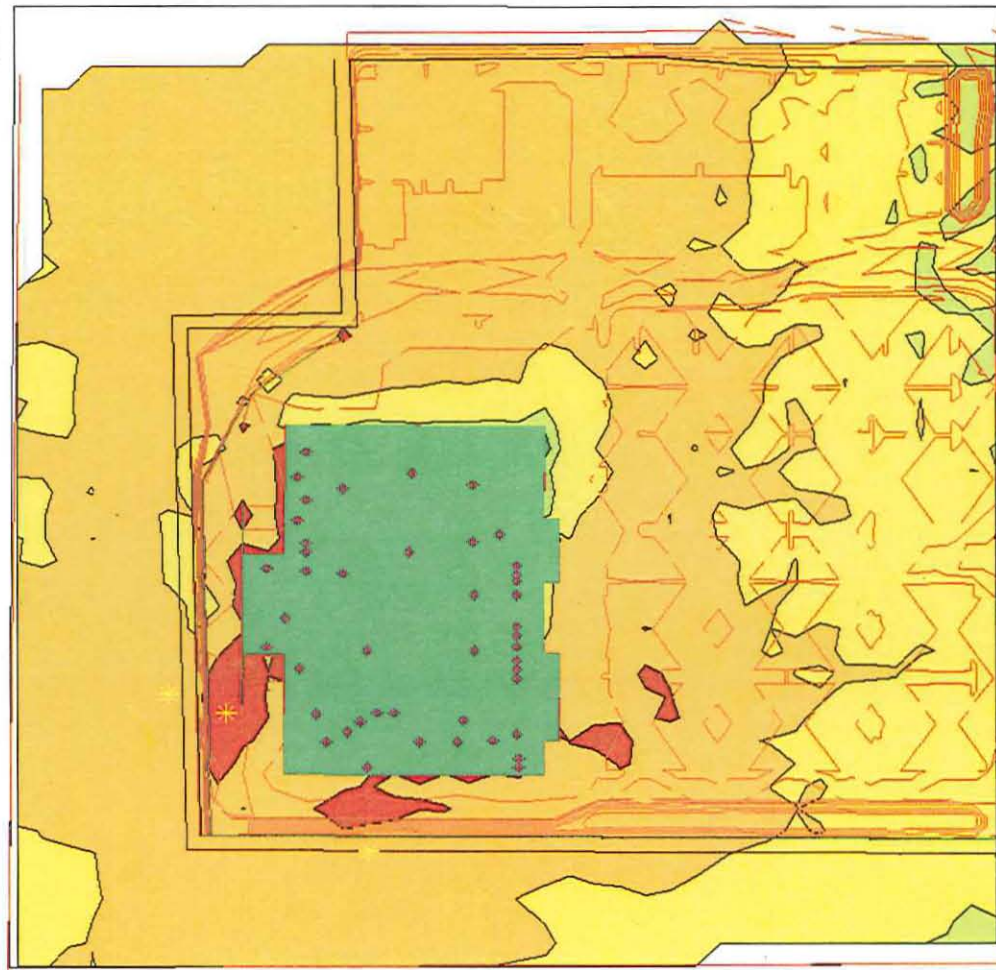
source and the receivers and the path of the sound passing over the top of the parapet to the receivers.



EXPIRES: 6/30/10

SmartCentres L50 Analysis

Chiller Walls Option



DSA
Date: 9/30/08
Engineer: MLR

Daly-Standlee & Associates, Inc.

Phone: 503/646-4420
Fax: 503/646-3385
Email: DSA@acoustechgroup.com

SmartCentres: Chiller Walls Option

DESIGNED BY:

MLR

DRAWN BY:

MLR

DATE:

9/30/08

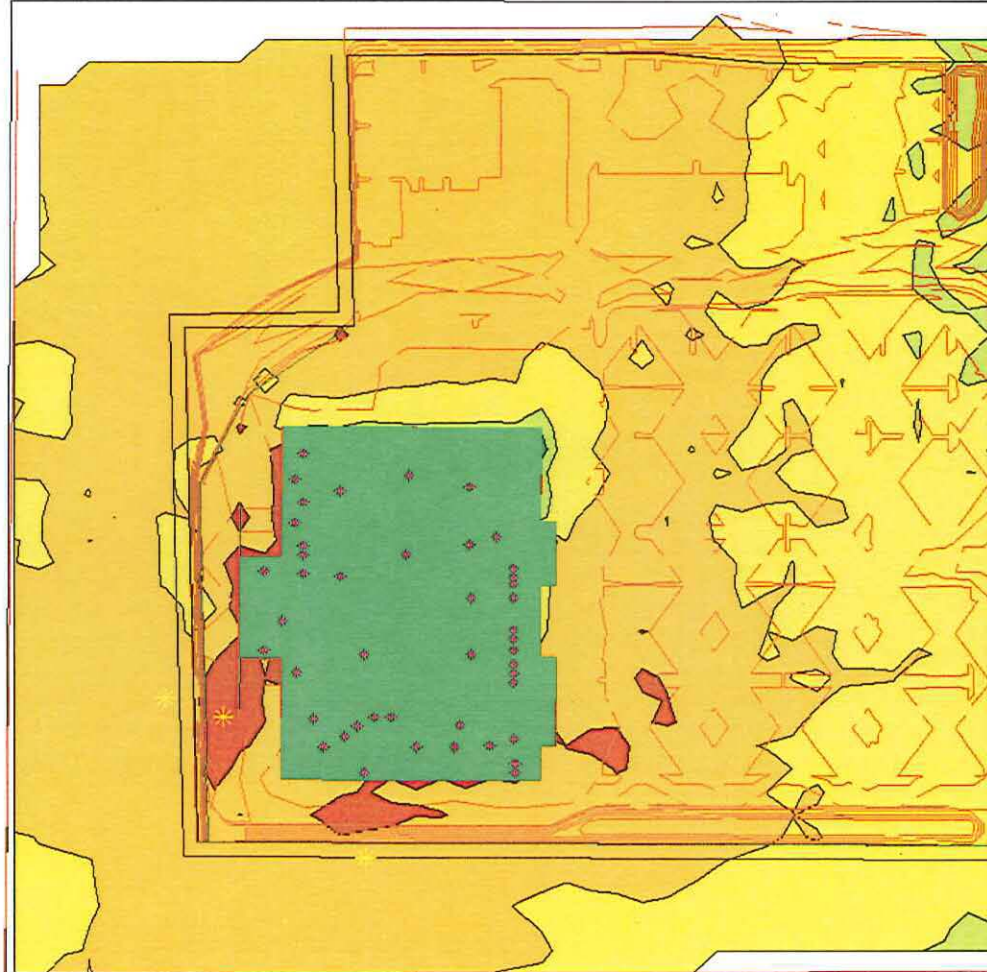
PROJECT NO.

119082

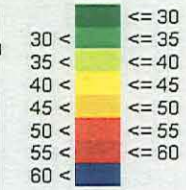
Figure #1

SmartCentres L50 Analysis

Quieter Chillers Option



Noise level
Ldn
in dB(A)



Signs and symbols

- Line
- ◆ Point source
- Base line
- Wall
- Roof area
- Wall
- Elevation line
- Noise calculation area
- ★ Point receiver

DSA
Date: 9/30/08
Engineer: MLR

Daly-Standlee & Associates, Inc.

Phone: 503/646-4420
Fax: 503/646-3385
Email: DSA@acoustechgroup.com

SmartCentres: Quieter Chiller Option

DESIGNED BY:

DRAWN BY:

DATE:

PROJECT NO.

MLR

9/30/08

119082

Figure #2



TO: Albany City Council

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

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

DATE: September 30, 2008, for the October 8, 2008, City Council Meeting

SUBJECT: Engineer's Report for SS-07-03, Ellingson Road Sewer Extension Project

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

Action Requested:

Staff requests that Council hold the scheduled public hearing and consider adoption of the attached resolution to adopt the Initial Engineer's Report and Financial Investigation Report. Adoption of the resolution will form the Local Improvement District (LID) for the construction of sanitary sewer improvements along Ellingson Road east of the railroad tracks.

Discussion:

Background

In October 2006 the City entered into a Development Agreement with SVC Manufacturing, Inc., the State of Oregon, and Linn County. The Development Agreement requires the City to complete sewer, water, and transportation improvements to facilitate the siting of the new manufacturing plant. This report deals only with the sewer improvement project. The Engineer's Report associated with the Local Improvement Districts (LIDs) for the water and transportation projects will be presented to Council at future dates. Attachment 1 is a schematic map that shows the location of the sewer improvements. These public improvements benefit the new plant as well as other properties adjacent to the sewer.

The proposed funding plan of the public infrastructure improvements constructed in association with the Development Agreement includes funds provided by the State of Oregon, Linn County, and City System Development Charges as well as LID assessments levied against benefited properties.

Improvements

This project extended a 24-inch diameter sanitary sewer along Ellingson Road from the Union Pacific railroad tracks to the east end of the SVC and Wilt/Plemmons property frontage. This is a distance of approximately 2,100 feet. This sewer will provide service to both the SVC property and the property north and adjacent to Ellingson Road (Wilt/Plemmons property). This sewer can be extended in the future to accommodate development to the east. This sewer is identified in the City's Wastewater Facilities Plan. The Facility Plan identifies a 10-inch diameter sewer. SVC required a minimum sewer line size of 24-inch diameter per the Development Agreement.

Special Benefits and LID Boundaries

The City Council has broad discretion in determining LID boundaries and which properties receive a special benefit from a public improvement such as this. Staff has developed a proposed LID boundary and methodology to assess those specially benefited. The properties included in

the proposed boundary receive a special benefit from this project. Each of the properties have frontage along the sewer and can be served directly from the sewer extension.

Chapter 12 of the Albany Development Code outlines the responsibility of properties to make public infrastructure improvements to City standards and in conformance with the City's master plans. Based on these requirements, the properties within the LID boundary would be required to construct or participate in the construction of the sewer extension in order to develop.

Assessment Methodology

Staff proposes the use of a gross area methodology. In this methodology the gross areas of properties inside the LID boundary are used to determine the assessments. The use of gross area is an equitable methodology because it reflects the benefit each property receives for the sewer improvement. There are only two property owners involved in the LID. Both properties have the same amount of frontage on the sewer improvement. However, one property is much larger in area, providing greater development potential. Therefore, the sewer extension provides a greater benefit to this property owner.

Using gross area treats properties equitably. The SVC property will be assigned a benefit of its gross area even though large areas are being used for wetland mitigation. In this way, if portions of the other properties in the LID are required to be used for wetland mitigation or preservation they will have been treated the same as the SVC property.

The Development Agreement identifies the minimum sewer line size required to serve the SVC property is 24 inches. Since this is the minimum necessary to serve their development, the SVC property is not eligible for SDC credits for this over-sized line. However, the other property in the LID is eligible for SDC credits since the sewer line is larger than the minimum necessary to serve them. These SDC credits are deducted from the assessments assigned to the eligible properties.

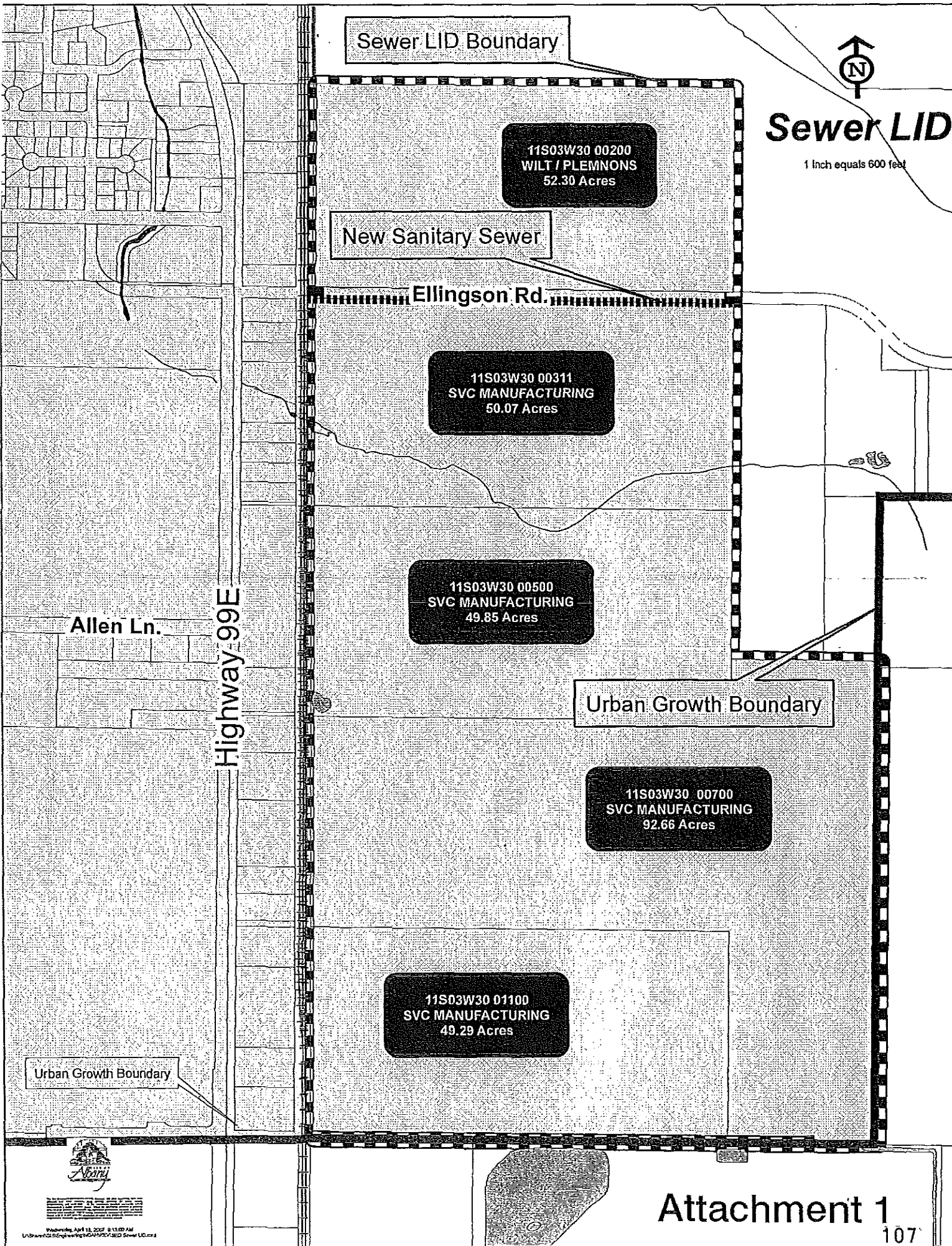
Attachment 2 is an assessment roll that summarizes the estimated assessments for each property.

Budget Impact:

The costs for the sewer improvements will be assessed to benefiting properties. The City will participate in the project costs with Sewer System Development Charges for a portion of the assessments against the Wilt/Plemmons property.

MWS:prj

Attachments: Map, Resolution, Assessment Roll, Financial Investigation



09/15/2008

Attachment 2 - Assessment Roll

SS-07-03, Ellingson Road Sanitary Sewer Extension LID

Estimated Project Cost \$439,000

Assessment per sq. ft. \$0.0346

Property Owner Name	Assessor's Map and Tax Lot	Area	Assessment	SDC Credit	Net Assessment
Wilt/Plemmons	11S-03W-30-00200	2,168,454	\$74,931	\$39,100	\$35,831
SVC Manufacturing	11S-03W-30-00311	2,181,049	\$75,367		\$75,367
SVC Manufacturing	11S-03W-30-00500	2,171,466	\$75,035		\$75,035
SVC Manufacturing	11S-03W-30-00700	4,036,270	\$139,474		\$139,474
SVC Manufacturing	11S-03W-30-01100	2,147,072	\$74,193	\$0	\$74,193
Totals		12,704,311	\$439,000	\$39,100	\$399,900

City SDC Contribution

\$39,100

Total Project Costs

\$439,000

FINANCIAL INVESTIGATION REPORT - SECTIONS 1 AND 2
SS-07-03, ELLINGSON ROAD SANITARY SEWER EXTENSION LID
(September 17, 2008)

OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	ESTIMATED TOTAL ASSESSMENT	BOND MAXIMUM	Assessed Valuation as of Sept. 2008 *****TRUE CASH VALUE 2007/2008*****			OTHER ASMNTS	ASMNT % TO TCV	10 YEAR MONTHLY PAYMT AT 6.55%
					LAND	IMPRVMTS	TOTAL			
William Wilt	11S-03W-30-00200 Site: Acreage	8.96%	\$35,831.00	\$4,857,360	\$2,428,680	\$0.00	\$2,428,680	\$0	1.48%	\$407.76
SVC Manufacturing	11S03W30 00311 Site: Acreage	18.85%	\$75,367.00	\$4,650,260	\$2,325,130	\$0.00	\$2,325,130	\$0	3.24%	\$857.68
SVC Manufacturing	11S03W30 00500 Site: Acreage	18.76%	\$75,035.00	\$4,629,820	\$2,314,910	\$0.00	\$2,314,910	\$0	3.24%	\$853.90
SVC Manufacturing	11S03W30 00700 Site: Acreage	34.88%	\$139,474.00	\$8,605,800	\$4,302,900	\$0.00	\$4,302,900	\$0	3.24%	\$1,587.22
SVC Manufacturing	11S03W30 01100 Site: Acreage	18.55%	\$74,193.00	\$4,577,800	\$2,288,900	\$0.00	\$2,288,900	\$0	3.24%	\$844.32
		100.00%	\$399,900.00							

FINANCIAL INVESTIGATION REPORT (Cont.)
SS-07-03, ELLINGSON ROAD SANITARY SEWER EXTENSION LID
(As of September 17, 2008)

Section 3. Number of similar properties held by the City through foreclosure.

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

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

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

Section 5. Real estate value trends in the area.

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

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

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

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

This project conforms to the City's Comprehensive Plan.

Section 8. Attitude of property owners toward the project?

Property owners have a generally positive view of this project.

Section 9. Status of City's debt.

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

Section 10. Estimated cost of financing.

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

Section 11. General credit worthiness of property owners within the LID.

The estimated total assessments range from \$35,831 to \$139,474. The monthly payments on the proposed assessments project to range from \$407.76 to \$1,587.22 for ten years. The assessments will be adequately secured by the properties.

RESOLUTION NO. _____

A RESOLUTION ADOPTING ENGINEERING AND FINANCIAL INVESTIGATION REPORTS, FOR SS-07-03, ELLINGSON ROAD SEWER EXTENSION PROJECT.

WHEREAS SS-07-03, Ellingson Road Sewer Extension was completed with funds appropriated in previous budgets, and;

WHEREAS on March 28, 2007, Council adopted Resolution 5402 declaring that an emergency exists and that improvements described as SS-07-03, Ellingson Road Sewer Extension are essential for the welfare of the City, and that the City intended to make the improvements, and that as soon as the Financial Investigation and Engineer's Report can be completed, a public hearing will be set in accordance with AMC 15.04.80 and all affected property owners will be given an opportunity to testify concerning the improvement and assessments, and;

WHEREAS on October 8, 2008, a public hearing was held in which Council provided all affected property owners to provide comment on the Local Improvement District.

BE IT RESOLVED that the engineer's report of the Public Works Director and the financial investigation report of the Finance Director filed with the City Recorder on September 22, 2008, concerning SS-07-03, Ellingson Road Sewer Extension Project be and the same are hereby adopted.

DATED AND EFFECTIVE THIS 8TH DAY OF OCTOBER 2008.

Mayor

ATTEST:

City Clerk



TO: Albany City Council

EXHIBIT A

VIA: Wes Hare, City Manager

FROM: 
Edward Boyd, Chief of Police

DATE: September 29, 2008, for October 8, 2008, Council Meeting

SUBJECT: Sole Source Procurement for Navaline and Field Reporting Software and Maintenance

RELATES TO STRATEGIC PLAN THEME:

- An Effective Government
- A Safe City

Action Requested:

In the Council's role as the Local Contract Review Board, the Albany Police Department requests authorization to upgrade our existing Sungard records management system by purchasing Sungard Public Sector NaviLine and Field Reporting software. The sole source vendor, in accordance with sole source purchasing requirements specified in Oregon Revised Statutes 279B.075, is Sungard Public Sector, 1000 Business Center Drive, Lake Mary, FL 32746.

Discussion:

The City of Albany Police Department already owns the Sungard records management system. NaviLine takes advantage of the security and reliability of our current records management system, while providing a familiar web-like graphical environment for accomplishing daily business tasks. Sungard Public Sector NaviLine software combines the proven functionality of Sungard Total Enterprise Solution software with a modern web browser display. The result is an integrated information system that is powerful and user friendly.

Sungard Field Reporting allows officers to write and submit reports from the field, replacing Microsoft Word, and is automatically integrated into our existing Sungard records management system. The system simplifies work flow and checks the police records management system for information. It automatically populates data-entry fields, reducing the time to write a report and eliminating duplication of data entry by support staff. One of the advantages of Field Reporting is that screens are fully customizable and it's easy to make dramatic changes to the look and feel of the application and tailor them to fit our requirements.

Budget Impact:

Costs for the project were budgeted in the FY 08-09 Police General Fund and Public Safety Levy budgets that were approved by Council on June 25, 2008. The Department budgeted at total of \$179,000 for the entire project in our Software and Software Maintenance line items.

A RESOLUTION OF THE ALBANY CITY COUNCIL, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, WAIVING COMPETITIVE BIDDING AND AWARDING A SOLE SOURCE CONTRACT TO SUNGARD PUBLIC SECTOR.

WHEREAS, the Albany City Council serves as the City's Local Contract Review Board; and

WHEREAS, the Local Contract Review Board may award a contract without competitive bidding when the contractor is the sole source of the goods and services required; and

WHEREAS, the Albany Police Department's entire police records management system is SunGard; and

WHEREAS, the Albany Police Department requires an enhancement to the existing SunGard records management system by adding Field Reporting and Naviline software that will eliminate duplicate data entry and improve efficiency; and

WHEREAS, the addition of SunGard Field Reporting and Naviline software will result in an integrated information system that is powerful and user friendly; and

WHEREAS, the Albany City Council adopted the Police Fiscal Year 2008-2009 General Fund and Public Safety Levy budgets for software and software maintenance; and

WHEREAS, the Albany City Council authorized Department Directors to sign contracts and agreements (Resolution 5183 dated August 24, 2005).

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City of Albany City Council, acting as the Local Contract Review Board, adopts the following findings:

1. SunGard Public Sector is a sole source vendor providing goods and services, in accordance with ORS 279B.075 and OAR 137-047-0275; and
2. SunGard Public Sector is the provider of Field Reporting and Naviline software. This software is the property of SunGard Public Sector and only available from SunGard Public Sector; and
3. SunGard Public Sector is the sole provider of training and support for the Field Reporting and Naviline software; and
4. It is necessary to have a field-oriented, user-friendly system from one source for efficient utilization of existing SunGard Public Sector records management system; and
5. The facts set forth in the accompanying memorandum from the Chief of Police, dated September 29, 2008, are incorporated herein as additional findings (Exhibit A).

SECTION 2.

1. The Chief of Police is authorized to sign the agreement to purchase Field Reporting and Naviline software and maintenance with the sole source provider, SunGard Public Sector; and
2. If no comments or protests are received within seven days from the date of the public notice, per Oregon Administrative Rules (OAR) 137-047-0275, an award letter will be issued to SunGard Public Sector.

DATED AND EFFECTIVE THIS 8TH DAY OF OCTOBER 2008.

ATTEST:

Mayor

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
Diane Taniguchi-Dennis, P.E., Public Works Director *DSTD*
FROM: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*
DATE: September 30, 2008, for the October 8, 2008, City Council Meeting
SUBJECT: BR-06-01, Second Avenue Crossing of Periwinkle Creek

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Staff recommends Council adoption of the attached Resolution transferring the remaining balance of funds in the Capital Projects Fund: Periwinkle Creek Bridge at Second Avenue (402-50-2007) to Reserves in the Street Capital and Restoration Fund (250-50-2700).

Discussion:

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 Second Avenue, and storm drainage features.

This project has a long history and went through several alternative options for addressing the culvert failure that forced the closure of Second Avenue in 2002. With these various corrective options, different funding options were explored. One of the early project options included permanently closing this section of Second Avenue and removal of the culvert. This option was envisioned to be funded through a combination of grants and funds from the Street Capital and Restoration Fund. As such, \$163,000 was transfer into the Capital Projects Fund: Periwinkle Creek Bridge at Second Avenue from the Street Capital and Restoration Fund.

Ultimately, the replacement of the culvert with a bridge received funding approval from Oregon Department of Transportation (ODOT) through the OTIA III program. This funding from ODOT did not require any City match funding. Council chose to move forward with the ODOT-funded project to replace the culvert with a bridge rather than the permanent removal of the culvert.

The project has been completed and all expenditures have been paid, and the excess ODOT funds have been returned to ODOT with interest. A balance of approximately \$185,000 remains in the Capital Projects Fund: Periwinkle Creek Bridge at Second Avenue. This balance represents the \$163,000 originally transferred from the Street Capital and Restoration Fund plus interest that has been earned on these funds. Staff recommends the balance of funds be transferred back to the Street Capital and Restoration Fund Capital Reserve.

Budget Impact:

Adoption of the attached Resolution transferring approximately \$185,000 from Capital Projects Fund (402-50-2007) to the Street Capital and Restoration Fund (250-50-2700) will result in an increase in the Reserves in the Street Capital and Restoration Fund.

MWS:prj
Attachment

RESOLUTION NO. _____

A RESOLUTION TRANSFERRING APPROPRIATION FOR BR-06-01, FROM CAPITAL PROJECTS FUND: PERIWINKLE CREEK BRIDGE AT SECOND AVENUE TO THE STREET CAPITAL AND RESTORATION FUND.

WHEREAS, in Fiscal Year 2005-2006, the Council authorized a transfer of \$163,000 from the Street Capital and Restoration Fund to the Capital Projects Fund: Periwinkle Creek Bridge at Second Avenue; and

WHEREAS, the funds in the Capital Projects Fund: Periwinkle Creek Bridge at Second Avenue have earned interest; and

WHEREAS, the project was funded by the Oregon Department of Transportation; and

WHEREAS, there were no City matching funds required; and

WHEREAS, the City has paid all expenses including refunding excess grant monies due to the Oregon Department of Transportation; and

WHEREAS, there remains a fund balance of approximately \$185,000 in the Capital Projects Fund: Periwinkle Creek Bridge at Second Avenue; and

WHEREAS, this balance represents the original funds that were transferred from the Street Capital and Restoration Fund plus interest earned; and

WHEREAS, Oregon Local Budget Law provides that a decrease of one existing appropriation and a corresponding increase of another existing appropriation may be made after enactment of a resolution or ordinance authorizing the transfer; and

WHEREAS, the resolution or ordinance must state the need for the transfer, the purpose of the expenditure, and the amount to be transferred (ORS 294.450(1)&(3)).

NOW, THEREFORE, BE IT RESOLVED, that the transfer of funds from the Capital Projects Fund: Periwinkle Creek Bridge at Second Avenue (402-50-2007) to the Street Capital and Restoration Fund (250-50-2700) is hereby approved as follows:

	Resources	Requirements
Street Capital and Restoration Fund		
250-50-2700-49044: From Capital projects Fund	185,000	
250-50-2700-90012: Reserve- Capital projects		185,000
Capital Projects Fund		
402-50-2007-91201: To Street Capital and Restoration Fund		185,000
402-50-2007-49905: Beginning balance	185,000	

DATED AND EFFECTIVE THIS 8TH DAY OF OCTOBER 2008.

ATTEST:

Mayor

City Clerk

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, August 27, 2008
7:15 p.m.

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Bedore led the pledge of allegiance to the flag.

ROLL CALL

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

Councilors absent: Jeff Christman

Bedore presented Fire Chief Kevin Kreitman and his wife Debbie with a Key to the City. Bedore said Kreitman was committed to the community and has been a great asset to the City of Albany. Bedore congratulated Kreitman on his new position as Fire Chief in Redding, California. Kreitman will be missed a great deal.

Kreitman thanked the Council and his staff. He said, the Albany Fire Department is outstanding and one of the reasons is because of the support from the Councils over the years. Kreitman said this has been one of the hardest decisions to make in his life, in part because of the staff he works with on a daily basis. It has been an honor and pleasure to serve the community for the last 27 years.

SCHEDULED BUSINESS

Continued Public Hearings

AN-01-08, annexation and zoning of approximately 30.15 acres south of Knox Butte Road and west of Scrael Hill Road.

Bedore said, next on tonight's agenda is a continued public hearing in the matter of annexation and zoning of approximately 30.15 acres south of Knox Butte Road. Bedore said, there have been some developments since the last meeting, which will be explained by the City Attorney.

City Attorney Jim Delapoer said, at the August 25 Work Session, the applicant's attorney, Don Kelly, asked the Council to consider reopening the public hearing, which the Council declined. Tonight, Kelly is asking for the Council to consider reopening the hearing again.

Delapoer explained the pros and cons of Kelly's proposal. If a person is dissatisfied with a land use decision, that person has the right to appeal the Council's decision to the Land Use Board of Appeals (LUBA). In this case, Delapoer is confident that the City would likely prevail; however every time we go to LUBA we spend a lot of time and money. Kelly has promised that if the public hearing is reopened, he will limit the hearing to ten minutes and he would make a commitment that the decision would be the Council's and that he would make no appeal. The benefit is that allowing ten minutes could mitigate the cost of an appeal. If the Council chooses this option, staff would have to prepare findings for approval or denial.

Kelly submitted for the record a map of the area; a water facility plan map; a sanitary sewer facility plan map; and a letter from Linn County Department of Health Services dated August 26, 2008 (see agenda file).

Councilor Ralph Reid asked, if we hear new evidence do we have to let the opponents speak too? Delapoer said, ordinarily we would, but there are no opponents for this case. He does not think there is risk to the City.

Bedore asked the Council to indicate by a showing of hands if the public hearing should be reopened. The majority of the Council, which included Reid, Councilor Floyd Collins and Councilor Sharon Konopa, did not wish to reopen the hearing. Delapoer said the request to reopen the hearing has been denied.

Bedore said, next on tonight's agenda is adoption of findings for denial and a final decision on an application to annex approximately 30.15 acres south of Knox Butte Road and west of Scrael Hill Road. The applicants are Sid and Cindy Miles. This is Albany case File AN-01-08. Following a public hearing on August 13, 2008, the Council made a tentative decision to deny the annexation application and directed staff to bring back findings to the next City Council meeting to support denial. The findings can be found on pages 1 and 2 of the agenda packet.

Bedore asked, does staff have any comments to make at this time? Staff did not.

Bedore asked, does any Councilor wish to discuss the findings? None did.

Bedore said, I will now entertain a motion. There is a motion on blue paper on the dais for adoption of the findings.

MOTION: Konopa moved that the City Council deny the application to annex approximately 28 acres south of Knox Butte Road and west of Scrael Hill Road (File AN-01-08); this motion is based on testimony at the August 13, 2008, public hearing and the City Council Findings Document presented by staff at the August 27, 2008, City Council meeting. Reid seconded the motion and it passed 4-1, with Councilor Bessie Johnson voting no.

Bedore said, within five days of the decision, the Community Development Director provides written notice of the decision to the applicant and any other parties entitled to notice. A decision of the City Council may be appealed to LUBA by filing a notice of intent to appeal not later than 21 days after the decision becomes final.

MN-01-08 and LA-05-08, 1020 and 1110 Hill Street SE, appealing the Planning Commission's approval of Modification to a Non-Conforming Use to allow a change from industrial use to an automotive repair business.

Bedore said, next on tonight's agenda is adoption of Supplemental Findings, Conclusions, Conditions, and a final decision on an appeal of the Planning Commission's approval of a Modification to a Non-Conforming Use to allow a change from an industrial use to an automotive repair business and a Property Line Adjustment that would transfer approximately .4 acres of land from Linn County Assessor's Map No. 11S-3W-7AC; Tax Lot 102 to Tax Lot 104. The applicant is Crabtree Automotive Incorporated. These are City of Albany case files MN-01-08 and LA-05-08.

Bedore said, on August 13, 2008, a public hearing was held on these applications. The Council heard new evidence that was not included in the staff report. Following the public hearing the Council made a Tentative Decision to approve with conditions the Modification to a Non-Conforming Use application and directed staff to bring back Supplemental Findings to the next City Council meeting. The Supplemental Findings can be found on pages 4 to 6 of the agenda packet.

Bedore asked, does staff have any comments to make at this time? Staff did not.

Bedore asked, does any Councilor wish to discuss the Supplemental Findings? None did.

Bedore said, I will now entertain a motion. There is a motion to consider on page 7 of the agenda packet.

MOTION: Konopa moved to approve with conditions the applications for the Modification to a Non-Conforming Use and the Property Line Adjustment for property located at 1020 and 1110 Hill Street SE (Files MN-01-08 and LA-05-08); this motion is based on findings and conclusions of the staff report, testimony presented at the public hearing, and the Supplemental Findings, Conclusions, and Conditions document presented by staff to the City Council at the August 27, 2008, meeting. Collins seconded the motion and it passed 5-0.

Bedore said, within five days of the decision, the Community Development Director provides written notice of the decision to the applicant and any other parties entitled to notice. A decision of the City Council may be appealed to LUBA by filing a notice of intent to appeal not later than 21 days after the decision becomes final.

Quasi-Judicial Public Hearings

VC-02-08, vacating a portion of Linn Avenue NE between Alco Street and Burkhart Street, and adopting findings.

CU-06-08, conditional use application for Eades Park.

Bedore said, next on the agenda is a consolidated quasi-judicial public hearing regarding planning files: VC-02-08, Vacation of the portion of Linn Avenue right-of-way (ROW) between Alco Street and Burkhart Street NE, the applicant being City of Albany Parks and Recreation Department; and CU-06-08, Conditional Use to construct a neighborhood park (Eades Park) located north of Linn Avenue NE and east of Alco Street NE. Improvements include play equipment, bike and pedestrian paths, benches, and parking for bicycles and vehicles. The applicant is the City of Albany Parks and Recreation Department.

Bedore called the quasi-judicial public hearing to order at 7:29 p.m.

Bedore asked, do any members of the Council wish to abstain? None did.

Bedore asked, do any members of the Council wish to declare a conflict of interest or report any significant ex parte contact or a site visit?

Konopa declared that she attended a neighborhood meeting held at City Hall regarding this vacation.

Councilor Dick Olsen said he was at that meeting as well.

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 that 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.

Bedore called for the staff report.

Community Development Director Greg Byrne asked if, procedurally, the two public hearings should be conducted separately. Infrastructure Analyst Mike Leopard explained that the first item is a vacation which has been approved by the Planning Commission so is before the Council tonight in ordinance form. The other is a conditional use permit which does not necessarily come before the Council but because the two are related, staff would like to present them at the same time. Delapoe said the two can be consolidated.

Leopard used a map to identify Linn Avenue. The area proposed for vacation is a section of Linn Avenue, between Alco Street and Burkhart Street. It is a 66-foot wide ROW that is currently unimproved and is not open to traffic. The ROW is covered by trees and other vegetation. This vacation request was initiated by the City Council at the request of the Parks Department. The City owns the parcel to the north of the ROW and is proposing to develop a small park on the site.

Leopard said there are currently no utilities within the area proposed for vacation. Properties to the south are served by a public sanitary sewer main that runs along their back lot lines. Public water lines exist in Alco Street and Burkhart Street. The Engineering Division has recommended that a public utility easement be retained over the entire vacation area in case future utilities need to be constructed. The Engineering Division also believes that it is very unlikely that a future street would ever be improved through this section of ROW.

The one transportation issue that will need to be accommodated pertains to possible future access for the middle lot along this section of Linn Avenue. Currently, the western two lots are developed as a single home site, under the same ownership. Access for this existing development comes from Alco Street. However in the future, these lots may be developed independently of each other, and the middle lot, Tax Lot 1303, may need a separate access. Staff is recommending that, as part of the proposed vacation, an access easement be retained over the portion of ROW reverting to Tax Lot 1300 for the benefit of Tax Lot 1303. This would ensure that Tax Lot 1303 has legal access rights to Alco Street, if needed in the future. The proposed development of the City park on the north will result in the construction of a sidewalk between Alco Street and Burkhart Street for pedestrian and bicycle safety. Leopard showed a map that illustrated the area to be vacated.

Leopard said the proposed neighborhood park is on a 1.8 acre City-owned parcel located north of Linn Avenue and east of Alco Street. The land is zoned RM. Park development is allowed on land with this zoning district subject to conditional use approval.

Neighborhood parks are typically small and intended for use by citizens located within a half mile of the park who can walk or bicycle to it. Before the Parks Department submitted this application for review, they held two neighborhood meetings to get input on how to design the park.

On August 11, 2008, the Planning Commission held a public hearing on this proposed park. They unanimously recommended approval with conditions.

Leopard said that normally an application of this type would come before the City Council only on appeal, but since it is concurrent with the street vacation of Linn Avenue on the south, we thought it might be confusing to some as to why the vacation went to Council and the park did not.

Leopard said this park is a replacement for a smaller park by the same name that was located at 375 Columbus Street NE. That park was closed in order to expand the City's sewer treatment plant. The park improvements are generally located in the southwest corner of the site. The plan shows play equipment, bike and pedestrian paths, benches, and parking for bicycles and vehicles. Picnic tables may also be provided. Parking is not typically provided with a neighborhood park, but in this area on-street parking is not readily available. Parking for five vehicles, including two disabled parking spaces, will be constructed in the public ROW on Alco Street to the west. Restrooms and water fountain facilities will not be provided. Pole lighting will be provided, but they will automatically turn off at night. A sign will be posted announcing the operating hours of dawn to dusk.

Leopard said that four trees will need to be removed, but their size and number do not trigger a tree felling permit or approval. Some additional vegetation, shrubs and trees, will be added to the property in appropriate

locations. For safety purposes they will be located in such a way that they will not create barriers to visibility into the park.

When the conditions listed in the staff report are met, this park development proposal will satisfy all of the six conditional use review criteria.

Leopard asked if there were any questions.

Collins thinks this lot was previously owned by Mr. Satterlee. For the benefit of the record, Collins said that he helped to negotiate for this property when he was on City staff in Public Works

Johnson asked what will be done for storm drainage on the site. Leopard said there will be minimal water on the site which will be handled by on site drainage.

Bedore asked, does anyone in the audience wish to speak in support of the applications? None did.

Bedore asked, does anyone in the audience wish to speak in opposition to the applications? None did.

Bedore asked, does anyone in the audience wish to speak who is neither in support or opposition of the applications? None did.

Bedore closed the public hearing at 7:40 p.m.

City Attorney Jim Delapoer read for the first time in title only, "AN ORDINANCE VACATING THAT PORTION OF LINN AVENUE NE BETWEEN ALCO STREET AND BURKHART STREET, IN ALBANY, OREGON; AND ADOPTING FINDINGS."

MOTION: Reid moved to have the ordinance read a second time in title only. Konopa seconded the motion and it passed 5-0.

Delapoer read the ordinance a second time in title only.

MOTION: Reid moved to adopt the ordinance to vacate the section of the Linn Avenue street right-of-way between Alco Street and Burkhart Street and Konopa seconded it. The motion passed 5-0 and was designated Ordinance No. 5702.

MOTION: Collins moved to approve with conditions the Conditional Use application to construct a neighborhood park on property located at the northeast the northeast corner of Alco Street and Linn Avenue NE. Johnson seconded the motion and it passed 5-0.

Bedore said, within five days of the decision the Community Development Director provides written notice of the decision to the applicant and any other parties entitles to notice. A decision of the City Council may be appealed to the Land Use Board of Appeals by filing a Notice of Intent to Appeal not later than 21 days after the decision becomes final.

Business From the Public

Dick Owen, 810 Cox Street, said he saw a picture in the paper of Bedore helping a 77 year old man clean up his yard. Owen said he was given a false summons for ORS 153.045 and 153.0990 for a Class A misdemeanor for moss he had on his car. He asked, can you imagine being charged for a licensed car that is drivable but has moss on the back window? It was winter and all his hoses were in the garage. It only took him 10 minutes to hose it off. Owen said to Bedore, if you can help that 77 year old man then maybe you can help me by coming with me to the Police Department to straighten this out. Bedore said, if we can put this to rest once and for all, then he will take him up on his request.

Adoption of Resolutions

Authorizing the special procurement of geographic information system (GIS) application development services.

MOTION: Reid moved to approve the resolution authorizing the special procurement of Geographic Information System application development services and Collins seconded it. The motion passed 5-0 and was designated Resolution No. 5644.

Authorizing the purchase of real property on Lochner Road from Chad Curry, appropriating funds, and authorizing the City Manager to execute an agreement for conveyance of real property.

Staff explained that this agenda item has been postponed to the next meeting because this action requires a public hearing.

Approving an extended property tax abatement agreement waiving employment requirements on a short-term investment of at least \$25 million in an Oregon Enterprise Zone, between the City of Albany, a cosponsor of the South Santiam Enterprise Zone, and Wah Chang.

MOTION: Konopa moved to approve the resolution and Collins seconded it. The motion passed 5-0 and was designated Resolution No. 5645.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) July 21, 2008, Work Session
 - b) July 23, 2008, City Council Meeting
 - c) July 28, 2008, City Council Work Session
- 2) Accepting the 2008-2009 Linn County Special Transportation Program grant funding agreement for Albany Call-A-Ride, Albany Transit System, and Linn-Benton Loop Transit System. RES. NO. 5646
- 3) Authorizing the City of Albany to accept a grant award from Pacific Power, provided as part of the Blue Sky Grant Program. RES. NO. 5647
- 4) Authorizing participation in the Oregon Main Street Program. RES. NO. 5648
- 5) Accepting a local government grant from the Oregon Cascades West Council of Governments, Senior and Disability Services, to provide aquatic fitness classes for older adults. RES. NO. 5649
- 6) Accepting a local government grant from the Oregon Cascades West Council of Governments, Senior and Disability Services, to provide personal fitness prescriptions for older adults. RES. NO. 5650
- 7) Authorizing the Mayor to sign a new lease agreement with the Oregon Department of Transportation for Tadena Landing Park.
- 8) Accepting two slope and public utilities easements from Mary Morris, Trustee of the Evelyn F. Brandis Family Charitable Trust #1 and Charitable Trust #2; John S. Brandis, Jr.; Trinity O. Lind; fka Gail Brandis Jacob, Gail Brandis Yarborough, and Gail Brandis Coleman; Susan B. Decker; and Timberhill Corporation:
 - a) Brandis Avenue and Somerset Avenue. RES. NO. 5651
 - b) Brandis Avenue and Knox Butte Road. RES. NO. 5652
- 9) Accepting a slope and public utilities easement from the Greater Albany Public School District. RES. NO. 5653

Bedore said staff has informed him that the Resolution for Item 3) had some minor errors so it has been replaced (see agenda file). Councilor copies are on the dais.

MOTION: Konopa moved to approve the Consent Calendar with items 4) and 7) removed for discussion, and with the revised resolution on the dais to replace the resolution in the agenda packet for item 3). Reid seconded the motion and it passed 5-0.

Reid said for item 4) he would like to see the boundaries expanded to include 4th Avenue.

Rick Rodgers, 1530 Broadway Street, is the Executive Director of the Albany Downtown Association. He said that getting the application ready for the Oregon Main Street Program has been quite a process. Albany is a perfect candidate for the Program. This is an opportunity for Albany to get information from other Main Street communities. Regarding Reid's suggestion to expand the boundaries, Rodgers said they were told to keep it as small as possible. He originally wanted to include the entire Economic Improvement District but the Program administrators said to limit the boundary to the commercial downtown district. Rodgers worked with the City's Economic Development and Planning staff to determine the boundary. In order to enlarge the district they would need to amend the application.

Reid is concerned that parking be provided on 4th Avenue.

Bedore suggested that the Council direct staff to make an effort to increase the boundary but to not mandate the expansion, if the time constraints and application criteria prove to be prohibitive.

MOTION: Reid moved to adopt item 4) as presented and Konopa seconded it. The motion failed 3-2 with Collins and Olsen voting no.

Collins said he supports the idea but thinks that inclusion of a potential parking structure is valuable. He thinks the motion should include the condition to attempt expansion, so long as the project and application is not delayed.

MOTION: Collins moved to adopt item 4) with the condition to attempt to expand the boundaries to include 4th Avenue between Baker Street and Washington Street. Johnson seconded the motion and it passed 5-0.

Regarding item 7), Reid wants to know why the lease was allowed to expire. Parks & Recreation Director Ed Hodney said the state told the City that the lease was about to expire and that they would send a new one. As soon as staff got the new lease it was scheduled for the first possible agenda, which is today. Reid said this lease lapsing is an example of why we need a Property Manager.

MOTION: Reid moved to authorize the Mayor to sign a new lease agreement with the Oregon Department of Transportation for Tadena Landing Park. Konopa seconded it and the motion passed 5-0.

Appointment

Appointing Kim Whitley to the Human Relations Commission.

Johnson said Kim Whitley is very excited to be a part of this Commission and will be an asset to the group.

MOTION: Konopa moved to appoint Kim Whitley to the Human Relations Commission. Reid seconded the motion and it passed 5-0.

Reports

Hydropower project – change order request.

Public Works Director Diane Taniguchi-Dennis said this report is an update on the project and a request for a change order. The project is 90 percent complete. An engineering team from China came to install the turbine generator and two engineering students from Oregon State University acted as interpreters. The plan is to start using the hydropower in late October or early November.

Taniguchi-Dennis said four issues have caused an increase in project costs: Pacific Power interconnection components; significant erosion on the bank of Calapooia River where the turbine discharges requiring concrete bank stabilization; concrete repairs to the forebay, an 80-year-old hydraulic structure requiring significant structural repair; and finally, installation of a canal intake trash barrier. Details are in the staff report.

Taniguchi-Dennis said the net cost is \$2.1 million, which is about \$34,000 above previous estimates. The plant will produce on average 2.8 million kilowatt hours per year, generating revenues of \$204,400 annually for an estimated net profit of \$69,000 annually.

Olsen asked, was the cost for Pacific Power's interconnection components more than was anticipated? Taniguchi Dennis said yes; the connection next to the substation was more complicated than they assumed it would be.

Collins said that given the overall cost of this project and dealing with a ninety year-old structure on the edge of a river, the costs associated with this change order is nominal.

MOTION: Johnson moved to approve a change order for \$296,600 to CF Malm Engineering. Reid seconded the motion and it passed 5-0.

Discussion of a property manager staff position.

City Manager Wes Hare introduced Interim Will Norris, an undergraduate from the University of Oregon. Norris investigated the City's leases and properties. Hare said he did a great job.

Norris said for his research he contacted other Oregon cities to learn how they manage property, met with Albany City staff, reviewed the City's property holdings and leases, and used the internet to research property managers in local government. He concluded that it would take 250-1,000 hours of staff time annually for property management activities, which would not warrant a full-time Property Manager position.

Albany does not have an inventory of highly marketable lands to either liquidate or manage. There are several parcels which would need to be subdivided or sold with easements, have irregular shapes, or have other obstacles that limit their applicability. Currently responsibility for and knowledge of properties is widely dispersed throughout the City, so a thorough organization would be very useful; however, it would be a one-time project rather than a full-time position.

Norris said he created a database of the properties and has transferred it to the City's Geographic Information Services (GIS) database. He will be meeting with Finance and other staff to see if the data base is useful for their needs and how it can be maintained in the future.

The City has 31, leases, 28 which are at the Airport. A market survey of aviation rates indicates that Albany leases are below market rates. Albany does not enforce late fees, does not charge interest, and its chronic delinquent accounts are not sent to collections. Closer oversight and negotiations of the leases would be useful but would not likely offset the cost of a staff position.

Norris explained that if the City were to employ a Property Manager in the future, other duties could include forecasting future property needs and pursuing purchases; using property management as a development tool by working with urban renewal and exercising eminent domain to condemn blighted properties; and other ways to actively manage development. Disadvantages are that this would be a change of policy and could be politically controversial. Also, under the current system staff has the necessary flexibility for negotiation that would not be available if property management were centralized. Staff has project-specific knowledge so they know when and where mediations should apply. Purchase decisions can be made quickly.

Norris said that in conclusion, the continuation of current property management at the City would not necessitate a full time position, though the position may be useful in the future if the City chose to use it as a tool to further development. There may be other staffing needs that have not been addressed and supersede the need for this position. Also, adding these responsibilities to other current staffing duties that are complimentary and could create a hybrid position.

Johnson asked, could a hybrid position be created to include leases? Norris said he did not consider that for Albany, although by example Springfield uses their Property Manager position to administer business and liquor licenses as well.

Collins said that in other cities the City Recorder uses a ticker file or a database to track those leases, and brings it to the attention of the responsible department when the lease is ready to expire. If this new database is functioning properly and someone is assigned to it, that would be at least be a step in the right direction.

Reid said he thought there was a house on Jefferson Street owned by the City but not listed in Norris' materials. Norris said we do own three parcels by the overpass but they do not have structures on them.

Reid asked, how much below market are our airport leases? Norris will forward the market survey with that information to the Council.

HEART Board of Directors' annual report.

The Council had no questions for Captain Ben Atchley. They thanked him for the memo and said it was a job well-done.

BUSINESS FROM THE COUNCIL

Olsen said he is sorry to see Kreitman leave Albany but he knows it is a good opportunity for him.

Collins would like staff to respond to the article about street sweeping in the *Democrat-Herald*. Hare said, the City recognizes that street sweeping is an ongoing need, so we have equipment available to use if necessary. There is an employee on light duty who is driving the sweeper while we evaluate if we should contract it out or do it in-house for the long-term. Staff needs to evaluate which option is the best value. Staff will provide a report to the Council in October about the result of the evaluation. Collins is concerned that the final direction be a conscious choice and not just a default decision.

Olsen said we should let the community know that grass, leaves, and other debris do not belong in the streets.

Konopa thanked Kreitman and his wife for their service in the community. They will be missed.

Hare said that the League of Oregon Cities is asking for a voting delegate for the upcoming conference. The consensus was to have Bedore be the voting delegate.

RECESS TO EXECUTIVE SESSION TO DISCUSS CURRENT LITIGATION OR LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660 (2)(h)

Delapoer explained there was no longer a need for an Executive Session so it was not held.

NEXT MEETING DATES:

The next Work Session is Monday, September 8, 2008 and the next Regular Session is Wednesday, September 10, 2008.

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, CMC
Deputy City Clerk

Stewart Taylor
Finance Director

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Albany Boys & Girls Club
1215 Hill Street SE
Monday, September 8, 2008
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Dan Bedore called the meeting to order at 4:02 p.m.

ROLL CALL

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

FACILITY TOUR

Executive Director Ryan Graves gave a tour of the Albany Boys & Girls Club (Club) facilities from 4:03 p.m. to 4:20 p.m.

Councilor Dick Olsen arrived at 4:05 p.m..

Graves distributed a Larry Lassen Toyota flyer regarding their long-time support of the Club (see agenda file).

REALIGNING AN ACCESS EASEMENT TO THE OLD NORTH ALBANY SEWER TREATMENT PROPERTY

Civil Engineer III Gordon Steffensmeier described the parcel which is crossed by the City's access easement for the old North Albany sewer treatment plant. Ralph and Diane Nauman live across the street from the easement and are requesting to realign the access easement to allow for the placement of a horse barn and a maintenance shed. Steffensmeier described the flat spots on the fairly steep terrain. Staff feels either the current easement or the realigned easement would provide sufficient access for the City. The aerial of the property is in the staff report.

Councilor Sharon Konopa asked, how high will the buildings be? Nauman said the inside ceiling would be 16 feet. Konopa asked, would it be 20 feet from the property line, which is the minimum? Nauman said yes.

Bedore asked, will the proposed location protect the neighbor's view? Nauman said yes, and explained that one house would not see it and the other house has no windows on that side.

Konopa asked if the Naumans talked to any other neighbors which might have a view of the horse barn and shed. Nauman said the others would not see it. They did have a neighborhood meeting with all of them.

Bedore noted that a letter by Ken and Karen Marshall dated September 8, 2008, has been submitted into the record (see agenda file). Bedore said the Marshalls' concern is if in the event the change of access is granted, that the Naumans would follow the proposed site plan. Nauman responded that they would. Bedore asked, can we make that a condition of approval? City Attorney Jim Delapoer said it can be conditioned contractually with the easement, but the Council does not have land use authority. It would have to be a private contract based on the easement.

Councilor Floyd Collins said he talked to other neighbors who prefer the parcel to be developed because it is just a field right now. He sees no problem in granting the request. Councilor Bessie Johnson agreed.

Delapoer said that if the Council wants approval to be conditioned on a covenant that would enforce the terms that are offered, that language should be included in the motion. Nauman said they would not agree to the restrictions because it could prevent them from selling it later. He explained that they actually don't need the City's easement; they were just trying to be good neighbors by moving the horse barn and shed even further from the homes in the neighborhood.

Councilor Ralph Reid asked, do we need the sewer treatment site, or could we sell it to the Naumans? Staff replied that it is actually owned by the North Albany County Service District (NACSD).

MOTION: Johnson moved to direct staff to work towards approval of the realignment of the access easement. Collins seconded the motion and it passed 6-0.

Staff will bring a resolution to a future meeting.

WATER SERVICE OUTSIDE THE URBAN GROWTH BOUNDARY

Assistant City Engineer Jeff Blaine said this item has come to the work session per the Council's request to consider potential policies for water service extension to properties outside the urban growth boundary (UGB).

Blaine described two policy options and four additional criteria, as outlined in the staff report.

Blaine suggested the City do some public outreach if the Council chooses to require additional connection fees or annexation and UGB expansion agreements; and allow a grace period so that those property owners that want to connect under the current policies. Staff also would like Council authorization to begin discussions with Benton County about the dissolution of the NACSD.

Bedore asked, why would we allow a window for some to connect now before imposing the new standards? Collins provided the history of the current NACSD connection policy. Based on the history, some existing property owners expect connection eligibility under the old policy.

Councilor Jeff Christman noted that in July 2007, following the request by the Brown's to connect their property on Scenic Drive to City water, staff brought the Council a proposal similar to the one being proposed tonight. The changes being discussed tonight are actually less restrictive than those Council considered in July 2007. If we accepted staff's suggestion then, we wouldn't be dealing with the same issue now. Christman pointed out the similarities between the two staff proposals.

Bedore asked, do we want to initiate dialogue with Benton County about our policies and tightening up restrictions first? Linn County prohibits connection, but Benton County does not. Bedore agrees with Christman, but he said there are some additional issues before us tonight that were not present in July 2007.

Olsen agreed with Christman that this is a softer iteration of the July 2007 policy. However, he wants to have discussions with Benton County first, before adopting the new policy. He doesn't mind if the City sells water but he does not want North Albany to be engulfed with traffic which cannot be supported by infrastructure.

Konopa asked, is it possible to meet with Benton County before staff brings back a resolution? Collins agreed with Konopa that we would have more clout with Benton County if we talked to them before adopting a new resolution. Hare said staff will try to meet with Benton County in the next six weeks to discuss this as well as the dissolution of the NACSD.

The consensus of the Council was to have discussions with Benton County first and that discussions should involve the entire Council.

CALAPOOIA BREWING COMPANY REQUEST FOR HILL STREET

Transportation Systems Analyst Ron Irish explained that the Calapooia Brewing Company approached the City for help with customer parking. They used to use an empty lot with the owner's permission, however the lot has been sold. Staff suggested changing Hill Street to a one-way street and adding diagonal parking spaces.

Bedore asked, what did surrounding property owners say about the proposal? Irish said they were noticed but staff has not received any responses.

Laura Bryngelson, owner of Calapooia Brewing Company, said she spoke with the residence which is the closest and their concern is that foot traffic will increase in front of their home. The sidewalk in front of their home has ash trees in the easement and it has caused damage to their sidewalk, which increases their liability. If the Council approves the parking spaces on Hill Street, the owner wants the City to help replace the sidewalk. Bryngelson offered to help pay as well. She said this will help the owner because currently their driveway is difficult to see and the changes would make it easier to identify. The property owners across the street have expressed no concerns to her.

Collins asked if ash trees are approved for parking strips. Staff will look into it.

Irish described the breakdown of costs.

Collins suggested the City be responsible for signs and striping, and that the owner be responsible for sidewalk repairs.

Konopa would like a wider area to be noticed about the recommended changes. Johnson agreed.

MOTION: Konopa moved to notify surrounding property owners about the tentative decision; that following notification, to proceed forward with restriping Hill Street between 1st Avenue and Water Avenue; and that a condition of approval is that the property owners must make sidewalk repairs. Christman seconded the motion and it passed 6-0.

EAST THORNTON LAKE NATURAL AREA PROJECT

Parks & Recreation Director Ed Hodney said that City Tree Commission member Mark Azevedo and property owner Byron Hendricks are in attendance.

Hodney and Azevedo followed the *East Thornton Lake Natural Area Project* presentation outline in the agenda packet.

Following the presentation, Hodney noted that Azevedo and his group of supporters have given much of their time and effort to this project. Hodney thanked them for their work.

Hodney said the Oregon Watershed Enhancement Board (OWEB) grant could fund up to 75 percent of the fair market value of the property. The value of the property has not been identified yet. Hodney discussed using the Trust for Public Lands to negotiate with Hendricks to establish land value for the grant application; the deadline for grant submittal is October 20 so discussions would need to start soon. The City would most likely be the title holder, and we would want to enlist the services of a land trust group, such as the Greenbelt Trust to manage the property to achieve the conservation objectives. The source for the 25 percent match still needs to be determined. Options are City funds, gifts, donations, or other grants. Azevedo said he has already been approached by a donor who committed \$10,000 and wishes to remain anonymous.

Azevedo said plans could include a small outdoor picnic park located on the North Albany side of the property, behind the old Peacock house. The small park would also include an educational kiosk and a trailhead.

Hodney said the City owns another parcel close to this proposed site, but it does not make sense to develop both the East Thornton Lake parcel and the City-owned parcel as parks. It may be possible to sell the current City parcel to cover some of the cost to acquire the nature area site on the lake.

Collins supports the idea. The history which Azevedo uncovered lends to the desire to preserve this property and its historical culture for our community.

Hendricks said he supports the interest the group has in his property. He offered a sales price awhile ago, but he has some concerns that a current appraisal may not meet those standards given the current market. But, he is a willing seller, if a price can be agreed upon.

Christman asked, what kind of maintenance cost will there be in the future? Azevedo described the several phases as outlined in the agenda packet. The selected land trust will fund the maintenance of the property. OWEB requires a land trust overlay on the site and the land trust would be responsible for maintenance. Corvallis has eight properties that are part of the Greenbelt Land Trust and this is their standard procedure for projects such as this.

Reid is pleased that Azevedo is proceeding in this direction. Azevedo is an example of how community members can get involved in preservation. He thanked them for following through. Olsen is also in favor of the project and finds the historical perspective very intriguing.

The Council is in favor of staff drafting a grant application for OWEB. The Council does not want to commit financially yet, other than staff time.

DOWNTOWN PARKING REGULATION MODIFICATION

Irish said Davis Glass has requested that the last three spaces on the south side of 2nd Avenue west of Montgomery Street be designated as "30-minute customer only" by Parkwise.

Christman said he supports Davis Glass because it is a local business, but he will be voting no on principle. Albany needs to have a parking plan and piece-mealing it like this will lead to a mess. He said, we as a Council tend to be reactive instead of proactive. We need to have good plan in place because it may be many years before a parking structure is complete.

Konopa said, we have a parking plan, which is what Parkwise is implementing. Occasionally, modifications may be necessary. She supports the request; Davis Glass is a local business and has been at that location for years.

Reid and Bedore agree with Christman, that we need long term-parking.

Hare said that Albany has been working on long-term parking. He said he has dealt with more parking issues in the smaller cities in which he worked than he has here in Albany, so overall he thinks our parking plan must be working fairly well. He agrees with Konopa that downtown Albany is a dynamic place with a changing mixture of businesses and as a result, changes in parking needs. He doesn't think having flexibility now while continuing to plan for long-term parking needs are incompatible. He supports the request.

Discussion followed.

MOTION: Konopa moved to adopt the Resolution and Collins seconded it. The motion passed 4-2 with Johnson and Christman voting no, and was designated Resolution No. 5654.

KNOX BUTTE SIGNAL REQUEST

Jerry Wolcott from Oregon Department of Transportation (ODOT) said the City's request to have a signal at the Knox Butte off ramp was considered by ODOT. ODOT is not ruling it out but wants to continue evaluating to make sure it is the appropriate treatment for that intersection. The study would not take place until after the construction is complete.

Collins said it is a long-term request, not just during construction. Wolcott said ODOT is concerned about safety and will have flaggers at that location 24-7, which is a less expensive alternative than a signal.

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Collins is disappointed in ODOT's response because he thinks it is based on cost analysis and not what we need to do to protect our citizens.

Wolcott said the traffic study will look at the intersection separate of the construction phases. ODOT considers it two separate issues.

Hare asked, what triggers the difference between ODOT assigning a four way stop or flaggers for the site? Wolcott is not sure but will find out.

COUNCILOR COMMENTS

Reid said Caldwell, Idaho, recently experienced a structure which fell and opened up an old creek that they did not know existed. Since then they have been restoring the creek and buying up property around it. The creek is 15-20 feet wide.

Johnson asked, will the future Lowe's store impact the improvements planned for Oak Street for the incoming Kinder Park? Hodney said, the park improvements include bicycle and pedestrian safety for now. A second public review of Oak Street is scheduled for Thursday, September 11, at 6:00 p.m. at City Hall. Hodney had the Kinder Park Illustrative Master Plan with him and gave a copy to Johnson (see agenda file).

Bedore said the Psychiatric Supervisory Review Board Siting Governor's Task Force met for the fourth time. They created a matrix from all the different interest groups which he will forward to the Councilors. Hare said, the concerns identified by the Albany Council surrounding this issue will be addressed administratively and legislatively.

CITY MANAGER REPORT

Hare said the city of Millersburg voted to have Call-A-Ride service in their city. Albany and Millersburg staff will be meeting on Wednesday to discuss details and price proposals. Formal agreement would come back to the Council for approval.

Hare asked if the Council had any suggestions for the Oregon Sesquicentennial Celebration. The Council had none.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:10 p.m.

Respectfully submitted,

Mary A. Dibble, CMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director

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TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Stewart Taylor, Finance Director *ST*
DATE: October 1, 2008, for the October 10, 2008, City Council Meeting
SUBJECT: Investment Policy

RELATES TO STRATEGIC PLAN THEME: ● Effective Government

Action Requested:

Approve the Resolution adopting the updated investment policy and repealing Resolution No. 5214.

Discussion:

The City's current investment policy was last reviewed and adopted by the City Council as Resolution No. 5214 on November 21, 2005. Both the current policy and ORS 294.135 require the City Council to review the policy on a periodic basis.

Staff has worked closely with the City's current Investment Advisor, Davidson Fixed Income Management, to review the current policy. Changes are recommended in the following areas:

- Approvals for investment transactions are recommended to be changed from discretionary to non-discretionary. Non-discretionary approvals require the City's investment officer to affirmatively direct the investment advisor to conduct a trade before the trade is made.
- The maximum duration of an investment is recommended to be extended from three to five years with a weighted average maturity still limited to eighteen months. The extended duration would give the City greater flexibility in a changing market while maintaining a short duration in the overall portfolio.
- The maximum participation in Commercial Paper and Corporate Indebtedness is recommended to be reduced to 10% in order to reduce the risk of investment in those markets.

The proposed changes were reviewed by the Oregon Short Term Fund Board on Wednesday, October 1, 2008. The board recommended additional changes to reduce the maximum investment in a single issuer of GSE Government Agency Securities from 40% to 33% and to encourage reporting to the governing board on a more frequent basis. The two changes have been incorporated into the proposed policy.

Budget Impact:

The policy sets parameters for the investment of cash not needed to meet current obligations.

ST
Attachments (2)

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RESOLUTION NO. _____

A RESOLUTION ADOPTING AN UPDATED INVESTMENT POLICY AND REPEALING RESOLUTION 5214.

WHEREAS, ORS 294.135 requires cities to periodically review and revise their written investment policies; and

WHEREAS, ORS 294.135 (a) requires the Oregon Short Term Fund Board (OSTFB) to review and comment on policy revisions; and

WHEREAS, the OSTFB has reviewed and commented on the City of Albany Investment Policy; and

WHEREAS, the OSTFB has found that the statutory policy review requirement for the City of Albany has been satisfied.

NOW, THEREFORE, BE IT RESOLVED that the City of Albany City Council adopts Exhibit A as the Investment Policy for the City of Albany.


BE IT FURTHER RESOLVED that Resolution No. 5214 is hereby repealed.

DATED AND EFFECTIVE THIS 8th DAY OF OCTOBER 2008.

Mayor

ATTEST:

City Clerk

	City of Albany Finance Policy Policy #: F-06-08 Title: Investment Policy	
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I. POLICY STATEMENT

It is the policy of the City of Albany ("City") that the administration of its funds and the investment of those funds shall be handled as its highest public trust. Investments shall be made in a manner that will provide the maximum security of principal invested, employing limitations on maturities and diversification of the portfolio while meeting the daily cash flow needs of the City and conforming to all applicable state and City statutes governing the investment of public funds. The receipt of a market rate of return will be secondary to safety and liquidity requirements. It is the intent of the City to be in complete compliance with local, state, and federal law. The earnings from investment will be used in a manner that best serves the public trust and interests of the local government.

II. SCOPE

This policy applies to activities of the City of Albany with regard to investing the financial assets of all funds. In addition, funds held by trustees or fiscal agents are excluded from these rules; however, all funds are subject to regulations established by the state of Oregon. Other than bond proceeds or other unusual situations, the total of all funds ranges from \$50 million to \$100 million.

The City commingles its daily cash into one pooled investment fund for investment purposes of efficiency and maximum investment opportunity. The following funds, and any new funds created by the City, unless specifically exempted by the City Council and this policy, are defined in the City's Comprehensive Annual Financial Report:

- General Fund
- Special Revenue Funds
- Debt Service Fund
- Capital Projects Fund
- Enterprise Funds
- Internal Service Funds
- Permanent Funds

These funds will be invested in compliance with the provisions of all applicable Oregon Revised Statutes. Investments of any tax-exempt borrowing proceeds and any related Debt Service funds will comply with the arbitrage restrictions in all applicable Internal Revenue Codes.

III. OBJECTIVES AND STRATEGY

It is the policy of the City that all funds shall be managed and invested with five primary objectives, listed in the following order of priority:

1. **Legality.** This Investment Policy will be in conformance with federal laws, state statutes, local ordinances, and internal policies and procedures.

2. **Safety of Principal.** Safety of principal is the foremost objective of the City. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
3. **Liquidity.** The City's investment portfolio will remain sufficiently liquid to enable it to meet all operating requirements that might be reasonably anticipated.
4. **Diversification.** Diversification of the portfolio will include diversification by maturity and market sector and will include the use of multiple broker/dealers for diversification and market coverage.
5. **Yield.** The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's risk constraints and the cash flow of the portfolio. "Market rate of return" may be defined as the average yield of the current three-month U.S. Treasury bill or any other index that most closely matches the average maturity of the portfolio.

Effective cash management is recognized as essential to good fiscal management. Cash management is defined as the process of managing monies in order to ensure maximum cash availability. The City shall maintain a comprehensive cash management program that includes collection of accounts receivable, prudent investment of its available cash, disbursement of payments in accordance with invoice terms, and the management of banking services.

IV. STANDARDS OF CARE

1. **Delegation of Investment Authority.** The Finance Director, acting on behalf of the City Council, is designated as the Investment Officer of the City and is responsible for investment management decisions and activities. The Council is responsible for considering the quality and capability of staff, investment advisors, and consultants involved in investment management and procedures. All participants in the investment process shall seek to act responsibly as custodians of the public trust.

The Investment Officer shall designate a staff person as a liaison/deputy in the event circumstances require timely action and the Investment Officer is not available.

2. **Prudence.** The standard of prudence to be used in the investment function shall be the "prudent person" standard and shall be applied in the context of managing the overall portfolio. This standard states:

"Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the expected income to be derived."

3. **Limitation of Personal Liability.** The Investment Officer and those delegated investment authority under this policy, when acting in accordance with the written procedures and this policy, and in accord with the Prudent Person Rule, shall be relieved of personal responsibility and liability in the management of the portfolio.

4. **Ethics and Conflict of Interest.** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees, officers, and their families shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City. Officers and employees shall, at all times, comply with the state of Oregon, Government Standards and Practices Commission, code of ethics set forth in ORS 244.

Specific investment parameters for the investment of public funds in Oregon are found in the Oregon Revised Statutes (ORS 294.035) with the exception of ORS 294.035 (10) which the City does not consider a legal investment.

V. AUTHORIZED AND SUITABLE INVESTMENTS

1. **Authorized Investments.** All investments of the City shall be made in accordance with Oregon Revised Statutes: ORS 294.035 (Investment of surplus funds of political subdivisions; approved investments), ORS 294.040 (Restriction on investments under ORS 294.035), ORS 294.135 (Investment maturity dates), ORS 294.145 (Prohibited conduct for Investment Officer including not committing to invest funds or sell securities more than 14 business days prior to the anticipated date of settlement), ORS 294.805 to 294.895 (Local Government Investment Pool). Any revisions or extensions of these sections of the ORS shall be assumed to be part of this Investment Policy immediately upon being enacted.
2. **Suitable Investments.**
 - Specific Types
 - a. U.S. Treasury Obligations **ORS 294.035 (1)**
 - b. Government Sponsored Enterprises (GSEs) **ORS 294.035 (1)*** - Federal Instrumentality Securities which include, but is not limited to the Federal National Mortgage Association (FNMA), the Federal Home Loan Mortgage Corporation (FHLMC), Federal Home Loan Banks (FHLB) and the Federal Farm Credit Bureau (FFCB). Federal Land Bank (FLB) , Tennessee Valley Authority (TVA)
 - c. Commercial Paper **ORS 294.035 (9) (b)** that is rated A1/P1 and has long term bonds which have a minimum rating of AA- by Standard and Poor's and Aa3 by Moody's.
 - d. Bankers Acceptances (Oregon Issued) (1) **ORS 294.035 (8) (a)**
 - e. Corporate Indebtedness* **ORS 294.035 (9) (c)** that has a minimum long term debt rating of AA- by Standard and Poor's and a Aa3 rating by Moody's.
 - f. Local Government Investment Pool **ORS 294.810 (1)**
 - g. Certificate of Deposits/ Bank Deposits and savings accounts, shall be held in qualified Oregon Depositories in accordance with ORS Chapter 295. Collateralization shall be met through Oregon Depository standards.

- h. Obligations of the States of Oregon, California, Idaho, and Washington with a minimum rating of AA- by Standard and Poor's and Aa3 by Moody's. **ORS 294.035 (2) ORS 294.035 (3)**

*As determined on any date that the security is held within the portfolio. If the credit rating of a security is subsequently downgraded below the minimum rating level for a new investment of that security, the Finance Director shall evaluate the downgrade on a case-by-case basis in order to determine if the security should be held or sold. The Finance Director will apply the general objectives of safety, liquidity, yield and legality to make the decision.

- 3. **Collateralization.** Time deposit open accounts, Certificates of Deposit and savings accounts shall be collateralized through the state collateral pool for any excess over the amount insured by an agency of the United States government in accordance with ORS 295.018, as revised on 7/1/08. All depositories must be on the State of Oregon's qualified list. Additional collateral requirements may be required if the Finance Officer deems increased collateral is beneficial to the protection of the monies under the City's management.
- 4. **Restricted Securities.** The purchase of derivatives and use of reverse repurchase agreements are specifically prohibited by this policy.

VI. INVESTMENT PARAMETERS

- 1. **Diversification.** The City will diversify the investment portfolio to avoid incurring unreasonable risks, both credit and interest rate risk, inherent in over investing in specific instruments, individual financial institutions or maturities.

Diversification Constraints on Total Holdings:

<u>ISSUER TYPE</u>	<u>% of TOTAL PORTFOLIO</u>
US Treasury Obligations	100%
GSE-Agency Securities	100%
Per Issuer	33%
Commercial Paper*	10%
Bankers Acceptance*	10%
Corporate Indebtedness *	10%
Local Government Investment Pool	ORS Limit 294:810
Certificates of Deposit/Bank Deposits/Savings *	10%
Obligations of the States (municipal securities) *	10%

* Shall be limited to 5% per issuer.

2. **Investment Maturity.** The City will not directly invest in securities maturing more than five (5) years from the date of purchase.
 - a. The maximum weighted maturity of the total portfolio shall not exceed 1.5 years. This maximum is established to limit the portfolio to excessive price change exposure.
 - b. Liquidity funds will be held in the State Pool or in money market instruments maturing six months and shorter. The liquidity portfolio shall, at a minimum, represent six month budgeted outflows.
 - c. Core funds will be defined as the funds in excess of liquidity requirements. The investments in this portion of the portfolio will have maturities between 1 day and 5 years and will be only invested in high quality and liquid securities.

Total Portfolio Maturity Constraints:

Under 30 days	10% minimum
Under 1 year	25% minimum
Five years	Maximum
1.5 Years	Maximum Weighted Average Maturity on total portfolio

Exception to 5 year maturity maximum: Reserve or Capital Improvement Project monies may be invested in securities exceeding five (5) years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of the funds.

Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time subsequent to the purchase of a particular issuer or investment type may be exceeded. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future reinvestments occur.

3. **Prohibited Investments.** The City shall not lend securities nor directly participate in a securities lending or reverse repurchase program.

VII. SAFEKEEPING, CUSTODY AND AUTHORIZED DEALERS

1. **Safekeeping and Custody of Securities.** The laws of the state and prudent treasury management require that all purchased securities be bought on a delivery versus payment basis and be held in safekeeping by the City, an independent third-party financial institution, or the City's designated depository.

All safekeeping arrangements shall be designated by the Investment Officer and an agreement of the terms executed in writing. The third-party custodian shall be required to issue original safekeeping receipts to the City listing each specific security, rate, description, maturity, and cusip number. Each safekeeping receipt will clearly state that the security is held for the City or pledged to the City.

All securities pledged to the City for certificates of deposit or demand deposits shall be held by an independent third-party bank. The safekeeping bank may not be within the same holding company as the bank from which the securities are pledged.

2. **Authorized Financial Dealers.** The Investment Officer shall maintain a list of all authorized brokers/dealers and financial institutions that are approved for investment purposes or investment dealings. Any firm is eligible to make an application to the City of Albany and upon due consideration and approval will be added to the list. Additions and deletions to the list will be made at the discretion of the Finance Director. At the request of the City of Albany, the firms performing investment services shall provide their most recent financial statements or Consolidated Report of Condition for review. Further, there should be in place, proof as to all the necessary credentials and licenses held by employees of the brokers/dealers who will have contact with the City of Albany as specified by, but not necessarily limited to the National Association of Securities Dealers (NASD), Securities and Exchange Commission (SEC), etc. The Investment Officer shall conduct an annual evaluation of each firm's credit worthiness to determine if it should remain on the list.

All dealers with whom the City transacts business will be provided a copy of this Investment Policy to ensure that they are familiar with the goals and objectives of the investment program.

If the City hires an investment advisor to provide investment management services, the advisor is authorized to transact with its direct dealer relationships on behalf of the City. A list of approved dealers must be submitted to the Finance Director prior to transacting business.

3. **Competitive Transactions.** The Investment Officer will obtain telephone, faxed or emailed quotes before purchasing or selling an investment. The Investment Officer will select the quote which best satisfies the investment objectives of the investment portfolio within the parameters of this policy. The Investment Officer will maintain a written record of each bidding process including the name and prices offered by each participating financial institution.

The investment advisor must provide documentation of competitive pricing execution on each transaction. The advisor will retain documentation and provide upon request.

VIII. CONTROLS

1. **Accounting Method.** The City shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP). The accounting principles are those contained in the pronouncements of authoritative bodies including but not necessarily limited to, the Governmental Accounting Standards Board (GASB); the American Institute of Certified Public Accountants (AICPA); and the Financial Accounting Standards Board (FASB).

Pooling of Funds: Except for cash in certain restricted and special funds, the City will consolidate balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

2. **Internal Controls.** The City will maintain a structure of internal controls sufficient to assure the safekeeping and security of all investments. All out of compliance

situations under this policy will be corrected and brought into compliance as soon as prudently possible.

The Investment Officer shall develop and maintain written administrative procedures for the operation of the investment program that are consistent with this investment policy. Procedures will include reference to safekeeping, wire transfers, banking services contracts, and other investment-related activities.

The Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials and staff.

No officer or designee may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officer and approved by the Council.

3. **External Controls.** The City of Albany may enter into contracts with external investment management firms on a non-discretionary basis. These services will apply to the investment of the City's short-term operating funds and capital funds including bond proceeds and bond reserve funds.

If an investment advisor is hired, the advisor will serve as a fiduciary for the City and comply with all requirements of this Investment Policy. Exceptions to the Investment Policy must be disclosed and agreed upon in writing by both parties. The Investment Officer remains the person ultimately responsible for the prudent management of the portfolio.

Factors to be considered when hiring an investment advisory firm may include, but are not limited to:

- a. The firm's major business
- b. Ownership and organization of the firm
- c. The background and experience of key members of the firm, including the portfolio manager expected to be responsible for the City's account
- d. The size of the firm's assets base, and the portion of that base which would be made up by the City's portfolio if the firm were hired
- e. Management Fees
- f. Cost Analysis of advisor
- g. Performance of the investment advisory firm, net of all fees, versus the Local Government Investment Pool over a given period of time.

IX. PERFORMANCE EVALUATION AND REPORTING

The performance of the City of Albany will be measured against the performance of the Local Government Investment Pool, using monthly net yield of both portfolios as the yardstick. Preservation of capital and maintenance of sufficient liquidity will be considered prior to attainment of market return performance. Given these considerations, the City's portfolio should provide a net yield that is equal or better to that attained by the Local Government Investment Pool over interest rate cycles. Additionally, a market benchmark will be determined that is appropriate for longer term investments based on the City's risk and return profile. The investment advisor will provide return comparisons of the portfolio to the benchmark on a

monthly basis. When comparing the performance of the City's portfolio, all fees and expenses involved with managing the portfolio shall be included in the computation of the portfolio's rate of return. This would include any in-house management of the funds, as well as outside management.

The Investment Officer shall submit quarterly and annual reports to the local governing board containing sufficient information to permit an informed outside reader to evaluate the performance of the investment program. More frequent reports may be provided when market conditions merit or if requested by the governing board.

At minimum, this report shall contain:

- Beginning and ending market value of the portfolio by market sector and total portfolio
- Beginning and ending book value of the portfolio by market sector and total portfolio
- Detailed reporting on each asset (book, market, and maturity dates at a minimum)
- Overall current yield to maturity of the portfolio
- Overall weighted average maturity of the portfolio
- Maximum maturities in the portfolio
- Compliance of the portfolio relative to the policy

X. INVESTMENT POLICY ADOPTION BY GOVERNING BOARD

This investment policy will be formally adopted by the Albany City Council. The policy shall be reviewed on an annual basis by the Investment Officer and the Albany City Council. Material revisions to this policy will require a review by the Oregon Short Term Fund Board, pursuant to ORS.

The City shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP). The accounting principles are those contained in the pronouncements of authoritative bodies including but not necessarily limited to, the American Institute of Certified Public Accountants (AICPA); the Financial Accounting Standards Board (FASB); and the Governmental Accounting Standards Board (GASB).

Supersedes:	Created/Amended by/date:	Effective Date:
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TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Laura Hyde, Executive Assistant to the City Manager *Laura*
DATE: October 2, 2008, for the October 8, 2008, City Council Meeting
SUBJECT: Proposed Revisions to Resolution No. 4116, Appointments to City Boards,
Commissions, and Committees

RELATES TO STRATEGIC PLAN THEME: ● An Effective Government

Action Requested:

Adopt attached resolution with the proposed revisions as shown.

Discussion:

This item was discussed at the September 22 Council work session.

Budget Impact:

None.

Attachments 2

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RESOLUTION REGARDING APPOINTMENTS TO CITY BOARDS, COMMISSIONS, AND COMMITTEES AND REPEALING RESOLUTION NO. 4421 ~~4116~~

WHEREAS, ordinances and resolutions of the City of Albany provide for the appointment of citizens to various boards, commissions, and committees by the Mayor **and/or Councilors**, subject to the ratification by the City Council; and

WHEREAS, it is in the best interest of the City of Albany to ensure that membership on the various boards, commissions, and committees is representative of people in the community.

NOW, THEREFORE, BE IT RESOLVED that the City Council adopts the following guidelines and procedures for the appointment of members of the City's boards, commissions, and committees:

A. **Unless otherwise specified in the resolution, ordinance, or state law creating/establishing the board, commission, or committee, appointees shall be residents of the city of Albany.**

B. ROSTER. A roster of all individuals serving on each board, commission, or committee shall be maintained by the City Manager's Office. The roster shall contain the following information about each appointee:

- (1) Name, home address, business address, E-mail address, and home and business telephone numbers.
- (2) Dates of beginning and end of term of the position to which the individuals are appointed. If the appointment was not made coincident to the beginning of the term of office, the date of appointment.
- (3) The number of years of the regular term of the office.
- (4) The number of the ward in which the appointee resides.

The information above, if required to be set forth, shall be listed under the name of the board, commission, or committee. The roster shall indicate the regular meeting dates, the number of the ordinance or statute under which the appointments are made, and a designation of the officers of the organization.

C. REGULAR VACANCIES AND RECRUITMENT. The following process will govern appointments to all vacancies on City boards, commissions, and committees that occur because a member's term of appointment has expired.

(1) No later than November 1 of each year, the City shall:

a. Identify all of the terms for the various boards, commissions, and committees that will expire and become vacant at the end of the calendar year. The City Manager's ~~Human Resources~~ Office shall notify the **Mayor and** City Council of all expiring terms.

b. Notify all **current** members of City boards, committees, and commissions whose ~~are filling~~ terms ~~that~~ expire at the end of the calendar year. Unless prohibited by law or Council policy, all members may reapply. ~~Except for the Planning Commission and Budget Committee, notification will be made by the Mayor. In the case of the Planning Commission and the Budget Committee, notification will be made by the Councilor responsible for filling the vacancy.~~

c. Solicit applications through public advertisements and public service announcements from Albany citizens who may be interested in serving on the boards, commissions, and committees. A copy of the boards, commissions, and committees application is attached as **Exhibit A**.

(3) With the exception of the Planning Commission, **CARA Advisory Board, Human Relations Commission, Public Safety Commission**, and Budget Committee, the Mayor shall:

a. Review all applications for appointments to City advisory bodies with the appropriate staff prior to ~~the first City Council meeting in~~ January 1 of the following calendar year.

b. Invite all City Councilors and Councilors-elect to nominate individuals to fill **their respective** vacancies. ~~Councilors should submit their nominations to the Mayor by December 1 of each calendar year.~~

c. Recommend appointments to vacant positions on all City boards, commissions, and committees with the exception of the Planning Commission, **CARA Advisory Board, Human Relations Commission, Public Safety Commission**, and the Budget Committee. If possible, the Mayor and City Council shall propose and confirm all appointments at ~~this~~ **its** first meeting in January, subject to all City ordinances and resolutions governing the various boards, committees, and commissions. However, if the Mayor **and City Council are** ~~is~~ prevented from filling all vacancies, appointments shall be made by the Mayor and confirmed by the City Council at the earliest opportunity.

d. To the extent possible, seek to ensure that the membership of each board, commission, and committee is made up of citizens ~~of~~ **from** each of the city's wards.

D. OTHER VACANCIES





For vacancies that occur on City boards, commissions, and committees for reasons other than an expiring term (e.g., a member resigns or is removed because of absences), with the exception of the Planning Commission, **CARA Advisory Board, Human Relations Commission, Public Safety Commission**, and Budget Committee:

(1) If the vacancy occurs after November 1 of the calendar year, advertisement and solicitation of applications for the vacancy shall be made a part of the "regular vacancy and recruitment" process. In addition, appointments shall be made at the same time as the regular expiring terms.

(2) If the vacancy occurs between ~~January~~ **March** 1 and November 1, the City will solicit applications from interested citizens for at least two weeks, **consider applications submitted during the previous year's recruitment, and/or the respective Councilor can seek her/his nominee.** ~~After the solicitation period,~~ **Via the City Manager's Office**, the Mayor **or applicable City Councilor** will forward her/his appointments to the City Council for confirmation at the earliest opportunity. To the extent possible, the Mayor **or applicable City Councilor** will seek to ensure that the membership of each board, commission, and committee is made up of citizens ~~of~~ **from** each of the City's wards.

E. BUDGET COMMITTEE, **HUMAN RELATIONS COMMISSION, AND PUBLIC SAFETY COMMISSION**

(1) Each City Councilor and the Mayor has a counterpart on the Budget Committee, **Human Relations Commission, and Public Safety Commission.**

- (2) When a vacancy occurs, the **Mayor or** responsible Councilor shall nominate a person to fill that vacancy. Councilors may make, but are not required to make, nomination from their own ward. ~~Budget Committee~~ Nominees must be appointed to the ~~Budget Committee~~ by the majority vote of the City Council. 
- (3) For vacancies that occur because a member's term has expired, the **Mayor or** responsible Councilor will make his/her appointment at the first regular City Council meeting in January, if possible, or at the earliest subsequent opportunity. 
- (4) For vacancies that occur for other reasons (such as resignation), the **Mayor or** responsible Councilor shall nominate a person to fill the vacancy at the earliest possible time. 
- (5) Members of the Budget Committee, **Human Relations Commission, and Public Safety Commission** must be residents of the city of Albany. 

F. PLANNING COMMISSION

- (1) Each Councilor has one counterpart on the Planning Commission. Additionally, the Mayor will nominate three members of the Planning Commission. The members appointed by the Mayor will have staggered terms.
- (2) When a vacancy occurs, the responsible Councilor shall nominate a person to fill that vacancy. Councilors must make the nomination from their own ward. The Mayor's nominees shall be at-large.
- (3) Planning Commission nominees must be appointed by majority vote of the City Council.
- (4) For regular vacancies that occur because a member's term has expired, the appropriate Councilor or the Mayor will nominate a person to fill each vacancy at the first regular City Council meeting in January, if possible, or at the earliest subsequent opportunity.
- (5) For vacancies that occur for other reasons (such as resignation), the responsible Councilor or the Mayor shall nominate a person to fill the vacancy at the earliest possible time.
- (6) Members of the Planning Commission must be residents of the city of Albany.
- (6) No more than four members of the Planning Commission shall be from any single ward of the city.


G. CARA ADVISORY BOARD

- (1) See **CARA Agency Resolution No. 2002 or its successor.** 

H. LIMITATIONS TO SERVICE

- (1) No person shall serve simultaneously on more than one of the following: Planning Commission, Budget Committee, Parks & Recreation Commission, or Library Board.

I. NOTIFICATION OF NOMINATIONS

- (1) Absent an emergency, nominations shall be distributed to Council members at least ~~4~~ **5** days prior to the meeting at which the appointment is proposed for ratification. 

BE IT FURTHER RESOLVED that the City Council policies governing the Planning Commission and the Budget Committee established by Council motion on January 10, 1979; January 10, 1980; and August 9, 1995, are hereby repealed; and

BE IT FURTHER RESOLVED that Resolution Number ~~441~~ 4421 is hereby repealed.



DATED AND EFFECTIVE THIS 8TH DAY OF OCTOBER 2008.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Laura Hyde, Executive Assistant to the City Manager *Laura*
DATE: September 18, 2008, for the October 8, 2008, City Council Meeting
SUBJECT: Minor Revision to Resolution Establishing the Public Safety Commission
RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Adopt the attached resolution with the minor revision.

Discussion:

When Resolution No. 4960 was adopted in 2004 establishing the Public Safety Commission, it was the intent that when a vacancy occurred that the respective City Councilor position would fill the vacancy which has been the practice since the adoption of Resolution No. 4960.

Revising the wording will reflect the intent and practice since 2004.

Budget Impact:

None.

Attachment

U:\Administrative Services\City Manager's Office\CCouncil\Revision to PSC Resolution-mlh.doc

A RESOLUTION CREATING THE CITY OF ALBANY PUBLIC SAFETY COMMISSION AND REPEALING RESOLUTION NO. 4960

WHEREAS, in September 2001 Mayor Chuck McLaran appointed a Fire Task Force to address 2001 City Council goals related to Quality Public Services; and

WHEREAS, on February 25, 2002, the Fire Task Force made recommendations to the City Council, one of which was to appoint a Public Safety Commission to represent both Fire and Police to recommend dedicated funding options for public safety and a minimum level to be maintained each year; and

WHEREAS, on May 5, 2003, the City Council agreed to create a Public Safety Commission, appoint members, and direct the Commission to craft bylaws; and

WHEREAS, on September 10, 2003, the City Council accepted nominations to the Public Safety Commission.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council authorizes the creation of the Public Safety Commission as follows:

City of Albany Public Safety Commission Bylaws

I. Appointment

There is hereby created a Public Safety Commission which shall consist of eight members, appointed at large from within the City by Council members; one member appointed by each Councilor and the Mayor. The City Council may appoint one member from outside the City as a representative of the Rural Fire Districts that contract with the City for fire protection. All appointments to the Public Safety Commission shall be ratified by the City Council.

II. Terms

Appointments to the Public Safety Commission shall be for terms of four years starting January 1, 2004. All members of the Commission appointed under this policy shall continue in office until their terms of office expire. The first appointments to the Commission shall be made so that two members' terms expire each year. It is the intent that no more than two members' terms shall expire in any one year.

III. Vacancy-Removal

Any member may be removed by a majority vote of the total membership of the City Council. Vacancies shall be filled by appointment by the **respective City Councilor position** ~~City Council~~, and shall be for the unexpired portion of the term of the office vacated.

IV. Officers

The Public Safety Commission shall elect a Chairperson and a Vice Chairperson from the members of the Commission. Terms shall be for one year starting January 1, 2004.

V. Meetings and Quorum

The Public Safety Commission shall hold regular meetings at least once a month, or, at the discretion of the Commission, such other meetings as may be necessary or expedient. A majority of the Public Safety Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

VI. Duties of the Commission

The Commission shall be advisory to the City Council in all matters pertaining to funding, operation, maintenance, facilities, and other activities of the Albany Fire and Police Departments to help maintain and deliver the highest quality and standards of public service.

1. General Functions:

- a. Evaluate public safety service in relation to the stated City goals and objectives.
- b. Communicate the importance and need of public safety services to the general public.
- c. Solicit public input about public safety issues related to the above-listed duties.
- c. Assist the Departments in providing stability and continuity in public safety operations.
- d. Conduct studies requested by the City Council in order to make recommendations.

2. Specific Responsibilities:

- a. Act in an advisory capacity to the City Council, the City Manager, and the Fire and Police Directors.
- b. Inform the City Council of the status and progress of public safety services and issues.
- c. Assist in the development of sound fiscal policies to achieve public safety goals.
- d. Recommend public safety service policies for approval by the City Council.
- e. Recommend an adequate system of public safety facilities.
- f. Recommend adequate staffing levels for public safety operations.

BE IT FURTHER RESOLVED that Resolution Number 4960 is hereby repealed.



DATED AND EFFECTIVE THIS 8TH DAY OF OCTOBER 2008.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Hodney, Director of Parks and Recreation *EH*
DATE: October 1, 2008, for the October 8, 2008 City Council Meeting
SUBJECT: Authorization to submit grant application for acquisition of Property on East Thornton Lake
RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods

Action Requested:

Consider a motion to authorize the City to submit an application to the Oregon Watershed Enhancement Board for a grant to purchase land adjacent to East Thornton Lake for a natural area and park.

Discussion:

At its work session of September 8, 2008, the City Council directed staff to continue work toward a possible submission of a grant request to the Oregon Watershed Enhancement Board (OWEB) for funding to acquire land on East Thornton Lake. The land would be acquired to establish a City-owned natural area and small public park to help the City achieve its resource protection objectives. If acquired, the City would work through others to manage the natural area. OWEB would retain a conservation easement over the site.

There seems to be strong support for the project from all directions. Several state agencies have voiced support, and a number of letters of support have been received from a variety of individuals and organizations. Included in this list are the Greater Albany School District, the Oregon Historical Society, the Oregon Department of Fish and Wildlife, various departments at Oregon State University, the Confederated Tribes of Grand Ronde, and several north Albany residents.

The application deadline to OWEB is October 20, 2008. The City has asked the Trust for Public Lands (TPL) to assist in determining a purchase price and possible acquisition strategies favorable to the City. Those discussions are still progressing on the sale price, which will be substantiated by a fair-market appraisal to be commissioned by TPL. However, the grant application must include an estimated acquisition cost, which may not be exceeded but may be lowered through further negotiation after the application is submitted. The stated asking price for the 24-acre property is \$3.2 million. The OWEB grant request would be 75% of this amount, or \$2,400,000.

The City's share would be \$800,000, based on the asking price. The City's share may come from its own funds, outside sources, grants by other agencies, or a combination of these sources. Our share would not be obligated until we learn that the grant has been awarded, a process that could take up to one year. Of course, the City Council would still have the opportunity at that time to accept or reject the OWEB grant, dependent on our success in securing the City's share of the project costs.

U:\Parks & Recreation\Administration\COUNCIL\Grants\East Thornton Lake Grant\CC memo authorize OWEB grant application.doc

Until negotiations with the land owner and the OWEB have been completed, it is difficult to be more precise with the estimate of the City's share of the project costs. Therefore, staff recommends that the OWEB application be filed with the assumption that the City share will come from Parks SDCs, a grant from the Oregon Parks and Recreation Department or other State agency, and private donations.

Budget Impact:

There is no impact at this time. Should the City be awarded, and the Council accepts a grant from OWEB, the City would then be responsible for 25% of the acquisition cost. Based on a purchase price of \$3.2 million, that share would be \$800,000.



TO: Albany City Council

VIA: Wes Hare, City Manager

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

DATE: September 26, 2008, for October 8, 2008, City Council Meeting

SUBJECT: Full On-Premises Sales, New Outlet Liquor License Application for Cascade Grill & Bar, LLC, D/B/A Cascade Grill & Bar, 110 Opal Court, NE.

Action Requested:

I recommend the Full On-Premises Sales, New Outlet Liquor License Application for Cascade Grill & Bar, LLC, D/B/A Cascade Grill & Bar, be approved.

Discussion:

Bob Mitchell, on behalf of Cascade Grill & Bar, LLC, D/B/A Cascade Grill & Bar, has applied for a Full On-Premises Sales, New Outlet liquor license. Based on a background and criminal history investigation through Albany Police Department records, I recommend approval of this request.

Budget Impact:

None.

MR



TO: Albany City Council

VIA: Wes Hare, City Manager

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

DATE: September 30, 2008, for the October 8, 2008, Council Meeting

SUBJECT: Apply for and accept OACP Safety Belt/Three Flags Traffic Safety Grant

RELATES TO STRATEGIC PLAN THEME: • A Safe City
• An Effective Government

Action Requested:

Approve a resolution to apply for and accept the Federal Fiscal Year 2008-09 Safety Belt/Three Flags Traffic Safety Grant from the Oregon Association Chiefs of Police in the amount of \$8,000 for a total of 200 hours of overtime for traffic enforcement (Federal Funds CFDA #20.602).

Discussion:

We were invited to apply and have been approved for up to \$8,000 for Safety Belt/Three Flags traffic safety. The overtime reimbursement rate is \$40/hour. These federal funds come through the Oregon Department of Transportation and are administered by the Oregon Association Chiefs of Police. Federal funds require the City to provide specific accounting, which includes approving the attached resolution.

The annual Three Flags grant period is based on the Federal Fiscal Year from October 1, 2008, to September 30, 2009. The increased patrols assist us in reducing the number of motor vehicle-related deaths and injuries by increasing public awareness of laws regarding safety belt use and other traffic issues including DUII and speed.

Budget Impact:

Reimburse City for up to \$ 8,000 in overtime costs to increase safety belt, speed, and DUII patrols.

msr
attachment

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF APPLYING FOR AND ACCEPTING THE OREGON ASSOCIATION CHIEFS OF POLICE SAFETY BELT/THREE FLAGS TRAFFIC SAFETY GRANT TO ENFORCE SAFETY BELT, SPEEDING, AND DUII LAWS.

WHEREAS, the Oregon Association Chiefs of Police makes grant funds for Federal Fiscal Year 2008-09 available from October 1, 2008, to September 30, 2009, to provide overtime reimbursement for increased patrols to enforce safety belt, speeding, and DUII laws; and

WHEREAS, the City of Albany Police Department was invited to apply for overtime reimbursement for the Three Flags Traffic Safety Grant to enforce safety belt, speeding, and DUII laws; and

WHEREAS, the City of Albany Police Department has received approval for up to \$8,000 in overtime reimbursement for the Three Flags Traffic Safety Grant to enforce safety belt, speeding, and DUII laws; and

WHEREAS, grant acceptance will reimburse for enforcement of safety belt, speeding, and DUII laws overtime; and

WHEREAS, grant acceptance will require local match by providing two hours of straight time traffic safety enforcement for every hour of grant overtime and to report hours of enforcement and number of arrests/citations made.

WHEREAS, Oregon Local Budget Law provides that expenditures in the year of receipt of grants, gifts, bequests, or devices transferred to the local government in trust for a specific purpose may be made after enactment of a resolution or ordinance authorizing the expenditure (ORS 294.326(3)).

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council does hereby state that enforcing safety belt, speeding, and DUII laws will assist us in reducing the number of motor vehicle-related deaths and injuries by increasing public awareness; and

BE IT FURTHER RESOLVED that the Albany City Council authorizes the Albany Police Department to apply for and accept the Oregon Association Chiefs of Police overtime reimbursement for Safety Belt/Three Flags Traffic Safety Grant.

BE IT FURTHER RESOLVED that the \$8,000 was appropriated in the Fiscal Year 2008-2009 budget.

DATED AND EFFECTIVE THIS 8TH DAY OF OCTOBER 2008.

Mayor

ATTEST:

City Clerk



TO: Albany City Council

VIA: Wes Hare, City Manager

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

DATE: September 30, 2008, for the October 8, 2008, Council Meeting

SUBJECT: Apply for and accept the 2008-09 Oregon Association Chiefs of Police DUII Traffic Safety Grant

RELATES TO STRATEGIC PLAN THEME: • A Safe City
• An Effective Government

Action Requested:

Approve a resolution to apply for and accept the Oregon Association Chiefs of Police DUII Traffic Safety grant for Federal Fiscal Year 2008-09, to detect and remove impaired drivers from our streets. These funds are **no longer considered to be federal funds** when they are received from Oregon Association Chiefs of Police (DUII Grant CFDA #20.601).

Discussion:

The Police Department has participated for ten years in a traffic safety grant to detect and remove drivers under the influence of intoxicants (DUII) from our roadways. We have been granted \$7,500 for this purpose for Fiscal Year 2008-09. These funds come through the Oregon Department of Transportation and are administered by the Oregon Association Chiefs of Police. The grant requires the City to provide specific accounting, which includes approving the attached resolution. The hourly rate for overtime reimbursement is \$40/hour.

The DUII Enforcement Grant allows us to increase directed patrols for DUII enforcement. The increased patrols assist us in removing dangerously impaired drivers from our streets and make our community safer. These directed patrols are particularly useful during special community events and national holidays that have historically seen an increase in impaired drivers.

Budget Impact:

Reimburse City for up to \$7,500 in overtime costs to increase DUII directed patrols.

msr
Attachment

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF APPLYING FOR AND ACCEPTING THE OREGON ASSOCIATION CHIEFS OF POLICE DUII OVERTIME GRANT FOR THE DETECTION AND REMOVAL OF IMPAIRED DRIVERS FROM OUR STREETS.

WHEREAS, the Oregon Association Chiefs of Police makes grant funds available from October 1, 2008, to September 30, 2009, to provide overtime reimbursement for increased patrols to detect and remove Drivers Under the Influence of Intoxicants (DUII) (CFDA 20.601); and

WHEREAS, the City of Albany Police Department was invited to apply for overtime reimbursement for DUII enforcement to enhance existing DUII patrols; and

WHEREAS, the City of Albany Police Department has received approval for up to \$7,500 overtime reimbursement for DUII enforcement to enhance existing DUII patrols; and

WHEREAS, grant acceptance will reimburse for DUII enforcement overtime; and

WHEREAS, grant acceptance will require local match by providing department resources such as vehicle use, staff time to schedule overtime, and staff time to report hours of patrol enforcement and number of arrests/citations made.

WHEREAS, Oregon Local Budget Law provides that expenditures in the year of receipt of grants, gifts, bequests, or devices transferred to the local government in trust for a specific purpose may be made after enactment of a resolution or ordinance authorizing the expenditure (ORS 294.326(3)).

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council does hereby state that detecting and removing impaired drivers under the influence of intoxicants from our streets is a priority.

BE IT FURTHER RESOLVED that the Albany City Council authorizes the Albany Police Department to accept the Oregon Association Chiefs of Police overtime reimbursement for DUII enforcement.

BE IT FURTHER RESOLVED that the \$7,500 was appropriated in the Fiscal Year 2008-2009 budget.

DATED AND EFFECTIVE THIS 8TH DAY OF OCTOBER 2008.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Jack Utterback

A 20-foot wide public 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 8TH DAY OF OCTOBER 2008.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 16 day of September, 2008, by and between Jack Utterback, 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 public utilities for the purpose of conveying public utilities 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 public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

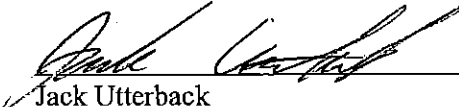
This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A 20-foot wide public utility easement for the purpose of constructing a sewer force main. described in the 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 \$700.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
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.

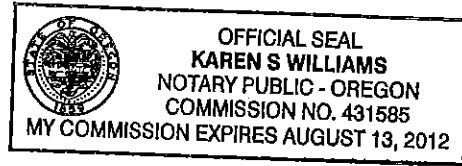
GRANTOR:

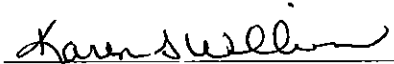


Jack Utterback

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

The foregoing instrument was acknowledged before me this 16th day of September, 2008, by Jack Utterback as his voluntary act and deed.





Notary Public for Oregon
My Commission Expires: 8-31-2012

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:

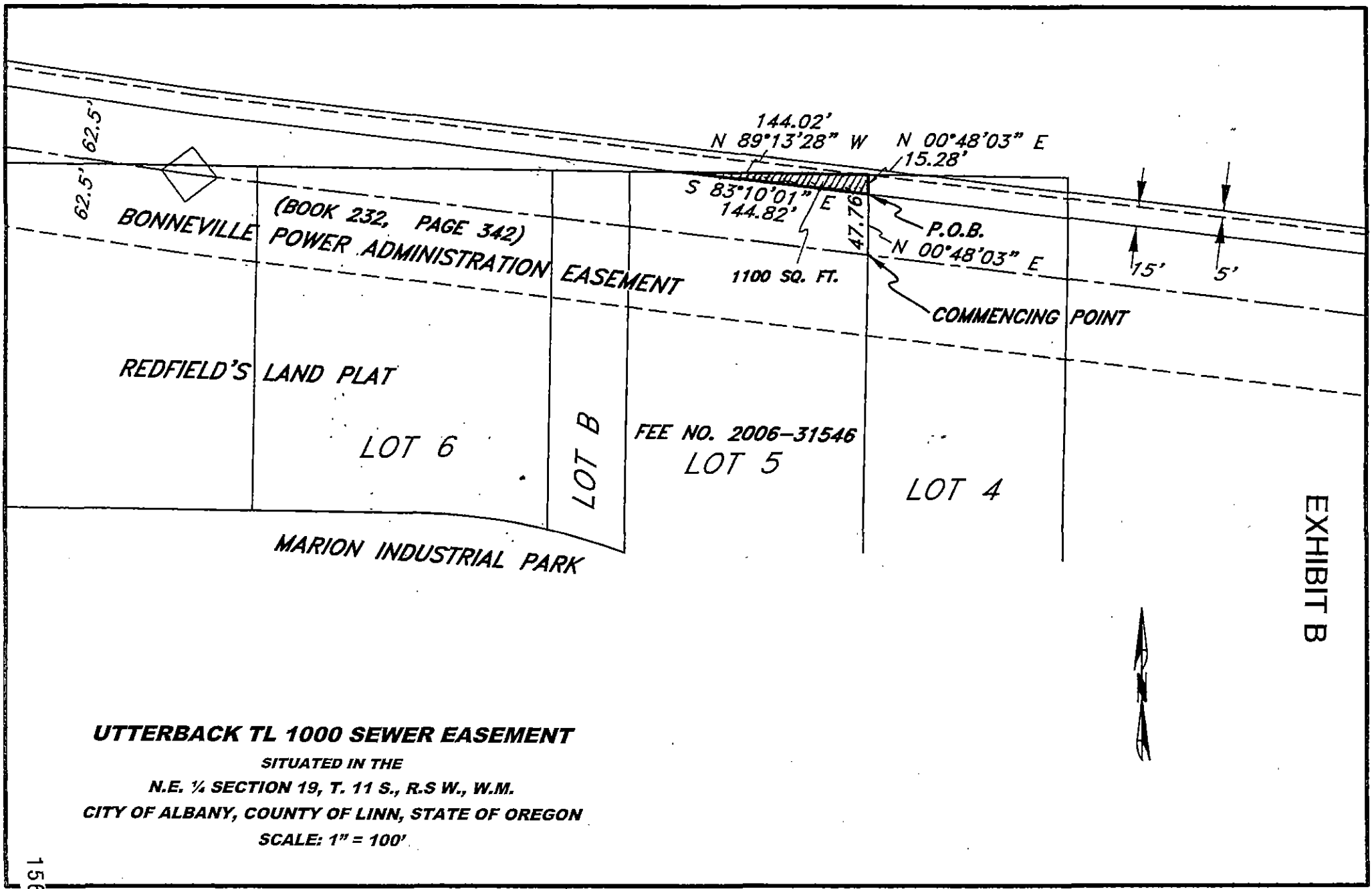
City Clerk

EXHIBIT A

A strip of land lying on the north side of Parcel 1 of fee No. 2008-17311, situated in the N.E. ¼ 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:

Commencing at the centerline intersection of the 125.0 foot wide Bonneville Power Administration Easement recorded in Book 232, Page 342, May 1953, with the east line of said Parcel 1 of Fee No. 2008-17311; thence North 0°48'03" East, along said east line, which is also the east line of Lot 5 of "Marion Industrial Park" a distance of 47.76 feet to a point that is 15.00 feet southwesterly when measured perpendicular to the north line of said Bonneville Power Administration Easement said point being the POINT OF BEGINNING; thence North 0°48'03" East, along said east line, a distance of 15.28 feet to the northeast corner of said Lot 5; thence North 89°13'28" West, along the north line of said Lot 5, a distance of 144.02 feet to a point that is 15.00 feet southwesterly when measured perpendicular to the north line of said Bonneville Power Administration Easement; thence South 83°10'01" East, parallel with the north line of said Bonneville Power Administration Easement, a distance of 144.82 feet to the POINT OF BEGINNING.

This tract contains 1,340 square feet more or less.



UTTERBACK TL 1000 SEWER EASEMENT
 SITUATED IN THE
 N.E. ¼ SECTION 19, T. 11 S., R.S W., W.M.
 CITY OF ALBANY, COUNTY OF LINN, STATE OF OREGON
 SCALE: 1" = 100'

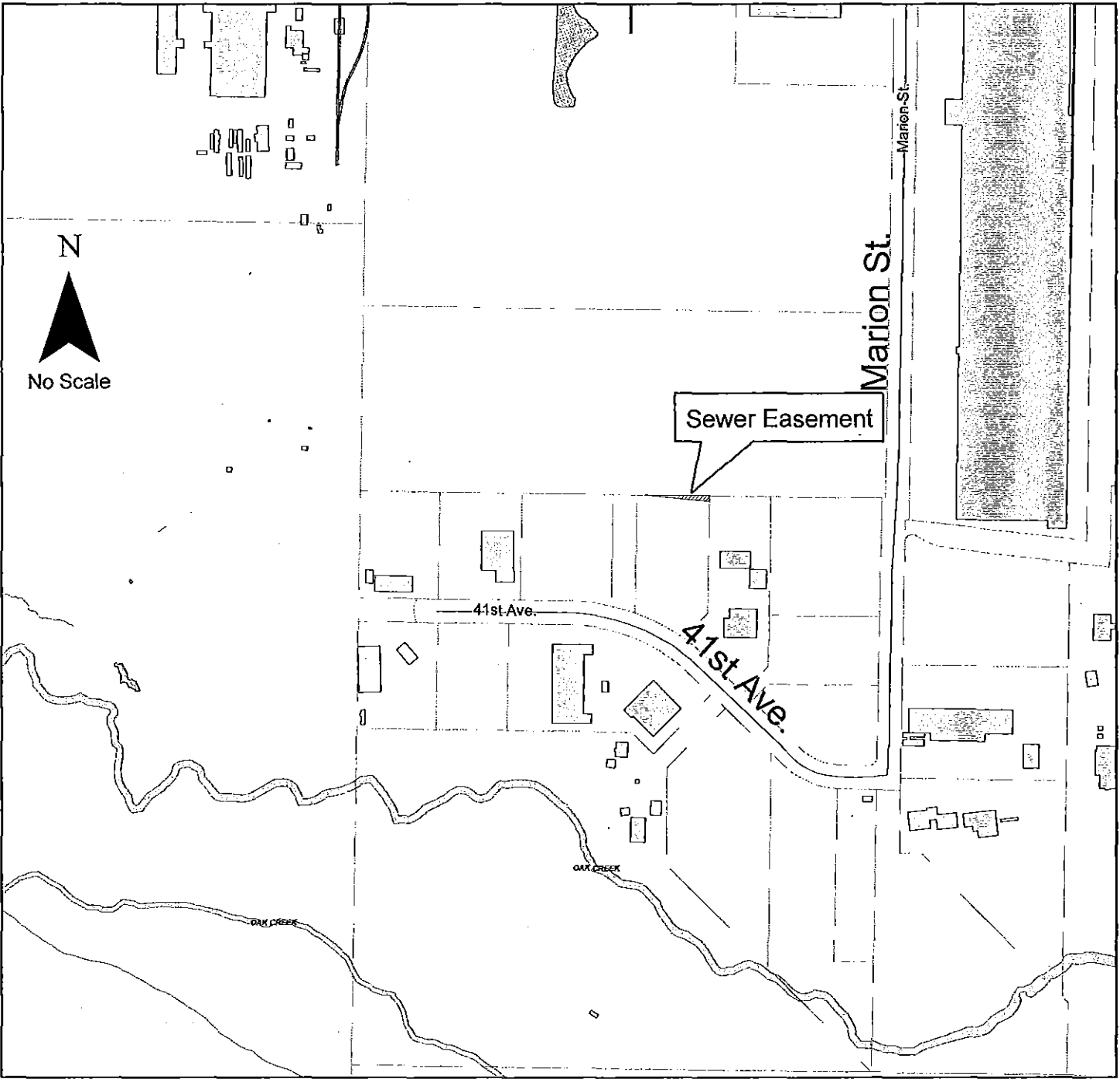
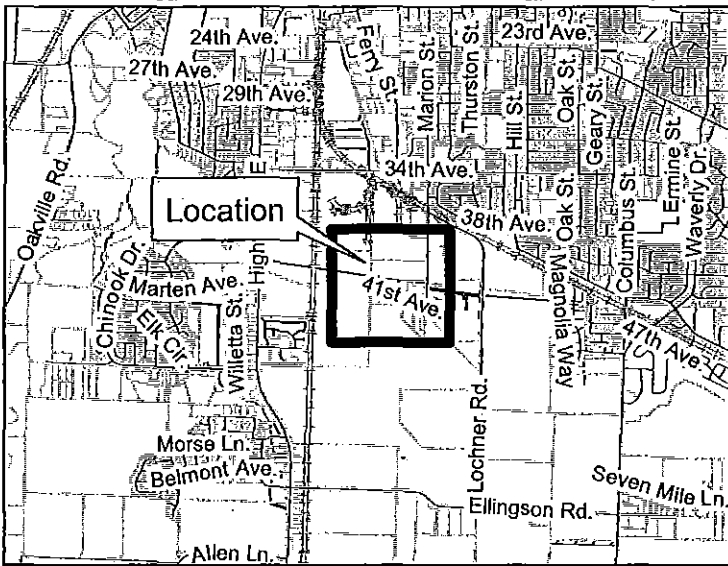
EXHIBIT C

11SO3W19A 01000

SS-07-05
Oak Creek Sewer
Force Main



Geographic Information Services



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Leroy Laack Trust

A 15-foot wide easement over a public storm drainage line for Oakwood Avenue as part of the Hertz Car Lot project.

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

DATED AND EFFECTIVE THIS 8TH DAY OF OCTOBER 2008.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 28TH day of AUGUST, 2008, by and between Leroy Laack Trust, 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 public utilities for the purpose of conveying public utilities 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 public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A 15-foot wide easement over a public storm drainage line for Oakwood Avenue as part of the Hertz Car Lot project. See legal description on attached Exhibit A and map on attached 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 \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
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:

Leroy Laack Trust
Leroy Laack Trust

STATE OF Oregon)
County of Marion) ss.
City of Salem)

The foregoing instrument was acknowledged before me this 28th day of August, 2008, by Leroy Laack on behalf of the Leroy Laack Trust as his voluntary act and deed.



Karla Farnsworth
Notary Public for Oregon
My Commission Expires: 5-23-10

CITY OF ALBANY:

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

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

City Manager

ATTEST:

City Clerk

EXHIBIT A

PERMANENT UTILITY EASEMENT

A 15.00 foot wide storm drain easement described as follows:

The easterly 15.00 feet of the westerly 20.00 feet of Block 4, Freeway Addition as platted and recorded in Volume 12, Page 2, Book of Town Plats for Linn County, Oregon

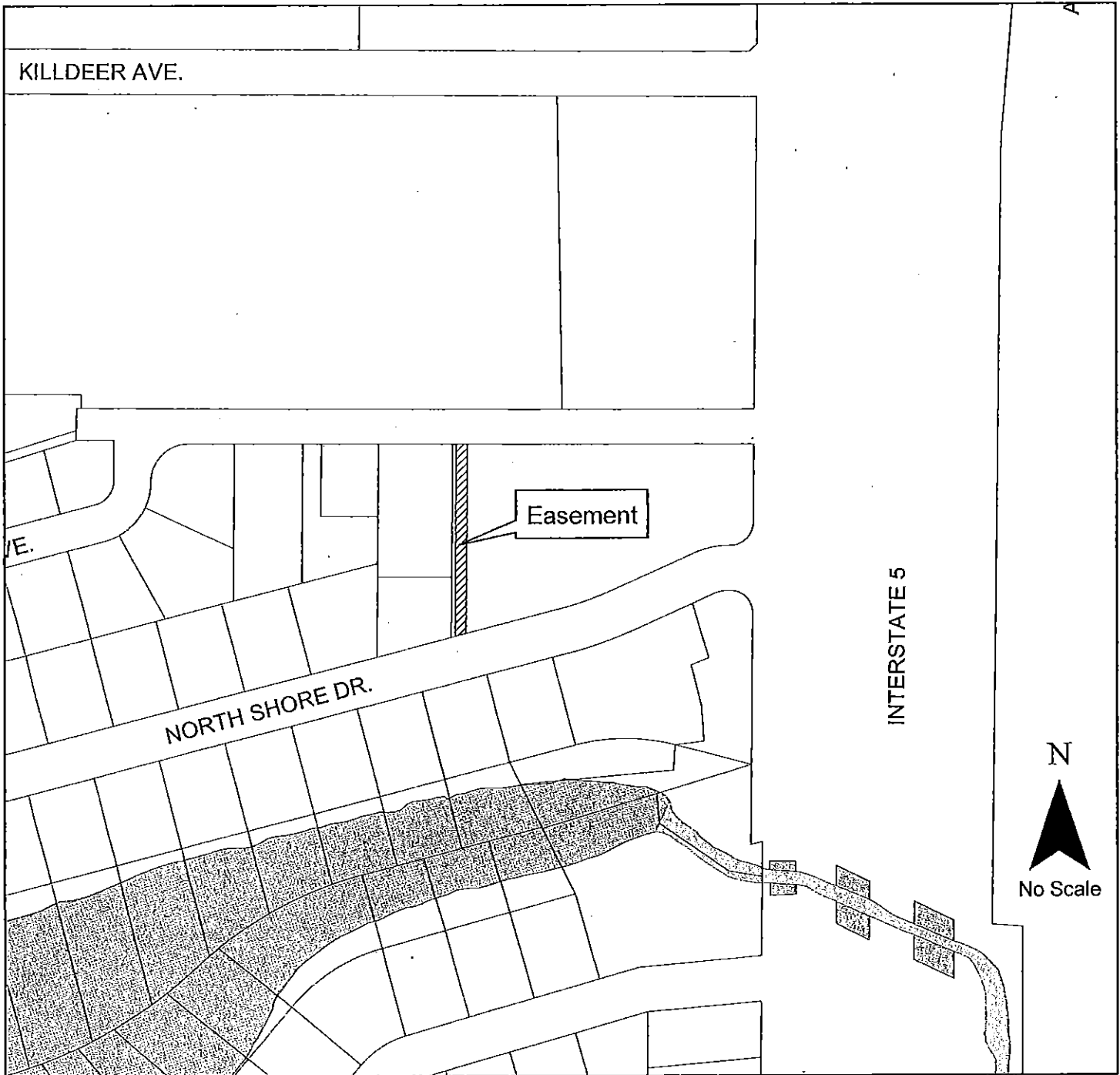
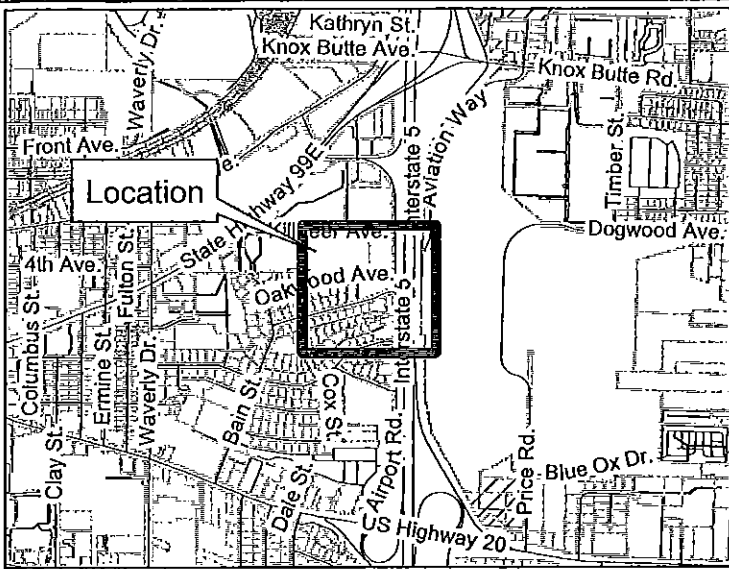
EXHIBIT B

11S03W04CC01200

A 15-foot wide easement over a public storm drainage line for Oakwood Avenue as part of the Hertz Car Lot project.



Geographic Information Services



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Leroy Laack Trust

A variable width sidewalk and utility easement adjacent to North Shore Drive and Airport Road as part of the Hertz Car Lot project.

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

DATED AND EFFECTIVE THIS 8TH DAY OF OCTOBER 2008.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES AND SIDEWALKS

THIS AGREEMENT, made and entered into this 28TH day of AUGUST, 2008, by and between Leroy Laack Trust, 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 public utilities for the purpose of conveying public utilities services and sidewalks 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 public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

See legal description on attached Exhibit A and maps on attached Exhibits B and C.
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 \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
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:

Leroy Laack
Leroy Laack

STATE OF Oregon)
County of multnomah) ss.
City of Salem)

The foregoing instrument was acknowledged before me this 28th day of August, 2008, by Leroy Laack, on behalf of the Leroy Laack Trust as his voluntary act and deed.



Karla Farnsworth
Notary Public for Oregon
My Commission Expires: 5-23-10

CITY OF ALBANY:

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

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

City Manager

ATTEST:

City Clerk

Exhibit "A"

A sidewalk easement described as follows:

Beginning at the Southwest corner of Block 4, FREEWAY ADDITION as platted and recorded in Volume 12, Page 2, Book of Town Plats for Linn County, Oregon, and being situated in the Southwest Quarter of Section 4, Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon;

thence northeasterly along the southerly line of Block 4 as follows: North $73^{\circ}14'33''$ East 147.30 feet; thence northeasterly along the arc of a 470.00 foot radius curve to the left (the chord of which bears North $68^{\circ}19'02''$ East 81.18 feet) a distance of 81.28 feet; thence North $63^{\circ}21'47''$ East 111.06 feet; thence northeasterly along the arc of a 120.30 foot radius curve to the right (the chord of which bears North $75^{\circ}51'02''$ East 52.02 feet) a distance of 52.44 feet; thence northeasterly along the arc of a 30.00 foot radius curve to the left (the chord of which bears North $76^{\circ}33'36''$ East 12.25 feet) a distance of 12.33 feet;

thence leaving said southerly boundary South $88^{\circ}20'17''$ West 11.99 feet;

thence westerly along the arc of a 122.80 foot radius curve to the left (the chord of which bears South $75^{\circ}51'02''$ West 53.10 feet) a distance of 53.53 feet;

thence South $63^{\circ}21'47''$ West 111.06 feet;

thence southwesterly along the arc of a 467.50 foot radius curve to the right (the chord of which bears South $68^{\circ}19'02''$ West 80.74 feet) a distance of 80.85 feet;

thence South $73^{\circ}14'33''$ West 146.63 feet to the West line of said Block 4;

thence South $01^{\circ}39'43''$ East along said West line, a distance of 2.59 feet to the Point of Beginning.

ALSO

Beginning at the Northeast corner of Block 4, FREEWAY ADDITION and running thence South $01^{\circ}39'43''$ East along the East line of said Block 4, a distance of 104.36 feet;

thence southwesterly along said easterly line on the arc of a 30.00 foot radius curve to the right (the chord of which bears South $15^{\circ}07'01''$ West 17.32 feet) a distance of 17.57 feet;

thence North $01^{\circ}39'43''$ West 107.74 feet;

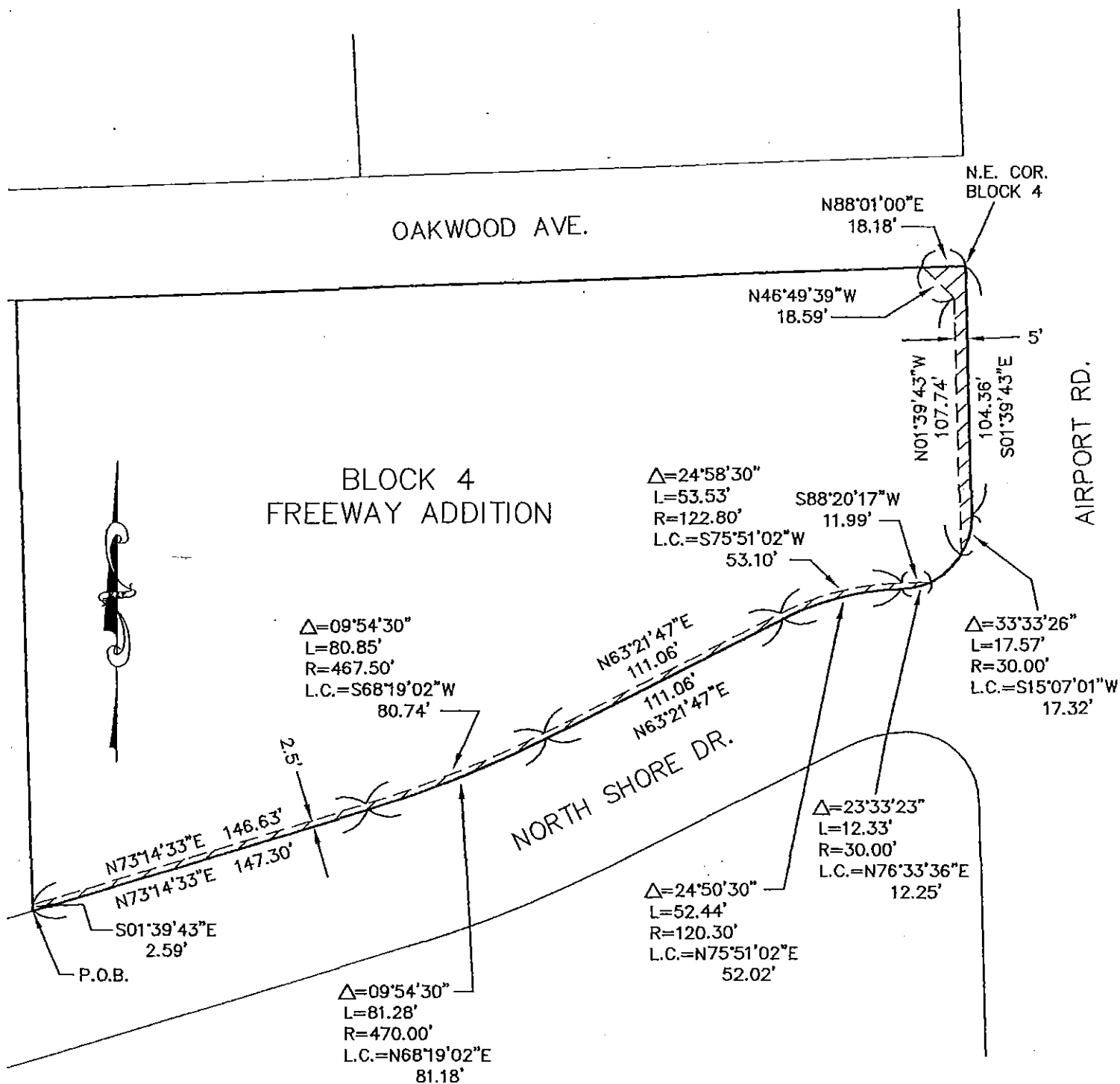
thence North $46^{\circ}49'39''$ West 18.59 feet to the northerly line of said Block 4;

thence North $88^{\circ}01'00''$ East along said northerly line, a distance of 18.18 feet to the Point of Beginning.

EXHIBIT "B"

SCALE: 1"=60'

DECEMBER 18, 2007



BARKER SURVEYING CO.
 2035 25TH STREET S.E.
 SALEM, OREGON 97302
 PHONE (503) 588-8800
 FAX (503) 588-8804
 EMAIL: SURVEYING@WVI.COM

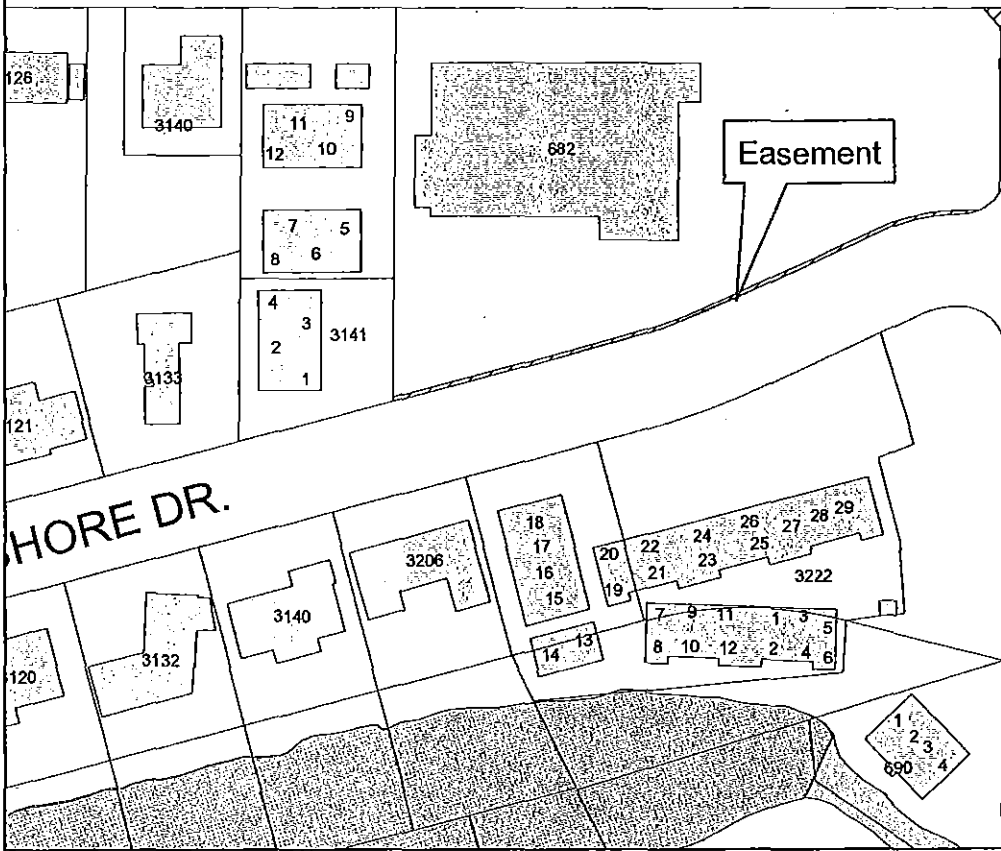
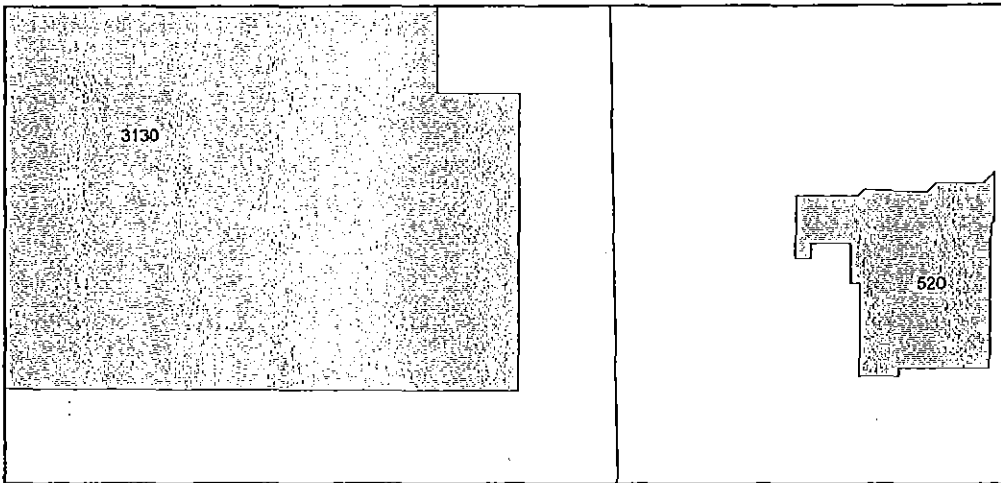
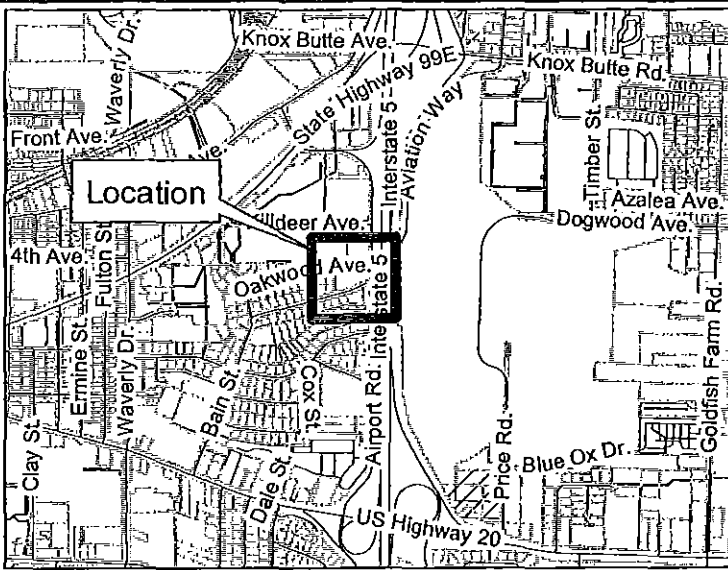
EXHIBIT C

11SO3W04CC01200

Sidewalk easements: Airport Road frontage and North Shore Drive frontage for the Hertz Car Lot project.



Geographic Information Services



Easement

Easement

INTERSTATE 5



RESOLUTION NO. _____

A RESOLUTION DIRECTING STAFF TO EXECUTE THE ATTACHED QUITCLAIM DEED:

Grantor: City of Albany

Purpose

Grantee: Property Investment Group of Albany

Releasing the western 370 feet of a 420 foot wide sewer easement. The City shall retain the eastern 50 feet of easement over the City's existing sewer and storm drainage lines.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby direct staff to execute the attached Quitclaim Deed.

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

DATED AND EFFECTIVE THIS 8TH DAY OF OCTOBER 2008.

Mayor

ATTEST:

City Clerk

CITY OF ALBANY

Grantor

After Recording Return to:

City of Albany

Property Investment Group of Albany

Grantees

Until requested otherwise send

All tax statements to:

Property Investment Group of Albany

1611 Sherman Street NE

Albany, OR 97321

QUITCLAIM DEED

KNOW ALL PEOPLE BY THESE PRESENTS, that THE CITY OF ALBANY, a municipal corporation, hereinafter called Grantor, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto Property Investment Group of Albany, hereinafter called Grantee, and unto Grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenance thereunto belonging or in anywise appertaining, situated in the County of Linn, State of Oregon, described as follows, to wit:

Legal Description

The western 370 feet of a 420 foot wide sewer easement across that property described in Linn County Deed Records MF500-927 and MF235-212C. The sewer easement was recorded in 1957 in Linn County Deed Records Book 253, Page 690. The City of Albany expressly retains the sewer easement over the eastern 50 feet of the 420 foot wide easement. As shown on attached map Labeled Exhibit A.

To Have and to Hold the same unto said Grantee and Grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollar, is \$-0-. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

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

IN WITNESS WHEREOF, the Grantor has executed this instrument this ____ day of _____, 2008.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

Wes Hare, City Manager

Stewart Taylor, Finance Director

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on _____, 2008, by Wes Hare, City Manager for the City of Albany.

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

This instrument was acknowledged before me on _____, 2008, by Stewart Taylor, Finance Director for the City of Albany.

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

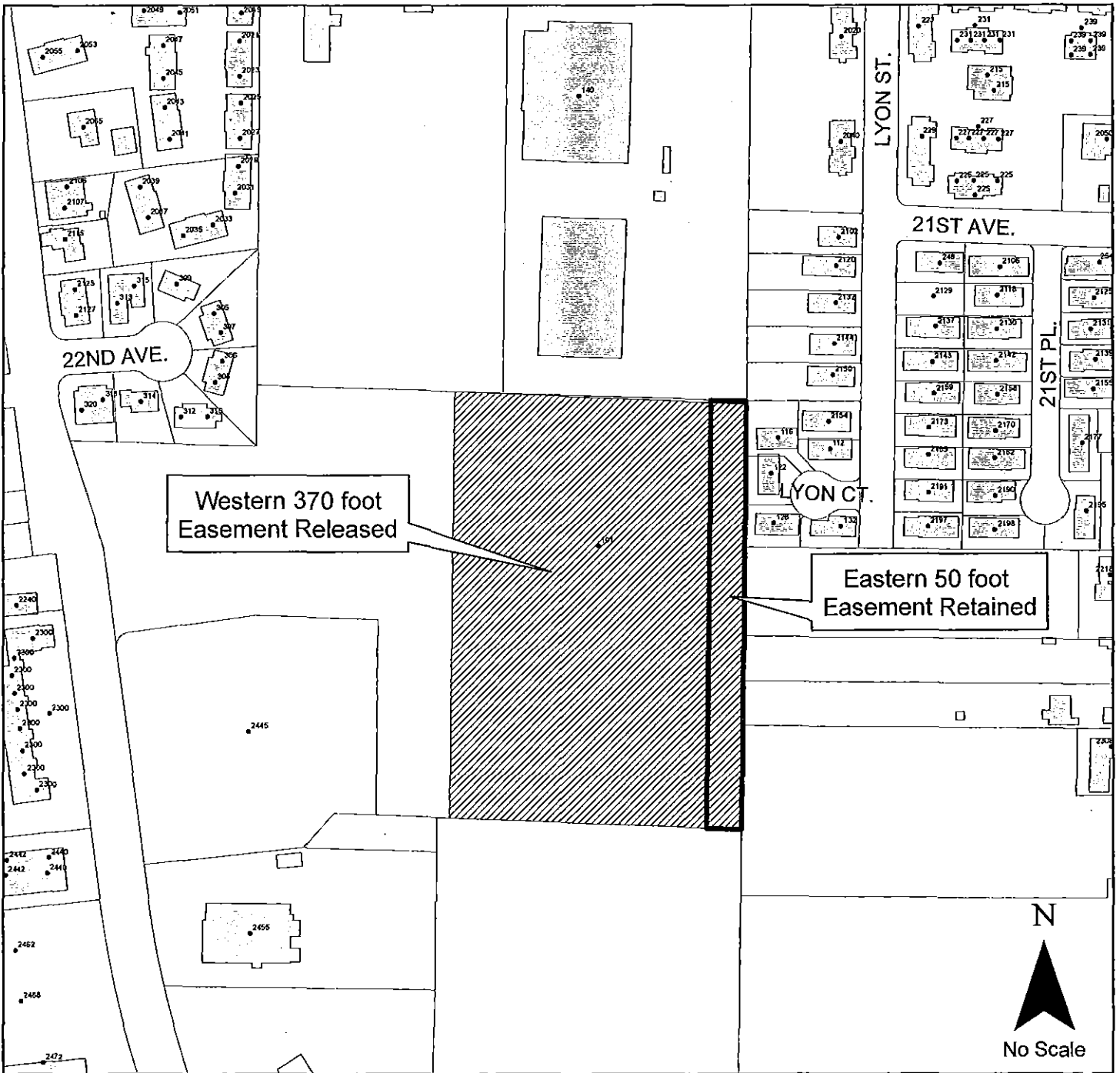
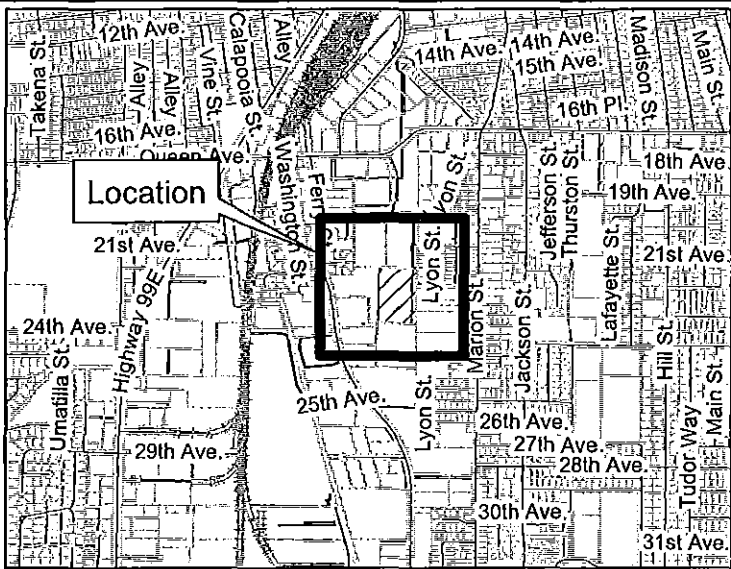
EXHIBIT A

11SO3W18BA01102

Releasing the western 370 feet of a 420 foot wide sewer easement. The City shall retain the eastern 50 feet of easement over the City's existing sewer and storm drainage lines.



Geographic Information Services





TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Hodney, Director of Parks and Recreation
DATE: October 1, 2008, for the October 8, 2008 City Council Meeting
SUBJECT: Award of Contract for Kinder Park Development

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods

RELATES TO: ● Master plans.

Action Requested:

Approve a motion to accept bids for Kinder Park Development and tentatively award the construction contract to the apparent low bidder, subject to the required seven-day protest period.

Discussion:

The Invitation to Bid was issued on September 15, 2008. Bids are to be opened on October 7, 2008, and the apparent low bidder will be determined at that time. More than 40 sets of plans have been distributed to prospective bidders to date, indicating considerable interest in this project. Because the City desires to contract for this project as soon as possible, it is important to seek the City Council's authorization at the meeting on October 8, 2008 rather than waiting until the Council meeting of October 22, 2008.

Oregon law requires that the City advertise its intent to award a contract for a protest period of seven days before a contract is executed. Therefore, staff recommends that the Council tentatively award the construction contract to the apparent low bidder, subject to the required notice period. The City Council will be provided the bidder information at the meeting. If protests are received, the contract will not be executed until the City Council has the opportunity to review the protests at its meeting on October 22, 2008.

Budget Impact:

This project has been budgeted in the Grant Fund, 203-35-5053-72018 (Oak Street Park).