



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
Council Chambers
333 Broadalbin Street SW
Monday, November 24, 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

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. PROCLAMATION
 - a. Association of Motorcyclists of Oregon Day. [Page 1]
Action: _____
5. SCHEDULED BUSINESS
 - a. Review of Written Testimony
 - 1) SD-05-07, Thornton Lake Estates Subdivision, LUBA remand of City approval of a Subdivision Tentative Plat that would divide 24.20 acres of land into 78 residential single-family lots and two open space tracts. [Pages 2-104]
Action: _____
 - b. Business from the Public
 - c. Adoption of Resolution
 - 1) Approving exemption from the competitive bidding process for the purchase of library shelving from an existing general services alliance cooperative contract with Technical Furniture Systems, Inc. [Pages 105-106]
Action: _____ RES. NO. _____
 - d. Adoption of Consent Calendar
 - 1) Approval of Minutes
 - a) October 6, 2008, City Council Work Session [Pages 107-111]
 - b) October 20, 2008, City Council Work Session [Pages 112-113]
 - 2) Setting forth the compensation and reimbursement policy for the Mayor and City Council and repealing Resolution No. 3328. [Pages 114-115] RES. NO. _____
 - 3) Stating intent to apply sustainability principles in the City of Albany. [Pages 116-123] RES. NO. _____
 - 4) Authorizing the Parks & Recreation Department to apply for a grant from PacifiCorp Foundation for general operating support of the 2009 River Rhythms Concert Series and the 2009 Northwest Art & Air Festival and authorizing the Parks & Recreation Director to sign the application. [Pages 124-125] RES. NO. _____
 - 5) Accepting the abstract of votes regarding the ballots cast in the state of Oregon general election held Tuesday, November 4, 2008, regarding candidates for City of Albany offices. [Page 126] RES. NO. _____
 - 6) Approving an additional capital expenditure from the Police Department. [Page 127]
 - 7) Approving a liquor license for Grocery Outlet, Inc., 1950 14th Avenue SE. [Page 128]
 - 8) Accepting the Bulletproof Vest Partnership Grant from the U.S. Department of Justice that reimburses jurisdictions up to 50 percent of replacement expenses for bulletproof vest. [Pages 129-130] RES. NO. _____
 - 9) Accepting an easement from Robert K. and Elizabeth K. Alexander. [Pages 131-136] RES. NO. _____

e. Award of Bid

- 1) WL-09-03, Ninth Avenue and 24th Avenue Water Line Replacement. [Pages 137-141]

Action: _____

f. Report

- 1) Deciding on whether to accept an offer by ODOT Rail to fund crossing improvements on Water Avenue in return for closure of other at-grade crossings in Albany. [Pages 142-144]

Action: _____

6. BUSINESS FROM THE COUNCIL

7. RECESS TO EXECUTIVE SESSION TO DISCUSS REAL PROPERTY TRANSACTIONS AND TO DISCUSS CURRENT LITIGATION OR LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660 (2)(e) and (h)

8. RECONVENE

9. NEXT MEETING DATE: Regular Session Monday, December 8, 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.

PROCLAMATION

ASSOCIATION OF MOTORCYCLISTS OF OREGON DAY

December 7, 2008

WHEREAS, the Association of Motorcyclists of Oregon was formed more than 20 years ago by Bob Ingram, Rod Baker, John T. Davis, and others for the purpose of motorcycle recreation and doing good things in the community to help others; and

WHEREAS, in Albany there are families with children who will not enjoy a full Christmas due to financial hardships; and

WHEREAS, in May 1984, the Association of Motorcyclists of Oregon had a toy run to gather and distribute toys to children in order for them to have a better Christmas; and

WHEREAS, that 1984 toy run became an annual event for motorcycle groups such as the Rollin' Oldies, the Road Maggots, the UFR, the Ungroup, the Gypsy Jokers, and other groups who participate; and

WHEREAS, on December 7, 2008, the 18th Toy Run will be conducted under the auspices of the Association of Motorcyclists of Oregon to benefit children and families in the Albany area.

NOW, THEREFORE, I, Dan Bedore, Mayor of the City of Albany, Oregon, do hereby proclaim December 7, 2008, as the

ASSOCIATION OF MOTORCYCLISTS OF OREGON DAY

and urge all citizens of Albany to recognize that day as a time of sharing and giving by the Association of Motorcyclists of Oregon and to be aware of their motorcycles on our streets and highways while they ride to provide a merrier Christmas to families and children.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 24th day of November 2008.

Dan Bedore, Mayor



TO: Albany City Council

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

FROM: Don Donovan, Planning Manager *Don.*

DATE: November 19, 2008, for the November 24, 2008, City Council Meeting

SUBJECT: File SD-05-07, Thornton Lake Estates Subdivision LUBA Remand

Action Requested:

Review the attached information and make a tentative or final decision on the Subdivision Tentative Plat and Site Plan Review for Tree Felling applications in response to the LUBA remand.

Discussion:

Background

On January 9, 2008, the City Council approved a Subdivision Tentative Plat application and a Site Plan Review for Tree Felling application for Thornton Lake Estates. The approval followed many hours of testimony that began at a public hearing on October 10, 2007. The hearing was continued multiple times.

The Thornton Lake Estates Subdivision Tentative Plat would divide 24.20 acres of land into 78 residential single-family lots and two open space tracts. The Site Plan Review approval allows the property owner to remove 21 trees from the property to construct the subdivision.

North Albany Citizens in Action, Dirk Olsen, and M.E. Anderson appealed the City Council's approval of the applications. LUBA upheld the majority of the Council's approval, but remanded the case back to the City to correct a procedural error.

Attached to this memo is a location map (Attachment A) and the tentative plat for the subdivision (Attachment B) to remind the Council where the property that would be divided is located and what the subdivision would look like.

New Information

The subjects of the LUBA remand are a memo to the City Council from Transportation Analyst, Ron Irish and testimony by Mr. Irish at the December 12, 2008, City Council meeting. The memo and testimony were presented after the public hearing on Thornton Lake Estates was closed. LUBA found that Mr. Irish introduced new evidence that the City Council used in making their decision and that the public did not have an opportunity to respond to the new evidence.

The memo to the City Council from Mr. Irish is attached to this memo. Also attached is a transcript of Mr. Irish's testimony (Attachments C and D).

The record for Thornton Lake Estates was re-opened to allow testimony regarding Mr. Irish's memo and testimony. A notice that the record had been re-opened was mailed to everyone who participated in the previous City Council hearings. The notice invited written testimony.

The record was opened for 14 days to allow new information related to the remand. The record was opened for another 14 days to allow responses to any of the information submitted during the first 14 days. The record was opened for a final seven days to allow the applicant to rebut any information submitted during the second 14 day period. Attached to this memo is all of the written information received during the time the record was open. The information includes the following:

First 14 Days

1. Letter from Brian Moore, attorney for applicants dated September 30, 2008 (Attachment E).
2. Memo from Associated Transportation Engineering & Planning, Inc. (ATEP) to Albany City Council dated September 19, 2008 (Attachment F).
3. Letter from Greenlight Engineering to Albany City Council dated September 29, 2008 (Attachment G).
4. Letter from Dirk Olsen, North Albany Citizens in Action, dated September 22, 2008 (Attachment H).
5. Letter from Merle Anderson, dated September 22, 2008 (Attachment I).
6. Letter from Bill Root, North Albany Neighborhood Association, not dated (Attachment J).
7. Letter from Joel Kalberer, Weatherford Thompson, dated September 15, 2008 (Attachment K).

Second 14 Days

8. Letter from Greenlight Engineering to Albany City Council dated October 7, 2008. (Attachment L.)
9. Letter from Brian Moore to Mayor and City Council Members dated October 14, 2008 with September 25, 2008 email to Jim Delapoer attached. (Attachment M.)
10. Memo from ATEP to Albany City Council dated October 13, 2008. (Attachment N.)

Final 7 Days

11. Letter from Brian Moore to Albany City Council dated October 21, 2008, with two attachments (letter from Ron Irish to Brian Moore, dated October 21, 2008; and memo from ATEP to Albany City Council, dated October 21, 2008) (Attachment O).

Summary of New Testimony

The applicants and opponents of the subdivision both submitted information related to the LUBA remand. The LUBA remand actually focused primarily on the crash data for the segment of North Albany Road adjacent to the subdivision property, but the City chose not to limit the new written testimony to this issue only. The new written testimony we received relates to a range of issues mostly related to the Traffic Impact Analysis submitted by the applicants. The traffic

engineers for the applicants and for the opponents both agree that the topics of discussion included in the new information include "several highly technical points."

The opponent's traffic engineer's general argument is that the applicants have not provided substantial evidence in the record to show that subdivision Review Criterion (3) is met. Review Criterion (3) requires that "The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances." In the letter dated September 19, 2008, the opponent's traffic engineer lists 18 separate issues that the opponents find deficient (Attachment G). In general, the opponent's traffic engineer summarizes by saying the two traffic engineers "do not agree on the completeness, accuracy, and quality of the applicant's analysis."

The applicant's attorney and traffic engineer respond to the issues raised by the opponent's traffic engineer. The applicant's traffic engineer responds primarily in the letter dated October 13, 2008 (Attachment N). The applicant's attorney summarizes by saying "As previously found by the Council, the proposed street plan still affords the best safe, efficient, economic circulation of traffic possible under the circumstances. After expert review of the traffic materials submitted by the opponents during this remand, it is clear that nothing submitted by the opponents in any way alters this Council's prior conclusion that ADC 11.180(3) is satisfied." Mr. Irish agrees in the letter dated October 21, 2008 (Attachment O).

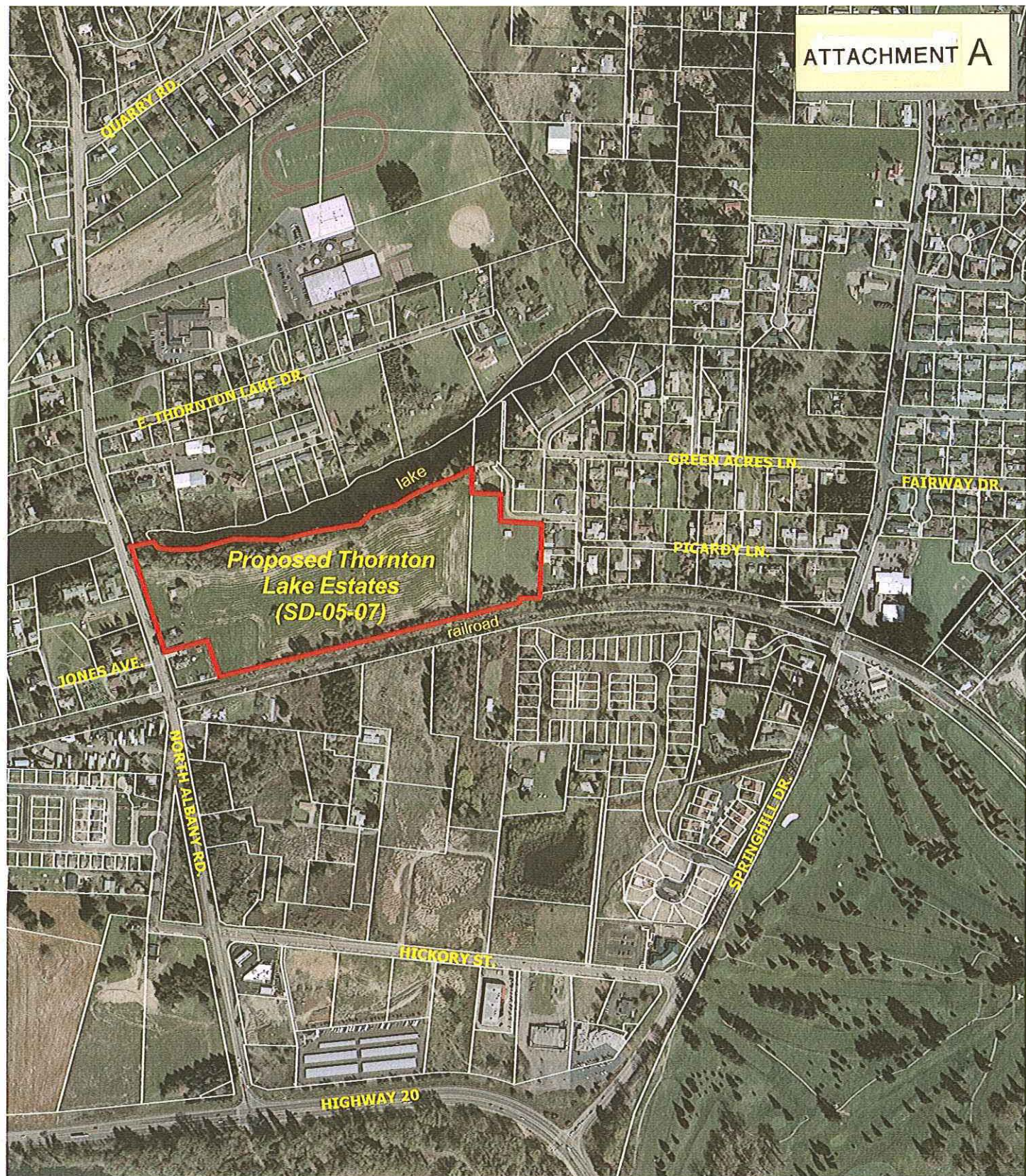
The applicants and opponents seem to agree that the question before the Council is whether Review Criterion (3) is met. The applicants list improvements and benefits the proposed subdivision would provide for the transportation system. When all of the evidence is considered, they believe it is clear that Review Criterion (3) is met. The opponents, on the other hand, believe that the information and analysis provided about traffic impact is flawed, and therefore, they believe it is not possible to conclude that Review Criterion (3) is met. The City Council will have to decide whether the new information better supports the conclusion that Review Criterion (3) is met, or whether the new information leads to a different conclusion.

Staff has included with this memo a set of Supplemental Findings prepared by the applicant's attorney that will support approval of the subdivision (Attachment P). As we have explained in similar cases, having the applicant's attorney prepare the findings saves staff time and it's also important to have the applicant involved because it is the City's policy to have the applicant defend an approval if it is appealed (again) to LUBA. Staff reviews and edits the findings before we pass them on to the City Council. Staff makes sure that the information presented in the findings accurately represents the facts, public testimony, the City Council's positions on the issues, and the longer term interests of the Council and staff in reviewing development applications.

If the City Council decides the subdivision should be denied based on the information provided by the opponents, it is staff's opinion that findings for denial would be based primarily on the Greenlight Engineering letter dated September 19, 2008 (Attachment G), as directed and/or modified by the Council. We would ask the attorney for the opponents to help write the findings for denial.

Budget Impact:

None.



Thornton Lake Estates (SD-05-07)



Planning

Don Donovan

g:\current\2007\07sd05ortho.apr

July 2007



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



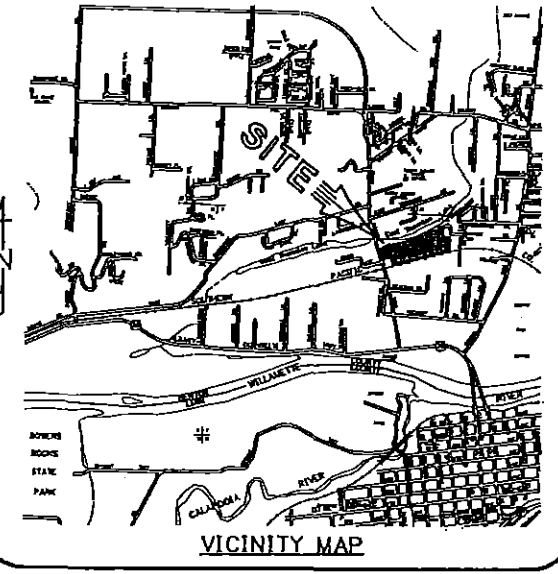
THORNTON LAKE ESTATES

Owner / Developer:
THORNTON LAKE LLC
 1220 20TH ST SE
 SALEM, OREGON 97302

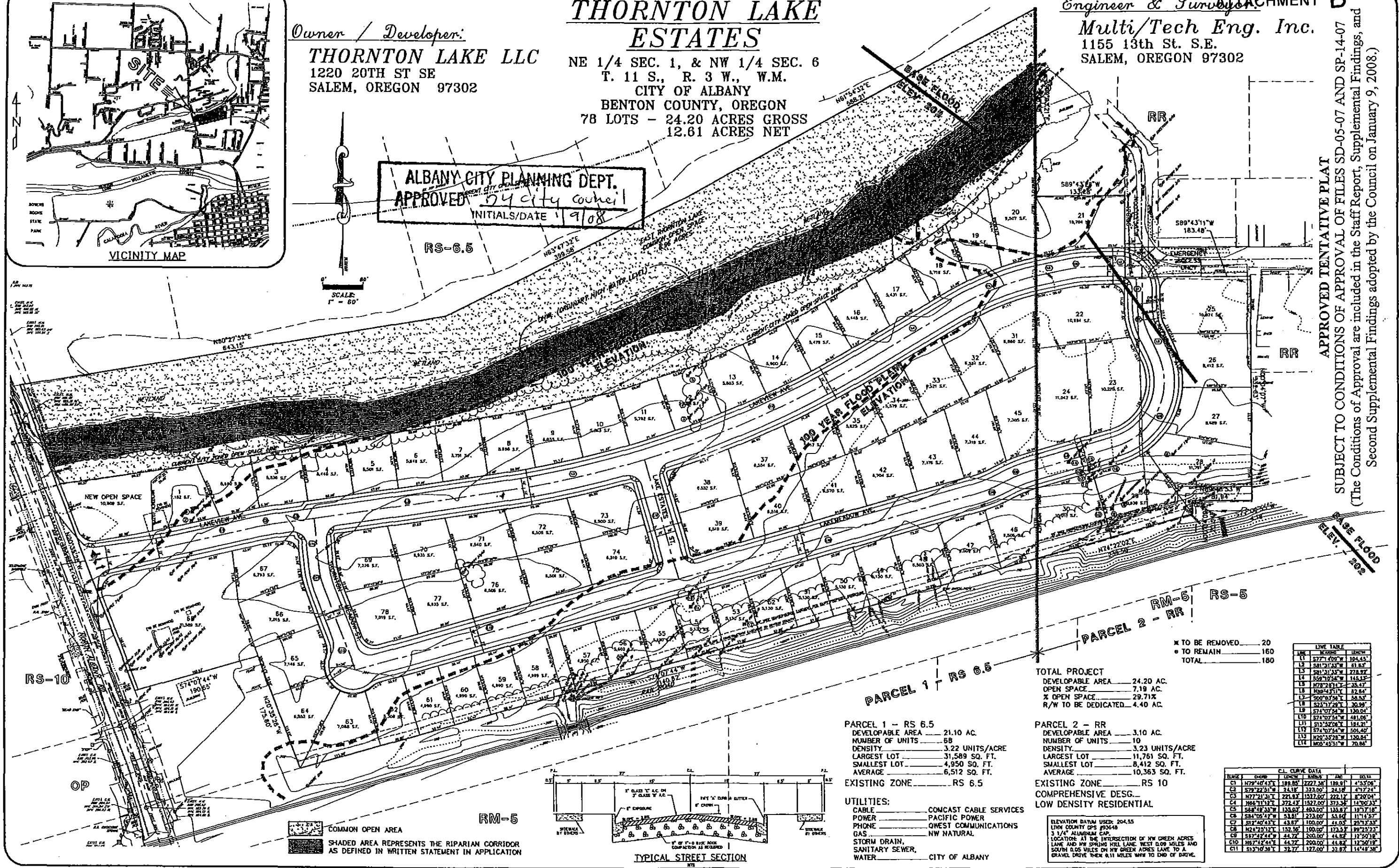
NE 1/4 SEC. 1, & NW 1/4 SEC. 6
 T. 11 S., R. 3 W., W.M.
 CITY OF ALBANY
 BENTON COUNTY, OREGON
 78 LOTS - 24.20 ACRES GROSS
 12.61 ACRES NET

Engineer & Surveyor
Multi/Tech Eng. Inc.
 1155 13th St. S.E.
 SALEM, OREGON 97302

ATTACHMENT B
 APPROVED TENTATIVE PLAT
 SUBJECT TO CONDITIONS OF APPROVAL OF FILES SD-05-07 AND SP-14-07
 (The Conditions of Approval are included in the Staff Report, Supplemental Findings, and Second Supplemental Findings adopted by the Council on January 9, 2008.)



ALBANY CITY PLANNING DEPT.
 APPROVED BY CITY COUNCIL
 INITIALS/DATE: [Signature] / 9/08



* TO BE REMOVED 20
 o TO REMAIN 160
 TOTAL 180

LINE	BEARING	LENGTH
L1	S77°40'43"W	104.45'
L2	S81°21'32"W	61.85'
L3	S81°21'32"W	272.87'
L4	S89°43'11"W	114.12'
L5	N88°43'11"W	82.84'
L6	S89°43'11"W	58.52'
L7	S74°17'20"W	30.09'
L8	S74°17'20"W	130.04'
L9	S74°17'20"W	481.08'
L10	S74°17'20"W	130.04'
L11	S74°17'20"W	184.21'
L12	S74°17'20"W	504.42'
L13	N20°45'28"W	130.84'
L14	N88°43'11"W	70.88'

TOTAL PROJECT
 DEVELOPABLE AREA 24.20 AC.
 OPEN SPACE 7.19 AC.
 % OPEN SPACE 29.71%
 R/W TO BE DEDICATED 4.40 AC.

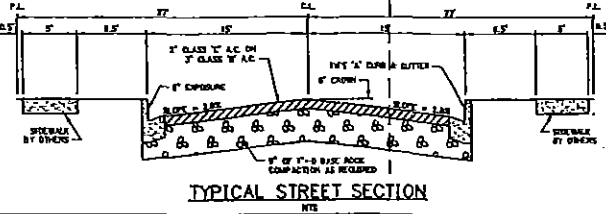
PARCEL 1 - RS 6.5
 DEVELOPABLE AREA 21.10 AC.
 NUMBER OF UNITS 68
 DENSITY 3.22 UNITS/ACRE
 LARGEST LOT 31,589 SQ. FT.
 SMALLEST LOT 4,950 SQ. FT.
 AVERAGE 6,512 SQ. FT.
 EXISTING ZONE RS 6.5

PARCEL 2 - RR
 DEVELOPABLE AREA 3.10 AC.
 NUMBER OF UNITS 10
 DENSITY 3.23 UNITS/ACRE
 LARGEST LOT 11,761 SQ. FT.
 SMALLEST LOT 8,412 SQ. FT.
 AVERAGE 10,363 SQ. FT.
 EXISTING ZONE RS 10

UTILITIES:
 CABLE COMCAST CABLE SERVICES
 POWER PACIFIC POWER
 PHONE QWEST COMMUNICATIONS
 GAS NW NATURAL
 STORM DRAIN, SANITARY SEWER, WATER CITY OF ALBANY

COMPREHENSIVE DESG. LOW DENSITY RESIDENTIAL

STATION	CHORD BEARING	CHORD LENGTH	ARC BEARING	ARC LENGTH
C1	N77°40'43"W	188.85'	227°36'	188.85'
C2	S77°40'43"W	24.18'	323°00'	24.18'
C3	N77°40'43"W	221.82'	152°00'	120.00'
C4	N88°43'11"W	372.43'	152°00'	372.43'
C5	S88°43'11"W	133.67'	403°00'	133.67'
C6	S89°43'11"W	58.52'	272°00'	58.52'
C7	S74°17'20"W	43.87'	100°00'	43.87'
C8	N74°17'20"W	159.56'	100°00'	159.56'
C9	S74°17'20"W	44.77'	200°00'	44.77'
C10	N88°43'11"W	44.77'	200°00'	44.77'
C11	S74°17'20"W	32.77'	127°00'	32.77'



MULTI/TECH
 ENGINEERING SERVICES, INC.
 1155 13th St. S.E. SALEM, OR 97302
 PH: (503) 343-8227 FAX: (503) 343-1400
 www.multitechinc.com office@multitechinc.com

MULTI/TECH ENGINEERING EXEMPT FROM LIABILITY IF NOT STAMPED APPROVED
NOT FOR CONSTRUCTION UNLESS STAMPED APPROVED HERE



NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.
 DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: M.D.G.
 Drawn: J.E.H.
 Checked: M.D.G.
 Date: JULY 20, 2007
 Scale: AS SHOWN
 As-Built:

THORNTON LAKE ESTATES

TENTATIVE PLAT

Drawing Number **4185**
 Sheet Number 1 of 2

I:\P7\4185.Dwg 4/18/05 PALT.dwg, 7/23/2007 3:24:13 PM, JHollingsworth



TO: East Thornton Lake Subdivision Project File – SD-05-07

FROM: Ronald G. Irish, Transportation Systems Analyst *RG*

DATE: December 12, 2007

SUBJECT: Staff Analysis of Traffic Issues

This memo is intended to document city staff's position concerning the various traffic-related issues surrounding this development, which were raised by Greenlight Engineering in their memo of December 10, 2007, to the City Council. The item numbers and issues listed below correspond to the Greenlight memo.

Item 1: Trip Distribution at Highway 20/North Albany Road

Greenlight Engineering noted that the current southbound directional split on North Albany Road at Highway 20 is for 83 percent left turns and the TIA only assumed 69 percent of site-generated trips would turn left. Greenlight contends site-generated trips should be distributed based on current directional splits at the intersection, and the failure to do so underestimated the southbound left-turn volumes generated by the development. As a result, the analysis of the intersection was incorrect and the Highway 20/Springhill Road intersection will receive enough site-generated trips to require inclusion in the TIA.

Staff disagrees with the Greenlight analysis of this issue. The current southbound left-turn percentage at the intersection is inflated as a result of congestion on Highway 20 between Corvallis and Albany. Out-of-area southbound drivers on Independence Road routinely divert to North Albany Road to avoid the long delay and safety issues that result from having to make a left turn onto the highway at a two-way stop controlled intersection. Virtually all of those diverted trips then make southbound left turns from North Albany Road. This problem is especially acute during the peak traffic periods that are the subject of the TIA analysis. Albany's transportation system model has confirmed high volumes of out-of-area pass-through trips on both Highway 20 and North Albany Road. A good example is the modeling work done for the northern bridge across the Willamette River; that scenario reduced volumes on both Highway 20 and North Albany Road by re-routing existing pass-through trips on those roads.

Because the TIA submitted used a reasonable distribution for site generated trips, staff does not believe it possible to develop sustainable denial findings based on this issue.

Item 2: Performance Standard at Highway 20/North Albany Road

The intersection is part of the state highway system and falls under the jurisdiction of ODOT. While the development will add trips to the highway system, it does not require issuance of an access permit or approval from ODOT. Albany's performance standard for signalized intersections is LOS D. ODOT's current performance standard for the intersection is a v/c ratio of 0.80. When Albany becomes an MPO (projected to occur in 2010) the allowable v/c ratio will become 0.85.

Greenlight Engineering contends the applicant's analysis of the intersection is flawed and it will not meet ODOT's performance standard at the development's day of opening. That contention is based on:

- *Analysis of the intersection using a 120-second cycle length is inappropriate (the current cycle length is less than that) and constitutes use of signal timing as a mitigation measure.* Staff disagrees. When analyzing future system capacity and performance, use of the maximum allowable cycle length is not a mitigation measure. Use of a shorter than allowable cycle length would underestimate intersection capacity and accelerate the need to build and fund what would sometimes be unnecessary mitigation measures. ODOT allows TIA's looking at future year development scenarios to use 120-second cycle lengths for four-phase signals such as the one at Highway 20/North Albany Road.
- *The applicant's analysis changed the westbound left-turn phasing from protected to permissive, a change unlikely to be approved by ODOT.* Staff agrees. The analysis should reflect protected westbound left turns. The impact from modeling the intersection with protected left turns on that approach is, however, minimal. The analysis assumed that only two vehicles would make that movement during the p.m. peak hour. In addition, the opposing movement (eastbound left turns) has a much higher volume and therefore dictates the minimum green time required for the phase.
- *The applicant failed to take into account unbalanced westbound lane utilization resulting from a drop lane on the far side of the intersection.* The applicant used a lane utilization rate of 0.95 for the westbound approach. If lane usage were perfectly balanced, that rate would be 1.0. Greenlight contends that a lane utilization factor of 0.59 would be more appropriate. Staff believes the traffic volumes assumed for the development's day of opening will result in a more balanced lane utilization than currently occurs. More drivers will use the right through lane when the alternate choice is to wait in a long single-lane queue through two signal cycles. The decision regarding what specific rate to use in the analysis is a matter of engineering judgment.
- *The applicant used a lane-saturation rate of 1900 vehicles per lane instead of ODOT's default rate of 1800.* Albany staff, as well as staff at most local jurisdictions, uses a lane saturation rate of 1900. ODOT uses the same saturation rate for MPOs, but requires non-MPOs to use a rate of 1800 unless analysis is provided showing the current lane saturation rate is more than that. Had ODOT scoped and reviewed this TIA, they would have required use of a saturation rate of 1800 unless additional information was provided. The result of using a rate of 1800 would be a slightly lower intersection capacity. For any given volume of traffic, the resulting v/c ratio would be slightly higher than had a saturation rate of 1900 been used.

Because the development does not require a permit from ODOT, it is unclear whether the analysis of the intersection should be based on ODOT or city standards. ODOT staff have taken the position that compliance with the Oregon Highway Plan (OHP) is not an issue with this development, and that local decision criteria should be the basis for reviewing the development (John deTar's e-mail of 11/13/07). Staff believes it likely that if the intersection was analyzed using the ODOT lane saturation rate of 1900, the resulting v/c ratio would slightly exceed the OHP standard of 0.80.

The big picture question raised by all of these issues is how to approach an off-highway development application, whether it is this one or the next one, that results in a v/c ratio at this intersection exceeding ODOT's performance standard. Staff has identified the following two options:

Option A: Council can choose to conclude that ODOT's TIA guidelines and review policies must be followed and that the performance standard for the intersection (a v/c ratio of 0.80) is a minimum threshold. Using this analysis method, the intersection would likely exceed ODOT's v/c standard at day of opening. No mitigation has been identified or proposed. Staff believes sustainable denial findings could be developed for this application based on this issue. Because no mitigation measures to add capacity to the intersection have been identified, a consequence of that approach would be that future development applications in North Albany that add trips to this intersection would face a similar problem and would likely have to be denied as well. At some point the City would undoubtedly be accused of having implemented a "defacto moratorium" and be challenged on appeal. It is doubtful the City could sustain a moratorium on development in North Albany based on this issue.

Option B: Council can choose to conclude that the proposed street plan meets the city's review criteria by affording the "... best economic, safe, and efficient circulation of traffic possible under the circumstances." In that case any interested party could choose to challenge the development approval based on the projection that the Highway 20/North Albany Road intersection will exceed ODOT's performance standard with build out of the development. In the event an appeal was filed, the current applicant would then have the burden of defending the City's decision at LUBA.

Item 3: Background Growth and In-Process Estimates

Greenlight Engineering points out that the TIA does not individually list all the "in-process" development used in the development of background traffic levels, and also notes that the TIA used an annual growth rate of two percent as opposed to the default growth rate of five percent identified in Albany's Traffic Impact Study Guidelines.

Albany's TIS guidelines call for background traffic to be estimated using one of three methods: a forecast generated by the City Transportation Model, or current counts can be used together with a five percent per year growth rate, or a growth rate of less than five percent can be used if approved by staff.

Use of the City Transportation Model to estimate background traffic for relatively small developments with short (five year) horizon years is neither efficient nor practical. The current model has a horizon year of 2030. The horizon year of the TIA is 2014. Use of the model to estimate background traffic for use in the TIA would require developing a city-wide straight line growth projection for population and jobs between today and year 2030, and then developing a model run using the derived estimates for year 2014 population/growth. The end result would be peak hour segment volumes (not turn movement counts) representing a city-wide consistent and even rate of growth between today and year 2030. Several large developments have recently been approved in North Albany (the North Albany Shopping Center, Benton Woods, Crocker Heights, etc.). None of those developments have been built out, and several have yet to start construction. As a result, the short-term growth rate for the area will undoubtedly exceed the long-term growth rate. That makes use of the computer model to estimate short-term background volumes both impractical and inaccurate.

Because of the number and size of recent development approvals in North Albany, the estimation of background volumes by simply adding a five percent annual growth rate to existing traffic volumes would also result in an inaccurate and artificially low background volume estimate.

The Thornton Lake Estates TIA estimated background traffic by taking existing traffic volumes, adding in-process developments large enough to have required a traffic study, and then adding an additional two percent annual growth rate to account for smaller projects. The TIA notes that background volumes include volumes from both the Benton Woods and Crocker Heights developments. The background traffic estimated for those developments also included in-process volumes for the North Albany Shopping Center and additional commercial and residential developments. Because of the number and size of the in-process developments in the area, the result of basing the estimate on in-process volumes plus a two percent annual growth factor is a higher volume of background traffic than would have resulted with the alternative methods of projection. Albany's TIS guidelines note that growth rates of less than five percent "shall not be used unless approved by staff." Staff approved use of a two percent growth rate for this TIA, provided that in-process development discussed above was included as well. The result is a more accurate and conservative analysis than would otherwise have been provided. Staff agrees with Greenlight that the TIA could have done a better job of documenting the method used to develop background volumes.

Because the TIA submitted includes in-process development as well as an annual growth rate, staff believes it would be difficult to develop sustainable denial findings based on this issue.

Item 4: Traffic counts were taken but not used.

This issue is closely related to the discussion above concerning the Highway 20/North Albany Road intersection. While staff does not believe current counts should be used in this case to project future background volumes, current counts could have been used to refine the intersection analysis in regard to lane distribution issues. If Council chooses to deny the current application based on the intersection not meeting ODOT's performance standard, the lack of current traffic count data in the TIA could be used as part of the basis for that decision. Should Council find that the proposed street plan is the "best possible under the circumstances," the absence of current traffic count data in the TIA would not impact any of the analysis needed to reach that conclusion.

Item 5: Lane Utilization at Highway 20/North Albany Road

This issue was discussed above under "Item 2."

Item 6: Accident Rate

Greenlight Engineering contends the applicant used the length of North Albany Road between Highway 20 and Hickory Street in calculating the accident rate on the street, but not the accidents. The applicant contends they included both the length of this segment of the street as well as the accidents that occurred on it in the analysis.

Staff is unsure if the accident data report provided by ODOT and submitted by the applicant includes the segment of North Albany Road between Highway 20 and Hickory Street. The title of the report says "...between Hickory Street and Quarry Road," and no accidents are included for that segment. A review of Albany's accident data for the period between 2002 and 2006 did not show any accidents occurring on that segment of North Albany Road.

Because Albany's accident data base does not show any accidents as having occurred on this segment during the analysis period, staff does not believe that the ambiguity over the extent of the ODOT crash report is significant.

Item 7: City staff has concluded that all aspects of the HCM are met.

This item is not a review criterion. This memo is intended to document staff's position on the issues raised to date concerning the applicant's TIA.

Item 8: The proposed site meets all access spacing standards.

Greenlight Engineering has concurred that issues regarding access spacing have been resolved.

Item 9: Queue Storage is not required.

Greenlight Engineering points out that for 2009 p.m. peak hour the projected length of the queue for the westbound right-turn lane from Highway 20 onto North Albany Road will be 24 vehicles or 600 feet. The current length of the westbound right turn pocket on Highway 20 is 245 feet.

Albany's TIS Guidelines require that "Analysis must be performed to provide usable estimates of queue lengths that need to be accommodated at signalized intersections." The guidelines do not require a particular analysis procedure. The applicant's TIA included an analysis of intersection operation for 2009 both with and without project traffic that included estimated queue lengths. During the peak p.m. hour without the project, the queue length was projected to be 20 vehicles or 500 feet. When project traffic was added the queue increased to 24 vehicles or 600 feet. In both cases the projected queue length would exceed the length of the current turn lane (245 feet) by a substantial margin.

When the demand for a turn lane exceeds the storage length provided, the resulting queue spills back into the adjacent through lane. The result is a longer queue for the through lane than would otherwise have been the case. Conflicts can occur if the queue is long enough to block access to or from nearby driveways or intersections. It is also possible for a queue to become long enough to prevent approaching drivers from making it through a traffic signal on a single cycle. There are numerous examples in Albany where the available storage length of a turn lane is exceeded during peak traffic periods and the resulting queue backs up into the adjoining through lane. In many cases it is not possible to extend the turn lane length because of constraints due to available right-of-way, nearby intersections and driveways, and natural features.

The applicant's TIA did not analyze any impacts that might occur as a result of the storage length of the westbound left lane being exceeded. In this case, there are no driveways or intersections on the westbound approach between North Albany Road and Springhill Road to be blocked or otherwise obstructed. It is possible the projected queue length for the westbound approach will adversely affect intersection performance. The magnitude of that impact would be mitigated to some extent by the intersection's design; westbound right turns are provided a green arrow during phases of the signal that do not create a conflict with that movement, and permissive right turns can also be made on a red light. An additional factor to consider with this application is that the available storage length for the westbound right-turn lane will be exceeded in year 2009 by a substantial margin regardless of whether or not this development is constructed.

December 12, 2007

Staff does not believe the fact that the projected queue length of the westbound left-turn lane is in and of itself a sufficient basis for denial. Albany's TIS Guidelines require an analysis of queue lengths that need to be accommodated, but they do not establish a standard requiring turn lanes to have sufficient capacity to accommodate 100 percent of peak hour demand. There are many locations with the City where such a standard would be unachievable. Staff believes Council has two options regarding this issue:

Option A: Council could conclude that the extension of the westbound right-turn pocket will be a desirable and perhaps necessary improvement at some point in the future, and this development contributes to the eventual need for the improvement. A condition could then be placed on the development that obligates it to participation proportional to its impact. In the past, such conditions have typically involved a requirement that the developer provide a Petition for Improvements/Waiver of Remonstrance.

Option B: Council can choose to conclude that the proposed street plan meets the city's review criteria by affording the "... best economic, safe, and efficient circulation of traffic possible under the circumstances." In that case any interested party could choose to challenge the development approval based on the projection that the available storage length of the westbound left-turn lane from Highway 20 onto North Albany Road will be exceeded. In the event an appeal was filed, the current applicant would then have the burden of defending the City's decision at LUBA.

Item 10: There are adequate gaps in the traffic stream to accommodate site traffic.

Opponents of the development questioned whether there would be sufficient gaps in traffic on North Albany Road to accommodate turn movements to and from the development. In response, the applicant provided a gap study documenting the current gaps available on the road. Opponents have questioned the location on the road where the study was conducted and whether it is really representative of the traffic conditions at the location of the proposed intersection.

Staff does not believe that a gap study based on current traffic volumes is of much use in evaluating day of opening conditions with build-out of all in-process development. At best, a gap study would show sufficient gaps exist under current conditions. The intersection analysis provided by the applicant is based on the future expected conditions, and demonstrates a sufficient number of acceptable of gaps will exist to allow the intersection to meet the City's performance standard.

Issues not addressed by the applicant:

- ***The applicant used a peak-hour factor of 1.0 in the analysis of the Highway 20/North Albany Road intersection during the 2009 and 2004 a.m. traffic conditions.***

Staff agrees that the applicant should have used a peak hour factor of 0.95 for the a.m. analysis as they did for the p.m. analysis. Had a factor of 0.95 been used, the resulting v/c rate for the a.m. analysis would have increased slightly. The p.m. v/c rate would still, however, be the higher of the two. As a result, it is the p.m. peak-hour analysis that provides the critical information concerning the operation of the intersection.

- ***The applicant's analysis of the new North Albany Road site access intersection erroneously assumed two northbound and southbound lanes on North Albany Road.***

December 12, 2007

The applicant turned in revised analysis of the new intersection as part of the memo by Associated Transportation Engineering and Planning dated November 5, 2007. The revised analysis for year 2009 in both the a.m. and p.m. peak hour assumed single northbound and southbound lanes on North Albany Road. In both cases the intersection met Albany's performance standards.

- *The original traffic impact study addresses queuing on page 9, but appears incomplete. The study states "The northbound N. Albany Road queue is 177 feet." It is not clear what intersection or roadway segment this pertains to.*

The applicant submitted a revised traffic impact study, dated June 13, 2007, that did not include the phrase listed above. Queue lengths were reported within the Traffix worksheets for each study intersection.

- *The June 13, 2007, traffic impact study appendices provide some SimTraffic output sheets which are notably incomplete. The best queuing information provided is contained within the applicant's Traffix output sheets.*

The applicant's revised traffic impact study reports queue lengths within the Traffix worksheets for each study intersection.

- *The applicant's traffic engineer conducted a microsimulation using SimTraffic to analyze queuing, but there is no evidence the microsimulation was calibrated to local conditions, or if calibration was completed, that it was done to comply with ODOT's "analysis Procedures Manual."*

Albany's traffic impact study guidelines do not require use of SimTraffic to analyze queuing. The applicant's revised TIA relied on Traffix worksheets to document queue lengths at study intersections. Staff believes the original SimTraffic analysis was performed to analyze the operation of a proposed roundabout at the new site access to North Albany Road.

- *The applicant's traffic engineer's letter of November 5, 2007, may have omitted several pages. Page 6 is followed by two Traffix output sheets, then by page 18 which ends without completing its sentence.*

Staff believes that the information submitted by the applicant was intended to be inserted into the TIA, with a page numbering system that reflected that intent.

RGI:prj

c: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer
Don Donovan, Planning Manager

**Transcript of Ron Irish's Testimony
Albany City Council
December 12, 2007**

Irish:

Good evening. I think I'll start by actually I'll start with item 1 and do that very briefly because there was some discussion about trip distribution and how that was arrived at. The implications there are pretty large, because depending on whether you believe the applicant or the opponents, the intersection was either incorrectly or correctly analyzed and perhaps we should have looked at Springhill Road and Highway 20 as well. And if the opponents' version is correct, then the traffic study is basically flawed. And the trip distribution was based essentially on staff direction and you haven't at this point heard any information about why staff chose to direct the applicant to use the distribution he did.

The intersection of Highway 20 and North Albany Road now, in the southbound direction, about 83% of the trips in the morning peak hour turn left. And the opponent's contention is that 83% should have been used when the applicant distributed sight generated trips and by using 69% instead they underrepresented those left-turning trips and that essentially undercounted the trips that went through the Springhill Road intersection as a result, the study was flawed because we didn't look at enough intersection. What happens at North Albany Road and Highway 20 is the trips that go through that intersection are more than just trips generated within the North Albany area itself. They also include a significant number of trips that are diverting from Highway 20, rather Independence Road to Hwy. 20. As most of you are aware, if you're southbound on Independence Hwy. and you want to turn left onto Hwy. 20 particularly during a peak hour period, you're there forever. You can't do it. And so there are a significant amount of trips that divert from that movement and travel through North Albany down Gibson Hill Road and North Albany Road to get to Hwy. 20 and 100% of those trips turn left. And so that over-inflates, essentially if you're just looking at North Albany, the percentage of trips that turn left. So if we look simply at North Albany generated trips about 70% of those trips turn left, not 83. So for all of the traffics that we've looked at since the early 90s, essentially used a 70% distribution for the southbound left turns and that's consistent with what we did this time. That was how we reached the conclusion, you know, so weigh the evidence, that's how we got there.

Item two was essentially a performance standard for Hwy. 20 and North Albany Road, whether we should 1) use the ODOT performance standard in analyzing the intersection and whether it's satisfactory. It's the v/c ratio of 0.8, the current standard. Or whether we should use Albany's standard for intersection, which is Level of Service D. And also questions raised about the analysis procedure itself, if we should be following ODOT's analysis, procedures and criteria in making that analysis of how intersection operates or if we should use the City's. And it's a bit of an ambiguous question. The ODOT, as you heard, in a memo has said that the City decision review criteria should apply. ODOT's not going to get involved in this decision. I don't think that means that ODOT is saying that their standards don't apply. What I think ODOT is saying there, is that the City's review criteria for streets best possible under the circumstances should apply. And that should be the basis for your decision. But ODOT did not say that that decision shouldn't be made in light of the ODOT performance standard.

In the past when the City has looked developments that occur on the highway or have highway impacts but are off the highway and don't require an access permit or a review or an approval from ODOT, we have in fact used the ODOT performance standard as a test, and when determining whether or not to approve a project looked at that performance standard and we've looked at our review criteria. So I think you probably still have the ability to do that. I think you

could, in this case, use the ODOT performance standard for the intersection and base the decision about whether or not you think the project works on our review criteria, best, safe, economic, and efficient under the circumstances. There are some interesting implications if, as an example, if your decision is to deny the application because if we use the ODOT review...like for instance, the lane saturation rate. If we used ODOT's criteria for lane saturation rate of 1,900 of vehicles per hour instead of 1,800 vehicles per hour instead of the 1,900 that we use, you would see a slightly lower capacity for the intersection, which means that the v/c ratio, would go up and would probably tip over the ODOT performance standard of 0.8. So if we deny this subdivision, you deny the subdivision based on the need to use the ODOT performance standard as well as review criteria. The result would be, we would be using that criteria on every development that comes next. And at this point, we haven't identified a fix, a solution to mitigate a v/c problem at Hwy. 20 and North Albany Road short of another bridge in development. So we would be stuck looking at subsequent development applications in other areas of North Albany facing this exact same problem. So if it becomes a minimum standard, a threshold standard that we need to meet ODOT's v/c standard. In all cases, for projects that add trips through that intersection, will be a very difficult standard to meet in subsequent development. So I think you have the ability at this point to look at the application both ways. You could use the ODOT performance standard and probably in this case, sustain a perhaps a denial recommendation, we'd lock ourselves into a box in regard to how to deal with future developments. You could also choose to use the ODOT performance standard, but base your decision on the City's review criteria best possible under the circumstances. That would give you a way to approve it. So and you've got some options there, but the choices aren't real good and there are consequence whichever way you go.

Item 9 is the queue storage issue. This was brought out in the discussions tonight and on Monday. In the year 2009, we're looking at a queue length for the westbound right turn movement from Hwy. 20 on to North Albany Road of about 600 feet. The turn pocket that exists there today is about 250 feet roughly. So it's substantially too short for the volumes we're looking at. This particular development adds about four cars to that queue length. So the queue is going to be, you know, turn pocket length is going to be extended whether this development occurs or not. A question, though, is what can you do about that? It's probably not possible to condition this development to build and extend the turn pocket to accommodate 600 feet of queue length. For one, it would be difficult to make a proportionality argument; and two, it would be conditioning them to make an improvement on the state highway that the state hasn't looked at yet. ODOT hasn't reviewed this application and they may or may not agree that they're willing to lengthen the queue turn pocket at this point. So your options in that regard, I think, are to conclude that it might be desirable at some point to lengthen that turn pocket. This development has some proportional impact on that, and you could probably justify a condition that they contribute to their proportional share. In the past, we've tended to accomplish that through a requirement to provide a petition for improvement waiver of remonstrance. Staff didn't recommend that as a condition in this application. It was a little difficult for me to believe that we would do a highway improvement using an LID as a funding source, but it would be possible to add a condition like that. It's also possible to look at it and say it's the best possible as it is now under the circumstances. We really couldn't condition this development to deal with this and not add that condition. I don't know that the absence of that turn pocket being 600 feet right now would be a good way, a good basis for a denial recommendation because there is in fact a remedy, a waiver for their proportional share. For those three items, I think that was what I was hoping to get at. I can answer other questions, if you have them.

Konopa:

Any questions for Ron? Okay.

Hare:

Madam Chair, if I may, I...Ron we've heard a lot of testimony about traffic on this issue and I guess the bottom line for me, if I were a decision maker, would be, you know, does this meet, does this development meet the standards of the Albany Development Code (a) and secondly, or maybe primary in terms of importance, are we creating any additional safety risks or any significant safety risks by going forward?

Irish:

The development's intersection on the North Albany Road meets our performance standards, so it would be difficult for me to say that that intersection doesn't work. They're completing sidewalk improvements along their frontage and extending to the north and south that would link up the shopping center with the school, so it would be difficult to say that there's a pedestrian related problem. The question, I think, really boils down to North Albany Road and Hwy. 20 and what to do there. We're in a position where we are very close to meeting ODOT's performance standard. Whether it's this application or the next application, we're going to have one. We have a development that has no requirement to get a permit approval from ODOT, but tips that intersection over ODOT's performance standard. And we're going to be faced with the dilemma of about what do you do then? The solution, another bridge, is decades away. So I don't believe that there's a way to create a moratorium that just stops development in North Albany that we could sustain. So, you know, how to deal with this interim period between now and when we finally get a fix is a big question mark.

Konopa:

So Ron, so basically though, North Albany Road is not brought up to City standards either? So say if all of this development that has been, you know, approved that's in the planning stages and all of that traffic is put on North Albany Road do you really feel, as traffic engineer, that road is safe to be able to handle or should it be brought up to City standards and then it would be able to handle this development more efficiently?

Irish:

Bringing the road up to city standards, curb, gutter, sidewalk, doesn't add capacity to the road. The things that would safety to the road, which are what I think we're really after here, is provisions for bike and ped access, we're getting some of that and the thing that we're missing right now on a big chunk of North Albany Road is a center turn lane at some of the intersections from essentially Jones Lane to Quarry, and the lack of that turn lane leads to probably more rear end accidents than what we'd normally see on that stretch of road, because drivers that want to pull into a intersection or driveway stop because they want to turn left, waiting for oncoming cars and are rear-ended. We've had testimony before from, not in regard to a particular development project but just residents along the streets; they've had problems getting in to and out of their driveways for that reason. So it would be nice to build that center turn lane, but the road at the moment meets our safety criteria and intersection performance standards are met. That doesn't mean there's not a need to improve the road though.

Konopa:

But it would make it more safety...more safe?

Irish:

The addition of a center turn lane would help, yes.

Konopa:

Also, you had stated in here that it was...with this development what would be the level of service? Because you know, our performance standard is Level of Service D, so I heard the applicant stated it was C, but is it a Level of Service C?

Irish:

It would be Level of Service C at North Albany Road and 20 for both the AM and the PM peak.

Konopa:

What about coming out of the development onto North Albany Road and turning left?

Irish:

Coming out of the development - there's two options the applicant had proposed. A roundabout option that staff's recommended against, and a t-intersection that would be free-flowing on North Albany Road but stop-controlled on the new side street. And the City's performance standard for a stop controlled intersection like that, is a volume to capacity ratio for the worst case movement, which is in this case, the exiting left turn from the new development. This development would meet that standard. I think the performance standard is for a v/c ratio of 0.85 and they're at 0.4 something. So there's enough gaps in the traffic stream now during the peak hour to accommodate those exiting movements but there is delay for the vehicle on the side street as they wait for the gap.

Konopa:

So equate that to the level of service letter that we're so used to over the years since we just changed to this v/c ratio.

Irish:

It's probably a Level of Service E or F. Level of service is based on delay, so the more delay you have for a movement the higher...the worse the level of service. For any given delay, for instance in the traffic signal, level of service F might mean you wait for 45 seconds. That might be the average delay. For a stop-controlled intersection, the assumption is that motorists will tolerate less delay at those intersections, so to get to a Level of Service F on a signalized intersection takes less time, so it might be 25 or 30 seconds might be an F at a stop controlled intersection where it might be 40 seconds at a signal controlled intersection. So the analysis for signals and stop controlled intersections, although they use the same letters, the delays are different.

Konopa:

Okay, thank you.

September 30, 2008

Via Hand Delivery


Don Donovan
Planning Manager
Community Development Department
333 Broadalbin Street SW
Albany, OR 97321

RE: SD-05-07/SP-14-07; Thornton Lake Estates
Our File No. 15390

Dear Don:

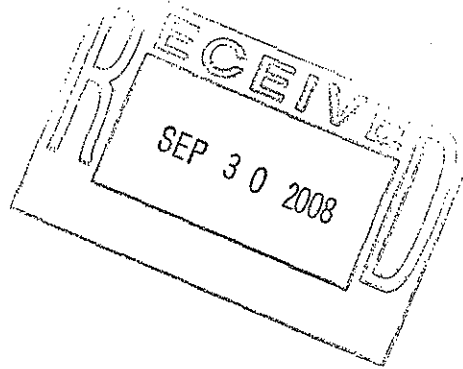
Enclosed please find written materials being submitted on behalf of the applicant pursuant to the LUBA remand of the above referenced applications. This material is being submitted in response to Ron Irish's testimony of December 12, 2007. Please submit this material into the re-opened record for these applications. Thank you.

Sincerely,


BRIAN G. MOORE
bmoore@sglaw.com
Voice Message #366

BGM:jsm
Enclosures

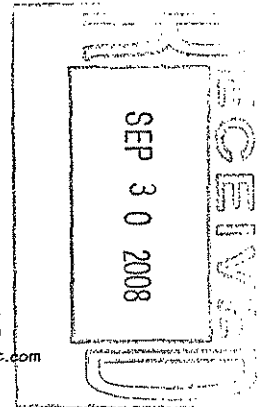
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Park Place, Suite 300
250 Church Street SE
Salem, Oregon 97301
Post Office Box 470
Salem, Oregon 97308
tel 503.399.1070
fax 503.371.2927

Associated Transportation Engineering & Planning, Inc.

Date: September 19, 2008
 To: Albany City Council
 From: Richard Woelk P.E., T.E.
 Re: Thornton Lake Estates Subdivision



Dear Mayor and Members of the Council:

I provide the following information in response to Ron Irish's memo of December 12, 2007:

1. **Traffic counts taken but unused out of caution.** We did in fact conduct traffic counts, but, in collaboration with Ron Irish, we did not use them in our TIA. The traffic counts taken at the beginning of our study indicated that, due to the time of year the counts were taken, they were lower than the counts used in the previous traffic study conducted for Crocker Lane Estates, which was the most recent traffic study done prior to the Thornton Lake Estates TIA. In doing this our analysis is very cautious and conservative in nature. To demonstrate the difference, our peak hour traffic counts are attached as well as the higher, peak hour traffic counts for Crocker Lane Estates. Also included are Figures 3 and 4 from the Thornton Lake Estates TIA to demonstrate that we used the Crocker Lane Estates traffic counts plus two percent (2%) growth rate.

2. **Accident rate is significantly lower than the City's guideline.** As explained previously, our accident rate analysis did in fact include every impacted segment of North Albany Road, including the segment between Hickory Street and Highway 20. To eliminate any confusion, attached is ODOT crash data that clearly includes the segment of North Albany Road between its intersections with Hickory Street and Highway 20. This data also confirms Mr. Irish's statement that there were no crashes on the segment of North Albany Road between its intersection with Highway 20 and Hickory Street.

The attached analysis breaks down the Accident Rates for the road segments and intersections that this development will impact for the purposes of the TIA. Those segments are the segment of North Albany Road between its intersection with the proposed site entrance and Hickory St., and the segment between the Hickory St. intersection and the Hwy 20 intersection. The results of that analysis indicate that the segment between the site entrance and Hickory St. has an accident rate per million miles of .37. The segment between Hickory St. and Hwy 20 has an accident rate per million miles of 0.0, as there were no accidents in that segment. The accident rates for North Albany Road's intersections with Hickory St. and Hwy. 20 are 0.0 (no accidents)

Associated Transportation Engineering & Planning, Inc.

and .3 respectively. Even if the "segment" were defined as the entire corridor of North Albany Road between the proposed site entrance and Hwy. 20, including all accidents at the intersections, the overall accident rate for such corridor is .51. Though not a criterion for this application, the City's accident rate guideline is 1.0 or less for each of the applicable segments or intersections (Section 16.2 of the City of Albany Traffic Impact Study Guidelines). This development clearly meets that guideline.

Included in this package are the following:

Figures 3 & 4 of the Thornton Lake Estates TIA


Figure 1 of the Crocker Lane TIA

Peak Hour Traffic counts (taken for the Thornton Lake Estates TIA but not used)

Segment & Intersection Accident Rate Calculation Sheet

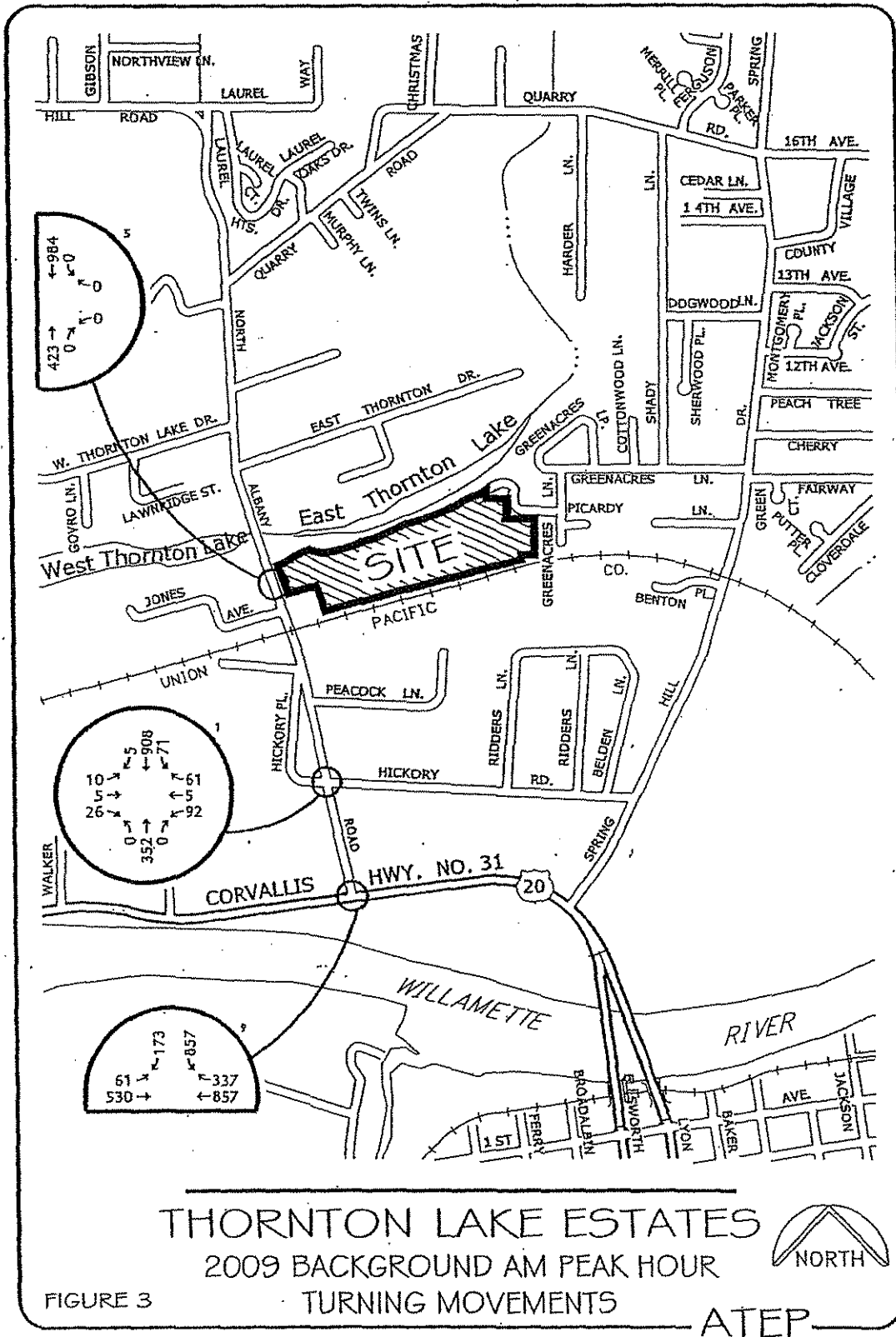
ODOT Accident sheets covering N. Albany Road from Hwy 20 to Quarry Road

Sincerely,



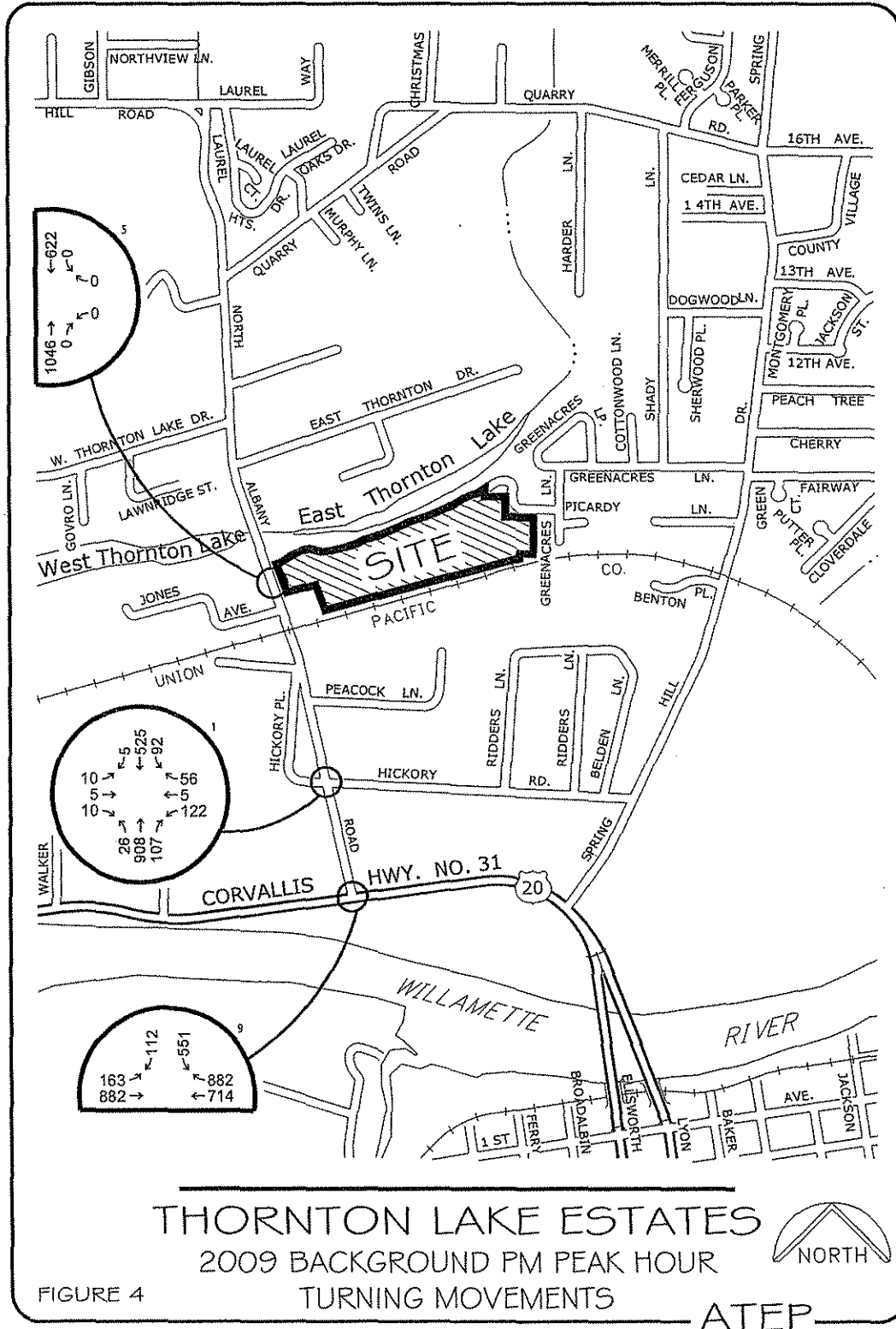
Richard Woelk, P.E. T.E.

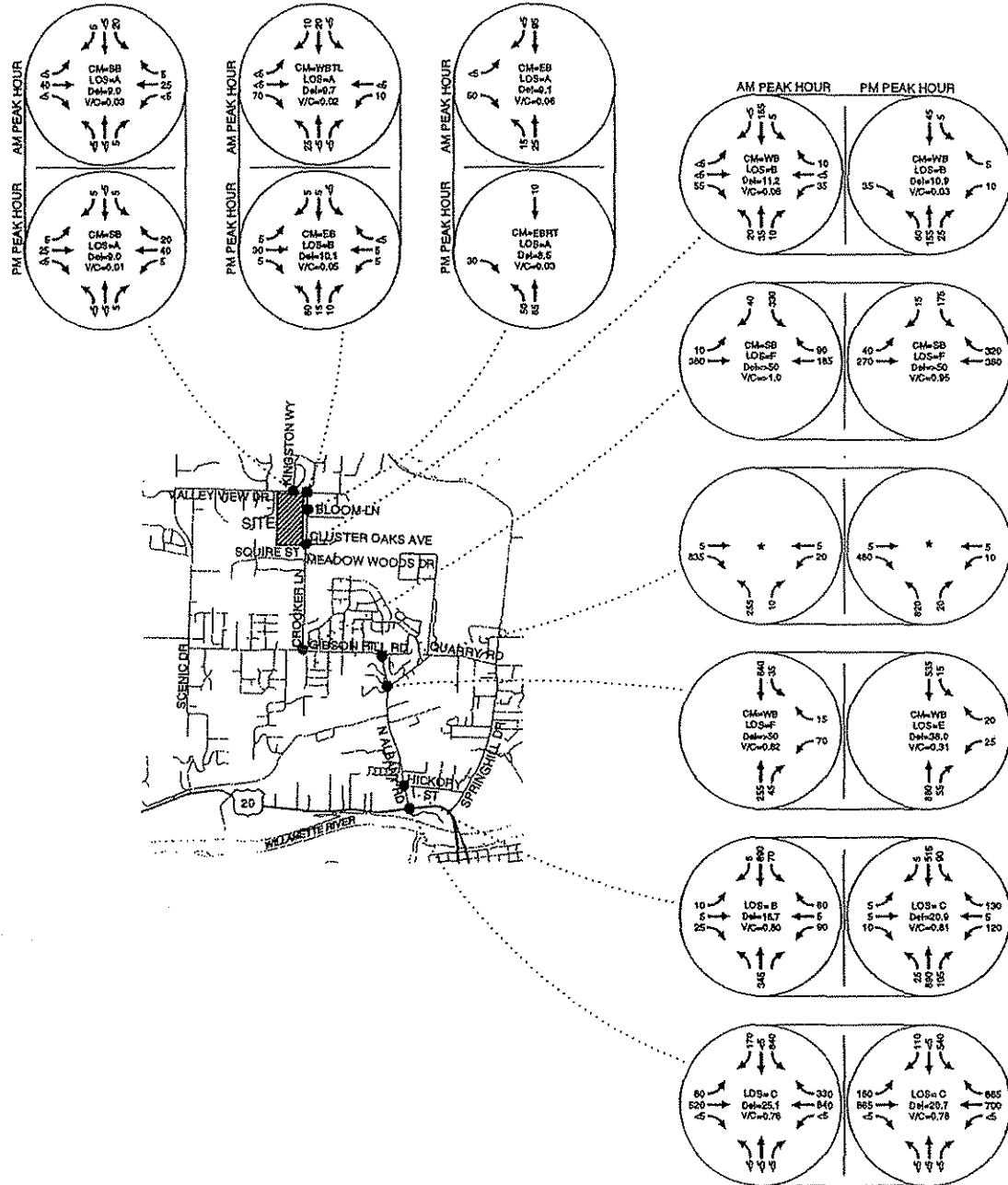
Associated Transportation Engineering & Planning, Inc.



16A
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Associated Transportation Engineering & Planning, Inc.





1/10/06/MS/ST/0 - Crocker Lane Residential Update - Oct 19, 2006 - 11:22am - open - Layout Tab: FIG 01

LEGEND

- CM = CRITICAL MOVEMENT (UNSIGNALIZED)
- LOS = INTERSECTION LEVEL OF SERVICE
- UNSIGNALIZED/CRITICAL MOVEMENT LEVEL OF SERVICE (UNSIGNALIZED)
- DI = INTERSECTION AVERAGE CONTROL DELAY (UNSIGNALIZED)
- UNSIGNALIZED/CRITICAL MOVEMENT CONTROL DELAY (UNSIGNALIZED)
- V/C = CRITICAL VOLUME TO CAPACITY RATIO

* NOTE: TRAFFIC OPERATIONS NOT ESTIMATED BECAUSE A ROUNDABOUT WAS INSTALLED IN 2005 THAT IS ANTICIPATED TO ACCOMMODATE THE 2028 FORECAST DEMAND WITH A LOS B.

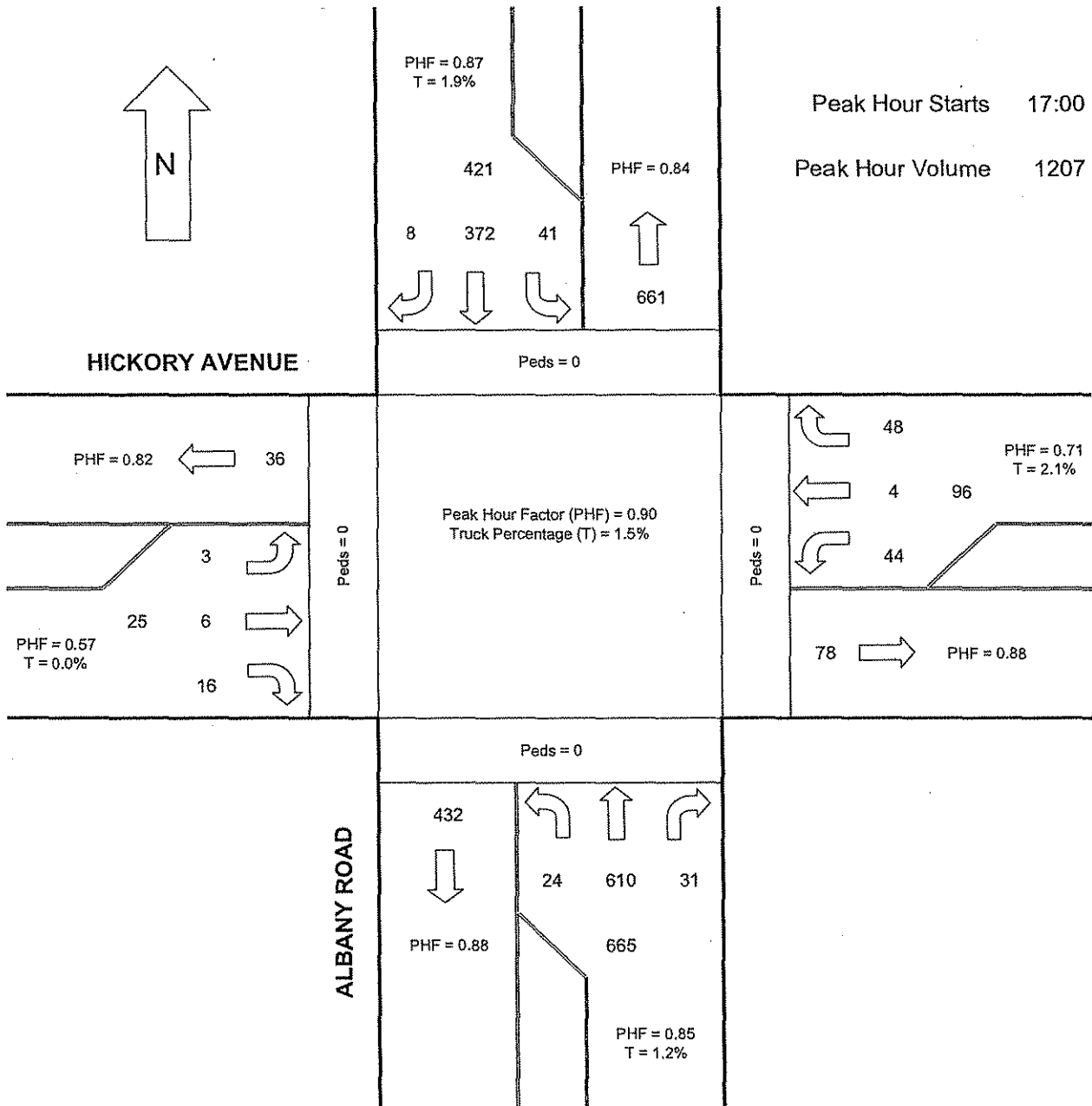
2008 TOTAL TRAFFIC CONDITIONS WEEKDAY AM & PM PEAK HOURS ALBANY, OREGON

FIGURE 1



Intersection Turning Movement Peak Hour Diagram

Location HICKORY AVENUE AT ALBANY ROAD
Date 9/14/2006
Day of Week Thursday
Time Begin 16:00
Reviewed By: BV





Intersection Turning Movement Summary Report

Location HICKORY AVENUE AT ALBANY ROAD

Date 9/14/2006

Day of Week Thursday

Time Begin 16:00

Reviewed By: BV

Time Period	Eastbound			Westbound			Northbound			Southbound			Totals
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
16:00 - 16:15	6	0	0	10	1	11	8	109	5	2	90	10	252
16:15 - 16:30	3	2	0	7	0	11	7	113	3	2	96	6	250
16:30 - 16:45	3	1	0	8	2	6	6	101	5	0	93	5	230
16:45 - 17:00	3	0	1	15	2	6	11	117	5	1	71	7	239
17:00 - 17:15	4	2	1	17	2	15	7	157	6	3	83	6	303
17:15 - 17:30	4	1	1	13	1	11	8	182	6	1	96	13	337
17:30 - 17:45	1	0	0	10	1	13	8	141	4	1	109	11	299
17:45 - 18:00	7	3	1	8	0	5	8	130	8	3	84	11	268
Movement Totals	31	9	4	88	9	78	63	1050	42	13	722	69	2178
Enter Totals	44			175			1155			804			
Exit Totals	141			64			1142			831			

Two-Hour Totals

Light Trucks	0	0	0	0	0	1	2	7	0	0	16	1	27
Medium Trucks	0	0	0	0	0	0	0	4	0	0	5	0	9
Heavy Trucks	0	0	0	0	0	1	1	0	0	0	1	0	3
% Trucks	0.0%	0.0%	0.0%	0.0%	0.0%	2.6%	4.8%	1.0%	0.0%	0.0%	3.0%	1.4%	1.8%
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	1	0	0	0	0	0	0	0	0	0	0	1

	South	West	East	North	
Pedestrians	0	0	4	0	4

Peak Hour Information

Peak Hour 17:00 18:00

	Eastbound			Westbound			Northbound			Southbound			Totals
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
Movement Total	16	6	3	48	4	44	31	610	24	8	372	41	1207
Peak Hour Factor	0.57	0.50	0.75	0.71	0.50	0.73	0.97	0.84	0.75	0.67	0.85	0.79	0.90

Enter Totals	25			421			665			96			
Peak Hour Factor	0.57			0.87			0.85			0.71			

Exit Totals	78			432			661			36			
Peak Hour Factor	0.89			0.88			0.84			0.82			

Light Trucks	0	0	0	0	0	1	2	4	0	0	5	1	13
Medium Trucks	0	0	0	0	0	0	0	2	0	0	2	0	4
Heavy Trucks	0	0	0	0	0	1	0	0	0	0	0	0	1
% Trucks	0.0%	0.0%	0.0%	0.0%	0.0%	4.5%	6.5%	1.0%	0.0%	0.0%	1.9%	2.4%	1.5%
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0

	South	West	East	North	
Pedestrians	0	0	0	0	0



Intersection Turning Movement Peak Hour Diagram

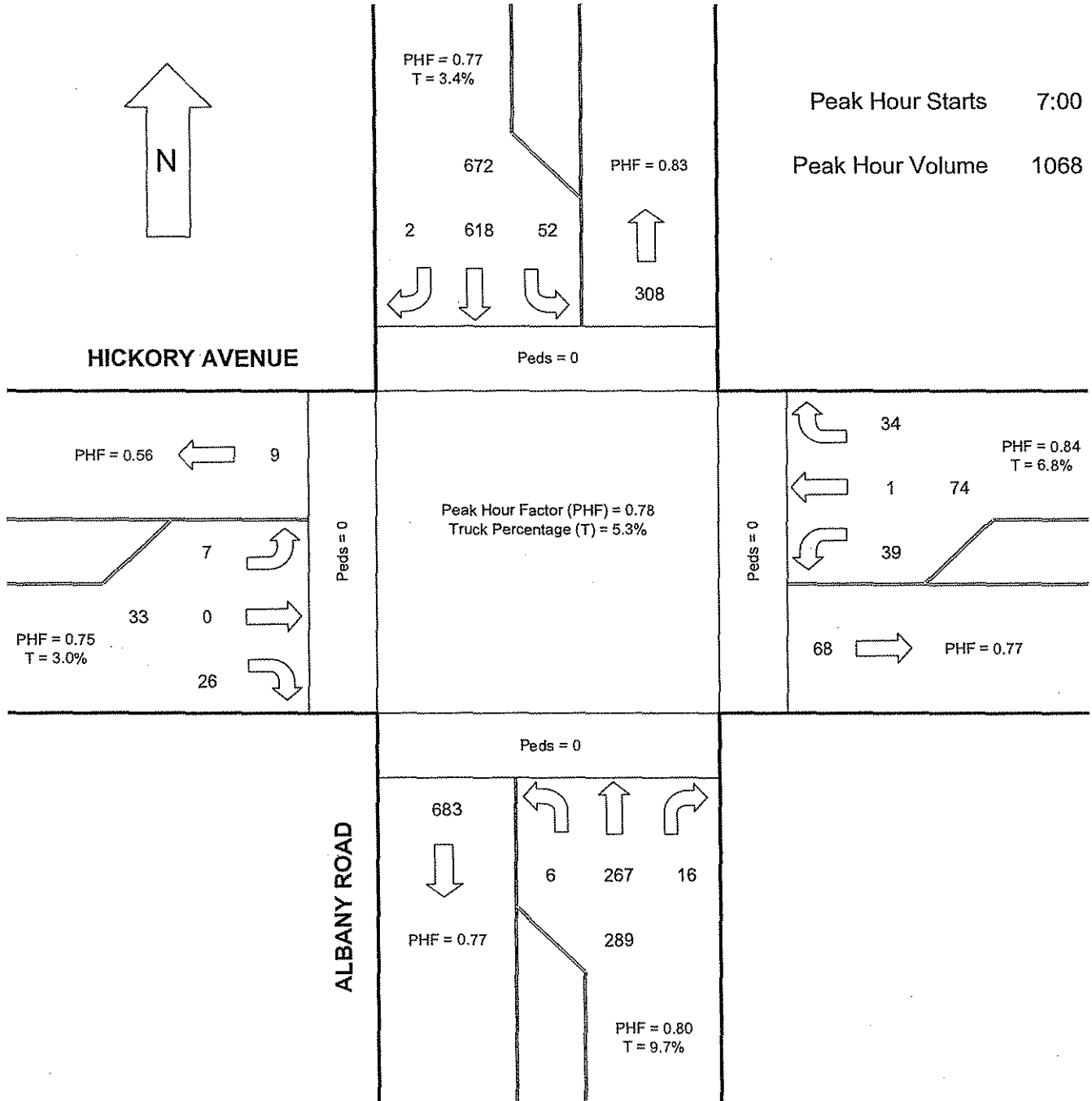
Location HICKORY AVENUE AT ALBANY ROAD

Date 9/14/2006

Day of Week Thursday

Time Begin 7:00

Reviewed By: BV





Intersection Turning Movement Summary Report

Location HICKORY AVENUE AT ALBANY ROAD

Date 9/14/2006

Day of Week Thursday

Time Begin 7:00

Reviewed By: BV

Time Period	Eastbound			Westbound			Northbound			Southbound			Totals
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
7:00 - 7:15	6	0	1	10	1	5	2	53	1	1	113	10	203
7:15 - 7:30	8	0	1	12	0	7	5	78	1	0	158	17	287
7:30 - 7:45	7	0	4	8	0	14	6	81	3	1	202	15	341
7:45 - 8:00	5	0	1	4	0	13	3	55	1	0	145	10	237
8:00 - 8:15	4	1	0	5	0	4	4	32	2	0	109	7	168
8:15 - 8:30	2	1	1	4	0	3	13	47	2	2	79	8	162
8:30 - 8:45	7	1	2	14	0	7	5	56	3	1	92	17	205
8:45 - 9:00	2	0	1	6	0	10	8	47	1	0	118	18	211
Movement Totals	41	3	11	63	1	63	46	449	14	5	1016	102	1814
Enter Totals	55			127			509			1123			
Exit Totals	151			20			523			1120			

Two-Hour Totals

Light Trucks	0	1	1	3	0	7	2	32	0	1	27	3	77
Medium Trucks	0	0	0	0	0	0	0	10	0	0	2	0	12
Heavy Trucks	0	0	0	0	0	2	5	2	0	0	5	0	14
% Trucks	0.0%	33.3%	9.1%	4.8%	0.0%	14.3%	15.2%	9.8%	0.0%	20.0%	3.3%	2.9%	5.7%
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	0	0	0	1	0	0	2	0	0	1	2	6

Pedestrians	South	0	West	0	East	0	North	0	0
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Peak Hour Information

Peak Hour 7:00 8:00

	Eastbound			Westbound			Northbound			Southbound			Totals
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
Movement Total	26	0	7	34	1	39	16	267	6	2	618	52	1068
Peak Hour Factor	0.81	NA	0.44	0.71	0.25	0.70	0.67	0.82	0.50	0.50	0.76	0.76	0.78

Enter Totals	33			672			289			74		
Peak Hour Factor	0.75			0.77			0.80			0.84		

Exit Totals	68			683			308			9		
Peak Hour Factor	0.77			0.77			0.83			0.56		

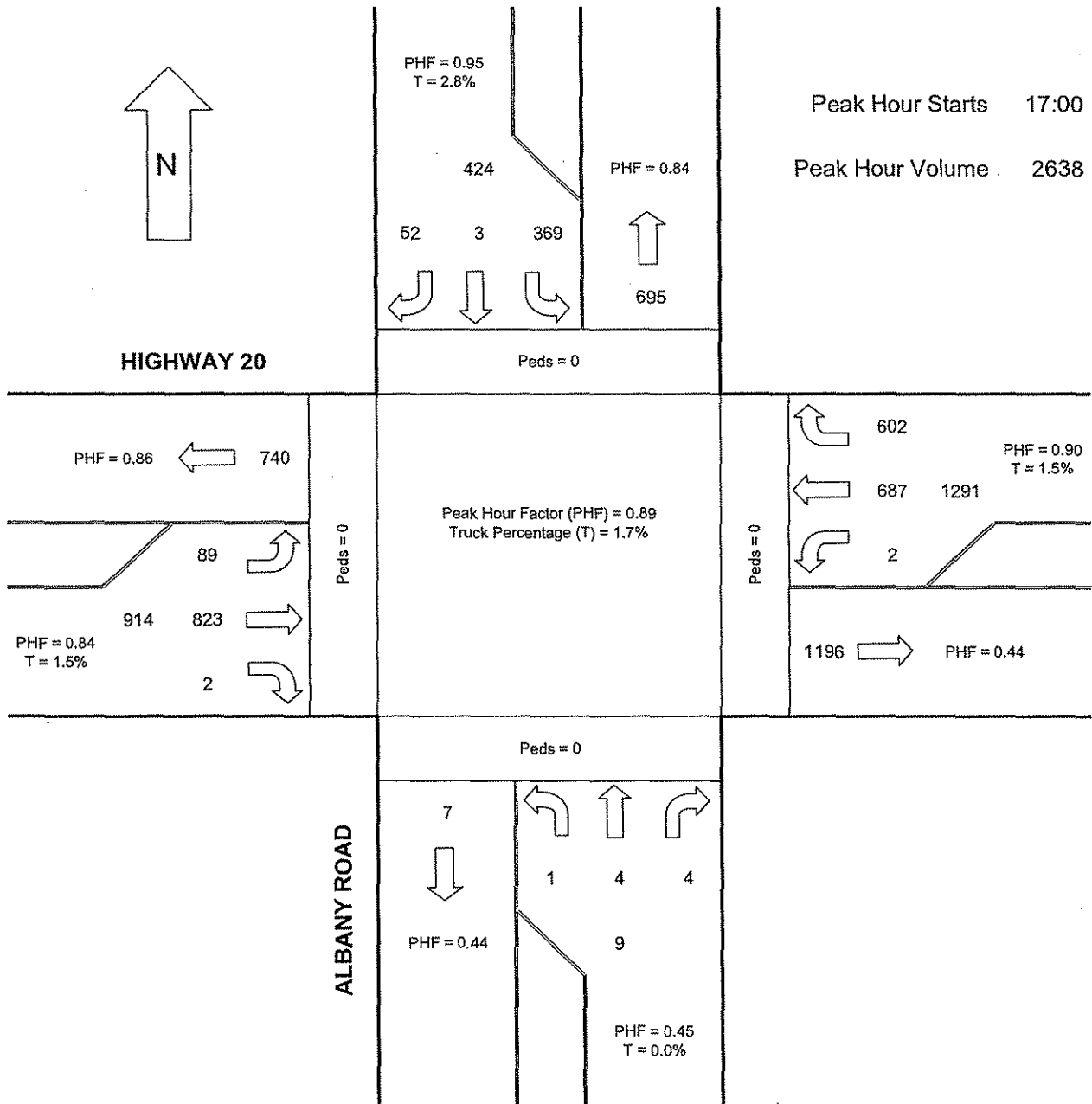
Light Trucks	0	0	1	0	0	3	1	18	0	0	19	2	44
Medium Trucks	0	0	0	0	0	0	0	5	0	0	0	0	5
Heavy Trucks	0	0	0	0	0	2	2	2	0	0	2	0	8
% Trucks	0.0%	NA	14.3%	0.0%	0.0%	12.8%	18.8%	9.4%	0.0%	0.0%	3.4%	3.8%	5.3%
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	0	0	0	1	0	0	2	0	0	1	0	4

Pedestrians	South	0	West	0	East	0	North	0	0
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Intersection Turning Movement Peak Hour Diagram

Location HIGHWAY 20 AT ALBANY ROAD
Date 9/14/2006
Day of Week Thursday
Time Begin 16:00
Reviewed By: BV





Intersection Turning Movement Summary Report

Location HIGHWAY 20 AT ALBANY ROAD

Date 9/14/2006

Day of Week Thursday

Time Begin 16:00

Reviewed By: BV

Time Period	Eastbound			Westbound			Northbound			Southbound			Totals
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
16:00 - 16:15	1	211	16	117	147	2	1	0	1	10	3	81	590
16:15 - 16:30	0	187	21	110	146	2	1	0	1	12	0	101	581
16:30 - 16:45	0	185	18	96	150	2	0	0	0	7	0	95	553
16:45 - 17:00	1	186	18	126	148	0	1	0	0	5	0	85	570
17:00 - 17:15	0	201	21	158	201	0	1	1	0	15	1	78	677
17:15 - 17:30	1	243	28	176	175	0	2	2	1	14	0	98	740
17:30 - 17:45	0	223	29	129	150	1	0	1	0	18	0	91	642
17:45 - 18:00	1	156	11	139	161	1	1	0	0	5	2	102	579
Movement Totals	4	1592	162	1051	1278	8	7	4	3	86	6	731	4932
Enter Totals	1758			2337			14			823			
Exit Totals	2330			1367			1217			18			

Two-Hour Totals

Light Trucks	0	19	3	8	16	0	0	0	0	2	0	19	67
Medium Trucks	0	11	0	4	5	0	0	0	0	0	0	5	25
Heavy Trucks	0	9	1	0	5	0	0	0	0	0	0	2	17
% Trucks	0.0%	2.4%	2.5%	1.1%	2.0%	0.0%	0.0%	0.0%	0.0%	2.3%	0.0%	3.6%	2.2%
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	2	0	0	1	0	0	0	0	0	0	0	3

Pedestrians	South	0	West	0	East	0	North	0	0
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Peak Hour Information

Peak Hour 17:00 18:00

Movement Total	Eastbound			Westbound			Northbound			Southbound			Totals
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
Movement Total	2	823	89	602	687	2	4	4	1	52	3	369	2638
Peak Hour Factor	0.50	0.85	0.77	0.86	0.85	0.50	0.50	0.50	0.25	0.72	0.38	0.90	0.89

Enter Totals	914			424			9			1291			
Peak Hour Factor	0.84			0.95			0.45			0.90			

Exit Totals	1196			7			695			740			
Peak Hour Factor	0.87			0.44			0.84			0.86			

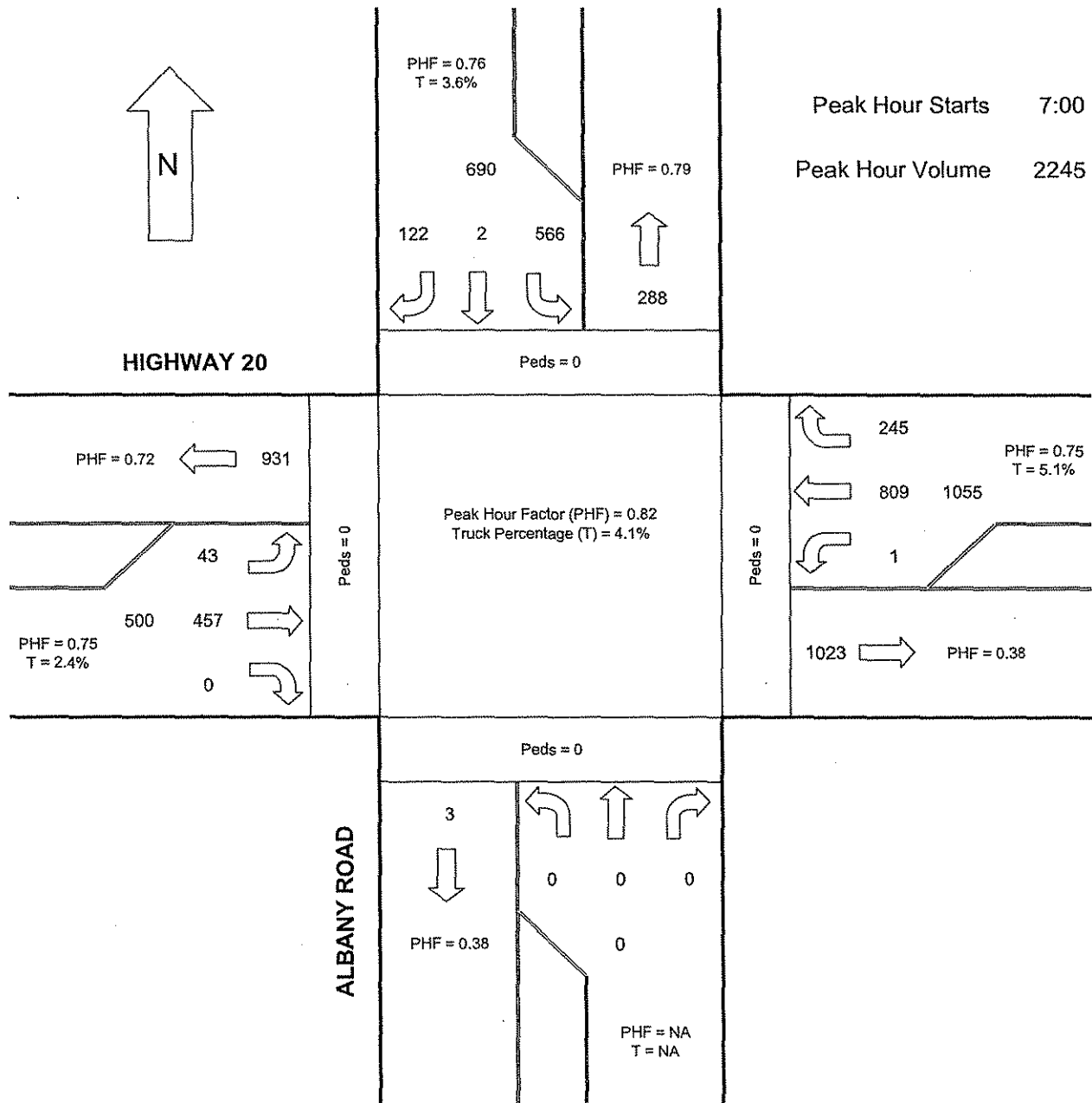
Light Trucks	0	5	2	6	7	0	0	0	0	1	0	8	29
Medium Trucks	0	2	0	2	2	0	0	0	0	0	0	2	8
Heavy Trucks	0	5	0	0	3	0	0	0	0	0	0	1	9
% Trucks	0.0%	1.5%	2.2%	1.3%	1.7%	0.0%	0.0%	0.0%	0.0%	1.9%	0.0%	3.0%	1.7%
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	0	0	0	1	0	0	0	0	0	0	0	1

Pedestrians	South	0	West	0	East	0	North	0	0
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Intersection Turning Movement Peak Hour Diagram

Location HIGHWAY 20 AT ALBANY ROAD
Date 9/14/2006
Day of Week Thursday
Time Begin 7:00
Reviewed By: BV





Intersection Turning Movement Summary Report

Location HIGHWAY 20 AT ALBANY ROAD

Date 9/14/2006

Day of Week Thursday

Time Begin 7:00

Reviewed By: BV

Time Period	Eastbound			Westbound			Northbound			Southbound			Totals
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
7:00 - 7:15	0	95	9	43	150	1	0	0	0	20	0	105	423
7:15 - 7:30	0	107	15	67	180	0	0	0	0	25	0	153	547
7:30 - 7:45	0	96	11	80	273	0	0	0	0	50	2	175	687
7:45 - 8:00	0	159	8	55	206	0	0	0	0	27	0	133	588
8:00 - 8:15	0	108	5	32	131	0	0	0	0	11	0	108	395
8:15 - 8:30	0	143	14	49	125	1	1	0	0	12	0	74	419
8:30 - 8:45	1	107	8	61	149	0	2	1	0	15	0	80	424
8:45 - 9:00	0	105	11	42	105	0	0	0	0	11	0	126	400
Movement Totals	1	920	81	429	1319	2	3	1	0	171	2	954	3883
Enter Totals	1002			1750			4			1127			
Exit Totals	1877			1490			511			5			

Two-Hour Totals

Light Trucks	0	10	2	39	32	1	1	0	0	5	0	26	116
Medium Trucks	0	4	4	5	11	0	0	0	0	1	0	2	27
Heavy Trucks	0	9	5	3	16	0	0	0	0	3	0	4	40
% Trucks	0.0%	2.5%	13.6%	11.0%	4.5%	50.0%	33.3%	0.0%	NA	5.3%	0.0%	3.4%	4.7%
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	0	0	0	2	0	0	0	0	1	0	1	4

	South	West	East	North	
Pedestrians	0	2	0	2	4

Peak Hour Information

Peak Hour 7:00 8:00

	Eastbound			Westbound			Northbound			Southbound			Totals
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
Movement Total	0	457	43	245	809	1	0	0	0	122	2	566	2245
Peak Hour Factor	NA	0.72	0.72	0.77	0.74	0.25	NA	NA	NA	0.61	0.25	0.81	0.82
Enter Totals	500			690			0			1055			
Peak Hour Factor	0.75			0.76			NA			0.75			
Exit Totals	1023			3			288			931			
Peak Hour Factor	0.88			0.38			0.79			0.72			

Light Trucks	0	2	2	20	13	0	0	0	0	3	0	17	57
Medium Trucks	0	1	1	3	6	0	0	0	0	1	0	0	12
Heavy Trucks	0	4	2	3	9	0	0	0	0	2	0	2	22
% Trucks	NA	1.5%	11.6%	10.6%	3.5%	0.0%	NA	NA	NA	4.9%	0.0%	3.4%	4.1%
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	0	0	0	2	0	0	0	0	1	0	1	4

	South	West	East	North	
Pedestrians	0	0	0	0	0

Accident Rate Analysis

$Rse = (A) (1,000,000) / ADT (365) (MI) (Yrs)$

Rse = Accident rate of the section in accidents per million vehicle miles of travel,
 MI = Length of the section (in miles). Roadway segments of less than 0.3 miles
 should not be considered as sections.

Individual Segment Accident Rate	PK HR	ADT	Accident Rate
Hickory St to Site Driveway	2098	20980	0.37

ADT	20980
MI	0.28
Years	5
Accidents	4

$Rse = (A) (1,000,000) / ADT (365) (MI) (Yrs)$ 0.373107

Individual Segment Accident Rate	PK HR	ADT	Accident Rate
Hwy 20 to Hickory Volume	1919	19190	0.0

ADT	19190
MI	0.16 Roadway segments of less than 0.3 miles
Years	5 should not be considered as sections.
Accidents	0

$Rse = (A) (1,000,000) / ADT (365) (MI) (Yrs)$ 0.0

Intersection Accident Rate

$Rse = (A)(1,000,000)/24 Hr Volume \times 365$ Accident Rate

Hwy 20 at N. Albany Rd

Hwy 20 Volume	36870	0.297231
# Accidents	4	

Intersection Accident Rate

$Rse = (A)(1,000,000)/24 Hr Volume \times 365$ Accident Rate

Hickory at N.Albany Rd

Hickory Volume	20980	0.0
# Accidents	0	

**OVERALL ACCIDENT RATE - INCLUDING ALL APPLICABLE SEGMENTS AND INTERSECTIONS
 HWY 20 TO SITE DRIVE**

ADT	20980
MI	0.41
Years	5
Accidents	8

$Rse = (A) (1,000,000) / ADT (365) (MI) (Yrs)$ 0.50961 Segment and intersectional accident rate
 Between Site and including the north leg of the
 intersection of Hwy 20.

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
 CRASH SUMMARIES BY YEAR BY COLLISION TYPE

North Albany Road Between US 20 (Albany-Corvallis Hwy #31) to Quarry Road / Including Ending Intersections
 January 1, 2003 Through December 31, 2007

COLLISION TYPE	FATAL CRASHES	NON- FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER- SECTION	INTER- SECTION RELATED	OFF- ROAD
YEAR: 2007														
REAR-END	0	0	1	1	0	0	0	1	0	1	0	0	0	0
TURNING MOVEMENTS	0	0	1	1	0	0	0	1	0	1	0	1	0	0
2007 TOTAL	0	0	2	2	0	0	0	2	0	2	0	1	0	0
YEAR: 2006														
BACKING	0	0	1	1	0	0	0	1	0	1	0	0	0	0
FIXED / OTHER OBJECT	0	0	1	1	0	0	0	0	1	1	0	0	0	1
NON-COLLISION	0	1	0	1	0	2	0	1	0	0	1	1	0	1
REAR-END	0	1	1	2	0	5	0	1	1	2	0	2	0	0
2006 TOTAL	0	2	3	5	0	7	0	3	2	4	1	3	0	2
YEAR: 2005														
REAR-END	0	0	2	2	0	0	0	1	1	2	0	0	0	0
TURNING MOVEMENTS	0	1	1	2	0	2	0	2	0	1	1	1	0	0
2005 TOTAL	0	1	3	4	0	2	0	3	1	3	1	1	0	0
YEAR: 2004														
FIXED / OTHER OBJECT	0	1	0	1	0	1	0	0	1	0	1	0	0	1
REAR-END	0	2	0	2	0	2	0	1	1	2	0	0	0	0
TURNING MOVEMENTS	0	2	1	3	0	3	1	3	0	3	0	3	0	0
2004 TOTAL	0	5	1	6	0	6	1	4	2	5	1	3	0	1
YEAR: 2003														
REAR-END	0	0	3	3	0	0	0	3	0	2	1	0	0	0
TURNING MOVEMENTS	0	0	1	1	0	0	0	1	0	0	1	1	0	0
2003 TOTAL	0	0	4	4	0	0	0	4	0	2	2	1	0	0
FINAL TOTAL	0	8	13	21	0	15	1	16	5	16	5	9	0	3

Note: Legislative changes to DMV's vehicle crash reporting requirements, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
CONTINUOUS SYSTEM CRASH LISTING

031 ALBANY-CORVALLIS

North Albany Road Between US 20 (Albany-Corvallis Hwy #31) to Quarry Road / Including Ending Intersections
January 1, 2003 Through December 31, 2007

SER#	S D P R S W	E A U C O DATE	COUNTY	RD# FC	COMPNT	CONN #	RD CHAR	INT-TYP	INT-REL	OFFRD	WTHR	CRASH TYP	SPCL USE	MOVE	A S	G E	LICNS	PED	LOC	ERROR	ACTN	EVENT	CAUSE			
INVEST	D C S L K	TIME	URBAN AREA	MLG TYP	FIRST STREET	SECOND STREET	DIRECT	LEGS	TRAF-	RNDBT	SURF	COLL TYP	TRLR QTY	OWNER	FROM	P#	TYPE	SVRTY	E X	RES	LOC	ERROR	ACTN	EVENT	CAUSE	
00293	N N N	04/29/2004	BENTON	1 14			INTER	3-LEG	N	N CLR	ANGL-OTH	01 NONE	0	STRGHT										02		
NONE		Thu	ALBANY	0 0	ALBANY-CORVALLIS HY		CN		TRF	SIGNAL	N DRY	TURN	PRVTE	NE SW									000	000	00	
		3P	ALBANY UA	9.98	N ALBANY RD		01	0			N DAY	PDO	TRUCK			01	DRVR	NONE	49	M	OR-Y	000		00		
													02	NONE	0	TURN-R								016	00	
													PRVTE	NW SW									000	000	02	
													PSNGR	CAR		01	DRVR	NONE	15	F	OR-Y	028			02	
81179	N N N	09/04/2005	BENTON	1 14			INTER	3-LEG	N	N CLR	ANGL-OTH	01 NONE	0	STRGHT										010,087	04	
CITY		Sun	ALBANY	0 0	ALBANY-CORVALLIS HY		CN		TRF	SIGNAL	N DRY	TURN	PRVTE	NE SW									000	087	00	
		2P	ALBANY UA	9.98	N ALBANY RD		01	0			N DAY	INJ	PSNGR	CAR		01	DRVR	INJB	25	F	OR-Y	020	028	04		
													02	NONE	0	TURN-L								000	010	00
													PRVTE	NW NE									000	000	00	
													PSNGR	CAR		01	DRVR	INJB	56	M	OR-Y	000			00	
01256	Y N N	11/26/2003	BENTON	1 14			INTER	3-LEG	N	N CLR	ANGL-OTH	01 NONE	0	TURN-L										04,01,10		
NONE		Wed	ALBANY	0 0	ALBANY-CORVALLIS HY		CN		TRF	SIGNAL	N DRY	TURN	PRVTE	NW NE									000	00	00	
		6A	ALBANY UA	9.98	N ALBANY RD		02	0			N DLIT	PDO	PSNGR	CAR		01	DRVR	NONE	30	M	UNK	020,047	000	04,01		
													02	NONE	0	STRGHT								000	00	
													PRVTE	NE SW									000	000	00	
													PSNGR	CAR		01	DRVR	NONE	46	F	UNK	015,047	000		10,01	
00633	N Y N	09/11/2004	BENTON	1 14			INTER	CROSS	N	N CLD	ANGL-OTH	01 NONE	0	STRGHT										04,10		
CITY		Sat	ALBANY	0 0	ALBANY-CORVALLIS HY		CN		TRF	SIGNAL	N DRY	TURN	PRVTE	NE SW									001	00	00	
		6P	ALBANY UA	9.98	N ALBANY RD		02	0			N DAY	INJ	PSNGR	CAR		01	DRVR	NONE	47	F	OR-Y	020	000	04,10		
													02	NONE	0	TURN-L								000	00	
													PRVTE	NW NE									000	000	00	
													PSNGR	CAR		01	DRVR	INJC	62	M	OR-Y	000			00	
00538	N N N N N	07/26/2007	BENTON	1 14			INTER	CROSS	N	N CLD	S-1TURN	01 POLCE	0	TURN-L										08		
CITY		Thu	ALBANY	0 0	ALBANY-CORVALLIS HY		CN		TRF	SIGNAL	N DRY	TURN	PUBLIC	E S									000	00	00	
		11A	ALBANY UA	9.98	N ALBANY RD		02	0			N DAY	PDO	PSNGR	CAR		01	DRVR	NONE	47	M	OR-Y	006	000	08		
													02	NONE	0	STRGHT								000	00	
													PRVTE	E W									000	000	00	
													PSNGR	CAR		01	DRVR	NONE	31	F	OR-Y	000			00	
00037	N N N	01/12/2004	BENTON	1 14			INTER	3-LEG	N	N CLD	O-1TURN	01 NONE	0	STRGHT										093	02,27	
CITY		Mon	ALBANY	0 0	ALBANY-CORVALLIS HY		CN		TRF	SIGNAL	N DRY	TURN	PRVTE	SW NE									000	000	00	
		2P	ALBANY UA	9.98	N ALBANY RD		03	0			Y DAY	INJ	PSNGR	CAR		01	DRVR	INJC	62	F	OR-Y	000	000	00		

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
CONTINUOUS SYSTEM CRASH LISTING

031 ALBANY-CORVALLIS

North Albany Road Between US 20 (Albany-Corvallis Hwy #31) to Quarry Road / Including Ending Intersections
January 1, 2003 Through December 31, 2007

S D	P R S W		RD# FC		INT-TYP			SPCL USE		A S			PED		ACTN	EVENT	CAUSE					
SER#	E A U C O	DATE	COUNTY	COMPT	CONN #	RD CHAR	(MEDIAN)	INT-REL	OFFRD	WTHR	CRASH TYP	TRLR QTY	MOVE	PRTC INJ	G E LICNS	LOC	ERROR					
INVEST	D C S L K	TIME	URBAN AREA	MILEPNT	SECOND STREET	LOCTN	(#LANES)	CNTL	DRVWY	LIGHT	SVRTY	V#	VEH TYPE	TO	P#	TYPE SVRTY	E X RES					
																	000	000	00			
												02	NONE	0	TURN-L				00			
												PRVTE	NE SE					019	00			
												PSNGR	CAR	01	DRVR	NONE	44	M OR-Y	02,27			
																016,004,028	038	093				
																						OR>25

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
 URBAN NON-SYSTEM CRASH LISTING

CITY OF ALBANY, BENTON COUNTY

North Albany Road Between US 20 (Albany-Corvallis Hwy #31) to Quarry Road / Including Ending Intersections
 January 1, 2003 Through December 31, 2007

SER#	INVEST	S E C L C	D R O U T E	DATE	CLASS	CITY STREET	RD CHAR	INT-TYP	INT-REL	OFF-RD	WTHR	CRASH TYP	SPCL USE		MOVE	PRTC	INJ	A	S	LICNS	PED	ERROR	ACTN	EVENT	CAUSE	
													TRLR QTY	OWNER												PH
				TIME	DIST	FIRST STREET	DIRECT	(MEDIAN)	TRAF-	RNDBT	SURF	COLL TYP	VH	VEH	TO											
00438	N N N Y			06/26/2006	16	N ALBANY RD	STRGHT		N	CLR	O-OTHER	01	NONE	0	BACK										10	
				Mon	5	E THORNTON LAKE DR	N	(NONE)	UNKNOWN	N	DRY	BACK		PRVTE	E S									088	00	
				2P			05			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	M	OR-Y		008	000	10	
								(02)																		
														02	NONE	0	U-TURN								088	00
														PSNGR CAR	N N	01	DRVR	NONE	22	F	OR-Y		008	000	10	
00399	N N N Y			06/07/2006	16	N ALBANY RD	INTER	3-LRG	N	CLR	S-1STOP	01	NONE	0	STRGHT										27	
CITY				Wed	0	E THORNTON LAKE DR	N	(NONE)	UNKNOWN	N	DRY	REAR		PRVTE	N S									000	00	
				7A			06	0		N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	24	F	OTH-Y		016,026	038	27	
														02	NONE	0	STOP								011	00
														PSNGR CAR	N S	01	DRVR	NONE	58	M	OR-Y		000	000	00	
00259	Y Y N			04/17/2004	17	N ALBANY RD	STRGHT		N	RAIN	FIX OBJ	01	NONE	0	STRGHT									062	01	
CITY				Sat	300	E THORNTON LAKE DR	N	(NONE)	NONE	N	WET	FIX		PRVTE	S N								000	062	00	
				1A			07			N	DARK	INJ		PSNGR CAR		01	DRVR	INJA	25	M	OR-Y		047,081	017	01	
								(02)																		
81403	Y N N Y			11/04/2006	16	N ALBANY RD	STRGHT		N	RAIN	FIX OBJ	01	NONE	0	STRGHT									079,010	01	
CITY				Sat	200	E THORNTON LAKE DR	N	(NONE)	NONE	N	WET	FIX		PRVTE	N S								000	079,010	00	
				4P			08			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	16	M	OR-Y		047	017	01	
								(02)																		
00374	N N N			04/16/2003	17	N ALBANY RD	STRGHT		N	CLR	S-1STOP	01	NONE	0	STRGHT										07,27	
NONE				Wed	500	E THORNTON LAKE DR	S	(NONE)	WW W/ GATE	N	DRY	REAR		PRVTE	S N								000		00	
				12P			08			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	51	F	OR-Y		016,026	000	07	
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														PSNGR CAR	S N	01	DRVR	NONE	45	M	OR-Y		000	000	00	
81291	N N N			10/10/2007	16	N ALBANY RD	STRGHT		N	CLR	S-1STOP	01	NONE	0	STRGHT										07	
NONE				Wed	50	JONES AVE	N	(NONE)	UNKNOWN	N	DRY	REAR		PRVTE	S N								000		00	
				7A			05			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	16	M	OR-Y		026	000	07	
								(04)																		
00881	N N N			11/25/2005	17	N ALBANY RD	STRGHT		N	RAIN	S-1STOP	01	NONE	0	STRGHT										07	
NONE				Fri	250	JONES AVE	N	(NONE)	WW W/ GATE	N	WET	REAR		PRVTE	N S								000		00	
				9A			08			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	51	F	OR-Y		026	000	07	
								(02)																		

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
 URBAN NON-SYSTEM CRASH LISTING

CITY OF ALBANY, BENTON COUNTY

North Albany Road Between US 20 (Albany-Corvallis Hwy #31) to Quarry Road / Including Ending Intersections
 January 1, 2003 Through December 31, 2007

SER#	INVEST	S D P R S W E A U C O E L G H R	DATE	CLASS	CITY STREET	RD CHAR	INT-TYP	INT-REL	OFF-RD	WTHR	CRASH TYP	SPCL USE	MOVE	A S	G E LICNS	PED	LOC	ERROR	ACTN	EVENT	CAUSE	
																						DIST
ELGHR	CLK	TIME	FROM	SECOND STREET	LOCTN	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	V#	VEH TYPE	TO	P#	TYPE	SVRTY	E X RES	LOC	ERROR	ACTN	EVENT	CAUSE
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												PSNGR CAR		01	DRVR	NONE	31 F	OR-Y		000	000	00
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01153	Y N N		11/06/2003	16	N ALBANY RD	STRGHT	N	N CLR	S-1STOP	01 NONE	0 STRGHT											01
NONE			Thu	300	JONES AVE	N	(NONE)	UNKNOWN	N DRY	REAR	PRVTE	N S									000	00
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00111	N N N		02/06/2004	17	N ALBANY RD	STRGHT	N	N RAIN	S-1STOP	01 NONE	0 STRGHT											07
NONE			Fri	100	JONES AVE	S	(NONE)	UNKNOWN	N WET	REAR	PRVTE	S N									000	00
			2P			08			N DAY	INJ	PSNGR CAR		01	DRVR	NONE	64 M	OR-Y			026	000	07
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												PRVTE	S N									011
												PSNGR CAR		01	DRVR	INJC	44 F	OR-Y		000	000	00
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00815	N N N		11/03/2004	17	N ALBANY RD	STRGHT	N	N CLR	S-1STOP	01 NONE	0 STRGHT											07
CITY			Wed	50	QUARRY RD	S	(NONE)	NONE	N DRY	REAR	PRVTE	S N									000	00
			4P			06			Y DAY	INJ	PSNGR CAR		01	DRVR	NONE	51 F	OR-Y			026	000	07
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00494	N N N		05/18/2003	17	N ALBANY RD	STRGHT	N	N CLR	S-1STOP	01 NONE	0 STRGHT											07
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00484	N N N		07/18/2006	16	N ALBANY RD	INTER	3-LEG	N CLR	NON-COLL	01 NONE	0 TURN-L											034,028
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			10P			05			N DLIT	INJ	PSNGR CAR		01	DRVR	INJB	40 M	OR-Y			080,081	000	10
																						OR<25
												02 PSNG	INJB	27 M						000	000	00
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00579	N N N		08/11/2005	16	N ALBANY RD	STRGHT	N	N CLR	S-1STOP	01 NONE	0 STRGHT											07
NO RPT			Thu	20	W THORNTON LAKE DR	N	(NONE)	OFCR/FLAG	N DRY	REAR	PRVTE	N S									000	00
			12P			06			N DAY	PDO	PSNGR CAR		01	DRVR	NONE	22 F	OR-Y			026	000	07
							(04)															OR<25

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
 URBAN NON-SYSTEM CRASH LISTING

CITY OF ALBANY, BENTON COUNTY

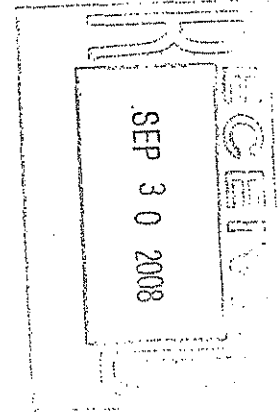
North Albany Road Between US 20 (Albany-Corvallis Hwy #31) to Quarry Road / Including Ending Intersections
 January 1, 2003 Through December 31, 2007

SER#	INVEST	S P E E I	D R A L C	DATE	CLASS	CITY STREET	RD CHAR	INT-TYP (MEDIAN)	INT-REL	OFF-RD	WTHR	CRASH TYP COLL TYP	SPCL USE TRLR QTY	MOVE	A S G E	LICNS	PED	LOC ERROR	ACTN	EVENT	CAUSE				
INVEST	C L K	TIME	FROM	SECOND STREET	DIRECT	LOCTN	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	V#	VEH TYPE	TO	P#	TYPE	SVRTY	E X	RES	LOC ERROR	ACTN	EVENT	CAUSE		
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00930	N N N	12/06/2005	16	N ALBANY RD	ALLEY			N		N CLR	S-1TURN	01	NONE	0	STRGHT								06		
NONE		Tue	0	W THORNTON LAKE DR	N		(NONE)	UNKNOWN		N DRY	TURN		PRVTE	S	N							031	00		
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00647	N N N	09/15/2006	16	N ALBANY RD	INTER		3-LEG	N		N CLD	S-1STOP	01	NONE	0	STRGHT								07		
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GREENLIGHT ENGINEERING

TRAFFIC ENGINEERING/TRANSPORTATION PLANNING



September 29, 2008

Albany City Council
333 Broadalbin Street SW
Albany, OR 97321

Subject: SD-05-07 and SP-14-07 Thornton Lake Estates
Remand – Transportation issues

Dear Members of the Council,

The City of Albany requires that the “proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances” (City of Albany Development Code 11.180). This standard is supported and implemented by the City’s adopted “Traffic Impact Study Guidelines” which detail the City’s safety and capacity standards and methods of traffic analysis. Additionally, in their January 9, 2008 findings, the City found “[t]o determine compliance with ADC 11.180(3), it is necessary to determine the circumstances”. The applicant has failed to accurately portray the circumstances of the impact of the development.

Based upon the materials submitted in support of the application as well as upon research conducted by our staff, it is clear that the proposal does not meet the City of Albany approval criteria and does not meet industry standards, ODOT and City required procedures for traffic analysis. The applicant has failed to provide substantial evidence to lead a reasonable person to find that the “proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances”. As such, the applicant have not satisfied their burden of proof.

In his December 12, 2007 testimony, Dick Woelk of ATEP states on several occasions that we have ignored the information he has provided. This could not be further from fact. We have carefully reviewed all of the information that Mr. Woelk has provided, have discussed this application at length with staff and continue to find that Mr. Woelk’s analysis does not meet industry standards for traffic analysis, Highway Capacity Manual procedures, ODOT procedures, is not realistic to what can operate in the real world, and is grossly flawed. We have spent countless hours pouring over the documents in the record and pointing out the numerous errors made in the applicant’s analysis.

Mr. Woelk and Greenlight Engineering do not agree on the completeness, accuracy, and quality of the applicant’s analysis. Our opinion is that the analysis is incomplete and acutely flawed. In several cases, Mr. Irish agrees with our conclusions, yet the traffic analysis still remains significantly flawed. While we understand that Mr. Woelk must defend his analysis, this does not mean that his analysis is correct. We point to several cases where his analysis is clearly incorrect and we provide evidence to support our opinion.

EXECUTIVE SUMMARY

Greenlight Engineering has reviewed the December 12, 2007 testimony and memorandum submitted by Ron Irish of the City of Albany staff in response to our December 10, 2007 memo, the December 12, 2007 testimony of Mr. Woelk of ATEP, and the City's January 9, 2008 findings. We find that the application still does not comply with the requirements of the City of Albany. Our key points to be discussed in greater detail are as follows:

- The applicant has not provided substantial evidence to support their traffic analysis.
- The applicant's traffic analysis remains severely and critically flawed.
- Mr. Irish has provided no evidence to support his opinions of trip distribution at the intersection of Highway 20/North Albany Road.
- The applicant has provided no evidence to support their TIA assumptions of trip distribution at the intersection of Highway 20/North Albany Road.
- Mr. Irish concurs that the intersection of Highway 20/North Albany Road will operate with a v/c ratio in excess of 0.80.
- Mr. Irish concurs that the intersection of Highway 20/North Albany Road was not analyzed using ODOT procedures.
- Mr. Irish concurs that the traffic analysis contains errors that have not been corrected. These errors have still not been corrected by the applicant.
- Mr. Irish concurs that the intersection of Highway 20/North Albany Road was not analyzed with the proper westbound left turn phase control.
- With clarification, we are confident that Mr. Irish will agree with our conclusions regarding signal timing at the intersection of Highway 20/North Albany Road.
- The applicant's traffic analysis of the intersection of Highway 20/North Albany Road is not rooted in reality and cannot physically operate. The green times used for the various phases greatly exceed those allowed in the existing ODOT signal timing. See Tables 1 and 2 below.
- The City's supplemental findings provide that the intersection of Highway 20/North Albany meets a v/c ratio of 0.80, while the City staff's expert opinion concurs that the intersection will not meet a v/c ratio of 0.80.
- The applicant's analysis is so flawed and incomplete that substantial evidence does not exist that proves that the intersection of Highway 20/North Albany Road meets LOS D.
- Mr. Irish concurs that the wrong peak hour factor was used in the TIA at the intersection of Highway 20/North Albany Road in the weekday AM peak hour. No revised analysis has been submitted that corrects this error.
- The applicant's weekday AM analysis of the intersection of Highway 20/North Albany Road provides a significantly lower v/c ratio of 0.62 than the Crocker Lane traffic study indicated of 0.76. This is inexplicable given that volumes

have increased and no mitigation has taken place to improve the v/c ratio. It is possible that, with a corrected analysis, the intersection may operate with a v/c ratio exceeding 0.80 in the weekday AM peak hour as well. The applicant did not submit any evidence that supports their December 12, 2007 statement that the intersection will operate with an adequate LOS or v/c ratio/

- Neither Mr. Irish nor the applicant have provided complete, substantial evidence regarding the crash rate of North Albany Road. The City's draft TSP finds that the crash rate on this section of roadway exceeds 1.0.
- The City's previous approval is rooted in fear of creating a "defacto moratorium" yet no alternatives have been analyzed such as even simple, inexpensive mitigation at the intersection of Highway 20/North Albany Road. The City relies upon the assumption that whatever mitigation is required is not proportional without analyzing the cost or feasibility of improvements.
- Not addressing ODOT performance standard requirements does no favors for the City of Albany or Albany development community because it will create an unfair burden upon the next developer to mitigate this subdivision's impacts as well as their own in order to comply with ODOT standards.
- A reasonable person cannot reasonably conclude that the "proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances" because the applicant has not accurately portrayed the circumstances, has offered no alternatives for a failing intersection, and has relied upon a traffic analysis that is significantly flawed and is not based upon substantial evidence but upon opinion.

In several instances, Mr. Irish has not provided any evidence to support his opinions and has understandably misconstrued several highly technical points from our December 10, 2007 memo. In those instances, we have provided additional discussion herein. It should be noted that in several instances, Mr. Irish agrees with our points. To date, no analysis has been provided that corrects any of these issues and the analysis remains flawed.

The traffic analyses provided in support of the application are significantly inaccurate and critically flawed and must be revised in order to achieve reliable results. Without an accurate analysis, it is not possible for a reasonable person to conclude that the "proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances" because the applicant has not objectively conveyed the circumstances and has not provided evidence of any alternatives other than what has been proposed.

Our responses to Mr. Irish's December 12, 2007 letter and testimony, Mr. Woelk's December 12, 2007 testimony, and the City's January 9, 2008 findings are provided below:

Item 1 – Trip Distribution at Highway 20/North Albany Road

Mr. Irish provides no evidence or data to support his conclusions and has offered only opinion. Mr. Woelk has provided no evidence or data to support the trip distribution used

in his TIA. Mr. Woelk relies largely upon past practice and upon City staff to make the determination and arguments about how traffic should be distributed. This does not fit the definition of substantial evidence.

The only evidence in the record to support the issue of trip distribution at Highway 20/North Albany Road is the evidence provided by Greenlight Engineering. There has been no evidence submitted by the applicant or by the City that suggests to distribute the site traffic in any other way than the way drivers are currently traveling. While we provide evidence that supports our opinions, the applicant and City provide no evidence to support their opinions. The burden of proof is upon the applicant, not upon the City or the opponents to provide substantial evidence to support the conclusions of their TIA.

Mr. Irish contends that existing congestion on Highway 20 between Corvallis and Albany and that would be southbound drivers at Independence Road “routinely divert to North Albany Road” and that “Virtually all of those diverted trips then make southbound left turns from North Albany Road”. However, Mr. Irish provides no evidence that this occurs or any projected number of vehicles that are reportedly diverting. He also states “This problem is especially acute during the peak traffic periods that are the subject of the TIA analysis”. Again, Mr. Irish offers no evidence. Mr. Irish also contends that “Albany’s transportation system model has confirmed high volumes of out-of-area pass-through trips on both Highway 20 and North Albany Road. A good example is the modeling work done for the northern bridge...that scenario reduced volumes on both Highway 20 and North Albany Road”. However, again, Mr. Irish provides no evidence to support this conclusion.

We do not question Mr. Irish’s reputability. Indeed, we find Mr. Irish to be quite competent and he has been very helpful throughout this application. However, it is imperative that this issue is resolved with evidence rather than rest solely upon opinion without an opportunity to review facts. It is the applicant’s responsibility to provide to satisfy the burden of proof for this application, not the City’s or the opponents. The applicant has not provided a shred of evidence that supports their use of the trip distribution splits at the intersection of Highway 20/North Albany Road, but instead relies upon City staff to make these arguments. However, neither party has provided any evidence to support the distribution that was used in the traffic analysis.

Thus far, the only evidence of the projected traffic volumes submitted by any party was included from Greenlight Engineering. Our evidence clearly shows that far more drivers are inclined to head east towards Albany than west to Corvallis in the weekday PM peak hour under existing conditions. Should any evidence be submitted into the written record that defends the use of the split utilized in the applicant’s TIA, we would be happy to review and comment on the information. Should that information refute our opinion, we will gladly recognize that the issue is resolved, as we have done on other issues when substantial evidence has been provided. However, no evidence has been submitted to support the use of the trip distribution in the TIA.

Mr. Irish also goes on to state that “Because the TIA used a reasonable distribution for site generated trips, staff does not believe it possible to develop sustainable denial

findings based on this issue". Again, what evidence exists that suggests that the distribution is reasonable? Is our evidence not reasonable because it is based upon the existing traffic volumes and based upon how drivers are currently traveling at the intersection?

Because the issue is so imperative to the land use application and because there is not substantial evidence to support the TIA's findings or City staff's opinion, it is unclear how a reasonable person can make a reasonable conclusion that the TIA has adequately addressed the trip distribution issue. It is also unclear how a reasonable person can conclude that the "proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances" because the circumstances are unknown.

Item 2 – Performance Standard at Highway 20/North Albany Road

Mr. Irish agrees that the intersection of Highway 20/North Albany Road will exceed a v/c ratio of 0.80. However, the City's supplemental findings **directly contradict** the City's expert's opinion and found that a v/c ratio of 0.80 is met. Mr. Irish concurs that the intersection was not evaluated correctly with respect to the proper westbound left turn control, was not analyzed with lane saturation rates correctly accounted for, and found that the lane utilization of the intersection is a matter of engineering judgment. We also believe that, with clarification, Mr. Irish will agree with our assessment of the flawed traffic signal timing parameters.

With all of the errors that exist in the TIA and with those that the City expert staff concurs exists, the same flawed traffic analysis remains. The City's findings indicate that the intersection should now be evaluated to a LOS D. However, what complete, substantial, correctly analyzed evidence has been submitted by the applicant that shows that the intersection will operate with a LOS D? It is the applicant's burden of proof to provide evidence that the "proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances". However, again, the applicant has failed to provide this evidence.

Mr. Irish has understandably misunderstood our argument regarding traffic signal timing at the intersection. Additionally, Mr. Woelk contends that we believe that the intersection should be analyzed with a 75 second cycle length. We have never stated or inferred this. Because of these misunderstandings regarding this complex issue, this is good reason to restate our points about the traffic signal timing at this intersection and to provide clarification.

We do not take issue with the intersection being analyzed with a 120 second cycle length or even a 100 second cycle length. The intersection can and may frequently operate today with these cycle lengths depending upon the vehicle demand at any given time. The cycle length is variable given the demand at the intersection. We **do** take issue with how the analysis was conducted because when comparing the ODOT signal timing operating in the field with the applicant's November 5, 2007 analysis, the intersection cannot physically operate as analyzed. **The green times used in the applicant's**

analysis exceed the maximum green times operating at that intersection, and are therefore, impossible to operate and completely unreliable for determining the v/c ratio of the intersection. This is a fact that cannot be rebutted. Thus far, neither the applicant nor the City have rebutted this issue.

Additionally, when considering the applicant's analysis, the cycle length would greatly exceed 120 seconds if the northbound phase of the intersection or westbound left turn phase of the intersection were properly considered and were given any green time at all during the course of the signal's cycle. Because Mr. Woelk has arbitrarily assigned the green time to phases that cannot physically operate with the green times in his analysis, he has taken time away from the northbound and westbound left turn phases to artificially report a v/c ratio under 0.80. If any vehicles were considered on the northbound approach to the intersection or on the westbound left turn approach to the intersection, the cycle length would greatly exceed 120 seconds, a fact not mentioned by Mr. Woelk.

Tables 1 and 2 below illustrate these concepts.

While Mr. Irish concurs that the intersection will exceed a v/c ratio of 0.80 and he concurs that the intersection was not analyzed properly, Mr. Irish also is concerned that a "defacto moratorium" would result although "sustainable denial findings could be developed for this application based on this issue". Clearly, this is not a reason to approve a development with no mitigation, but rather to seek mitigation for a development's impacts. In order to determine if the "proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances" circumstances and their alternatives must be determined.

The City's findings dated January 9, 2008 found that "circumstances also limit what may be exacted from the applicant for improvements to North Albany Road at its intersection with Highway 20... The impacts of this subdivision on the Highway 20 intersection with North Albany Road, relative to the total traffic currently using the intersection, are not sufficient to justify this applicant making improvements to the intersection. The costs of making the improvements needed for the intersection exceed this subdivision's proportionate impacts". However, neither the City nor the applicant have ever provided any analysis of proportionate impacts or costs of what these improvements might be locally at the intersection nor stated that improvements are not possible at the intersection. Therefore, the City cannot reasonably conclude that the subdivision's impacts exceed the improvements needed because no proportionality determination has been made.

The Council also found that "...any deficiencies of the intersection of North Albany Road and Highway 20 cannot be attributable to this subdivision. The Council finds that the intersection satisfies the City's standards and ODOT's standards." This finding is in direct conflict with Mr. Irish's findings that the intersection will not meet a v/c ratio of 0.80, ODOT's performance standard.

The City's supplemental findings fail to recognize that the intersection will fail to meet a v/c ratio of 0.80, in contradiction to the City staff's expert opinion. At no point has

mitigation of this intersection been considered although expert City staff concurs that the intersection will not meet a v/c of 0.80 based upon the submitted analysis . Mitigation should and must be considered in order for a reasonable person to conclude that the plan “affords the best economic, safe and efficient circulation of traffic possible under the circumstances”. The City is unaware of the actual status of the “circumstances” because the analysis is flawed and is not reliable.

Throughout most of this land use application it was understood that the applicable performance standard at the intersection of Highway 20/North Albany Road was ODOT’s v/c ratio of 0.80. This was quite clearly stated in the City staff’s July 9, 2007 memo to the Planning Commission where it was stated “The Highway 20/North Albany Road NW intersection is under the jurisdiction of the Oregon Department of Transportation (ODOT). The ODOT performance standard for this intersection is a v/c of 0.80.” Only at the December 12, 2007 hearing was it suggested that the City’s LOS D standard would apply at this intersection. At this point, the opponents of the project had no opportunity to rebut this change. This issue seemingly hinged primarily on ODOT’s comments that the application’s approval is based upon City development standards and was also based on the fact that the intersection likely would not meet ODOT’s v/c ratio of 0.80.

In the City’s supplemental findings adopted on January 9, 2008, it is clear that the City is not confident in what standards apply to this application. Originally, it was clearly stated on July 9, 2007 that the v/c standard is 0.80. In the City’s supplemental findings, the City states that “In the event that ODOT’s intersection performance standards are deemed to apply, the applicant’s TIA indicates that the intersection would still meet ODOT’s standard of v/c ratio .80”. **This finding is in direct conflict with the expert opinion of Ron Irish** that states in his December 12, 2007 memo “Staff believes it likely that the...v/c ratio would slightly exceed...0.80” and “Using this analysis method, the intersection would likely exceed ODOT’s v/c standard at day of opening...Staff believes that sustainable denial findings could be developed for this application based on this issue”. It is unclear how the supplemental findings can conclude this given the evidence in the record and the opinion of the City’s expert staff.

The supplemental findings also find that “ODOT’s standard is also likely to increase to .85 in 2010 by virtue of the City’s becoming a Metropolitan Planning Organization (MPO)”. This is pure speculation and is not the relevant ODOT standard at this time and should not be used as a basis of the City’s finding. The current performance standard at the intersection is a v/c ratio of 0.80.

In his December 12, 2007 testimony, Mr. Woelk contends that we are trying to impose Portland area ODOT requirements on the City of Albany’s land use application. What we are trying to do is to point out that the analysis does not adhere to ODOT analysis requirements, City of Albany requirements for adherence to the Highway Capacity Manual, the industry standard Highway Capacity Manual, and is not rooted in operations that can physically occur in the real world.

In his November 7, 2007 testimony, Mr. Woelk mentioned that outside MPO's, the saturation rate that ODOT uses is 1800, not 1900 vphpl. However, in his December 12, 2007 testimony, Mr. Woelk concludes that these ODOT standards only apply in the Portland Metro area. Clearly, the 1800 standard applies outside MPO's including Albany. These standards are not just urban area standards and are applied statewide. Mr. Woelk does not point to what standards are used, because the standards we reference are those that are used in all ODOT regions because they are from statewide manuals. The standards that we have referenced apply to all ODOT intersections within Albany, a fact that is confirmed by Ron Irish in his December 12, 2007 memo.

Analyzing this intersection not utilizing ODOT standards is unwise and should not be allowed. Consider a future development that requires ODOT's concurrence. ODOT will require the intersection to be analyzed correctly, per their standards, following the Highway Capacity Manual, and using appropriate signal timing parameters. Not analyzing the intersection now per ODOT standards will put a very unfair burden on the next development to have to mitigate not only that development's impacts but also the impacts of the Thornton Lakes subdivision because the applicant was allowed to analyze the intersection without concurrence with Highway Capacity Manual or ODOT standards. The intersection of Highway 20/North Albany Road would not meet ODOT's mobility standard if the intersection were analyzed correctly based upon the submitted analysis and the numerous errors it contained. To continue to not analyze the intersection correctly does no favors for the development community of Albany or for the City of Albany and will create an unfortunate situation when ODOT is involved with permitting in the future.

ODOT's email stated that "Albany's development review standards would apply to the project". This is the case in any application in the City of Albany, whether or not ODOT is involved in an application. We believe it was not the intent of the email that the City apply a different performance standard to this intersection simply because ODOT is not involved in this application. In so making this finding, a different performance standard could apply from application to application, setting an unusual precedent for land use review in the City of Albany. The City's treatment of the application should not change simply because ODOT is acutely involved or not involved at all.

In the hypothetical next application when ODOT is notified of the application and is responsible for granting permits, ODOT standards will clearly apply. The next developer will not be pleased to learn that ODOT standards were not applied in this application and 1) Thornton Lakes was allowed to analyze the intersection incorrectly, 2) that the next development is responsible for mitigating his impacts as well as Thornton Lakes' impacts, 3) that City staff concurred that the intersection exceeded the v/c ratio of 0.80 and 4) there was substantial evidence in the record that the intersection was not analyzed appropriately.

Moreover, it is unclear how the City can conclude that the proposed plan provides the "best economic, safe, and efficient circulation of traffic possible under the circumstances" because it has largely been assumed that the intersection operates acceptably. While the applicant's traffic analysis once showed a v/c ratio exceeding 0.80,

the revised analysis, based upon flawed parameters, the applicant has not recognized that the intersection does not meet the v/c ratio of 0.80 but continues to rely upon their flawed and inaccurate analysis. The only way to understand what is the “best economic, safe, and efficient circulation of traffic possible under the circumstances” is to provide an accurate analysis that establishes the circumstances. The circumstances presented thus far are not the actual circumstances that will exist when the project is built out. The circumstances will be worse than shown in the applicant’s traffic study.

With an accurate analysis that shows that the intersection does not meet a v/c of 0.80, the applicant could begin to consider mitigation. This mitigation may be simple and inexpensive. Mr. Irish states “...no mitigation measures to add capacity to the intersection have been identified.” This is true. However, it is also true that no one has investigated what mitigation is possible at the intersection. It has been assumed in the Council’s findings that the costs of improvements exceed what can be exacted. Decisions should not be made based upon faulty information and without the information to know what mitigation is available. Again, the applicant relies upon their faulty analysis and presents circumstances that are not representing the true situation of operations at this intersection.

What are the circumstances when the applicant does not paint an accurate or objective picture of the operations? Is this sufficient reason to approve an application when no other alternatives have been evaluated or even discussed? A reasonable person cannot make a reasonable decision on whether the “proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances” based upon information that does not evaluate the actual circumstances that would exist with the approval of the subdivision and that do not evaluate any alternatives for the failing intersection of Highway 20/North Albany Road.

- Westbound left turn phasing at Highway 20/North Albany Road

Mr. Irish agrees that the analysis of the intersection of Highway 20/North Albany Road “should reflect protected westbound left turns”. In no other portion of the analysis was this westbound movement shown with permissive left turns as it was in the November 5, 2007 study. In all of the other analysis submitted by the applicant, the movement was shown with a protected left turn. This parameter was changed by the applicant in their November 5, 2007 analysis and it appears it was done intentionally in order to artificially indicate that the intersection operates under the v/c ratio of 0.80. The westbound permissive left turn as shown in the November 5, 2007 analysis is unsafe and would not be approved by the City or ODOT. The expert City staff concurs that the analysis is flawed.

The applicant’s traffic engineer has changed the phasing of the westbound left turn of the intersection of Highway 20/North Albany Road from a protected left turn to a permissive left turn, which would eliminate the green arrow from this movement and require westbound left turns to yield to eastbound through movements, a situation both unique and unlikely to be approved by ODOT.

All of the previous analysis appropriately considered the existing situation of a protected westbound left turn, and the permissive phasing has first been seen in the November 5, 2007 analysis, which purports that the intersection operates with a v/c of 0.799.

This modification to their analysis was not rebutted by the applicant in their December 12, 2007 testimony. It appears to have been done in order to artificially indicate a v/c of under 0.80. Because the applicant has not portrayed an accurate picture of the circumstances, it is not reasonable to conclude that the "proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances".

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FM Peak Hour          Tue May 29, 2007 13:41:38          Page 10-1
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Thornton Lake Estates
2009 PM Peak Hour Traffic
Associated Transportation Engineering & Planning, Inc.
-----
Level Of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)
*****
Intersection #9 N. Albany Rd at Hwy 20
*****
Cycle (sec):          100          Critical Vol./Cap. (X):          0.824
Loss Time (sec):      16 (Y+R=4.0 sec) Average Delay (sec/veh):          22.3
Optimal Cycle:        92          Level Of Service:          C
*****
Approach:             North Bound      South Bound      East Bound      West Bound
Movement:             L - T - R      L - T - R      L - T - R      L - T - R
-----|-----|-----|-----|
Control:              Split Phase    Split Phase      Protected      Protected
Rights:               Include        Include          Include        Ovl
Min. Green:           0 0 0 0        0 0 0 0        0 0 0 0        0 0 0 0
Lanes:                0 0 1 0 0      1 1 0 0 1      1 0 1 1 0      1 0 2 0 1
  
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Figure 1: Applicant's traffic engineer's June 13, 2007 analysis indicating protected westbound left turn phasing

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MITTS - PM Peak Hour    Sun Nov 4, 2007 08:52:35          Page 1-1
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Thornton Lake Estates
2009 PM Peak Hour Traffic
Associated Transportation Engineering & Planning, Inc.
-----
Level Of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)
*****
Intersection #9 N. Albany Rd at Hwy 20
*****
Cycle (sec):          120          Critical Vol./Cap. (X):          0.799
Loss Time (sec):      16 (Y+R=4.0 sec) Average Delay (sec/veh):          23.9
Optimal Cycle:        92          Level Of Service:          C
*****
Approach:             North Bound      South Bound      East Bound      West Bound
Movement:             L - T - R      L - T - R      L - T - R      L - T - R
-----|-----|-----|-----|
Control:              Split Phase    Split Phase      Protected      Permitted
Rights:               Include        Include          Include        Ovl
Min. Green:           0 0 0 0        0 0 0 0        0 0 0 0        0 0 0 0
Lanes:                0 0 1 0 0      1 1 0 0 1      1 0 1 1 0      1 0 2 0 1
  
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Figure 2: Applicant's traffic engineer's revised analysis indicating permissive westbound left turn phasing, a situation that doesn't exist and is unlikely to be approved by ODOT

- Lane utilization for westbound lanes at Highway 20/North Albany Road

We concur that upon day of opening, the lane utilization of the westbound direction of traffic on Highway 20 will be more balanced. In Mr. Irish's memo he states that "Staff believes the traffic volumes assumed for the development's day of opening will result in a more balanced lane utilization than currently occurs". It is important to note that Mr. Irish does not agree with the parameter used in the applicant's TIA, but indicates that the rate to be used is a "matter of engineering judgment".

My engineering judgment would never lead me to conclude that the default rate of 0.95 should be used. Mr. Woelk does not provide any evidence that the default rate of 0.95 is appropriate. That rate would be appropriate only if both westbound lanes were continuous beyond the intersection and if one lane did not end shortly after the intersection. We concur that the specific rate should be somewhere between 0.59 and 0.95, but certainly not 0.95.

Until the highway is widened to a 5 lane section, this rate will never be 0.95. Accounting for this factor appropriately will greatly impact the v/c of the intersection, which again, has not been analyzed accurately per the HCM, a requirement of the City's "Traffic Impact Study Guidelines".

Thus far, the only evidence submitted to the written record regarding this issue was submitted by Greenlight Engineering. Neither the applicant nor the City have submitted any data that supports the use of a 0.95 lane utilization factor. For this reason, a reasonable person cannot conclude that the "proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances" because the applicant has not accurately portrayed the circumstances in their analysis.

- Inappropriate signal timing at Highway 20/North Albany Road

After discussing the issue with Mr. Irish regarding the signal timing of the intersection of Highway 20/North Albany Road, it is clear that our discussion of the issue from our December 10, 2007 memo required clarification, as it is complex and difficult to convey.

It should be noted that we do not take issue with the intersection being analyzed with a 120 second cycle length. Indeed, the intersection can and likely does operate with a 120 second cycle length on occasion. **However, we do take major issue with how the 120 seconds were allocated to the individual movements at the intersection because what was conducted in the analysis is not possible to operate in the real world.**

In order to achieve the results reported by ATEP in their November 5, 2007 traffic study, ODOT would need to agree to a signal timing modification. ATEP either

did not request the signal timing sheets from ODOT or did not choose to use the existing signal timing in their analysis. This is a critical error in the applicant's analysis because as the intersection was analyzed, it cannot physically operate as such. Table 1 and 2 below illustrate this concept. ATEP arbitrarily raised the maximum green times in their analysis for various movements of the intersection which produced the results shown in their study. The green times shown in the ODOT signal timing sheets are the maximum that can physically occur during a given cycle. ATEP's analysis assumes excessively large green times that cannot occur without a signal timing modification. Those familiar with signalized intersection operations will recognize that when comparing the ODOT signal timing sheets with the ATEP analysis, ATEP's analysis is flawed, does not reflect reality and cannot operate in the real world without a signal timing modification.

For example, ATEP's analysis assumes that the westbound through movement can stay green for 63.6 seconds, while in reality, the most it will ever stay green is 50 seconds. Similarly, ATEP's analysis assumes that the eastbound through movement can stay green for 79.2 seconds, while in reality, the most it will ever stay green is 50 seconds. These errors, whether intentional or not, give capacity to these movements that is not actually available.

As shown below in the applicant's traffic engineer's June 13, 2007 traffic analysis, ATEP's AM peak hour analysis assumes that the southbound movement can stay green for 39 seconds, while in reality, the most it will ever stay green is 25 seconds. Without a signal timing modification approved by ODOT, the assumed operations as reported by the applicant's traffic engineer cannot exist.

In ATEP's analysis, no time was allocated for the northbound movement, or for traffic exiting the boat ramp, of the intersection. Should any time be allocated for the northbound phase, as may commonly occur in the summer, the cycle length could easily exceed 120 seconds at times given the other demands at the intersection. Due to the inappropriate and inexplicable reallocation of green time to the other phases of the intersection, the traffic analysis is unreliable.

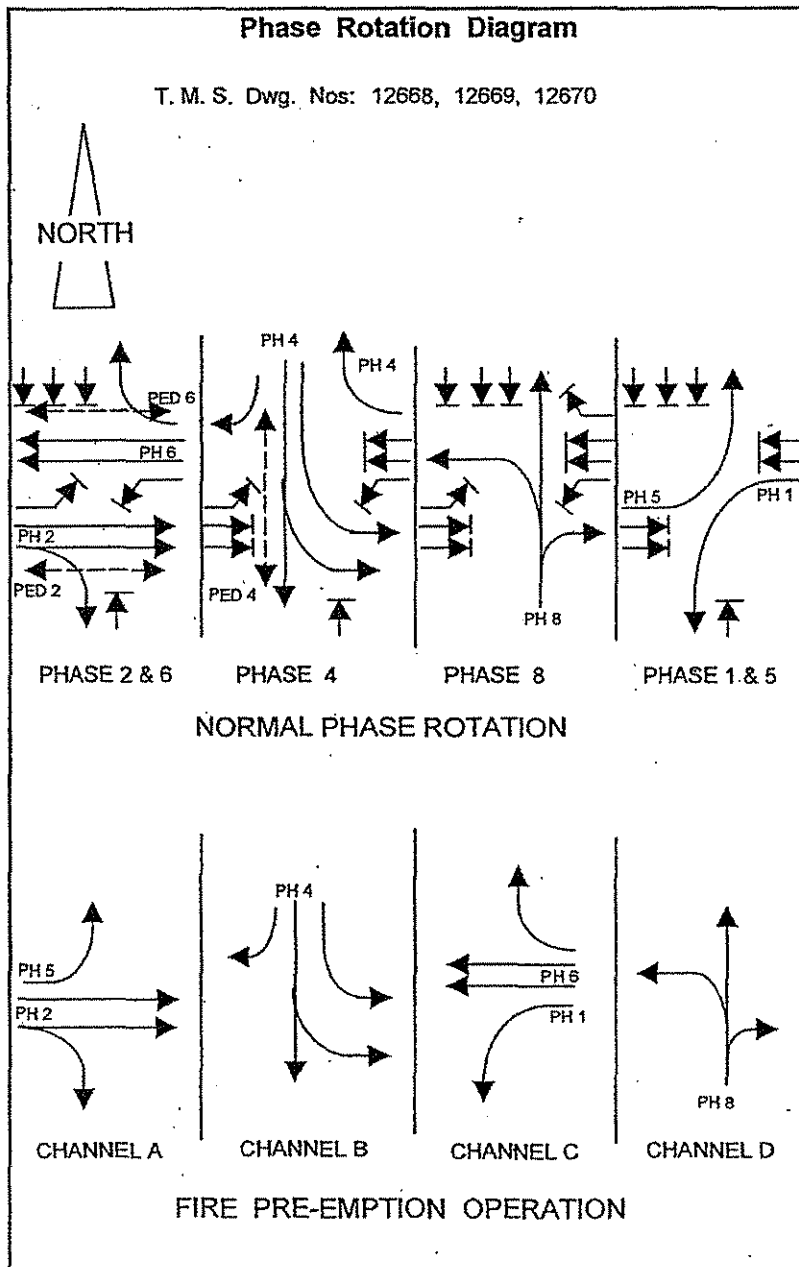
Table 1. Comparison of 2009 Weekday PM peak hour ATEP analysis with actual field operating signal timing parameters

<u>Highway 20/North Albany Road</u>	ATEP Analysis Green Time (s)	ODOT Max Green (s)	Additional Green Needed to Operate as Suggested by ATEP (s)	ATEP's value possible in current field operations?
Westbound Through	63.6	50	13.6	No
Westbound Left	63.6	12	51.6	No
Eastbound Through	79.2	50	29.2	No
Eastbound Left	15.6	12	3.6	No
Southbound	25.2	25	N/A	Yes
Northbound	0	25	N/A	Yes

Table 2. Comparison of 2009 Weekday AM peak hour ATEP analysis with actual field operating signal timing parameters

<u>Highway 20/North Albany Road</u>	ATEP Analysis Green Time (s)	ODOT Max Green (s)	Additional Green Needed to Operate as Suggested by ATEP (s)	ATEP's value possible in current field operations?
Westbound Through	39	50	N/A	Yes
Westbound Left	1	12	N/A	Yes
Eastbound Through	43	50	N/A	Yes
Eastbound Left	6	12	N/A	Yes
Southbound	39	25	14	No
Northbound	1	25	N/A	Yes

The existing phasing of the intersection is provided below:



The existing phasing of the intersection is provided below:

TABLE 1 Page 0

Phase Timing (Ph. No. + Key)									
Interval	Key	WB LEFT TO BOAT RAMP	EB (TO ALBANY)	Phase Number				WB (TO CORVALLIS)	NB: FROM BOAT RAMP
		1	2	3	4	5	6	7	8
Max Green	0	12	50			25	12	50	25
Max2 / HFDW	1	12	50			25	12	50	25
Walk	2	—	5			5	—	5	
Flashing DW	3	—	15			23	—	19	
Max Initial	4	5	20			5	5	20	5
Min Green	5	5	10			5	5	10	5
TBR	6	5	10			10	5	10	5
TTR	7	10	20			10	10	20	10
Observe Gap	8								
Passage	9	2.8	4.7			3.8	2.8	4.7	2.5
Min Gap	A	1.8	2.7			1.8	1.8	2.7	2.0
Add per Act	B	—	0.7			—	—	1.3	—
Yellow	C	4.0	5.0			4.5	4.0	5.0	4.0
Red Clear	D	—	—			—	—	—	—
Red Revert	E	5.0	5.0			5.0	5.0	5.0	5.0
Walk 2	F	—	—			—	—	—	—

Item 4 – Traffic counts were taken, but not used.

Mr. Irish concurs that “current counts could have been used to refine the intersection analysis in regard to lane distribution issues”. With this in mind and with our previous discussion that these traffic counts are necessary for several of the capacity analysis inputs and to meet the HCM, it is interesting that the traffic counts have still not been submitted.

The applicant has had ample opportunity to put this issue to rest, yet still provides arguments that the traffic counts are so low that they shouldn’t be used in the analysis. Yet, even with these arguments, still we have no traffic counts to review. We would be happy to review the traffic counts conducted by the applicant. Our question is why

haven't they been submitted and what information do they contain that prevents their submission given that the applicant argues that the information is not useful?

There are several factors within signalized intersection capacity analysis that require recent traffic counts including the proper inclusion of peak hour factors, pedestrian and bicycle volumes, truck percentages, buses stopping with the travel lanes and other factors as referenced within "Section 17" of our October 10, 2007 letter and in our December 10, 2007 letter. It is unclear that the applicant used appropriate factors in their traffic analysis that comply with the City's requirements to be consistent with the HCM. It is quite clear that the applicant did not use appropriate peak hour factors in the weekday AM analysis of the intersection of Highway 20/North Albany Road, an issue that they have not rebutted and an issue that Mr. Irish concurs with.

Item 5 – Lane Utilization factors were accounted for in the analysis.

This issue was addressed in our discussion of Item 2.

Item 6 – Accident rate of NAR section south of the proposed site is within standard.

Mr. Irish provides no evidence of any accident data submitted into the written record for this land use application. It is unknown what sources the City's data comes from or what parameters were used in his analysis. It is unknown if the data comes from City of Albany PD, Benton County SO, State Police or the DMV. ODOT's data compiles from all of these sources and is the most accurate in accident analysis. However, it is unclear what data has been reviewed by the City.

There is no way to confirm or refute Mr. Irish's data because no information is provided to support his conclusions. The best information available in the written record comes from the City's own draft TSP submitted by Greenlight Engineering in our December 10, 2007 memo. This information was not gathered by Greenlight Engineering, but by the City's own traffic consultant. The draft TSP document shows that the segment of North Albany Road between Highway 20 and the site has an accident rate in excess of 1.0. This vast discrepancy has never been rebutted by the applicant or by the City and this remains the only complete evidence in the record that addresses this issue.

Additionally, based upon our discussion of trip distribution, it is very likely that Highway 20 between North Albany Road and Springhill Drive also receives 50 peak hour trips from the proposed development, so per the City's "Traffic Impact Study Guidelines", Highway 20 between North Albany Road and Springhill Drive should also be evaluated for crashes.

The City's draft TSP provides evidence that the section of roadway between the proposed site access point and Highway 20 has an accident rate that exceeds 1.0. This analysis was conducted by the City's traffic engineering consultant, Kittelson and Associates. Additionally, the draft TSP provides evidence that Highway 20 between North Albany

Road and Springhill Drive also exceeds a crash rate of 1.0. In the absence of complete crash history, the best information available in the record provides that the crash rate along North Albany Road between the proposed site access point and Highway 20 exceeds the City's allowable standard of 1.0.

It is undisputed that North Albany Road between the site access and Highway 20 will receive 50 peak hour trips. The City's draft TSP provides the evidence that the crash rate in this section of roadway is between 1.0 and 2.5 crashes per million vehicles miles traveled.

Item 7 – The City of Albany traffic staff has concluded that all aspects of the HCM are met.

In the Council's January 9, 2008 findings, they found "Mr. Nys attempts to impose the methodologies of the Highway Capacity Manual (HCM) on this application". Compliance with the HCM is required by the City's "Traffic Impact Study Guidelines" and the traffic study for the reasons described herein as well as our other memos do not appropriately follow the HCM.

Item 9 – Adequate queue storage is not required.

The westbound right turn lane from Highway 20/North Albany Road exceeds the storage capacity and will be made substantially more inadequate with the approval of the subdivision. The westbound right turn lane is so long that it spills into the westbound through lane of Highway 20. This is likely one of the reasons why our lane utilization study showed that few drivers used the outside through lane when approaching the Highway 20/North Albany Road intersection.

Mr. Irish states "The applicant's TIA did not analyze any impacts that might occur as a result of the storage length of the westbound left lane being exceeded...It is possible the projected queue length for the westbound approach will adversely affect intersection performance."

Mr. Irish raises an important point that this issue may "adversely affect intersection performance" and that the "applicant's TIA did not analyze" the impacts of such a situation. Again, because this issue impacts lane utilization, this issue will negatively impact the v/c ratio of the intersection as recognized by Mr. Irish.

While we concur with the City's findings that the development should be responsible for their impacts to the movement of this intersection, we do not agree with the method of mitigation. It is entirely feasible for the applicant to mitigate their proportional impact to the longer queue length required at the intersection, or the addition of 100 feet of queue storage that they are directly responsible for. There has been no discussion of this as a possible mitigation measure and there has been no determination that this option is not

the “best” over the assessment district option. This proportional improvement is reasonable and prudent to implement and entirely constitutional to require.

Other Issues

- Highway 20/North Albany Road weekday AM peak hour factor and Crocker Lane analysis v. Thornton Lakes analysis

Mr. Irish concurs “that the applicant should have used a peak hour factor of 0.95 for the a.m. analysis”. The applicant used a peak hour factor of 1.0 in their analysis of the intersection of Highway 20/North Albany Road during the 2009 and 2014 AM traffic conditions.

The Crocker Lane subdivision traffic analysis provided that the weekday AM peak hour v/c ratio of the Highway 20/North Albany Road intersection was 0.76 for a buildout year of 2008. With no planned mitigation and higher traffic volumes, the applicant’s analysis provided a v/c ratio of only 0.62 during the weekday AM peak hour, a highly suspect situation given that volumes have increased and nothing has changed at the intersection to improve the v/c ratio. With the noted deficiencies with regard to using a peak hour factor of 1.0 and the signal timing deficiencies described above, the applicant’s analysis cannot be relied upon. Mr. Irish did not address the issue, nor has the applicant addressed the issue, of why the applicant’s analysis reports a lower v/c ratio for a future year with higher volumes and no planned mitigation.

In his December 12, 2007 testimony, Mr. Woelk concurs that with a peak hour factor of 0.95, the intersection would still operate with an adequate LOS in the AM peak hour. He makes no statements about the v/c ratio of the intersection or why the Crocker Lane study indicates a much higher v/c ratio than his study. However, where is this analysis? It was not submitted into the record. Again, neither the applicant nor the City has offered any reason as to why the v/c ratio of the intersection is lower when considering higher traffic volumes and no mitigation. The answer is that the intersection was not analyzed correctly.

While we cannot conclude that the Crocker Lane analysis is correct because we have not analyzed it in great detail, we can conclude that the analysis for the current application is grossly flawed in a variety of ways. At the very least, there is evidence to suggest that the v/c ratio of the intersection is at least 0.76 in the AM peak hour, if not exceeding 0.80 with the approval of this subdivision.

Again, because the applicant has not provided a remotely accurate traffic analysis and neither the City nor the applicant have rebutted the issue, it is unclear what evidence is being relied upon for a reasonable person to conclude that the “proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances”.

Kittelison & Associates, Inc. - Project #8376
 Crocker Lane Residential Update - Albany, Oregon
 Year 2008 Total Traffic Conditions With Both Developments, Weekday AM Peak Hour

Level Of Service Computation Report
 2000 HCM Operations Method (Future Volume Alternative)

Intersection #1 N Albany Rd/Hwy 20

Cycle (sec): 100 Critical Vol./Cap. (%): 0.761
 Loss Time (sec): 16 (Y+R=4.0 sec) Average Delay (sec/veh): 25.1
 Optimal Cycle: 79 Level Of Service: C

Street Name:	N Albany Rd				Hwy 20								
Approach:	North Bound		South Bound		East Bound		West Bound						
Movement:	L	T	R	L	T	R	L	T	R				
Control:	Split Phase		Split Phase		Protected		Protected						
Rights:	Include		Include		Include		Ovl						
Min. Green:	0	0	0	0	0	0	0	0	0				
Lanes:	0	0	1	0	0	1	1	0	1	0	2	0	1
Volume Module:	>> Count. Date: 5 Apr 2006 << 7:20 AM to 8:20 AM												
Base Vol:	2	1	2	604	1	108	35	562	2	2	806	240	
Growth Adj:	1.04	1.04	1.04	1.04	1.04	1.04	1.04	1.04	1.04	1.04	1.04	1.04	
Initial Base:	2	1	2	628	1	112	36	522	2	2	838	250	
Added Vol:	0	0	0	166	0	12	4	0	0	0	0	57	
Hickory Vol:	0	0	0	45	0	45	17	0	0	0	0	22	
Initial Fut:	2	1	2	838	1	169	57	522	2	2	838	329	

Figure 3: Crocker Lane October 18, 2006 Weekday AM peak hour analysis showing a v/c ratio of 0.761 for year 2008.

• Analysis of North Albany Road/Site Access intersection

Mr. Irish and Mr. Woelk agree that the erroneous analysis at North Albany Road and the site access showing two northbound and southbound lanes at the intersection were revised appropriately. We find this true for the 2009 analysis, but our contention is that the 2014 analysis has not been revised. The applicant has not provided a realistic and revised analysis of 2014 conditions at the intersection of North Albany Road and their site access. The 2014 analysis is a requirement of the City's "Traffic Impact Study Guidelines".

The applicant's 2014 AM and PM analyses contains the erroneous assumption that there will be two northbound lanes and two southbound lanes on North Albany Road at the site access intersection. This error can be seen in the Traffix output sheets in the "Lanes" row of the applicant's original traffic impact analysis. The "2!" indicates that two northbound and two southbound lanes are assumed in the analysis. This issue has not been addressed in the applicant's rebuttal, so the only analysis in the record is inaccurate and flawed.

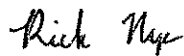
Because the analysis is severely flawed, a reasonable decision maker cannot make a reasonable decision that the "proposed street plan affords the best economic,

safe, and efficient circulation of traffic possible under the circumstances”. Again, the decision maker does not have an accurate picture of the circumstances.

Conclusion

Based upon the submitted traffic impact studies and our comments above, it is clear that the proposed subdivision is not in compliance with City of Albany criteria. The traffic impact study and associated letters fail to provide substantial evidence that the City of Albany standards are met and that the “proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances”. Thus far, the applicant’s traffic engineer’s analysis is inaccurate, flawed, and has understated the effects of the proposed development on the transportation system. Substantial evidence in the record points to this conclusion, while neither the applicant nor the City have provided a complete traffic analysis nor provided substantial evidence to support their opinions. Should you have any questions, feel free to contact me at 503-317-4559.

Sincerely,



Rick Nys, PE, PTOE
Principal Traffic Engineer

Experience and Expertise

I am a Professional Engineer (PE) registered in the State of Oregon and Idaho. I am a certified Professional Traffic Operations Engineer (PTOE). I hold a Bachelor of Science degree in Civil Engineering with emphasis in Transportation Engineering. I have over nine years of experience in traffic engineering and transportation planning.



1037 North Albany Road
Albany, Oregon 97321

ATTACHMENT H

SEP 22 2008

Dirk W. Olsen

Phone: (541) 926-0443

September 22, 2008

To Members of the Albany City Council:

As Co-Chair of North Albany Citizens in Action and a co petitioner to the LUBA appeal which has been remanded to you and that you are currently considering I would ask that you carefully consider the facts that our traffic engineer at Greenlight Engineering has presented you.

NACA membership consists of nearly 300 North Albany residents who are very concerned about the impact that this subdivision will have on traffic in North Albany, particularly North Albany Road if approved. Greenlight Engineering has determined that Thornton Lake Estates traffic study is flawed. Please err on the side of caution and reject this application on the grounds of the increased traffic that it will produce will oversaturate the system as now designed. Greenlight's facts will back up such a decision.

I am also submitting to the record for your review a document that we had submitted at an earlier hearing. The City has previously determined(12/19/05) that the road segment on Highway 20 between North Albany Road and Springhill Drive is a failing road segment. Adding more traffic to an already determined failing road segment within the impact zone of the proposed development should be reason

enough to deny this application.

This has been a long process and we thank you for your hard work as City Council members. We just ask that you carefully consider the facts presented to you and make the responsible decision as required by one who represents the Citizens of the City of Albany.

Sincerely,



Dirk W. Olsen
Co-Chair North Albany Citizens
in Action

Roadway Segment

TLE Will Dump Even More Traffic Onto An Already Declared Failed Road Segment.

Albany City Council

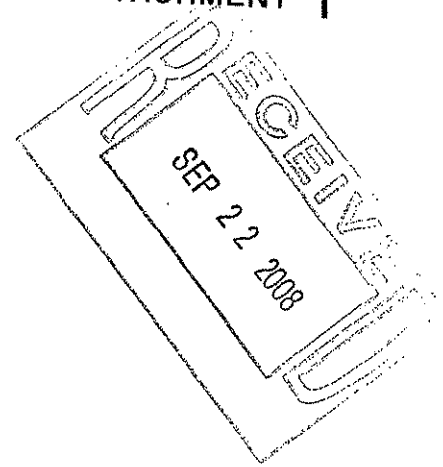
Page 4

April 26, 2006, for the December 19, 2005, City Council Meeting

Roadway segments, or “links,” can also be analyzed to determine a “link level of service” that generally describes how a particular roadway segment is operating during the peak hour. Link LOS is measured on an “A” (best) to “F” (worst) scale and the following six segments were found to operate at either LOS E or LOS F during the peak hour.

Roadway	From/To
US 20 (EB & WB)	North Albany Road – Springhill Road
US 20 (WB)	Springhill Road – 1st Avenue
Main Street	1st Avenue – Salem Avenue
Geary Street	Queen Avenue – Pacific Boulevard
14th Avenue	Geary Street – Clay Street
Queen Avenue	Liberty Street – Elm Street

M.E. Anderson
914 NW North Albany Rd
Albany, OR 97321



September 22, 2008

Albany City Council
333 Broadalbin Street SW
Albany, OR 97321

Subject: SD-05-07 and SP-14-07 Thornton Lake Estates
Remand – Transportation issues

Dear Members of the Council,

I'm concerned about your thoughts over this site. The safety issues, the traffic, the short comings that citizens will have to deal with before they are finally resolved.

The load of traffic and distribution seem to be high on Mr. Irish's concerns. He points out the "pass thru" traffic is the major problem. How do you mitigate the failing Hwy 20/NAR intersection? The trips are still there! So, how does the City reduce the 13% left turns from outside traffic (83% back down to 70% that Mr. Irish approves)? One solution to alleviate the problem, turn NAR into a one way north or turn the West end of Gibson Hill into a one-way onto Scenic.

My other thought is on the review criteria of street plan as to "afford the best economic, safe, and efficient circulation of traffic under the circumstances." What are the circumstances? Things seem to have changed a bit since January 2008. Have the "circumstances" now changed also? Does the city want an open area at this site for public use or another bedroom? What an opportunity for an outdoor learning center. A Native American center and pioneer center would be unique. Go for it folks and good look with future developments on "the hill."

Sincerely,

Merle Anderson

In reference to Ron Irish's letter of December 12, 2007

Item 1. It does not matter where the traffic comes from, it is still the fact that 83% of all of the turns onto Hwy 20 from North Albany road will end up in the left turn lane and will turn left onto Hwy 20. This fills up the left turn lanes during the peak hours. It also impacts Hwy 20 and the Springhill and Hwy 20 intersection. If the decision needs to be made as to the numbers used in a study it appears to me that the most conservative amount should be used. If the need arises to study another intersection, again we need to be as cautious as possible. After all Safety must be our first concern.

I personally never use that intersection to turn right onto Hwy.20. From my house I use Scenic and Oak Grove to Metge. From Metge to Independence Hwy. to Hwy. 20 then turn right onto Hwy. 20. Many of my neighbors also travel in that direction during the times when they travel to Corvallis. So that means that 100% of the time I turn left at Hwy. 20. Does that mean that I unnecessarily impact that intersection in such a way that it inflates the numbers? No. It just means that that is the easiest way to get around. If the final numbers indicate that 83% of all of the traffic turns left at Hwy 20, so be it. Then that is the number to use.

It would appear from Ron's letter that by fudging some of the numbers, or by using less than the minimum requirements that this development can be approved. Does that necessarily mean that that is how the development should be approved? What it does mean is that in the future at some time we will have to face the fact that we can not add additional housing in the area with out over impacting the traffic.

Ron goes on to say that a refusal of this development will create a moratorium on additional housing in this area. I disagree with his decision. This development sits in a very awkward position. It is between a lake and the railroad and as such the requirements are different here than at other areas in North Albany. With all of the other construction going on in this area at some time we will need to stop and decide that the traffic problems are great enough to stop any additional housing until the third bridge is built.

Additional developments that will not directly impact North Albany road at this location will have a lesser degree of impact. One of the problems at this development will be getting onto North Albany road, especially turning left during the morning peak. There are school buses and parents dropping off children at the nearby North Albany Middle School and Grade School. All of the busses stop at the Railroad crossing, and as such they are going slow as they are nearing the school zone. During the morning peak rush the speed of traffic at this location is much less than the posted speed limit and is near the 20 mph speed limit of the school zone. Traffic in the opposite direction is just getting back up to speed after leaving the school zone area.

Gaps in traffic caused by the traffic light at the School intersection are quickly filled up with traffic from the school and from both West and East Thornton Lake road.

SEP 22 2008

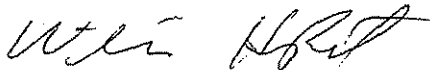
When the economy improves and housing construction continues in North Albany, there will be an increase in the traffic. Some of this traffic will use intersections other than the North Albany and Hwy. 20 intersection. As the traffic increases people living in housing developments in other areas will be able to choose alternative routes. This will allow the continued flow of traffic. At this development there is no alternative route. The only choice for residents in the Thornton Lake Estates Development will be right or left at North Albany road.

If this development is allowed to proceed, there will be other problems. There will be substantial traffic tie-ups which will be caused by the construction vehicles. This is not normally a problem at most locations. There will be a problem here due to the proximity of the railroad, and the left turn lane off of Hwy 20.

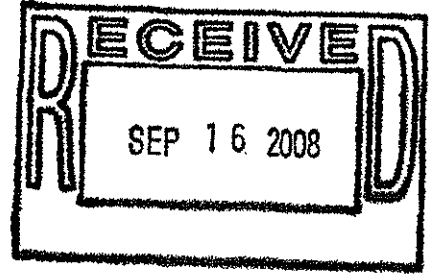
Ron Irish's letter does give the city council the opportunity to deny this application as it will not meet some of the ODOT criteria. I would suggest that at this time this application should be denied.

Bill Root

Chairman North Albany Neighborhood Association

A handwritten signature in cursive script, appearing to read "Bill Root".

September 15, 2008



Don Donovan
City of Albany Planning Division
333 Broadalbin Street SW
Albany, OR 97321

Re: SD-05-07, SP-14-07, Thornton Lake Subdivision, Bryon Hendricks Applicant

Dear Mr. Donovan:

This firm represents North Albany Citizens in Action, Dirk Olsen, and Merle Anderson. We have received the Notice of Record Re-Opening dated September 12, 2008. We are writing to notify the City that the procedures outlined in the Notice violate the terms of the LUBA remand and applicable law.

Please be advised that under ORS 227.181, the record cannot be reopened until the City receives written request from the applicant to reopen the hearing. We have no information that such a request has been made by the applicant.

Additionally, the decision on remand by the City is a quasi-judicial land use decision subject to review by LUBA. Therefore, the hearings procedures under ORS 197.763 *all* apply. The City should treat this application as a "new" application for a subdivision with the exception that the criteria for review is limited to those issues remanded by LUBA back to the City. A public hearing must be set and an evidentiary hearing set. Notices sent pursuant to City ordinance and ORS 197.763 at least 20 days prior to the evidentiary hearing. A staff report drafted. An opportunity for parties to review the staff report is required under ORS 197.763.

The September 12, 2008 Notice limits the presentable evidence beyond the scope dictated by LUBA. Problematic to the Notice is that it limits discussion "solely to the enclosed memo and transcript of Mr. Irish's testimony of December 12, 2007." (Emphasis added.) LUBA's remand does not limit evidence solely on Mr. Irish's memo. LUBA held,

Generally, where LUBA sustains a procedural assignment of error that requires remand to reopen the evidentiary record, and the reopening of the record could result in the adoption of new or revised findings regarding an approval criterion, LUBA does not proceed further to address other assignments of error that challenge the existing record and findings regarding that approval criterion. The first, second, third, fourth, sixth, eighth, ninth, tenth, and twelfth subassignments of error contain challenges to the city's findings regarding ADC 25 11.180(3). Thus . . . we do not consider those subassignments of error further.

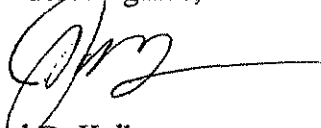


Consequently, under LUBA's ruling, the issues presented for new evidentiary hearings are not solely issues brought forth by Mr. Irish's memo, but must include all evidence directed to approval criteria contained in ADC 11.180(3) and the nine assignments of error LUBA sent back for reconsideration. This is the only appropriate reading of LUBA's decision because LUBA made it plain and clear that it was remanding the decision on those nine subassignments of error without any discussion regarding how Mr. Irish's memo addresses those assignments of error. In other words, LUBA remanded allowing for the submittal of all evidence relevant to those nine subassignments of error. The City's attempt to narrow the evidence to that solely responsive to Mr. Irish's memo goes beyond the scope of remand afforded under LUBA's order

Based on the instructions from LUBA and the procedures outlined in ORS Chapters 227 and 197, the City should withdraw its September 12, 2008 and set new notices and an evidentiary hearing in conformance with the requirements listed above.

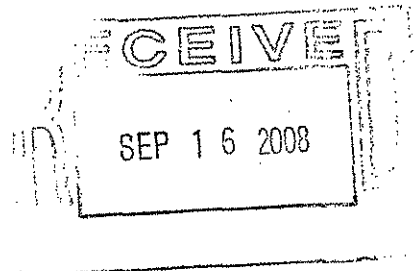
If you wish to discuss this further with me, please give me a call. Otherwise, I look forward to the City withdrawing the September 12, 2008 notice.

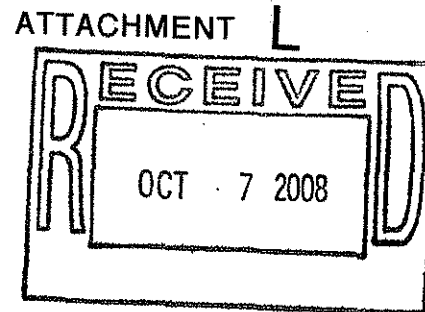
Kindest Regards,



Joel D. Kalberer
cc: Client

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October 7, 2008

Albany City Council
333 Broadalbin Street SW
Albany, OR 97321

Subject: SD-05-07 and SP-14-07 Thornton Lake Estates
Remand – Transportation issues

Dear Members of the Council,

This letter responds solely to the new evidence provided in ATEP's September 30, 2008 submittals regarding the proposed Thornton Lake Estates subdivision.

Traffic Counts Provided

The applicant has provided traffic counts at several intersections, which reveal new information about their flawed capacity analysis.

The ATEP traffic counts, taken in 2006, illustrate that there are six vehicles that proceed northbound from the boat ramp at the Highway 20/North Albany Road intersection during the weekday PM peak hour. However, ATEP's November 5, 2007 traffic analysis only shows three vehicles coming from the boat ramp during the weekday PM peak hour. This issue is important because the applicant has **not illustrated any green time** serving this movement in their capacity analysis, meaning that their analysis assumes that this movement does not receive a green indication at all during the entire hour. By understating the volume of this movement and not providing any green time for this movement in their analysis, the analysis artificially favors the other movements, artificially improving the analysis results.

The PM peak hour traffic counts also reveal the correct peak hour factor of the intersection, which is 0.89. In the applicant's November 5, 2007 traffic analysis, a peak hour factor of 0.96 was used. Ron Irish, in his December 12, 2007 letter, stated that the applicant's AM analysis should have used a peak hour factor of 0.95 "as they did in their p.m. analysis". In fact, the applicant used a peak hour factor of 0.96, which would improve the results of the capacity analysis in favor of the applicant.

It is unclear how this figure of 0.96 was determined. Nor is there is any discussion of why a different than field collected peak hour factor or a default 0.95 was utilized. Using a higher peak hour factor will artificially improve the results, indicating a lower v/c than if using the field collected peak hour factor or default peak hour factor. The peak hour factor issue was first discussed in our December 10, 2007 letter on pages 15 and 16.

The AM peak hour traffic counts also reveal the field collected peak hour factor of the intersection, which is 0.82. In the applicant's June 2007 traffic analysis, a peak hour factor of 1.0 was used. It has been acknowledged by Ron Irish that the applicant should not use a peak hour factor of 1.0, but rather a peak hour factor of 0.95 "as they did for their p.m. analysis". Although the applicant actually used a peak hour factor of 0.96 in their PM peak

hour analysis, the City's expert staff agrees that an inappropriate peak hour factor was used in their AM analysis.

It is unclear how this figure was determined as there is no discussion of why a different than field collected peak hour factor was utilized. Clearly, based upon the Crocker Lane analysis submitted in our September 30, 2008 report, using a peak hour factor of 1.0 greatly improves the capacity analysis for the applicant rather than using the field collected information or even the rate of 0.95 as described by Mr. Irish.

The Crocker Lane traffic analysis, as documented in our September 30, 2008 letter, provided a v/c ratio of 0.76 of the intersection, notably close to the operational standard of 0.80. Yet, the applicant's analysis is significantly lower, likely largely because of their choice of an unreasonably high peak hour factor. Using a higher peak hour factor will artificially improve the results, indicating a lower v/c than if using the field collected or default peak hour factor. The peak hour factor issue was first discussed in our December 10, 2007 letter on pages 15 and 16.

Lastly, although Mr. Irish states that "current counts could have been used to refine the intersection analysis in regard to lane utilization issues", the applicant's traffic counts do not provide any information regarding lane utilization of the intersection. To this date, the best information available regarding the lane utilization has been submitted by Greenlight Engineering.

Additional Crash Data Provided

We appreciate that ATEP has provided additional data regarding the crash history of North Albany Road. To this point, neither ATEP nor the City have provided any argument as to why the City's draft TSP indicates that the crash rate of North Albany Road exceeds 1.0, while the applicant's data indicates a crash rate less than half of the City's consultant's data. Still, there have been no conclusions regarding the inconsistency of the data.

Conclusion

The applicant's traffic analysis remains inaccurate, flawed, and has understated the effects of the proposed development on the transportation system. Substantial evidence in the record points to this conclusion, while neither the applicant nor the City have provided a complete traffic analysis nor provided substantial evidence to support their opinions. Should you have any questions, feel free to contact me at 503-317-4559.

Sincerely,



Rick Nys, PE, PTOE
Principal Traffic Engineer

October 14, 2008

OCT 14 2008

**Via Hand Delivery**

Mayor and City Council Members
 c/o Don Donovan
 City of Albany
 Community Development Department
 Planning Division
 333 Broadalbin Street
 Albany, OR 97321

RE: Thornton Lake Estates – Second Period Submission
Our File No. 15390

Dear Mayor and City Council Members:

This firm represents Thornton Lake Estates, LLC in its application to the City to subdivide property in North Albany for residential subdivision (City files SD-05-07 and SP-14-07). I write this letter in response to materials submitted during the first period of the City's re-opened record proceedings on remand from the State's Land Use Board of Appeals ("LUBA"). This letter first responds to the substance of traffic-related materials provided by opponents then responds to the procedural objection made by opponents.

1. As previously found by the Council, the proposed street plan still affords the best safe, efficient, economic circulation of traffic possible under the circumstances (ADC 11.180(3)). After expert review of the traffic materials submitted by opponents during this remand, it is clear that nothing submitted by the opponents in any way alters this Council's prior conclusion that ADC 11.180(3) is satisfied. That is to be expected in light of the narrow scope of this remand. Please review the Memo accompanying this letter from Mr. Dick Woelk, a traffic engineer of 30 years experience with Associated Transportation Engineering and Planning ("ATEP"). He addresses the opposing traffic testimony in greater detail.

I emphasize that the Council has already approved this subdivision application, including its proposed street plan. LUBA upheld the vast majority of that approval. The only reason LUBA remanded this case is to correct a procedural error. Otherwise, the approved substance of the application remains the same. The sole, remaining criterion at issue is ADC 11.180(3), which requires that the proposed street plan afford the best safe, efficient, and economic circulation of traffic possible under the circumstances. The Council, as evidenced by its approval adopted in January, 2008, has already found based on the vast evidence submitted that this application does

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 Salem, Oregon 97308

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in fact afford the best safe, efficient, and economic circulation of traffic possible under the circumstances. Such a decision was and continues to be well-founded.

The primary submission by opponents is a letter from Mr. Rick Nys, traffic engineer from Tualatin, Oregon, retained by North Albany Citizens in Action ("NACA"). With respect to ADC 11.180(3), although quoting it, Mr. Nys' lengthy submission fails to demonstrate or even attempt to demonstrate how the proposed plan is not safe, not efficient, or not economic (the benchmarks of ADC 11.180(3)). Instead, Mr. Nys focuses almost exclusively on the assumptions of the applicant's Traffic Impact Study ("TIA"). In reality, the TIA is but one piece of evidence demonstrating that this application accomplishes the best circulation of traffic possible under the circumstances. This letter addresses Mr. Nys' TIA assertions further below. The enclosed Memo from Mr. Woelk also provides detailed responses. However, with respect to Mr. Nys' general assertion of noncompliance with ADC 11.180(3), Mr. Nys disregards the following, significant facts:

1) This application accomplishes pedestrian safety by providing hundreds of feet of sidewalk on North Albany Road connecting the shopping center to the south with the elementary school to the north. As residents' video previously showed, there is a significant need for such a pedestrian facility now. That pedestrian facility will not only enhance pedestrian safety and connectivity on North Albany Road, but also between North Albany Road and properties east of the proposed subdivision over to Springhill Road. In addition, pedestrian connectivity is also accomplished to the adjacent southern property via the pedestrian connection to be provided to the railroad's pedestrian underpass.

2) This application accomplishes the City's TSP by providing street and right of way to be used for the eventual east-west connector between Springhill Road and North Albany Road in the specific alignment with the eventual extension of Jones Ave. That newly proposed intersection is in the only location it can be in light of east Thornton Lake to the north and the separation the intersection must have from the railroad crossing to the south.

3) The City's intersection performance guideline for the newly proposed, stop-controlled intersection on North Albany Road is v/c ratio of .85. The new intersection will perform well within that standard: a v/c ratio of .27 after buildout, and even .53 in 2014.

4) The City's intersection performance guideline for the signalized intersections such as North Albany Road and Hwy 20 is LOS D. As demonstrated by the enclosed Memo from Mr. Dick Woelk, ATEP, that intersection will perform at LOS C both after buildout and in 2014 (well within the City's Guideline) no matter what signal timing is used by ODOT.

5) The emergency access connection to Green Acres Lane provides the currently non-existent secondary access to the 45 homes in the Green Acres Lane neighborhood that are currently served only by its connection to Springhill Road.

6) Even after buildout of the proposed subdivision, the combined total of accident rates on North Albany Road, including the aggregate of all its segments and intersections, will be well within the City's guideline for accidents (aggregate of .51 accidents per million; guideline is 1.0).

7) This application provides five additional feet of right of way on the eastern side of North Albany Road as well as either improvement of that right of way or monetary payment to fund such improvements.

8) A slope and construction easement along the southern boundary of the property for ODOT's "Rails with Trails" connectivity program.

9) Right of way, streets, curbs, and sidewalks within the proposed subdivision that all meet the City's standards.

10) Lastly, the TIA demonstrates that all intersections and roadway segments impacted by traffic from this subdivision will perform within the City's Traffic Impact Study Guidelines. The assumptions of the TIA, including trip distributions and intersections analyzed, are based on the local knowledge and expertise of the City's Traffic Systems Analyst, Ron Irish, in conjunction with the 30-years experience of the applicant's traffic engineer, Mr. Dick Woelk (Associated Transportation Engineering & Planning, "ATEP")

Please note that despite the concern opponents have expressed for the safety and efficiency of this traffic system, not one of them has offered to make any improvements to any road or intersection to improve any perceived deficiencies in safety and efficiency. The only party through the long history of this application who has consistently offered to design, analyze, and fund any improvements is the applicant, Byron Hendricks. As can be seen, these improvements are many and costly. These improvements, even with the additional traffic generated by this subdivision, will facilitate and even enhance the City's TSP, including connectivity, efficiency, and safety. Please keep in mind that the "economy" of the proposed street plan is one of the considerations under ADC 11.180(3).

The above-listed improvements and benefits provided by this application are the best possible, particularly in light of these significant, limiting circumstances:

1) Vehicle traffic cannot cross the train tracks to the south of the property nor the lake and open space area to the north of the property. Those tracks cross North Albany Road as well, which requires this subdivision's entrance street to be a certain distance north of that crossing. In addition, the City desires to preserve the wildlife habitat running the length of the property on its southern and northern boundaries.

2) There are no pedestrian facilities on North Albany Road between the commercial center to the south and the elementary school site to the north. There are no pedestrian facilities connecting Springhill Road and North Albany Road. There are no pedestrian facilities connecting this property to the property south across the train tracks.

3) Green Acres Lane is not constructed to City standards.

4) It is not within the City's or the Applicant's discretion to make any changes to or conditions regarding the intersection of North Albany Road and Highway 20 as any such improvements are under the purview of ODOT, which was notified of this application but did not choose to participate while indicating that the City's criteria apply. Still, the City has done as much as possible by imposing a non-remonstrance condition for that intersection's improvements ultimately funded by assessments against the Applicant's property.

5) This subdivision only produces 2% of all traffic utilizing the North Albany Road/Hwy 20 intersection, and under Constitutional restrictions, the applicant can only be required to provide improvements proportionate to its impact.

6) The City's TSP calls for an east-west connector through this property in the alignment proposed by this application.

Mr. Nys provides virtually no connection between his TIA objections and his assertion that ADC 11.180(3) is not met. He has not provided evidence to demonstrate that the proposed street plan does not provide the best safe, efficient, and economic circulation of traffic possible under the circumstances. Despite Mr. Nys' lengthy submission, a close review of his materials reveals that at most, Mr. Nys has a differing opinion as to *assumptions* used in the TIA. Mr. Nys devotes much of his letter trying to convince the City to use ODOT's v/c ratio guideline. ODOT, despite being given the opportunity, has not asked the City to do so. If ODOT thought the City should use v/c

ratio, ODOT undoubtedly would have intervened. Yet, it did not. In short, Mr. Nys has continually failed to justify the use of his assumptions or that such *assumptions*, even if used, would alter the *conclusions* reached by both City staff and ATEP.

I urge the Council to remember that although the applicant's TIA does in fact comply with the City's TIA guidelines, this is a subdivision application for which the criterion applicable to traffic is ADC 11.180(3). In fact, LUBA specifically held in this case that while the TIA guidelines can provide relevant information, they are not subdivision criteria equivalent to ADC 11.180(3). ATEP's TIA stands as credible analysis upon which the Council can and should rely in determining whether this application meets the City's criterion of affording the best safe, efficient, and economic circulation of traffic possible under the circumstances.

The TIA is based in large measure on assumptions provided by the local expertise and knowledge of the City's Traffic Systems Analyst, Ron Irish. Those assumptions (for example, trip distributions and intersections analyzed) have been used for numerous development applications approved in North Albany, and it would be arbitrary, inconsistent, and inaccurate to change them now. Further, it would be significantly inequitable to the applicant to impose standards different than those that have been imposed on prior, approved applications—particularly at this late point when the applicant has justifiably adhered to the model and scope provided by City staff.

In response to the recently submitted testimony from Mr. Nys and others, I have discussed in this letter only a few of the many reasons that require approval of this subdivision and its associated street plan. The Council has already approved the application, which approval has already been largely affirmed by LUBA. Correction of the procedural error for which this case has been remanded should not be the basis of the City's changing its decision, particularly in light of the newly submitted information only confirming that the proposed street plan does indeed satisfy ADC 11.180(3) by affording the best safe, efficient, and economic circulation of traffic possible under the circumstances.

2. The City's remand procedures comply with applicable law and LUBA's remand order.

In a September 15, 2008 submitted by their legal counsel, North Albany Citizens in Action ("NACA"), Dirk Olsen, and Merle Anderson argue that the City's procedures on remand from LUBA violate state law and LUBA's order. As is demonstrated below, such assertion significantly misconstrues both applicable state law and LUBA's Final Order. In short, the City has already approved the procedure under the direction of the City's legal counsel, Jim Delapoer. I concur with Mr. Delapoer's conclusions that the process established by the Council complies with state law and LUBA's final order.

As you are aware, LUBA remanded the decision back to the City to correct what LUBA deemed to be a procedural error that occurred after the public record closed during the Council's proceedings on December 12, 2007. After the close of the Council's public hearing on December 12, 2007, Ron Irish, the City's Traffic Systems Analyst, submitted a memorandum to the Council regarding traffic matters. Some of Mr. Irish's memorandum was used in the City's findings. Unfortunately, LUBA found that a portion of Mr. Irish's testimony constituted new "evidence," to which parties should be given opportunity to respond. LUBA stated as follows:

"The [Irish] memorandum states in pertinent part:

'A review of Albany's accident data for the period between 2002 and 2006 did not show any accidents occurring on [the segment of North Albany Road between Highway 20 and Hickory Street]. Because Albany's accident data base does not show any accidents as having occurred on this segment during the analysis period, staff does not believe that the ambiguity over the extent of the ODOT crash report is significant.'"

LUBA found that the reference to those two sentences alone in the city's findings "requires remand to open the evidentiary record and allow an opportunity to respond to that new evidence." (emphasis added). Accordingly, LUBA's remand actually required parties an opportunity to respond to *the above-quoted evidence only*. LUBA required only that the record be re-opened on remand. No hearing is required. The City has elected to broaden the remand by allowing response to not only the above-quoted evidence, but also to Ron Irish's December 12, 2007 memo as well as his verbal testimony on the night of December 12, 2007.

Additionally, nowhere in LUBA's order did it require a hearing. In fact, no hearing is required. NACA asserts that ORS 197.763, including its hearing requirements, applies to this remand. There is no authority for such a proposition even in the plain text of ORS. In fact, such a position is contrary to well-established LUBA case law.

In addition, NACA asserts that ORS 227.181, which contains procedural requirements for local government remand proceedings from LUBA, prohibits the City from commencing the remand proceedings without a written request from the applicant. Again, NACA misconstrues the law. There is no such prohibition in ORS 227.181. That statutory provision merely states that once the applicant submits written confirmation, the City *must* start its proceedings. In light of that requirement as well as the 90-day time limitation for the City to take final action on a remand (contained in ORS 227.181), which time limitation can only be waived by the applicant, it is clear that the provisions of ORS 227.181 are for the benefit of the applicant.

In this case, as evidenced by the enclosed email to Jim Delapoer, on September 4, 2008, on behalf of the applicant I formally requested by phone the commencement of the remand proceedings, which precipitated the Council's vote on remand procedures on the night of September 10, 2008. I also attended the September 10, 2008 meeting to confirm that the procedures would be as outlined in the staff memo to the Council. There was no need for a formal written request to start the proceedings in light of the fact that the City was already commencing them. Nevertheless, were a formal written request deemed necessary, I have enclosed for the record my September 25, 2008 email to Jim Delapoer evidencing a formal request to commence the remand proceedings.

In short, the proceedings adopted by the city for this remand comply with all applicable state law, and even exceed the scope of remand required by LUBA.

Conclusion

I respectfully urge the Council to affirm its prior decision to approve this subdivision application based on its prior conclusion that the proposed street plan affords the best safe, efficient, and economic circulation of traffic possible under the circumstances. The remand procedures adopted by the City to correct the procedural error have been lawful, and the opposition's materials

received during this remand provide no additional evidence that would contradict the City's prior findings and decision.

Sincerely,



BRIAN G. MOORE
bmoore@sglaw.com
Voice Message #366

BGM:jsm
Enclosures

H:\Docs\15000-15499\15390\Remand\Letter.Mayor& City Council.doc

Brian G. Moore

From: Brian G. Moore
Sent: Thursday, September 25, 2008 9:39 AM
To: Delapoer, Jim
Subject: Remand Request Confirmation

Jim,

I send this email as written confirmation of our phone conversation on September 4, 2008 in which I, on behalf of the applicant, requested the commencement of the procedures for LUBA's remand associated with the appeal of the Thornton Lake Estates subdivision application (LUBA No. 2008-020). The City's commencing such procedures by vote on September 10, 2008 renders moot the need for a formal request by the applicant as contemplated by ORS 227.181(2)(a). If such action by the City were deemed insufficient, our September 4, 2008 conversation and, to the extent necessary, this written email confirmation constitute the request contemplated by ORS 227.181(2)(a).

Regards,
Brian

SAALFELD GRIGGS PC

Brian Moore
Lawyer
tel: 503-399-1070
e-mail: bmoore@sglaw.com
www.sglaw.com

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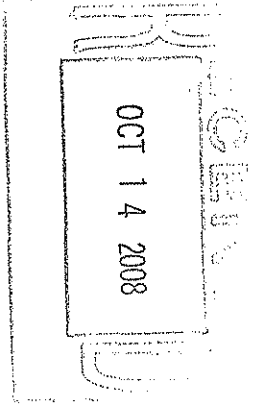
Circular 230 Notice: We must inform you that this message, if it contains advice relating to federal taxes, was not intended or written to be used, and it cannot be used, for the purpose of avoiding penalties that may be imposed under federal tax law. Under these rules, a taxpayer may rely on professional advice to avoid federal tax penalties only if that advice is reflected in a comprehensive tax opinion that conforms to stringent requirements under federal law. Please contact me if you would like to discuss our preparation of an opinion that conforms to these new rules.

15390

Associated Transportation Engineering & Planning, Inc.

Memo

Date: October 13, 2008
 To: Albany City Council
 From: Richard Woelk, PE
 Re: Thornton Lake Estates - Transportation



Members of Albany City Council:

This memo responds to the September 29, 2008 letter from Mr. Richard Nys, PE at Greenlight Engineering of Tualatin, Oregon. We continue to believe that ATEP has accurately portrayed the circumstances of the impact of the Thornton Lake Estates traffic and has conducted its Traffic Impact Study ("TIA") consistent with the City's Traffic Impact Study Guidelines under the expertise and local knowledge of the City's Traffic Systems Analyst, Ron Irish. We continue to believe that Mr. Irish affirms our position and that Mr. Nys is wrong and/or represents a minority position and opinion. ATEP continues to assert that its TIA accurately provides evidence to support the City's decision to approve the proposed street plan as it affords the best economic, safe and efficient circulation of traffic possible under the circumstances.

It is reasonable for engineering professionals to disagree. We respect Mr. Nys' opinion and continue to offer our analysis as our definitive professional opinion based on current engineering practice that is reliable for decision making. However, we find the exaggerated words and phrases used by Mr. Nys to provide weight to his minority opinion to be a failing attempt to confuse the issues and obscure the facts needed by the City to make its decision.

For the reasons below, ATEP continues to conclude that its TIA provides evidence demonstrating that the proposed street plan is the best possible under the circumstances as witnessed by 1) accident rates on roadway segments well below the City's standard using standard engineering practice, 2) the capacity analysis of the studied intersections showing compliance with the City's performance guidelines based on a scope of work requested by the City Staff, and 3) the review by the City Staff and their subsequent concurrence with our work. Following are our response and recommendations to the items Mr. Nys highlights in his September 29, 2008 letter to you.

Item 1: The trip generation assumptions are certainly based on engineering judgment and experience. We will respectfully disagree with Mr. Nys and continue to use trip distribution assumptions agreed to with the City of Albany staff. Section 15.1 of the Traffic Impact Analysis Guidelines (see below) allows

Associated Transportation Engineering & Planning, Inc.

the use of a trip distribution based upon local knowledge. Mr. Irish required a trip distribution based on his local knowledge of the North Albany area. In addition, the trip distribution used for the Thornton Lakes development is the same as the previous traffic studies conducted in the area. The City's Traffic Impact Study Guidelines state:

15. SITE TRAFFIC DISTRIBUTION AND ASSIGNMENT

Manual traffic distribution and assignment based on the gravity model principle can be accomplished using experience, judgement, and knowledge of local conditions. However, projects generating more than 300 peak-hour trips may be required, at the discretion of staff, to use the City transportation model for traffic distribution and assignment.

ATEP followed the distribution model at the direction of the City's Traffic Systems Analyst, Ron Irish, who has a great deal more local knowledge than Mr. Nys. Using that local knowledge and experience, Mr. Irish proscribed the distributions used in ATEP's TIA. Despite Mr. Nys' disagreement with the trip distribution assumptions, Ron Irish has consistently agreed with distributions used in ATEP's TIA particularly *because of his local expertise.*

Item 2: Mr. Nys devotes roughly 11 pages of his letter seeking to impose ODOT's v/c ratio as the performance guideline for the intersection of Highway 20 and North Albany Road. As part of Mr. Nys' attempt to justify this approach and his critique of ATEP's analysis, Mr. Nys continues to overstate the significance of signal timing at an intersection.

As the City's initial approval already indicates, the City's guideline for this intersection is Level of Service ("LOS") D. The enclosed TRAFFIX calculation sheets demonstrate that no matter what the signal timing is at Hwy 20's intersection with N Albany Road (100, 110, or 120 seconds), the intersection will perform at LOS C, within the City's guideline. As for Mr. Nys' attempt to apply ODOT's standard, as all parties now agree, ODOT was aware of this application but did not choose to participate and did not impose the v/c ratio noting that the City's development review standards apply. Nevertheless, we continue to believe that the 2009 v/c ratio, even if it were used, will be .79 or lower. Further, the City's *criterion* for traffic is that the proposed street plan afford the best safe, efficient, and economic circulation of traffic possible under the circumstances. We continue to assert this application does so.

It is noteworthy that Mr. Nys either obfuscates facts and issues or appears to not understand the use of the Highway Capacity Software that performs capacity calculations. As one example, in which Mr. Nys attempts to discredit ATEP's study, he implies that ATEP manipulates the data by "arbitrarily" raising the maximum green times in its analysis. That is false. Mr. Nys does not understand or does not explain that the green times are used in relation to individual movements in the intersection. Green times are not the controlling factor for determining overall performance of an intersection as is the purpose of the TIA. In fact, ATEP did not change the green times at all. The green times are automatically

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calculated by the software as part of its assumptions for determining intersection performance. Nevertheless, the software allows the options of manually inputting a minimum or a maximum green time for each movement rather than allowing the software to automatically determine the green time. Enclosed are analysis sheets reflecting each of these options using the Traffix Software. Each sheet demonstrates that, contrary to Mr. Nys' assertion, neither the LOS nor the v/c ratio of the intersection are changed by changing the green times. Furthermore, the "ATEP Analysis Green Time(s)" produced by Mr. Nys on p. 13 of his letter are not actually from ATEP's analysis at all. He apparently derived them in an unknown manner inappropriate to how they would be implemented in the field. This is one example of many from Mr. Nys' letter in which we find Mr. Nys' analysis to be inaccurate and misleading as to its significance and relevance. We find his analysis to generally be a failed attempt to attack ATEP's credibility, which attempt, while useful for helping us confirm the legitimacy of our own work, does not aid productive dialogue on the subject.

It also bears repeating that Thornton Lake Estates represents merely 2% of the PM Peak Hour traffic through the intersection of Highway 20 at North Albany Road, and the developer has agreed to participate in an extension of the right turn lane onto North Albany Road with a non remonstrative agreement. While no mitigation is necessary since the intersection performs within the City's standard, such a condition of non-remonstrance more than mitigates for this subdivision's minimal impact to the intersection. Lastly, because the intersection is within ODOT's jurisdiction, improvements to the intersection are not the purview of the City and therefore cannot be made conditions on the application.

Item 4: Mr. Nys notes that traffic counts were taken, but not used. ATEP in its September 19, 2008 letter to the Albany City Council attached the unused traffic counts and noted that they were not used, with the agreement of Mr. Irish, because they were lower than counts previously submitted for prior, approved developments. ATEP did not use the counts Mr. Nys refers to so the analysis would be more conservative than if the counts had been used. One can imagine a comment that they should not have been used if they had been used.

Item 6: Mr. Nys notes the "accident rate on North Albany Road south of the site is within standard." We agree with Mr. Nys. The City of Albany standard is established for a "segment" of roadway or at intersections. The TIA guidelines state:

16.2 Roadway and Intersection Safety

All existing streets and intersections adjacent to the development and existing streets, and intersections directly utilized by the development for access, regardless of the generated volume of traffic, and existing streets and intersections off site from the development that will receive 50 or

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more additional peak hour trips with completion of the development, must not have accident rates exceeding 1.0 accidents per million vehicle miles of travel for **street segments**, and 1.0 accidents per million entering vehicles for street **intersections**.

For a traffic engineer, the segment of a roadway is a portion of roadway that begins 250' beyond an intersection and ends 250' before an intersection. The information I submitted during the first remand period demonstrates that the segments and intersections on N Albany Rd between Hwy 20 the proposed Thornton Lake Estates access both individually (highest is .37) and collectively (.51) are well within the TIA Guidelines of 1.0 accidents per million miles traveled (segments) and entering vehicles (intersections). ATEP has used the standard engineering practice of gathering current crash data from ODOT for this analysis, which data Mr. Nys acknowledges is the most accurate.

Mr. Nys asserts that Figure 5 of a draft Transportation System Plan Update for the City by Kittelson Engineering is evidence of higher accident rates. However, Figure 5 shows the combined (intersection and segment) accident rate for the entire length of N Albany Road between Hwy 20 and Gibson Hill Road, which includes segments and intersections not impacted by this application. In addition, Figure 5 represents outdated data. It was apparently based on data for the period of years 2000 to 2003.

Item 7: The City of Albany traffic staff has concluded that all aspects of the HCM are met. ATEP continues to support and agree with City of Albany staff in the work they have done for this development. We will not speak for the City, but retain our confidence in their work. They have consistently represented the City and its residents with integrity and as professionals. ATEP agrees with Mr. Nys that "we find Mr. Irish to be quite competent and he has been very helpful throughout this application".

2014 Site-Entrance Intersection Analysis: Mr. Nys suggests that analysis was not performed for the site entrance intersection with North Albany Road for future year 2014. Such analysis was in fact performed, and a revised Table 6 of the TIA showing future, 2014 conditions of that intersection was submitted at the November 5, 2007 public hearing demonstrating that the intersection will continue to perform well within the City's guidelines even in 2014. If the Traffix calculation sheets were not included at that time, they are now enclosed to demonstrate that the Table 6 numbers are derived from analysis assuming one northbound and one southbound lane.

Conclusion:

ATEP thanks the City of Albany, particularly Mr. Ron Irish, for providing a comprehensive scope of work, helpful information and thorough review of the analysis we provided for the traffic impacts of

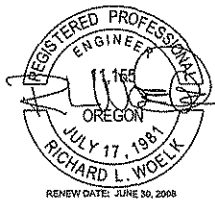
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Thornton Lake Estates. We continue to believe the analysis provides important information to the City Council to support their decision to approve the subdivision. While it creates additional work and takes time, we welcome Mr. Nys' review of the work we have done. His perspective has provided an opportunity to again consider Mr. Nys' opinion as well as Ron Irish's analysis, our work, and the City's decision to approve this subdivision based thereon. After such consideration, we find nothing that changes the conclusions and recommendations of the Thornton Lake Estates TIA submitted last year based upon both Ron Irish's expertise and local knowledge as well as our own. Ron Irish has served the City in his capacity as Traffic Systems Analyst for many years. I have 30 years experience in traffic engineering.



Mr. Richard Woelk, PE, TE

Associated Transportation Engineering & Planning, Inc.



Traffic sheets showing LOS C regardless of signal timing (N. Albany Road/Hwy. 20)

Thornton Lake Estates
2009 PM Peak Hour Traffic
Associated Transportation Engineering & Planning, Inc.

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #9 N. Albany Rd at Hwy 20

Cycle (sec): 100 Critical Vol./Cap. (X): 0.824
Loss Time (sec): 16 (Y+R=4.8 sec) Average Delay (sec/veh): 22.3
Optimal Cycle: 92 Level Of Service: C

Table with columns: Approach (North Bound, South Bound, East Bound, West Bound), Movement (L, T, R), Control (Split Phase, Protected), Rights (Include, Ovl), Min. Green, Lanes.

Volume Module:2008 Background Volumes

Table with columns: Base Vol, Growth Adj, Initial Bse, Added Vol, PasserByVol, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, FinalVolume.

Saturation Flow Module:

Table with columns: Sat/Lane, Adjustment, Lanes, Final Sat.

Capacity Analysis Module:

Table with columns: Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, LOS by Move, HCM2kAvgQ.

Note: Queue reported is the number of cars per lane.

Thornton Lake Estates
2009 PM Peak Hour Traffic
Associated Transportation Engineering & Planning, Inc.

Level Of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)

Intersection #9 N. Albany Rd at Hwy 20

Cycle (sec): 110 Critical Vol./Cap.(X): 0.810
Loss Time (sec): 16 (Y+R=4.0 sec) Average Delay (sec/veh): 23.1
Optimal Cycle: 92 Level Of Service: C

Table with 4 columns: North Bound, South Bound, East Bound, West Bound. Rows include Movement (L-T-R), Control (Split Phase, Protected), Rights (Include, Ovl), Min. Green, and Lanes.

Volume Module: 2008 Background Volumes. Table with 13 columns and 15 rows including Base Vol, Growth Adj, Initial Bse, Added Vol, PasserByVol, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, and Final Volume.

Saturation Flow Module. Table with 13 columns and 4 rows including Sat/Lane, Adjustment, Lanes, and Final Sat.

Capacity Analysis Module. Table with 13 columns and 10 rows including Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, LOS by Move, and HCM2kAvgQ.

Note: Queue reported is the number of cars per lane.

Thornton Lake Estates
2009 PM Peak Hour Traffic
Associated Transportation Engineering & Planning, Inc.

Level Of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)

Intersection #9 N. Albany Rd at Hwy 20

Cycle (sec): 120 Critical Vol./Cap. (X): 0.799
Loss Time (sec): 16 (Y+R=4.0 sec) Average Delay (sec/veh): 24.0
Optimal Cycle: 92 Level Of Service: C

Table with 4 columns: North Bound, South Bound, East Bound, West Bound. Rows include Movement, Control, Rights, Min. Green, and Lanes.

Volume Module:2008 Background Volumes

Table with 12 columns representing different volume categories and 12 rows of data including Base Vol, Growth Adj, Initial Bse, etc.

Saturation Flow Module:

Table with 12 columns and 4 rows of data for Sat/Lane, Adjustment, Lanes, and Final Sat.

Capacity Analysis Module:

Table with 12 columns and 10 rows of data for Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, etc.

Note: Queue reported is the number of cars per lane.

**Traffic Sheets showing consistent LOS and v/c ratio
despite changes in Green Times
(N. Albany Road/Hwy. 20)**

Thornton Lake Estates
 2009 PM Peak Hour Traffic With Minimum Green Times inserted
 Associated Transportation Engineering & Planning, Inc.

Level Of Service Computation Report
 2000 HCM Operations Method (Future Volume Alternative)

 Intersection #9 N. Albany Rd at Hwy 20

Cycle (sec): 120 Critical Vol./Cap.(X): 0.799
 Loss Time (sec): 16 (Y+R=4.0 sec) Average Delay (sec/veh): 28.3
 Optimal Cycle: 92 Level Of Service: C

Approach:	North Bound			South Bound			East Bound			West Bound					
Movement:	L	T	R	L	T	R	L	T	R	L	T	R			
Control:	Split Phase			Split Phase			Protected			Protected					
Rights:	Include			Include			Include			Ovl					
Min. Green:	5	0	5	5	0	5	5	10	0	5	10	0			
Lanes:	0	0	1	0	0	1	0	1	1	0	1	0	2	0	1

Volume Module:2008 Background Volumes

Base Vol:	1	1	1	540	1	110	160	865	1	2	700	865
Growth Adj:	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02
Initial Bse:	1	1	1	551	1	112	163	882	1	2	714	882
Added Vol:	0	0	0	18	0	8	14	0	0	0	0	30
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	1	1	1	569	1	120	177	882	1	2	714	912
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
PHF Volume:	1	1	1	593	1	125	185	919	1	2	744	950
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	1	1	1	593	1	125	185	919	1	2	744	950
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	1	1	1	593	1	125	185	919	1	2	744	950

Saturation Flow Module:

Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.94	0.94	0.94	0.92	0.85	0.85	0.95	0.95	0.95	0.95	0.95	0.85
Lanes:	0.34	0.33	0.33	2.00	0.01	0.99	1.00	1.99	0.01	1.00	2.00	1.00
Final Sat.:	595	595	595	3502	14	1603	1805	3606	4	1805	3610	1615

Capacity Analysis Module:

Vol/Sat:	0.00	0.00	0.00	0.17	0.08	0.08	0.10	0.25	0.25	0.00	0.21	0.59
Crit Moves:	****			****			****					****
Green/Cycle:	0.04	0.04	0.04	0.20	0.20	0.20	0.12	0.54	0.54	0.09	0.50	0.70
Volume/Cap:	0.04	0.04	0.04	0.84	0.39	0.39	0.84	0.48	0.48	0.01	0.41	0.84
Delay/Veh:	55.4	55.4	55.4	54.6	42.2	42.2	75.0	17.6	17.6	50.1	19.0	18.5
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	55.4	55.4	55.4	54.6	42.2	42.2	75.0	17.6	17.6	50.1	19.0	18.5
LOS by Move:	E	E	E	D	D	D	E	B	B	D	B	B
HCM2kAvgQ:	0	0	0	13	4	4	9	11	11	0	9	27

Note: Queue reported is the number of cars per lane.

Thornton Lake Estates
 2009 PM Peak Hour Traffic With Maximum Green Times inserted
 Associated Transportation Engineering & Planning, Inc.

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #9 N. Albany Rd at Hwy 20

Cycle (sec):	120	Critical Vol./Cap. (X):	0.799
Loss Time (sec):	16 (Y+R=4.0 sec)	Average Delay (sec/veh):	24.0
Optimal Cycle:	92	Level Of Service:	C

Approach:	North Bound	South Bound	East Bound	West Bound
Movement:	L - T - R	L - T - R	L - T - R	L - T - R

Control:	Split Phase	Split Phase	Protected	Protected
Rights:	Include	Include	Include	Ovl
Min. Green:	0 0 0	0 0 0	0 0 0	0 0 0
Lanes:	0 0 1 0 0	2 0 0 1 0	1 0 1 1 0	1 0 2 0 1

Volume Module:2008 Background Volumes

Base Vol:	1 1 1	540 1 110	160 865 1	2 700 865
Growth Adj:	1.02 1.02 1.02	1.02 1.02 1.02	1.02 1.02 1.02	1.02 1.02 1.02
Initial Bse:	1 1 1	551 1 112	163 882 1	2 714 882
Added Vol:	0 0 0	18 0 8	14 0 0	0 0 30
PasserByVol:	0 0 0	0 0 0	0 0 0	0 0 0
Initial Fut:	1 1 1	569 1 120	177 882 1	2 714 912
User Adj:	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00
PHF Adj:	0.96 0.96 0.96	0.96 0.96 0.96	0.96 0.96 0.96	0.96 0.96 0.96
PHF Volume:	1 1 1	593 1 125	185 919 1	2 744 950
Reduct Vol:	0 0 0	0 0 0	0 0 0	0 0 0
Reduced Vol:	1 1 1	593 1 125	185 919 1	2 744 950
PCE Adj:	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00
MLF Adj:	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00
FinalVolume:	1 1 1	593 1 125	185 919 1	2 744 950

Saturation Flow Module:

Sat/Lane:	1900 1900 1900	1900 1900 1900	1900 1900 1900	1900 1900 1900
Adjustment:	0.94 0.94 0.94	0.92 0.85 0.85	0.95 0.95 0.95	0.95 0.95 0.85
Lanes:	0.34 0.33 0.33	2.00 0.01 0.99	1.00 1.99 0.01	1.00 2.00 1.00
Final Sat.:	595 595 595	3502 14 1603	1805 3606 4	1805 3610 1615

Capacity Analysis Module:

Vol/Sat:	0.00 0.00 0.00	0.17 0.08 0.08	0.10 0.25 0.25	0.00 0.21 0.59
Crit Moves:	****	****	****	****
Green/Cycle:	0.00 0.00 0.00	0.21 0.21 0.21	0.13 0.65 0.65	0.00 0.52 0.74
Volume/Cap:	0.80 0.80 0.80	0.80 0.37 0.37	0.80 0.39 0.39	0.39 0.39 0.80
Delay/Veh:	349.5 349 349.5	51.0 41.1 41.1	68.4 10.0 10.0	100.8 17.2 14.0
User DelAdj:	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00
AdjDel/Veh:	349.5 349 349.5	51.0 41.1 41.1	68.4 10.0 10.0	100.8 17.2 14.0
LOS by Move:	F F F	D D D	E A A	F B B
HCM2kAvgQ:	1 1 1	13 4 4	9 8 8	0 8 24

Note: Queue reported is the number of cars per lane.

Thornton Lake Estates
 2009 PM Peak Hour Traffic Green Times Calculated by Program
 Associated Transportation Engineering & Planning, Inc.

Level of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

 Intersection #9 N. Albany Rd at Hwy 20

Cycle (sec): 120 Critical Vol./Cap. (X): 0.799
 Loss Time (sec): 16 (Y+R=4.0 sec) Average Delay (sec/veh): 24.0
 Optimal Cycle: 92 Level Of Service: C

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Split Phase			Split Phase			Protected			Protected		
Rights:	Include			Include			Include			Ovl		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Lanes:	0	0	1	0	0	0	2	0	0	1	0	0

Volume Module: 2008 Background Volumes

Base Vol:	1	1	1	540	1	110	160	865	1	2	700	865
Growth Adj:	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02
Initial Bse:	1	1	1	551	1	112	163	882	1	2	714	882
Added Vol:	0	0	0	18	0	8	14	0	0	0	0	30
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	1	1	1	569	1	120	177	882	1	2	714	912
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
PHF Volume:	1	1	1	593	1	125	185	919	1	2	744	950
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	1	1	1	593	1	125	185	919	1	2	744	950
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Volume:	1	1	1	593	1	125	185	919	1	2	744	950

Saturation Flow Module:

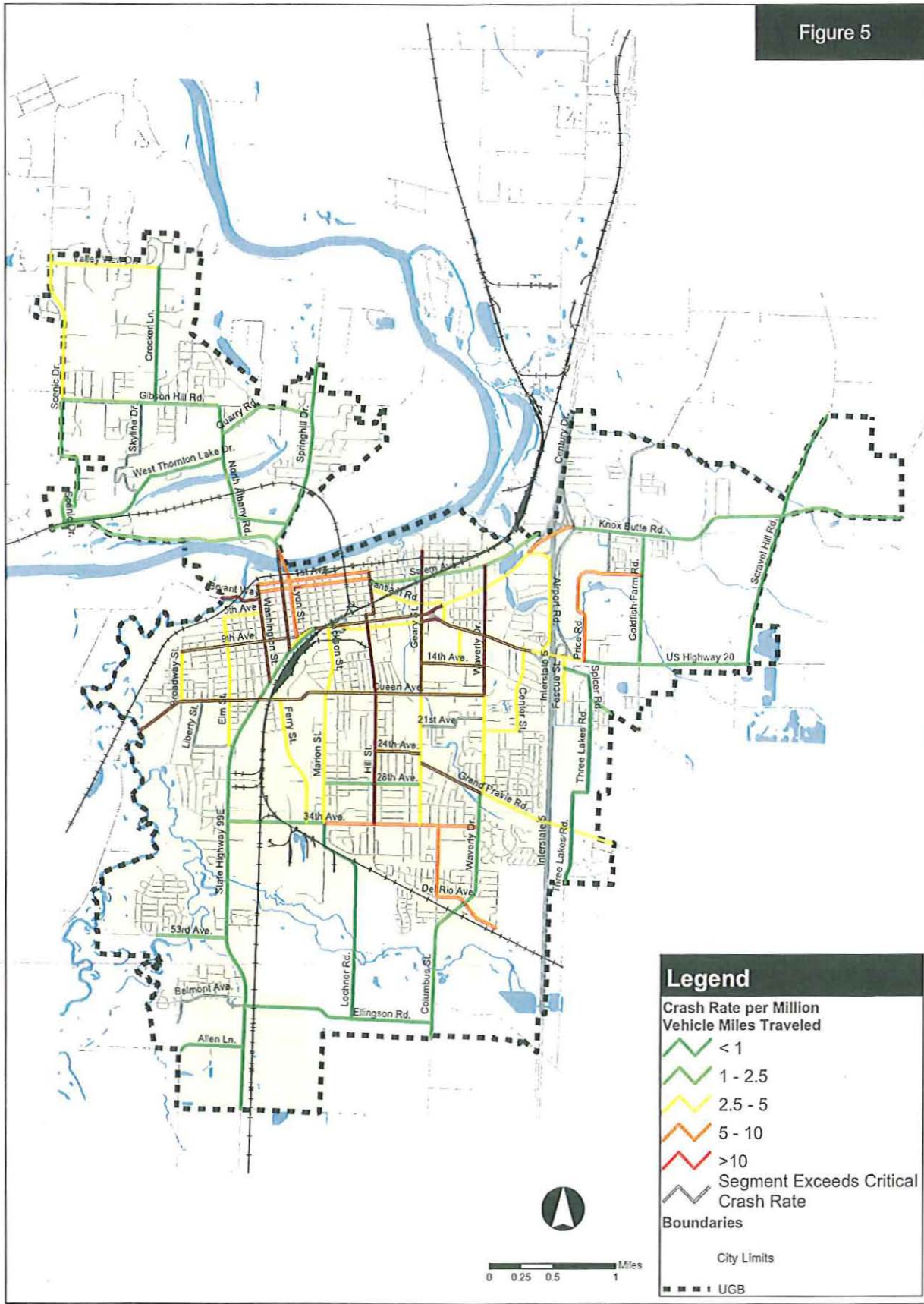
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.94	0.94	0.94	0.92	0.85	0.85	0.95	0.95	0.95	0.95	0.95	0.85
Lanes:	0.34	0.33	0.33	2.00	0.01	0.99	1.00	1.99	0.01	1.00	2.00	1.00
Final Sat.:	595	595	595	3502	14	1603	1805	3606	4	1805	3610	1615

Capacity Analysis Module:

Vol/Sat:	0.00	0.00	0.00	0.17	0.08	0.08	0.10	0.25	0.25	0.00	0.21	0.59
Crit Moves:	****	****	****	****	****	****	****	****	****	****	****	****
Green/Cycle:	0.00	0.00	0.00	0.21	0.21	0.21	0.13	0.65	0.65	0.00	0.52	0.74
Volume/Cap:	0.80	0.80	0.80	0.80	0.37	0.37	0.80	0.39	0.39	0.39	0.39	0.80
Delay/Veh:	349.5	349	349.5	51.0	41.1	41.1	68.4	10.0	10.0	100.8	17.2	14.0
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	349.5	349	349.5	51.0	41.1	41.1	68.4	10.0	10.0	100.8	17.2	14.0
LOS by Move:	F	F	F	D	D	D	E	A	A	F	B	B
HCM2kAvgQ:	1	1	1	13	4	4	9	8	8	0	8	24

Note: Queue reported is the number of cars per lane.

Figure 5



**TIA and Traffix sheets showing 2014 performance of
Site Entrance intersection assuming one lane each
direction**

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Table 5 – Crash Data Summary - 2000-2006

Year	Fatal Crashes	Injury Crashes	Non Injury Crashes	Total
2000	0	1	2	3
2001	0	0	0	0
2002	0	2	2	4
2003	0	0	4	4
2004	0	2	0	2
2005	0	0	3	3
2006	0	2	3	5
Total	0	7	14	21

Future (2014) Traffic Conditions

The traffic impact analysis examines how the studied intersections will function in the future as traffic on the streets increases over time and other development occurs in the City of Albany. For this analysis, this study assumed that the traffic on the studied roadways would increase at a rate of 2% per year for the next 7 years (2009 and 2014). Figure 9 shows the expected Peak Hour traffic volumes if the site-generated traffic is added to the existing traffic adjusted for growth.

Table 6 - Thornton Lake Estates – Future (2014) Level of Service Measures

	Roundabout		Stop Controlled	
	AM Peak Hr	PM Peak Hr	AM Peak Hr	PM Peak Hr
N Albany Rd at Hickory	B/16.3/0.849	B/18.2/0.872	NA ↓	NA ↓
N Albany at Entrance	E/48.1/1.03	E/42.8/1.08	F/76.1/.53	F/94.9/.45
N Albany at Highway 20	C/23.8/0.678	C/25.5/0.890	NA	NA

(LOS / Delay / v/c)

Table 6 shows the expected level of service standards with the anticipated increased traffic volumes in 2014. The studied intersections in the City of Albany will continue to

Thornton Lake Estates TIA
Revised 2014 PM Future Peak Hour
Associated Transportation Engineering & Planning, Inc.

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #5 North Albany Road at Site Entrance

Average Delay (sec/veh): 1.7 Worst Case Level Of Service: F [94.9]

Table with 4 columns: North Bound, South Bound, East Bound, West Bound. Rows include Movement, Control, Rights, and Lanes.

Table with 12 columns for volume and delay metrics. Rows include Base Vol, Growth Adj, Initial Bse, Added Vol, PasserByVol, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, and Final Volume.

Table for Critical Gap Module with 6 columns. Rows include Critical Gp and FollowUpTim.

Table for Capacity Module with 6 columns. Rows include Conflict Vol, Potent Cap., Move Cap., and Volume/Cap.

Table for Level Of Service Module with 6 columns. Rows include 2Way95thQ, Control Del, LOS by Move, Movement, Shared Cap., Shared Queue, Shrd ConDel, Shared LOS, ApproachDel, and ApproachLOS.

Note: Queue reported is the number of cars per lane.

Thornton Lake Estates TIA
Revised 2014 AM Future Peak Hour
Associated Transportation Engineering & Planning, Inc.

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #5 North Albany Road at Site Entrance

Average Delay (sec/veh): 2.3 Worst Case Level Of Service: F [76.1]

Table with columns: Approach (North Bound, South Bound, East Bound, West Bound), Movement (L-T-R), Control (Uncontrolled, Stop Sign), Rights (Include), Lanes (0 0 0 1 0, 0 1 0 0 0, 0 0 1 0 0, 0 0 1 0 0)

Volume Module: >> Count Date: 17 Nov 2005 << 7-9
Base Vol: 0 415 0 0 965 0 0 0 0 0 0 0
Growth Adj: 1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10
Initial Bse: 0 458 0 0 1065 0 0 0 0 0 0 0
Added Vol: 0 0 12 4 0 0 0 0 0 36 0 12
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 0 458 12 4 1065 0 0 0 0 36 0 12
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 0.83 0.83 0.83 0.83 0.83 0.83 0.83 0.83 0.83 0.83 0.83 0.83
PHF Volume: 0 552 14 5 1284 0 0 0 0 43 0 14
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
Final Volume: 0 552 14 5 1284 0 0 0 0 43 0 14

Critical Gap Module:
Critical Gp: 4.1 6.5 6.4 6.5 6.2
FollowUpTim: 2.2 4.0 3.5 4.0 3.3

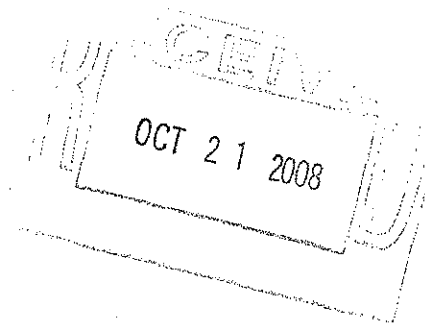
Capacity Module:
Cnflct Vol: 566 1860 1852 1852 559
Potent Cap.: 1016 74 82 75 532
Move Cap.: 1016 74 82 75 532
Volume/Cap: 0.00 0.00 0.53 0.00 0.03

Level Of Service Module:
2Way95thQ: 0.0
Control Del: 8.6
LOS by Move: A * * * * *
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: 104
SharedQueue: 2.6
Shrd ConDel: 8.6 76.1
Shared LOS: A * * * * * F *
ApproachDel: 76.1
ApproachLOS: F

Note: Queue reported is the number of cars per lane.



October 21, 2008



Albany City Council
c/o Don Donovan
Planning Manager
Community Development Department
333 Broadalbin Street SW
Albany, OR 97321

RE: Thornton Lake Estates
Our File No. 15390

Dear Council Members:

On behalf of the applicant for the Thornton Lake Estates subdivision application (SD-05-07 & SP-14-07), this letter is my response to the October 7, 2008 letter from Mr. Rick Nys of Greenlight Engineering. Enclosed please find correspondence to me from Mr. Ron Irish, City Traffic Systems Analyst, indicating that Mr. Nys' submission does not change Mr. Irish's prior conclusions. Also enclosed please find a response to Mr. Nys' letter from Mr. Dick Woelk, Associated Transportation Engineering & Planning ("ATEP").

Mr. Nys now disputes the use of data from the higher traffic counts in the Applicant's TIA. As demonstrated by both Mr. Woelk's and Mr. Irish's enclosed letters, the traffic counts used in the applicant's TIA were *higher* than those collected by the applicant as they included traffic of subdivisions approved but not yet built. In their professional judgment and local knowledge, the City's and the applicant's traffic experts therefore concluded that it was more conservative, realistic, and consistent to use the higher-count numbers. Mr. Irish indicates that his prior conclusions are not changed by Mr. Nys' submission.

As encouraged by the City's TIA Guidelines, the TIA's *assumptions*, which are the exclusive focus of Mr. Nys' submission, are consistent with the local experience, knowledge, and expertise of the City's traffic expert, Mr. Irish, as well as that of Mr. Dick Woelk, of ATEP. The TIA's *conclusions* demonstrate satisfaction of the City's TIA Guidelines. The TIA thus provides one piece of evidence *among many* demonstrating that the proposed street plan affords the best safe, efficient, and economic circulation of traffic possible under the circumstances (ADC 11.180(3)). This Council has already adopted the decision finding that criterion to be met. That decision was based in part on Mr. Irish's prior review of the TIA. Mr. Irish indicates that his conclusions have not changed.

This remand from LUBA was for the very narrow purpose of allowing response to Mr. Irish's testimony from December 12, 2008. That purpose has now been satisfied, and Mr. Nys has provided no support for any conclusion other than that which the Council had already reached in

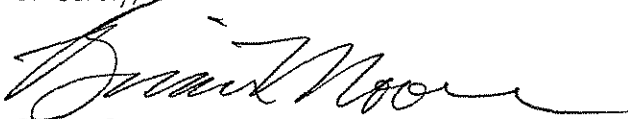
Park Place, Suite 300
250 Church Street SE
Salem, Oregon 97301

Post Office Box 470
Salem, Oregon 97308

tel 503.399.1070
fax 503.371.2927

its prior decision: the proposed street plan affords the best safe, efficient, and economic circulation of traffic possible under the circumstances (ADC 11.180(3)). In fact, the evidence the Council has received during this remand only strengthens that decision. Thank you for your time and consideration of this matter.

Sincerely,



BRIAN G. MOORE
bmoore@sglaw.com
Voice Message #366

BGM:jsm
Enclosures

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OCT 21 2008

October 21, 2008

CITY HALL
333 Broadalbin SW
P.O. Box 490
Albany, OR 97321-0144
www.cityofalbany.net

(541) 917-7500

ADMINISTRATIVE SERVICES
City Manager's Office
(541) 917-7500
FAX (541) 917-7511

Finance/Recorder
(541) 917-7500
FAX (541) 917-7511

Municipal Court
(541) 917-7740
FAX (541) 917-7748

COMMUNITY DEVELOPMENT
Planning
(541) 917-7550
FAX (541) 917-7598

Building Division
(541) 917-7553
FAX (541) 917-7598

ECONOMIC DEVELOPMENT
(541) 917-7500
FAX (541) 917-7511

Call-A-Ride
(541) 917-7770
FAX (541) 917-7573
TDD (541) 917-7762

Transit
(541) 917-7667
FAX (541) 917-7573
TDD (541) 917-7678

FIRE ADMINISTRATION
(541) 917-7700
FAX (541) 917-7716

HUMAN RESOURCES
(541) 917-7500
FAX (541) 704-2324

INFORMATION TECHNOLOGY
221 Third Avenue SW
(541) 917-7500
FAX (541) 917-7511

PARKS & RECREATION ADMINISTRATION
(541) 917-7777
FAX (541) 917-7776

Urban Forestry/
Building Maintenance
(541) 917-7679
FAX (541) 917-7776

PUBLIC WORKS
Engineering
(541) 917-7676
FAX (541) 917-7573

Water/Sewer Billing
(541) 917-7547
FAX (541) 917-7511

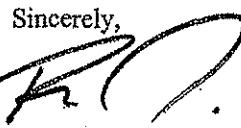
Brian G. Moore
Saalfeld & Griggs
P.O. box 470
Salem, Oregon 97308

Dear Mr. Moore:

THORNTON LAKE ESTATES

As per your request, I've reviewed the October 7, 2008, submittal by Rick Nys of Greenlight Engineering. I found nothing in Mr. Nys' letter that would cause me to change the conclusions I reached in my memo to the City Council of December 12, 2007.

Much of Mr. Nys' letter was devoted to a discussion of the ATEP traffic counts taken in 2006. As has been noted previously, the 2006 counts were not used as a basis for the analysis in the Thornton Lake TIA because they did not reflect the large number of recently approved, but not constructed developments in North Albany. The volumes and trip distribution used as a basis for the East Thornton Lake TIA were based on data developed for previous developments, the most recent being the Crocker Heights TIA.

Sincerely,


Ron Irish
Transportation Systems Analyst

RGI:kw

G:\Engineer\Trans\LMOORE.rgi.docx

OCT 21 2008

Memo

Date: October 21, 2008
To: Albany City Council
From: Richard Woelk, PE
Re: Third period response



Albany City Council:

This letter responds to the October 7, 2008 letter from Rick Nys, of Greenlight Engineering, in which Mr. Nys responds to our September 30, 2008 submittal regarding Thornton Lake Estates subdivision. The evidence in the record, including evidence submitted during the remand process, responds to all of Mr. Nys' assertions.

As I previously explained in my September 19, 2008 letter to the Council, in collaboration with the City's Traffic Systems Analyst, Ron Irish, we did not use the data of our traffic counts *out of caution* because they did not reflect the higher number of trips in traffic counts submitted for prior developments, specifically Crocker Lane Estates. Mr. Irish agreed that our approach was most consistent and conservative. Now that we have shown that the unused counts are lower, Mr. Nys apparently believes that certain numbers of the unused counts (e.g. peak hour factor) should be arbitrarily inserted into the Crocker Lane Estates counts. Using the numbers as Mr. Nys suggests would not change the performance of the intersection or the conclusions of our TIA. Further, traffic counts cannot be mixed and matched as Mr. Nys suggests. Such an approach is simply wrong and would be inconsistent with the City's methodology that we followed.

ATEP continues to believe the analysis we have provided is not flawed and is reliable evidence for making decisions. We used the Crocker Lane Estates counts *as a whole* as directed by City Staff. In addition, to the extent Mr. Nys' questions relate to the intersection of Highway 20 at North Albany Road, I reiterate that the intersection is not in the City's jurisdiction. The decision whether improvements to that intersection need to be made will be made by ODOT. The decision to make improvements will be made by ODOT.

We addressed Kittelson's draft TSP update in our October 14, 2008 submission. We have rechecked our work and continue to believe it is correct and reliable. In short, Kittelson used crash data for the *entire length* of North Albany Road and did not find the crash rate on its

Associated Transportation Engineering & Planning, Inc.

individual segments and intersections. In addition it is not the most recent data. We submitted the most recent data from ODOT, and that data demonstrates that the crash rate for our impacted intersections and segments, even if all combined, is well within the City's crash rate guideline.

Finally, in this final memo, we thank Mr. Ron Irish for his assistance in providing information and local knowledge about Albany's transportation system, for his review of our work, and for his professional demeanor throughout these proceedings. We are also pleased that he has generally, consistently agreed with the work we have done. We thank Mr. Nys for his questions. His review has prompted us to reexamine our work and causes us to continue to reach our previous conclusions. There are points that professional engineers can disagree about, but it is our belief that the points of disagreement would not affect the recommendations we have made.

Sincerely yours,



Richard Woelk, PE, TE

Associated Transportation Engineering & Planning, Inc.

**THIRD SUPPLEMENTAL FINDINGS
FILES SD-05-07 AND SP-14-07, THORNTON LAKE ESTATES SUBDIVISION
ADOPTED BY THE CITY COUNCIL ON _____**

These Third Supplemental Findings are hereby adopted and incorporated into the Supplemental Findings also adopted as part of the Albany City Council's decision to approve the Thornton Lake Estates applications for subdivision and site plan review for the removal of trees, Planning Files SD-05-07 and SP-14-07. The following findings are adopted following the local proceedings associated with the remand from the Land Use Board of Appeals ("LUBA") in LUBA No. 2008-020. If any portion of these Third Supplemental Findings conflicts with the Supplemental Findings, these Third Supplemental Findings govern. After conducting the remand proceedings pursuant to LUBA No. 2008-020, the Council hereby affirms its prior decision to approve with conditions the applications for SD-05-07 and SP-14-07 as adopted on January 9, 2008.

I. Substantive Findings:

A. Albany Development Code (ADC) 11.180(3)

This matter is before the Albany City Council ("Council") on remand from LUBA after the City's prior approval of development application was appealed to LUBA by participants ("Petitioners") in the City's previous proceedings. LUBA denied the majority of Petitioners' assignments of error, however LUBA remanded the City's approval to correct what LUBA deemed to be a procedural error. Due to LUBA's denial of the majority of Petitioners' assignments of error, the only remaining criterion at issue in this matter is ADC 11.180(3), which requires that "*[t]he proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.*"

1.0 The Council finds that the evidence submitted during this remand proceeding further demonstrates that the proposed street plan does afford the best economic, safe, and efficient circulation of traffic possible under the circumstances. The evidence in support of such conclusion includes the following:

a. The most-recent ODOT accident data for North Albany Road, from which Mr. Dick Woelk (Associated Transportation and Engineering Planning), the applicant's traffic engineer, calculated the crash rates on each of the segments and intersections on North Albany Road impacted by the proposed subdivision, which rates, even if all combined, are still significantly lower (.51) than the City's Traffic Impact Study Guideline ("TIA Guideline") for each segment and intersection of 1.0 per million miles traveled (for each segment) or per million vehicles entering (for each intersection).

b. The traffic counts and distributions of previous traffic impact studies reflected in the Crocker Lane Estates TIA were used at the direction of the City's Transportation Analyst, Ron Irish. These previous studies reflect a more accurate count of future traffic conditions as they represent the cumulative impact of all previously approved, yet unbuilt developments impacting North Albany Road and its intersection with Highway 20. As the traffic counts submitted by the applicant during this remand demonstrate, the previous studies show higher traffic numbers than the actual counts. Accordingly, in collaboration with Mr. Irish, the applicant's traffic engineer used the trip numbers and distributions from the Crocker Lane Estates study rather than the lower numbers of the applicant's actual counts. This cautious approach only enhances the propensity of the TIA to constitute evidence demonstrating the safety, efficiency,

and economy of the proposed street plan (ADC 11.180(3)). Even with the conservative cautious numbers reflecting trips from all approved yet unbuilt developments, the TIA shows that the intersections and street segments meet the TIA Guidelines for intersection and street performance.

c. Section 15.1 of the TIA Guidelines encourages the use of knowledge of local conditions in the establishment of trip distribution assumptions. The distributions established by Ron Irish and followed by the applicant's traffic engineer, Mr. Woelk, reflect Mr. Irish's knowledge of local conditions.

d. Even with the conservative numbers and distributions established by Mr. Irish to take into consideration future trips from unbuilt developments, the proposed intersection and the intersection of North Albany Road at Highway 20 satisfy the TIA Guidelines. Further, the evidence submitted by Mr. Woelk demonstrates that the intersection of North Albany Road with Highway 20 will be within the City's LOS Guideline regardless of signal timing used by ODOT at the intersection (be it 100, 110, or 120 seconds).

1.1 The Council finds the evidence outlined above regarding the applicant's TIA specifically, in addition to the evidence received during the City's initial review and approval of this application regarding ADC 11.180(3) generally, to be credible evidence reasonably relied upon to demonstrate compliance with ADC 11.180(3).

1.2 The Council finds that the majority of testimony received during this remand process was regarding the applicant's traffic impact study ("TIA") in light of the City's TIA Guidelines. Opposition testimony submitted during the testimony centered on the submission of Mr. Rick Nys, traffic engineer of Greenlight Engineering retained by North Albany Citizens in Action. As Mr. Nys points out, his response to Mr. Irish's memo represents "highly technical" points. These points relate to the TIA Guidelines. The Council finds these highly technical points unduly emphasizing assumptions used in the TIA. The Council finds Mr. Nys' assertions inconsistent with the TIA Guidelines and with the local knowledge and expertise of Mr. Irish in establishing the assumptions used for the TIA. Mr. Nys' assertions, even if true, do not change the conclusions of the applicant's TIA as reviewed and approved by the City's engineering staff.

1.3 Regarding the relationship between ADC 11.180(3) and the TIA Guidelines, the Council hereby reiterates its finding in its prior approval of these applications. The City's approval criterion relating to traffic is contained in ADC 11.180(3). Although the TIA and the associated TIA Guidelines provide evidence relevant to determining compliance with ADC 11.180(3), the Guidelines do not constitute a list of mandatory approval criteria. The City's prior approval explains as much, and LUBA's order upholds the City's explanation.

ADC 11.180(3) is a broad criterion. It requires that the *proposed street plan* (i.e. as a whole and not one particular intersection or street segment in isolation) afford the best *safe, efficient, and economic* circulation of traffic (i.e. all three factors considered concurrently and not in isolation) *possible under the circumstances* (i.e. existing circumstances, including limitations of the property's topography, its configuration in relation to neighboring properties, and the City's transportation system). Conformance with this broad criterion may be shown by evidence demonstrated by the TIA Guidelines, *but any one Guideline in and of itself does not demonstrate either compliance or noncompliance with ADC 11.180(3)*. Moreover, assumptions made relating to any one of the Guidelines bears an even more remote connection to determining compliance (or noncompliance) with ADC 11.180(3). Likewise, the performance of any given intersection or segment may not alone determine compliance or noncompliance with ADC 11.180(3).

1.4 The Council does find that the TIA Guidelines have been met in this case. The Council finds the majority of Mr. Nys' and other opponents' testimony to either fall outside the scope of this remand, or to involve the most "highly technical" of assumptions that relate to any given TIA Guideline. That one Guideline may relate to merely one aspect of the TIA. The TIA as a whole, is only one piece of evidence among many to demonstrate compliance or noncompliance with ADC 11.180(3). Accordingly, in light of the remote connection between opponents' testimony toward determining compliance with ADC 11.180(3), the Council finds the opponents' testimony does not change its prior conclusion that 11.180(3) is satisfied.

1.5 To the extent Mr. Nys' and opponents' assertions are within the scope of this remand proceeding and associated with evidence relating to compliance with ADC 11.180(3), the Council provides the following responses.

a. Trip Distribution and Traffic Counts from Previous Studies. As explained above, the local knowledge and experience of the City's Transportation Analyst, Ron Irish, determines the TIA trip distribution and traffic count assumptions. The Council finds that Mr. Irish's December 12, 2007 written and verbal testimony, the Staff Report, the TIA, and Mr. Dick Woelk's written and verbal testimony throughout all proceedings in this application all provide reasonably relied-upon evidence that Mr. Irish appropriately established the trip distribution and counts model and that the applicant's TIA accurately used that model. The evidence submitted during this remand process confirms this conclusion, particularly Mr. Woelk's submission of the Crocker Lane Estates study and the applicant's lower, unused traffic counts from 2006. Council concludes that the Crocker Lane Estates study provides more accurate information than the unused, 2006 counts. Likewise, the Council finds that the application of one but not all pieces of data from the unused traffic counts, as proposed by opponents' traffic engineer, Mr. Rick Nys, to be particularly inaccurate and inconsistent with the City's TIA Guidelines methodology as applied under the direction of the City's Transportation Analyst, Ron Irish.

b. Intersection Performance. The TIA conclusively proves that the intersections impacted by traffic from the proposed subdivision will operate within the TIA Guidelines even after buildout of the proposed subdivision. Opponents challenge that conclusion based on the following:

1) Opponents urge the City to use ODOT's guideline for signalized intersections (v/c ratio) instead of the City's own TIA Guideline (Level of Service, "LOS") with respect to the performance of the Highway 20/ North Albany Road intersection. ODOT, despite being given the opportunity, has not asked the City to impose ODOT's v/c ratio guideline. In this case, the Council has appropriately applied the City's LOS guideline. The City's guideline is LOS D. Further, the City's criterion for determining application approval is ADC 11.180(3), not the TIA Guideline.

2) Opponents assert that the applicant's TIA inappropriately relies on changes in signal timing and green times in determining the performance of the Highway 20/North Albany Road intersection. The Council finds opponents' assertion inconsistent with the credible evidence submitted by Mr. Woelk on October 14, 2008, which demonstrates that the intersection will perform at LOS C regardless of signal timing and green times.

3) Opponents suggest that the Council has approved this subdivision because a denial based on the performance an intersection, for example, would represent a moratorium. The Council expressly states that it is not approving the subdivision to avoid a moratorium. The Council approves this subdivision because it complies with the approval criterion now applicable, ADC 11.180(3), which compliance is demonstrated, in part, by the intersections' performing within the City's TIA Guidelines.

c. **Accident Rate.** In his September 19, 2008 submission, the applicant's traffic engineer, Dick Woelk, provided the most-recent ODOT crash data (years 2003 thru 2007) for the impacted segments and intersections of North Albany Road. Mr. Woelk calculated the accident rate for *each* segment and intersection consistent with TIA Guideline 16.2. The Guideline is 1.0 accidents per million vehicles entering (intersections) and 1.0 accidents per million miles traveled (street segments). The largest accident rate for any one of these segments or intersections is .37. Even after consolidating the accident rates for all of the impacted intersections and segments, the aggregate accident rate is .51, well within the TIA Guideline. The Council finds this data to be significant evidence demonstrating the safety of the proposed street plan.

Opponents refer to a map prepared by Kittelson & Associates for a past, draft Transportation System Plan (TSP) update to assert that the accident rate caused by this application will exceed the TIA Guideline. However, the map does not show the accident rates for the individual intersections and segments of North Albany Road impacted by this subdivision application and as contemplated by TIA Guideline 16.2. Instead, the map shows one accident rate for the entire stretch of North Albany Road including significant segments and intersections not impacted by this subdivision. Further, the map indicates that it represents crash data for the years 2000-2003. For these reasons, the Council does not find the map to provide relevant, current data for the purposes of this subdivision application. The Council finds the ODOT crash data for 2003 thru 2007 and the accident rates derived from it by Mr. Woelk to be the most relevant, reliable, and current data.

d. **2014 site intersection performance.** Opponents assert that the applicant's TIA assumes two lanes in each direction for its analysis of the performance of the site's proposed street intersection with North Albany Road in year 2014. The applicant's traffic engineer, Dick Woelk, provided responsive evidence in his October 14, 2008 written testimony showing that the TIA's 2014 performance analysis for that intersection does appropriately assume one lane in each direction, and does still at that time perform (.53 v/c ratio) well within the TIA Guideline for stop-controlled intersections (.85 v/c ratio).

1.6 All other issues raised by opponents either fall outside the scope of this remand proceeding or have been addressed by the Findings and Supplemental Findings of the Council's prior approval of this development application.

B. Albany Development Code (ADC) 1.050

2.0 In the event these Third Supplemental Findings are challenged on the basis of any alleged violation of Albany Comprehensive Plan (ACP) goals or policies, the Council reiterates its position from the prior approval of this subdivision that compliance with ADC review criteria constitutes conformance with ACP goals and policies because the ADC does not require any specific goal or policy to be addressed for this development application. This position is consistent with state law and the City's development code (ADC) provisions regarding this issue.

2.1 In their appeal to LUBA of the City's approval, Petitioners attempted to apply specific comprehensive plan policies as criteria to the City's decision. LUBA denied the Petitioners' attempt to apply ACP goals and policies just as the Council did in its prior decision approving this subdivision application. The Council's findings stated:

ADC 1.050 says:

Consistency with Plan and Laws. Actions initiated under this Code shall be consistent with the adopted Comprehensive Plan of the City of Albany and with applicable state and federal laws and regulations as these plans, laws, and regulations may now or hereafter provide. Since the City of Albany has a Comprehensive Plan and implementing regulations which have been acknowledged by the State of Oregon as being in compliance with statewide goals, any action taken in conformance with this Code shall be deemed also in compliance with statewide goals and the Comprehensive Plan. Unless stated otherwise within this Code, specific findings demonstrating compliance with the Comprehensive Plan are not required for land use application approval. However, this provision shall not relieve the proponent of the burden of responding to allegations that the development action requested is inconsistent with one or more Comprehensive Plan policies.

ADC 2.020(2) says:

Function of Review Criteria. ... (2) The review criteria have been derived from and are based on the Comprehensive Plan. Reviews against the goals and policies of the Comprehensive Plan are not required unless specifically stated. Fulfillment of all requirements and review criteria means the proposal is in conformance with the Comprehensive Plan.

Accordingly, Council concludes that because this application meets the applicable Development Code review criteria, the application is consistent with Comprehensive Plan goals and policies.

2.2 Despite LUBA's denial of the Petitioners' argument on this issue, LUBA suggested that the City clarify the significance of the last sentence of ADC 1.050 (excerpted above). LUBA stated:

It may be that the city interprets the last sentence of ADC 1.050 to require that the city or applicant respond to allegations that an application for land use approval is inconsistent with ACP [Albany Comprehensive Plan] goals or policies, but only requires the applicant or city to apply any such ACP goals or policies directly and demonstrate that the application is consistent with such ACP goals or policies, if the ADC specifically requires findings regarding those ACP goals or policies.

2.3 LUBA's presumption as to the City's interpretation is accurate. The Council interprets the last sentence of ADC 1.050 as assuring that the preceding sentences of ADC 1.050 are not read to alleviate the City or an applicant of the obligation to respond to allegations that an application for land use approval is inconsistent with the ACP goals and policies when *and only when* the ADC specifically and expressly requires findings regarding those ACP goals and policies. For example, ADC 2.220 contains the "Review Criteria" for applications to amend the comprehensive plan, and the first criterion requires that the application be "*consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.*" (emphasis added). There is no such specific requirement in either ADC 11.180 (Subdivision Tentative Plat Review Criteria) or ADC 9.207(2) (Tree Felling Review Criteria). In the absence of such a specific requirement in the ADC, neither the City nor an applicant is obligated to respond to or provide findings regarding allegations of inconsistency with the ACP goals and policies.

2.4 The Council makes this interpretation in light of its review of the text, purpose, and policy of the ADC. Any interpretation other than what the Council has established would directly contradict the text of ADC 1.050, particularly when read in conjunction with ADC 2.020(2). ADC 2.020(2) expressly relieves the obligation of demonstrating compliance with ACP goals and policies if the Review Criteria are satisfied and such criteria do not contain a specific requirement to address ACP goals and policies. The effect of this interpretation is to accomplish the ADC's stated purpose by furthering the efficient and intended coordination of City regulations with respect to land use decisions. ADC 1.020 provides: "Purpose. The general purpose of this Code is to set forth and coordinate City regulations governing the development and use of land."

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TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Gallagher, Library Director *Ed Gallagher*
DATE: November 20, 2008, for the November 24, 2008, City Council Meeting
SUBJECT: Shelving Purchase—Cooperative Agreement
RELATES TO STRATEGIC PLAN THEME: • Effective Government

Action Requested:

City Council approval by resolution for an exemption from the competitive bidding requirements for the purchase of library shelving through a General Services Alliance (GSA) cooperative contract.

Discussion:

The Library needs to purchase new library shelving to meet current building code seismic standards for the new Main Library building being renovated. The GSA contract offers a 64.43% discount from the shelving list price. The contracted amount includes delivery and installation.

Cooperative agreements offer time and price savings. It is advantageous for the library to acquire the shelving using the cooperative purchasing method to adhere to the anticipated library construction completion schedule.

Budget Impact:

The cost of shelving is included in the Library renovation budget, 402-45-1705-70020.

EG:kg
Attachment

G:\ADMIN\EdG\CC Memos, etc\Shelving.CC.112408.meg.docx

RESOLUTION NO. _____

A RESOLUTION APPROVING EXEMPTION FROM THE COMPETITIVE BIDDING PROCESS FOR THE PURCHASE OF LIBRARY SHELVING FROM AN EXISTING GENERAL SERVICES ALLIANCE (GSA) COOPERATIVE CONTRACT WITH TECHNICAL FURNITURE SYSTEMS, INC.

WHEREAS, the Library Department needs shelving that meets seismic standards for its new Main Library; and

WHEREAS, GSA competitively bid the contract with Technical Furniture Systems, Inc. and included cooperative procurement language allowing other public entities to use the contract to procure goods and services, pursuant to ORS Chapter 279A.200-220; and

WHEREAS, the Library Department is requesting approval to use the above contract to procure Tennsco/Estey library shelving from Technical Furniture Systems, Inc. to achieve cost and time savings by expediting the procurement process.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council authorizes the Library Department an exemption from the competitive bidding process for the purchase of shelving through an existing cooperative procurement contract between GSA and Technical Furniture Systems, Inc.; and

BE IT FURTHER RESOLVED that the Albany City Council authorizes the City Manager to enter into a contract for \$180,250 with Technical Furniture Systems, Inc., for Tennsco/Estey library shelving.

DATED AND EFFECTIVE THIS 24th DAY OF NOVEMBER 2008.

ATTEST:

Mayor

City Clerk

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, October 6, 2008
4:00 p.m.

MINUTES

CALL TO ORDER

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

ROLL CALL

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

Councilors absent: Councilor Sharon Konopa.

BUSINESS FROM THE PUBLIC

There was no business from the public.

TRANSPORTATION SYSTEM PLAN UPDATE

Civil Engineer III Jeni Richardson said she has revised memos 6A and 6B. Memo 6C will stand unchanged for now although there have been some additions to the project list which she will explain. The memos will be distributed to the Council at the conclusion of the work session (see agenda file). She also will hand out two large maps at the end of the meeting (see agenda file).

Richardson said Oregon Department of Transportation (ODOT) and Department of Land Conservation and Development (DLCD) play a key role in approving the City's list of Transportation System Plan (TSP) projects. In the past ODOT has expressed some concern about the proposed state highway projects, and both DLCD and ODOT expressed some concern about the regional bridge concept. In early September, City staff met to discuss these concerns.

Richardson said, ODOT's concern about the intersection projects along Highway 99E and Highway 20 is related to the use of Metropolitan Planning Organization (MPO) versus non-MPO congestion standards. Richardson explained that Albany is developing a transportation plan that establishes a project list for the year 2030. In ODOT's terminology, we are considered a non-MPO today and won't become a MPO until we reach 50,000 population, which is projected for sometime around the 2010 census. ODOT has established congestion standards for the state highway system which is used to determine what future improvements are needed. These standards recognize that it becomes more difficult and expensive to add capacity to the highway system once businesses are established, so they lower the congestion standard and allow a bit more congestion on state highways once a city exceeds 50,000 in population. In ODOT's rulebook, a city is either a non-MPO or an MPO; so we can't use the MPO congestion standards until after we become an MPO with the 2010 census. Richardson said it is futile to develop a list of state highway improvement projects in our 2030 TSP that will be tossed out in 4 or 5 years when we become an MPO and update the TSP.

Richardson said that ODOT and DLCD recognize this in principle, so City staff met with them to discuss how a rule called Action 1F.5 could be applied to add a reasonable amount of additional capacity, but to not include unreasonably expensive projects that won't ever be constructed. All state highway intersection project modifications are highlighted on the list.

At the meeting they also discussed ODOT and DLCD's concern about a placeholder project for a future regional bridge. They understand that the benefit of a new bridge crossing is to relieve congestion from the downtown Highway 20 corridor; and they also understand the cost of not building a bridge is probably more than the cost of building a bridge. However, there still needs to be a regional discussion about the bridge location and shared benefit, even though a new bridge crossing will likely not be constructed before 2030. In light of this, Richardson said, they asked the City to develop the TSP without the bridge placeholder project but with all the other work that needs to be done and some reasonable improvements that will avoid unacceptable congestion in 2030. An example is the addition of turn pockets on Lyon Street and Ellsworth Street between 1st Avenue and 3rd Avenue, to free up the right hand lane from Ellsworth Street onto Hwy 99E. These modifications are highlighted on the list which is in the packet of information the Council will receive.

Richardson said, based on the discussion, the City received an informal nod to modify and to continue to work on the TSP while the agencies run the discussion up the chain of command. The City runs some risk, but she considers the risk low and believes that it is best for the community to stop studying alternatives and to begin to wrap up the TSP and develop a new transportation SDC methodology.

Richardson said, at the local street level, staff identified a need for additional capacity on Waverly Drive between Queen Avenue and Grand Prairie Road. Neither of the two options presented at the Open House were favorable since one required removing on-street bike lanes and the other required purchasing quite a bit of right-of-way (ROW). So staff went back to the drawing board and developed a modified project that leaves the bike lanes and works within the existing ROW. This project is highlighted and described on the project list.

Transportation Systems Analyst Ron Irish used a map of Waverly Drive and Grand Prairie Road to describe previous designs (see agenda file). There was a need for two through travel lanes, which led to a five lane section for the whole route. After neighborhood meetings, staff decided we could get by with lengthening drop lines on both sides. Most drivers avoid that lane or use it just to pass other vehicles so lengthening it might encourage drivers to use the lanes more evenly. It would then transition to four lanes, two southbound for Waverly Drive, one northbound lane, and one turn lane. The merge would be further north and would impact 27 and 28 intersections with Waverly Drive. So, it imposes turn lane movement restrictions with medians. Irish described how specific neighborhoods would exit. This maintains the bike lane, but the disadvantage is the rerouting for residents. This design plan is being presented to the public for comment now.

Councilor Floyd Collins asked, do projections increase past 2030? Does the Council have the option of removing bike lanes from Waverly and rerouting them through residential neighborhoods? Irish said a future Council would have a similar option to what we have right now, but in order to achieve five full lanes on Waverly Drive it would be necessary to use 10 foot wide travel lanes. He doesn't think it can get to five lanes without moving curbs.

City Manager Wes Hare said, the optimal design is not so much black top but instead connectiveness in communities. He asked, do we have any other options? Irish said, our options for parallel connections are limited because the neighborhoods are already built out.

Richardson said, all the improvement projects discussed so far are represented on these two maps which show auto projects and non-auto projects. Each project on the map has a project number next to it that can be found on the accompanying spreadsheet along with a project description.

Richardson described the new information, which includes project costs and a first cut at prioritization. Projects are prioritized into near-term or high priority projects that are expected to happen in the next five years. Mid-term projects also have a high community or system value and staff is hopeful that funding will be available in the following five year period. The remaining projects are either long-term needs or an improvement that is project-driven by future development, future funding opportunities, or future studies. An example might be the canal esplanade, a desirable project without current funding, or the I-5 interchange improvements to be identified with the I-5 EIS work.

High priority projects are shown in red on the map and the spreadsheet; mid-term projects are orange; and long-term project are lavender. There are big and small projects in each category. Near-term auto projects include the 53rd Avenue extension and also some signal modifications to improve safe traffic flows around 14th Avenue and the Heritage Mall. Near-term non-auto projects include several multi-use path improvements and also some bike signage to improve safe facility use.

Richardson said, this information will be taken out to the public over the next several weeks. In addition to the typical Open House format, staff will reach out to specific audiences and hold Focus Group meetings with the Chamber of Commerce, senior citizens, neighborhood groups, etc.

Collins said that a Ward I resident that serves on the Bike & Pedestrian Advisory Commission has requested several improvements for bicycles. He asked, are those incorporated into this plan? Irish said, not yet but they will be discussed next Tuesday. Collins asked Irish to keep him and Councilor Dick Olsen apprised.

Olsen asked, is there anything that can be done to improve Gibson Hill Road? Students walk on a very narrow shoulder. Irish said the TSP includes a project showing Gibson Hill Road as an urban upgrade. At the same time, as part of the TSP, the Council has asked for a prioritized list of all public improvements needed in North Albany. The question for Gibson Hill Road will be whether to build the street with curb/gutter/sidewalk to an urban street standard, or instead build the street to a rural standard with a separated sidewalk and no curb and gutter. Hare added that the direction staff has been headed is to suggest a pedestrian pathway separate from the roadway, because we may get some funding for a pathway. If we wait for a fully improved road, it will be expensive; we do not have available funding; and a local improvement district would be necessary but likely very unpopular.

Richardson thanked the Council for their input.

Councilor Christman noticed an audience member that arrived and wished to speak. He asked the Mayor if Business From the Public could be reopened. The Mayor agreed.

BUSINESS FROM THE PUBLIC CONTINUED

Bill Sheretz, 794 Montclair Drive, said his wife is hairstylist in town. He is concerned about the proposed revisions to the sign code. He said he has been at the last two planning commission meetings. Four citizens spoke urging liberation or modification of portable signs, addressed in AMC Section 13.682, and all in attendance of the meeting seemed to favor the revisions.

INVESTMENT POLICY & MARKET UPDATE

Finance Director Stewart Taylor explained that the City hired Davidson Fixed Income Management (Davidson) through the Request For Proposal process to review the City's investment policy and represent the City at the Oregon Short term Fund Board meetings. Deanne Woodring, the City's Investment Advisor from Davidson, presented the

revisions to Albany's investment policy to the Oregon Short Term Fund Board on October 1. She is here today to describe the revisions and to give an update on the current investment market. The investment policy is scheduled for adoption by the Council at the next Council meeting.

Woodring distributed a document titled Davidson Fixed Income Management City of Albany – Policy Changes (see agenda file).

Woodring gave an overview of procedures being focused on for the management of public funds: making the safety of principal the highest priority, ensuring adequate liquidity, and achieving investment return objectives.

Woodring said Albany used to have discretionary management of investments, but Taylor wanted to take a more active and cooperative role. Now, she and Taylor consult and interact on a regular basis. It gives accountability back to Taylor so he can explain to the Council the investment decisions being made. There will also be a procedure manual to explain why and how investments are made, as well as the new investment policy.

Woodring said the new policy limits allocation to a maximum exposure in the market of 20 percent. The state allows 35 percent, but Davidson advises that it be lower. Bedore asked, is that a result of the market or is this traditionally Davidson's strategy? Woodring said, it is our strategy.

Woodring described other changes, as outlined in her report and the City staff memo.

Collins asked, how does Albany compare to other municipalities? Woodring said Oregon's approach is changing. Albany is probably the first city to have an advisor, who will usually have a more conservative approach than what the law allows. Taylor said that other cities have consulted the Short Term Fund Board and are becoming more strategic by limiting their exposure and extending investments in stable funds. It seems to be a trend. An average maturity of 1.5 percent is considered conservative.

Christman asked if the Council can get monthly and annual reports. Taylor said he gets a monthly and quarterly reports from Woodring which he can pass on to the Council. Also, given the volatile state of the current market, staff will report to the Council more frequently.

Hare asked Woodring to speak to the troubled bond market and if she has a sense of how long it will last. Woodring said, we are in a serious capital crisis which may last for awhile. Issuing bonds may be more difficult. There is not a quick fix, not even the proposed bailout. Taylor said Seattle Northwest has recommended to several entities that they defer the sales of bonds for the time being. Hare explained that Albany has had many large projects that were dependent on bonds; we are fortunate that we are in pretty good shape right now, but there are projects we have envisioned for the future that may take longer to come to fruition.

Olsen asked, can we sell bonds locally like we did years ago? Woodring said, not likely; the industry has changed and the number of those who issue bonds have greatly decreased.

Councilor Ralph Reid said in the near future we will be borrowing for CARA. Taylor said a line of credit renewal with Bank of America has been scheduled for October.

COMMUNITY APPEARANCE AND CODE ENFORCEMENT

Management Assistant/Public Information Officer Marilyn Smith introduced members of the Code Enforcement Team and others who have been involved in community appearance projects: Fire Marshal Mike Trabue, Deputy City Attorney Matt Jarvis, Building Official Manager Melanie Adams, Parks & Recreation Director Ed Hodney, and Environmental Services Technician II Heather Slocum.

Smith said it is a challenge to keep our residents happy but stay within the limits of the Albany Municipal Code. We can't be the "pretty police" although that is what some people want, and expectations of the public have changed to think that we can. The staff memo has examples of properties that are not dangerous but are "unattractive". Staff does not have an effective way to deal with these types of complaints and is asking for Council direction. Smith asked the Council, what do you want our community to look like and what should we change, in terms of the Code and/or practices, to achieve it?

Adams gave a Power Point presentation which showed several properties that, although unattractive, were not in violation of the current Code (see agenda file).

Collins asked, can the City put a lien on the property by using the owner of record registered at the county? Adams said yes, but sometimes even that doesn't work because a property can be transitioning between owners. City Attorney Jim Delapoe added that our lien would be in last position anyway. The City needs to assess the risk of adding liens and evaluate how effective it would be, since our lien would not have priority.

Smith said the best way to get neighborhoods cleaned up is by neighborhood participation. An example is the very successful Hackleman neighborhood cleanup. Hodney agreed that community participation is far more productive than neighbor against neighbor complaints about issues our codes do not address anyway.

Slocum said that during organized cleanups of the river, folks approach her because they are aware of unattractive properties and don't know what to do. They are willing to pitch in and help, if the City would organize it. They want to help, but they do not know where to start.

Collins said neighborhood participation is the best way to go and could be organized with minimal staff time. Penalties should be our last resort. He agreed the Hackleman district clean up was a good experience.

Bedore said there are still residents that will be unable or unwilling to help clean up their properties. We need to maintain our standards but still be flexible for those who are unable to help. We could do a general cleanup or do more focused cleanups in areas identified by complaints received by Code Enforcement and Code Compliance.

Hare said this problem is not unique to Albany. We need to have enforcement but it's too expensive to do it on every property.

Olsen said his observation is that the ability to pay fees decreases as the "junkiness" of a property increases. People feel despair. Yards are dried up because our water rates are so high. Lowering our water rates would greatly improve the looks of our communities. He thinks many of these people are at their wits end.

Councilor Bessie Johnson suggested the City work with the County Corrections Department to have continuous supervised cleanups for at least some of the neighborhoods that are complained about regularly.

Collins thinks there is a fine line between neat and ugly, and he is not sure the government should be getting involved. When we are in a position to enforce the Code that is fine, but it is much better to get the community involved in helping each other.

Bedore said his preference is for the Code Squad to focus on the properties in violation of the current Code, and use the community clean up concept if the resident wants help cleaning up their property. But for others, it is a lifestyle choice and we cannot impose our lifestyle choice on someone else.

DIRECTION: The Council directed staff to work within the current code and try to expand volunteer cleanup efforts.

Smith announced that on Tuesday, October 14, there will be volunteer action training from 9:00 a.m. to 1:00 p.m., at CSC, at 250 Broadalbin St. SW

Slocum said last year there were volunteer action workshops for Albany residents and teachers, to provide training for folks who want to get involved.

Community Development Director Greg Byrne said the temporary signs discussion will be coming to the Council in the future. The Planning Commission has given their direction and staff will present that to the Council.

STREET SWEEPING UPDATE

Public Works Director Diane Taniguchi-Dennis reported that a City employee has completed two full sweeps of the City so far, so staff has been able to evaluate costs and data.

Assistant Public Works Director/Operations Manager Mike Wolski said the City conducted an Invitation to Bid for street sweeping. They received two bids, for \$198,000 and \$209,000. There is \$175,000 in the budget, which is an increase of 25 percent over what was paid for street sweeping. Staff reevaluated the scope of the project and considered changes, like sweeping every other month instead of monthly. Wolski said they also identified a cost performing the work in-house based on a demand basis only.

Wolski said a City employee was able to sweep the route in the same amount of time that Allied Waste used to sweep it. It is not a full-time job; it takes about three weeks in a month to do two full sweeps of the City. ODOT sweeps the streets owned by the state, but they are not interested in contracting with us. It will be time for leaf pick up soon; the bid amounts for the service were \$23,660 and \$39,000. We think it will cost \$26,000 in-house.

Wolski described the options: hire an employee to just drive the street sweeper, or hire an employee full-time to drive the street sweeper; spot problems in the streets along the route; and be on call by the street crew. The midrange cost for wages, benefits, vehicle maintenance, fuel, leaf removal dumping fees, and capital costs is \$160,000 not including overhead. This estimate includes \$25,000 for sweeper replacement, on a 6-7 year life cycle.

Taniguchi-Dennis said the overhead for street sweeping may be neutral regardless of whether the City contracts it out or perform it in-house. The leaf pick up is another issue. Staff studied what other cities do and found that in Corvallis, the vendor picks up leaves and customers are charged as part of their rates. Our franchise is up for renewal, so we may be able to be address leaf pick up.

Collins thinks that if the cost is similar for in-house versus contracting out, that the City should contract it out. Johnson disagreed, stating that it should be done in-house if the price is comparable. Taniguchi-Dennis commented that the quality of work would be easier to control if it were done in-house.

ICMA BOOK REPORT

Management Systems Director Bob Woods described the ICMA book titled "What Works". Albany's Library and Fire Department were spot lighted in the book. Woods described a story about the police department in Casper Wyoming. They realized that their accident rate was higher than other cities according to ICMA data and it prompted them to investigate why. They identified the problem and implemented an inexpensive fix. This is an example of how asking the right questions helps. Several other cities in our area are included in the book. Albany and Salem were rated "high".

RECESS TO EXECUTIVE SESSION PURSUANT TO ORS 192.660 (1)(h) TO DISCUSS CURRENT LITIGATION OR LITIGATION LIKELY TO BE FILED

The work session recessed at 5:53 p.m.

RECONVENE

The work session reconvened at 6:12 p.m.

MOTION: Johnson moved to have the Council authorize settlement of the Periwinkle Partnership litigation which involves payment of \$22,500 representing the City's share of the settlement; \$5,000 from the City to pay the Easdale's portion; and up to \$6,000 to assist in Easdale's attorney fees based on documentation of the firm of Weatherford, Thompson, Cowgill Attorneys at Law. Reid seconded the motion and it passed 5-0.

COUNCILOR COMMENTS

Johnson said the League of Oregon Cities (LOC) Conference was very good.

Collins said he and Konopa have had several campaign signs lost or stolen. Up to 15-20 percent of his signs are gone.

Bedore said he voted on the Council's behalf at the LOC. He voted yes for the slate of candidates; yes for the Treasurer's report; and no on the condensation of home rule document because they had just got it and did not have time to review it.

Bedore attended the Senior Center's reception for Interfaith Volunteer Caregivers. They provide transportation, yard care, grocery shopping, etc. for the elderly. They get an annual grant from the City and do great work.

CITY MANAGER REPORT

Hare said there is a staff memo and resolution requesting to award a contract for the RFID Tracking and Materials Handling System and adopting a Resolution on the dais (see agenda file). It needs to be adopted at the Wednesday Council meeting in order to take advantage of the Oregon Community Foundation Grant dollars for electronic book check out.

Smith will contact the media to notify them of this additional item.

Hare said Library staff did a presentation today to the Gates Foundation for library funding. Eight of our computer stations were funded by them already.

Hare said the ICMA and LOC Conferences were very good. He thanked the Council for allowing him to attend.

Collins asked the status of the Linn Library League and the resolution of support that was signed. He is concerned because the support in the resolution was intended to be time-specific, for the measure on the ballot, rather than ongoing support. Hare said he assumed it is void since the measure failed, but he will look into it. Collins would like to have it come back for discussion.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:21 p.m.

Respectfully submitted,

Mary A. Dibble, CMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, October 20, 2008
4:00 p.m.

MINUTES

CALL TO ORDER

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

ROLL CALL

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

Councilors absent: Councilor Dick Olsen.

BUSINESS FROM THE PUBLIC

There was no business from the public.

TRANSPORTATION SYSTEMS DEVELOPMENT CHARGES 101

Civil Engineer III Jeni Richardson explained that over the last several months, staff has been meeting with the community and has put together a list of what it takes to build a safe and efficient transportation system. We are now at the point where we need to identify funding sources, beginning with a conversation about System Development Charges (SDC) improvement fees and project eligibility in relation to growth.

Richardson said the Home Builders Association was invited to attend this work session. She will also be giving separate presentations to the Homebuilding Association, the Albany Chamber of Commerce, and neighborhood meeting forums. The financial plan, SDC-R option, and other funding options will come to a future meeting.

Richardson said the Power Point presentation tonight will cover three areas. Consultant Debbie Gilardi will give an overview of SDCs and Transportation Systems Analyst Ron Irish will review the current SDC methodology and some of the challenges it brings. Gilardi will conclude by discussing proposed methodology for identifying the growth component of projects.

Gilardi began the Power Point presentation (see agenda file).

Councilor Floyd Collins asked for an example of a project that demonstrates the shortcomings of the existing methodology. Irish said Grand Prairie Road is a good example.

Gilardi handed out the project list (see agenda file).

Richardson handed out a document titled Preliminary SDC Eligible Cost (see agenda file).

Irish described how bike and pedestrian facilities are proposed to be evaluated for deficiencies. This draft methodology seems to give the most flexibility. The standard was set by adopting a plan that allocates how much need there is of a certain facility today and in the future. It does not charge growth for more than its share on a system wide basis.

Collins asked, do you reevaluate the trip counts with zone changes? Irish said that would be difficult to do. Usually the new use is a higher use. We are under obligation to do a traffic analysis every time we do a zone change. If the zone change could result in a more intense use on the site than allowed under current zoning, an analysis is done to determine the extra impact. If a significant impact is found, we do a mitigation package. This is what happened with the Ropp property. It is also impacted by total daily trips versus peak hour trips.

Councilor Sharon Konopa asked, do we have to base a new TSDC fee on peak hour trips? Irish said, we don't have to, although it does have advantages. For example, we can charge according to peak hour which in turn encourages builders to use off-peak for trip generation to minimize the impact on the streets. If we were to base charges on daily trips only, there would be no incentive to reduce trips. Konopa feels this method is inconsistent. Discussion followed.

Konopa asked why Ellingson Road (L23 on the list) is only 61 percent SDC eligible when it is fully growth related. Irish said, because a portion of that road will absorb residential trips on Seven Mile Lane.

Collins asked why North Albany Road (L47 on the list) is only 6 percent eligible. Irish said they compared 2030 growth to current growth, and also considered an urban upgrade. They are not adding capacity in this case, which is why there is not a larger SDC component. Discussion followed.

Councilor Ralph Reid would like a summary of how many pedestrian facilities have 30 percent existing deficiency. Gilardi will provide it to the Council.

Collins said that part of our analysis should be to define the right-of-way needs for 2030.

Councilor Bessie Johnson asked, can you do a comparison between the old and new methodology? Irish said, we will do a comparison of the typical use for a household and how it measures up with old and new methodology. We will also describe what other communities are doing, and why.

Richardson said in the future, items will go to the Council first, then the public, and then back to the Council so they know what comments the public had.

COUNCILOR COMMENTS

Councilor Jeff Christman asked, who is responsible for maintaining the rubber speed bumps on Center Street? Irish said, it is part of a neighborhood improvement project which was paid for by the City and the neighborhood. The speed bump portion of the project was paid in full by the City. We will be pulling the rubber ones out and replacing them with asphalt.

CITY MANAGER'S REPORT

City Manager Wes Hare said the City received a proposal from the YMCA about purchasing property for use as a new police and fire station. The information will be presented at a future Executive Session.

ADJOURNMENT

There being no other business, the Work Session adjourned at 5:33 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, CMC
Deputy City Clerk

Stewart Taylor
Finance Director



TO: Albany City Council

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

FROM: Laura Hyde, Executive Assistant to the City Manager

DATE: November 10, 2008, for the November 24, 2008, City Council Meeting

SUBJECT: Revisions to Resolution No. 3328, Setting Forth Compensation and Reimbursement Policy for the Mayor and Council

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Adoption of the attached resolution per Council direction at the November 10, 2008, City Council work session.

Discussion:

It's time to make needed revisions to this resolution to reflect actual practice.

Budget Impact:

None.

Attachment

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RESOLUTION NO. _____

RESOLUTION SETTING FORTH THE COMPENSATION AND REIMBURSEMENT POLICY FOR THE MAYOR AND CITY COUNCIL AND REPEALING RESOLUTION NO. ~~3328 2780~~



~~WHEREAS, an explanation of the purpose of the Mayor and City Council's monthly compensation is not currently documented; and~~



WHEREAS, a policy describing when it is appropriate for the Mayor or a City Councilor to seek reimbursement of expense **was set forth in Resolution No. 3328** ~~also has not been set forth and approved;~~ and



WHEREAS, to provide a guideline for elected officials to follow as they carry out City business, the Mayor and City Council deemed it necessary to designate the purpose of their monthly compensation and to set forth a policy on the reimbursement of their out-of-pocket expenses.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that City Councilors shall be compensated at a rate to be determined during the budget process in lieu of ordinary incurred expenses for conduct of in-city municipal business. Due to IRS regulations, this reimbursement is considered as salary; **and**



BE IT FURTHER RESOLVED that out-of-city municipal business may be reimbursed at actual cost upon Council approval (either before or after incurring the expense). ~~The exception to this policy is that expenses for in-state travel to activities sponsored by City member agencies (LOC, COG, etc.) shall, upon request, be reimbursed without Council approve. Other extraordinary expenses incurred by the Mayor or Council members in the conduct of their duty may be submitted to the Council for reimbursement consideration.~~ Requests for reimbursement shall be made in writing in the same manner and subject to the same documentation as required for requests for employee expense reimbursements (current **Finance Policy F-02-2008, Mileage Reimbursement; and F-03-08-002, Travel Reimbursement** ~~Employee Expense Reimbursement Policy ERP No. 1.9 attached~~). ~~Requests for reimbursement that require Council authorization shall be submitted to the City Manager for inclusion on the next available City Council agenda as a Consent Calendar item.~~ **Reimbursements may be a taxable fringe benefit under IRS regulations.**



BE IT FURTHER RESOLVED that spouse expenses are not reimbursable by the City; and



BE IT FURTHER RESOLVED that Resolution Number ~~3328 2780~~ is hereby repealed.



DATED AND EFFECTIVE THIS 24TH DAY OF NOVEMBER 2008.

Mayor

ATTEST:

City Clerk



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Chris Bailey, Water Quality Control Supervisor
Jeff Blaine, Assistant City Engineer
Greg Byrne, Community Development Director
Craig Carnagey, Parks & Facilities Maintenance Manager
Heather Hansen, Planner III
Marilyn Smith, Management Assistant/Public Information Officer *mms*
Bob Woods, Management Systems Director

DATE: November 10, 2008, for the November 24, 2008, City Council Meeting

SUBJECT: Sustainability Efforts

RELATES TO STRATEGIC PLAN THEME:

- Effective Government
- A Healthy Economy
- Great Neighborhoods

Action Requested:

Adoption of the attached resolution per Council direction from the November 10, 2008, Council work session.

Discussion:

Sustainability provides a way of thinking about how to solve issues related to environmental stewardship, social desirability, and economic prosperity in a way that meets the needs of today without compromising future generations. This includes thinking about sustainability in strategic planning, policy, and program development, as well as the day-to-day decisions and actions of individuals.

The City influences sustainability through its internal operations and through its community and economic development policies and programs. City staff self-selected a volunteer task force in March 2008 to create a sustainability plan. Tasks included defining sustainability in a way that is useful for the staff, developing a framework for action areas, establishing baseline indicators to measure the sustainability of current City practices, and setting goals for more sustainable actions.

The Sustainability Task Force defined four action areas that directly affect how sustainable City practices are and could become. These are:

1. Resource Conservation: Areas of consumption should be evaluated and reduced where possible. Local, renewable, and recycled products should be evaluated for potential use and encouraged where feasible.
2. Environmental and Public Health: Minimize exposure to and use of hazardous or toxic materials.
3. Transportation: Create a multimodal transportation system that minimizes, and where possible, eliminates pollution.
4. Economic and Community Development: Encourage a diverse, stable local economy that supports a high quality of life for residents; encourage development patterns that serve the environment, the economy, and the community.

For each action area, the Task Force developed a list of current programs and practices that already include or express some degree of "sustainability":

<p><u>Resource Conservation</u></p> <ul style="list-style-type: none"> • Reduce the use of paper by increasing electronic documents and information sharing • Recycle paper, plastic, metals, oils, cardboard, and electronic equipment • Increase use of recycled products • Recycling facilities at public events • Reuse wood chips for park paths and tree mulch • Pretreatment program protects water quality and local watershed health • Erosion and sediment control program • Water conservation management plan and leak detection program • Reuse biosolids on local farms • Energy conservation audits of City facilities • Energy-efficient lighting installed at City facilities • Water-efficient planting and irrigation controls in parks • Wetland protection and enhancement on public property • Tree preservation measures • Annual tree planting • Open space zoning 	<p><u>Environmental and Public Health</u></p> <ul style="list-style-type: none"> • New wastewater treatment plant will reduce and prevent sewer overflows into the Willamette River • Sewer lateral replacement program to curtail wastewater leaks • Downspout disconnect program to reduce treated stormwater • Construction equipment monitored for leaks • Hazardous waste disposal and reporting program • Integrated pest management in parks • Constructed wetlands for cooling treated water • Purchase of green cleaning products • Floodplain management and participation in FEMA's insurance discount program • Annual river cleanups
<p><u>Transportation</u></p> <ul style="list-style-type: none"> • Alternative transportation plan • City Bicycle and Pedestrian Advisory Commission • Bike and pedestrian path improvements along streets • Police nonemergency hybrid vehicle 	<p><u>Economic and Community Development</u></p> <ul style="list-style-type: none"> • Well-maintained parks and facilities • Acquisition of land for future park development • Parks and Recreation Master Plan • Development Code that includes some Smart Growth principles such as village centers, cluster development, and design guidelines • Urban renewal programs • CARA housing rehabilitation program • Participation in Albany Partnership for Housing and Community Development • Historic preservation program • Accessibility program

The idea is not new. Significant sustainability efforts in City internal operations began in the early 1990s when the Oregon State Legislature passed Senate Bill 66, requiring local governments to minimize waste and encourage recycling. The City Council adopted Resolution 3154 in 1992 to make that state law City policy. The resolution set policies and procedures for reusing, reducing, recycling, and purchasing products from reclaimed resources, and is being incorporated as we develop more defined goals, strategies, and actions.

Sustainability represents both a responsibility and opportunity. This list of programs and projects demonstrates how the City organization has already begun to move toward sustainable practices. We anticipate that we will soon be required to show greater progress toward becoming sustainable.

The task force is asking the Council to consider the attached resolution that states the importance of sustainability and proclaims the City's support for sustainability efforts. Staff will follow-up with a more detailed sustainability plan to include measurement of current practices and goals to become more sustainable.

Budget Impact:

Dependent upon direction.

CC:mms:de:ldh
Attachments 2

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RESOLUTION NO. 3154

TITLE: THE RECYCLED PRODUCT POLICY

WHEREAS, Senate Bill 66, which was approved in the 1991 legislative session, imposed requirements on local government purchasing practices to minimize waste and encourage recycling, and

WHEREAS, it is the policy of the City to conserve and protect natural resources; and

WHEREAS, the maintenance of a quality environment for the people of Albany is a concern for our community; and

WHEREAS, the volume of solid waste generated by the City, an increased rate in the City's consumption of products and materials, including paper products, and the absence of adequate programs and procedures to encourage the reusing and recycling of these products and materials threaten the quality of the environment in our community.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the following policies and procedures relating to reusing, reducing, recycling, and purchasing products manufactured from reclaimed resources are hereby approved.:

Definitions.

"Recycled products" are all materials, goods, and supplies that contain at least 50 percent secondary and post-consumer waste (by weight). At least 10 percent of the total weight of these products must consist of post-consumer waste.

"Recycled paper" must contain at least 50 percent secondary materials (by weight), or 25 percent post-consumer waste.

"Post-consumer waste" is defined as a finished material that would normally be disposed of as a solid waste, having completed its life cycle as a consumer item. This does not include manufacturing waste.

"Secondary waste" includes products and fragments of products of the manufacturing process. This may include post-consumer waste but does not include excess virgin resources of the manufacturing process.

Departments to use recovered resources and recycled materials; notice to prospective contractors.

- (1) All departments responsible for the purchase of supplies, materials, equipment, or personal services shall:
 - a) Review their procurement specifications currently utilized in order to eliminate, wherever economically feasible, discrimination against the procurement of recovered resources or recycled materials.
 - b) Provide incentives, wherever economically feasible, in all procurement specifications issued for the maximum possible use of recovered resources and recycled materials.

- c) Develop purchasing practices that, to the maximum extent economically feasible, assure purchase of materials that are made from recycled materials or materials that may be recycled or reused when discarded.
- d) Establish management practices that minimize the volume of solid waste generated by reusing paper, envelopes, containers and all types of packaging and by limiting the amount of materials consumed and discarded.
- e) Use and require persons with whom they contract to use, in the performance of the contract work, to the maximum extent economically feasible, recycled paper.
- f) Any invitation to bid or request for proposal shall include the following language: "Vendors shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this document."

(2) Prior to the purchase, lease, or rent of office copiers, department purchasing personnel must ascertain that the warranty for service is valid with the use of recycled paper containing a minimum of 50 percent post-consumer waste.

Preference for recycled materials.

(1) Although state law requires the City and all public agencies to enter into contracts with the lowest responsible bidder, state law allows public agencies to give preference to a contractor using materials and supplies manufactured from recycled materials if:

- a) The recycled product is available;
- b) The recycled product meets applicable standards;
- c) The recycled product can be substituted for a comparable nonrecycled product; and
- d) Recycled product costs do not exceed the costs of nonrecycled products by more than five percent.

(2) A department may give preference to the purchase of materials and supplies manufactured from recycled materials exceeding the five percent cost differential with City Manager approval.

(3) A department may also give preference to products or contractors that reduce the amount of waste generated.

(4) A department must require the bidder to specify the percentage of recycled paper in paper products or recycled material in other products offered. Both the post-consumer and secondary waste content of the product must also be reported.

(5) Except for specifications that have been established to preserve the public health and safety, all purchasing specifications will be established in a manner that encourages the purchase of recycled products.

Recycled Oil.

(1) The City Motor Pool or any vendor contracted for the purpose of maintaining City vehicles will purchase lubricating oil and industrial oil from the seller whose oil product contains the greater percentage of recycled oil, unless a specific oil product containing recycled oil is:

- a) not available within a reasonable period of time or in quantities necessary to meet the City's needs;
- b) not able to meet the performance requirements or standards recommended by the equipment or vehicle manufacturer, including any warranty requirements; or
- c) available at a cost greater than five percent of the cost of comparable virgin oil products or other percent preference as approved by the City Manager.

(2) To encourage the oil industry to process oils that contain the maximum content of recycled oil the City Motor Pool will:

- a) describe the preference for recycled oil products in publications used to solicit bids from suppliers, including procurement solicitations, and invitations to bid;
- b) describe the City's recycled oil policy at bidder's conferences;
- c) whenever possible, inform the industry trade associations about the City's preference program.

(3) The City will include in its specifications for vehicle maintenance services the use of recycled oil products when the criteria in Subsection (1) of this section are met.

Retread Tires.

The State of Oregon Department of General Services and Department of Environmental Quality in cooperation with the Oregon retreading industry are currently developing policy relating to the use of retreaded tires for the State of Oregon. Following the release of the state policy, the City's recycled product purchasing policy will be revised to include the purchase of retread tires.

Paper Products.

(1) The City shall give preference to the purchase of paper products that reduce production of solid waste or contain recycled paper.

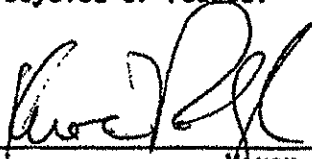
(2) The City shall give a preference to the suppliers of recycled paper. This preference may be up to 12 percent of the lowest bid for nonrecycled paper products without specific approval from the City Manager.

(3) Specifications for paper products, including janitorial supplies, issued by the City shall require recycled paper contracts to be awarded to the bidder whose paper product contains the greater percentage of post-consumer waste if the fitness, quality, and price meet the requirements in this section and that the type of recycled content does not preclude the material from being further recycled.

Recycling and reusing solid waste.

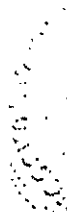

(1) All City departments will establish a system for the separation and collection of solid waste that can be recycled or reused.

DATED this 22nd day of April, 1992.



Mayor

ATTEST:

Deputy City Recorder

RESOLUTION NO. _____

A RESOLUTION STATING INTENT TO APPLY SUSTAINABILITY PRINCIPLES IN THE CITY OF ALBANY

WHEREAS, the Albany City Council and City staff are guided by the City's Strategic Plan, which outlines how to achieve great neighborhoods, a health economy, a safe city, and effective government; and

WHEREAS, those strategic goals can and should be based on the City's responsibility to support a stable, diverse, and equitable economy; protect the quality of the air, water, land, and other natural resources; conserve native vegetation, fish, wildlife habitat, and other ecosystems; and minimize human impacts on local, regional, and worldwide ecosystems; and

WHEREAS, these responsibilities can be further defined as a commitment to sustainability principles; and

WHEREAS, the City of Albany will lead by example for other organizations by operating its facilities and services in a sustainable manner; developing strategies for implementing sustainable practices through purchasing of products and services, maintenance, facility design, and municipal operations; and

WHEREAS, community awareness and education are fundamentally important to successful implementation of sustainability policies and programs; and the City will assume a leadership role in creating, sponsoring, and promoting sustainability awareness and education, focusing on solutions and facilitating citizens' participation in developing those solutions; and

WHEREAS, the City recognizes the relationship between local, regional, national, and global issues in its policy and program development and will take a lead role in developing model environmental programs and new approaches to economic development that reflect this linkage.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council supports the adoption of sustainability principles for City practices and encourages their adoption and practice throughout the greater Albany community.

DATED AND EFFECTIVE THIS 24TH DAY OF NOVEMBER 2008.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Hodney, Director of Parks and Recreation
DATE: November 18, 2008, for the November 24, 2008 City Council Meeting

SUBJECT: PacifiCorp Foundation Grant Application for 2009 River Rhythms Concert Series and the 2009 Northwest Art & Air Festival

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

Action Requested:

Adoption of a resolution authorizing an application to the PacifiCorp Foundation for general operating support of the 2009 River Rhythms (RR) concert series and the 2009 Northwest Art & Air Festival (NWAAF) and authorizing the Parks & Recreation Director to sign the application.

Discussion:

Pacific Power, a PacifiCorp Company, has been a sponsor of the RR concert series since 1989 and became a sponsor of NWAAF in 2008. For many years, Pacific Power sponsorship dollars came from its local marketing budget. Doris Johnston, the Regional Community Manager for Pacific Power in Albany, wants to increase PacifiCorp's support of both events in 2009 and has asked that we apply for funding through the PacifiCorp Foundation.

The foundation provides financial support to programs and projects that benefit the community. Staff is asking for \$3,500 from the PacifiCorp Foundation for the 2009 RR concert series and \$2,500 for the 2009 NWAAF.

In order to take full advantage of this funding opportunity, the Parks & Recreation Department needed to submit an online application the week of November 17, 2008. Supporting materials and Council support are due by the end of November. If awarded, grant funding would be available after January 5, 2009.

Budget Impact:

None.

Attachments: (1)

Cc: Anjeanette Brown, Resource Development Coordinator

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF ALBANY PARKS AND RECREATION DEPARTMENT TO APPLY FOR A GRANT FROM PACIFICORP FOUNDATION FOR GENERAL OPERATING SUPPORT OF THE 2009 RIVER RHYTHMS CONCERT SERIES AND THE 2009 NORTHWEST ART & AIR FESTIVAL AND AUTHORIZING THE PARKS & RECREATION DIRECTOR TO SIGN THE APPLICATION.

WHEREAS, the PacifiCorp Foundation is accepting grant applications for programs that benefit the community; and

WHEREAS, the City of Albany Parks and Recreation Department desires to participate in this grant program to the greatest extent possible as a means of providing general operating support for the 2009 River Rhythms Concert Series and the 2009 Northwest Art & Air Festival; and

WHEREAS, the PacifiCorp Foundation, locally Pacific Power, has provided an annual donation for the River Rhythms concert series since 1989 and for the Northwest Art & Air Festival since 2008; and

WHEREAS, the City of Albany Parks & Recreation Commission, City Council, and staff have identified the River Rhythms Concert Series and the Northwest Art & Air Festival as recreational programs that improve the quality of life for the citizens of Albany and surrounding communities.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the City of Albany Parks and Recreation Director is authorized to apply for a general operating grant from the PacifiCorp Foundation for the 2009 River Rhythms Concert Series and the 2009 Northwest Art & Air Festival as specified above.

DATED AND EFFECTIVE THIS 24th DAY OF NOVEMBER, 2008.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE ABSTRACT OF VOTES REGARDING THE BALLOTS CAST IN THE STATE OF OREGON GENERAL ELECTION HELD TUESDAY, NOVEMBER 4, 2008, REGARDING CANDIDATES FOR CITY OF ALBANY OFFICES.

WHEREAS, the Abstract of Votes prepared by Steve Druckenmiller, the duly elected, qualified County Clerk of the County of Linn, State of Oregon; as to the ballots cast in the Linn County election, held Tuesday, November 4, 2008, regarding the duly elected officers of the City of Albany; and

WHEREAS, the Abstract of Votes prepared by Jill Van Buren, the duly appointed, qualified Manager of Recording and Elections of the County of Benton, State of Oregon; as to the ballots cast in the Benton County election, held Tuesday, November 4, 2008, regarding the duly elected officers of the City of Albany;

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

TOTAL CERTIFIED

Mayor: Two-year term beginning January 1, 2009, and ending December 31, 2010.

	<u>Linn County</u>	<u>Benton County</u>	<u>Total Votes</u>	
Sharon Konopa	7,559	1,967	9,526	Elected
Dan Bedore	5,110	1,257	6,367	
Charley Smith	1,806	202	2,008	

Councilor: Four-year term beginning January 1, 2009, and ending December 31, 2012.

Ward I-B

Floyd Collins	1,426	1,592	3,018	Elected
William H. Root	922	1,118	2,040	

Ward II-B

William R. Coburn	1,951		1,951	Elected
Mike Styler	707		707	
C. Jeffery Evans	580		580	

Ward III-B

Jeff Christman	3,137		3,137	Elected
Frank Frenzel	1,403		1,403	

BE IT FURTHER RESOLVED the City Clerk is hereby directed to issue Certificates of Election to the above elected candidates.

DATED AND EFFECTIVE THIS 24 DAY OF NOVEMBER 2008.

Mayor

ATTEST:

City Clerk



TO: Albany City Council

VIA: Wes Hare, City Manager

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

DATE: November 17, 2008 for the November 24, 2008, City Council

SUBJECT: Additional Capital Expenditure

RELATES TO STRATEGIC PLAN THEME:

- A Safe City
- An Effective Government

Action Requested:

The Albany Police Department is seeking City Council approval to spend an additional \$11,875 in the Police General Fund Capital Equipment line item to purchase an additional detective vehicle.

Discussion:

In the current Police General Fund budget (FY 2008-09), we were approved to increase our staffing by one Corporal position in the Detective Unit. In anticipation of that addition, we included \$20,000 in our Capital Equipment line item to purchase a new detective vehicle for the new Corporal.

The department had two unexpected capital equipment expenditures this fiscal year. One was related to the Cisco phone upgrade that was budgeted in last fiscal year (2007-08). We originally budgeted \$28,517 for the Cisco phone system; however, we paid only \$20,617 last fiscal year. The project was not completed until recently, so we had to spend the final \$7,900 this fiscal year.

Because of increased workload, we also needed a new Laserfish scanner for \$6,965.

These two unanticipated capital purchases leave us with only \$6,625 in our Capital Equipment line and we still need to purchase the Corporal's vehicle, a 2009 Ford Escape, which is on the state bid for about \$18,500. We purchase our detective vehicles, rather than lease them, because they last longer and are driven less rigorously than the patrol cars.

Budget Impact:

We will offset the additional Capital Equipment costs by savings in other Materials and Services line items of our approved budget. We are not requesting a budget increase.



TO: Albany City Council

VIA: Wes Hare, City Manager

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

DATE: November 18, 2008, for November 24, 2008, City Council Meeting

SUBJECT: Off-Premises Sales, Change Ownership Liquor License Application for Grocery Outlet, Inc., D/B/A Grocery Outlet of Albany, 1950 14th Avenue SE.

Action Requested:

I recommend the Off-Premises Sales, Change Ownership Liquor License Application for Grocery Outlet, Inc., D/B/A Grocery Outlet of Albany, be approved.

Discussion:

Shannon Browning, on behalf of Grocery Outlet, Inc., D/B/A Grocery Outlet of Albany, has applied for an Off-Premises Sales, Change Ownership liquor license. Based on a background and criminal history investigation through Albany Police Department records, I recommend approval of this request.

Budget Impact:

None.

MR



TO: Albany City Council
VIA: Wes Hare, City Manager
Ed Boyd, Chief of Police *Ed Boyd*
FROM: Ben Atchley, Captain
DATE: November 18, 2008, for November 24, 2008, City Council Meeting
SUBJECT: Application for Bulletproof Vest Partnership Grant FY 2008

RELATES TO STRATEGIC PLAN THEME: ● A Safe City
● An Effective Government

Action Requested:

City Council approval to accept funds through the U.S. Department of Justice for the replacement of bullet-resistant vests in an amount up to \$12,200.

Discussion:

The Albany Police Department has received funds through the U.S. Department of Justice since 1999 for the replacement of bullet-resistant vests through the Bulletproof Vest Partnership Grant. This grant provides a 50% reimbursement for the purchase of bullet-resistant protective vests for law enforcement officers. On November 5, 2007, the City Council gave approval to apply for these funds in the amount up to \$13,000. On October 29, 2008, the Albany Police Department received notification that these funds were available. This grant provides a 50% reimbursement for the purchase of bullet resistant protective vests for law enforcement officers. The 2007 Bulletproof Vest Partnership Grant will supply up to \$12,200 in replacement funds and payment can be requested until September 30, 2010, or until all available 2007 award funds have been requested. We currently replace protective vests worn by our officers about every five years, which is the manufacturer's recommended service life.

Budget Impact:

None. There is no local match requirement.

G:\Worma_Meaza\City Council - Resolution, ordinances, memos\MCC GRANT Vest 2007 ACCEPT.11.12.08.doc

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF ACCEPTING THE BULLETPROOF VEST PARTNERSHIP GRANT FROM THE U.S. DEPARTMENT OF JUSTICE THAT REIMBURSES JURISDICTIONS UP TO 50% OF REPLACEMENT EXPENSES FOR BULLETPROOF VESTS.

WHEREAS, the Bureau of Justice Assistance, of the U.S. Department of Justice, makes grants available through their Bulletproof Vest Partnership Grant; and

WHEREAS, the City of Albany Police Department was invited to apply for and has received approval of a grant in an amount up to \$12,200 for replacement of bulletproof vests; and

WHEREAS, grant acceptance will reduce our previously budgeted expenses by a like amount; and

WHEREAS, grant acceptance will reimburse the City of Albany Police Department for funds already expended and there is no other match required.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council does hereby state that replacing police officer bulletproof vests is a priority.

BE IT FURTHER RESOLVED that the Albany City Council authorizes the Albany Police Department to accept this Bulletproof Vest Partnership Grant in an amount up to \$12,200.

DATED AND EFFECTIVE THIS 24TH DAY OF NOVEMBER 2008.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Robert K. and Elizabeth K. Alexander

A variable width sidewalk easement to allow a public sidewalk to avoid an existing large tree.

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

DATED AND EFFECTIVE THIS 24TH DAY OF NOVEMBER 2008.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 6TH day of NOVEMBER, 2008, by and between **Robert K. and Elizabeth K. Alexander**, 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 sidewalks for the purpose of providing public pedestrian access over, across, and through, the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public sidewalk and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public sidewalk.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A variable width sidewalk easement to allow a public sidewalk to avoid an existing tree. 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.
7. In the event that the existing tree is removed and the public sidewalk is rebuilt entirely within the right-of-way of Hill Street, this easement shall automatically become null and void.

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

GRANTORS:

Robert K. Alexander
Robert K. Alexander

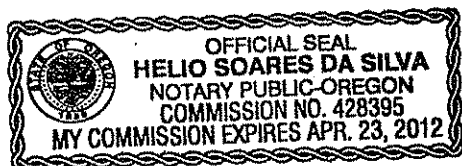
Elizabeth K. Alexander
Elizabeth K. Alexander

STATE OF OREGON)
County of BENTON) ss.
City of CORNWALLIS)

STATE OF OREGON)
County of BENTON) ss.
City of CORNWALLIS)

The foregoing instrument was acknowledged before me this 06 day of NOVEMBER, 2008, by Robert K. Alexander as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 06 day of NOVEMBER, 2008, by Elizabeth K. Alexander as her voluntary act and deed.



Helio Soares da Silva
Notary Public for Oregon
My Commission Expires: April 23, 2012

Helio Soares da Silva
Notary Public for Oregon
My Commission Expires: April 23, 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

Sidewalk Easement - Legal Description

Beginning at the Northeast corner of Lot 5, Block 126 of Hackleman's Addition to Albany; thence South 20.0 feet along the East lot line of said Lot 5, thence Northwest 6.5 feet to a point that lies 14 feet south and 2.5 feet west of the northeast corner of said lot 5; thence North 8.0 feet, parallel with the east lot line of said Lot 5; thence Northeast 6.5 feet to the point of beginning. As shown on the attached map labeled Exhibit B.

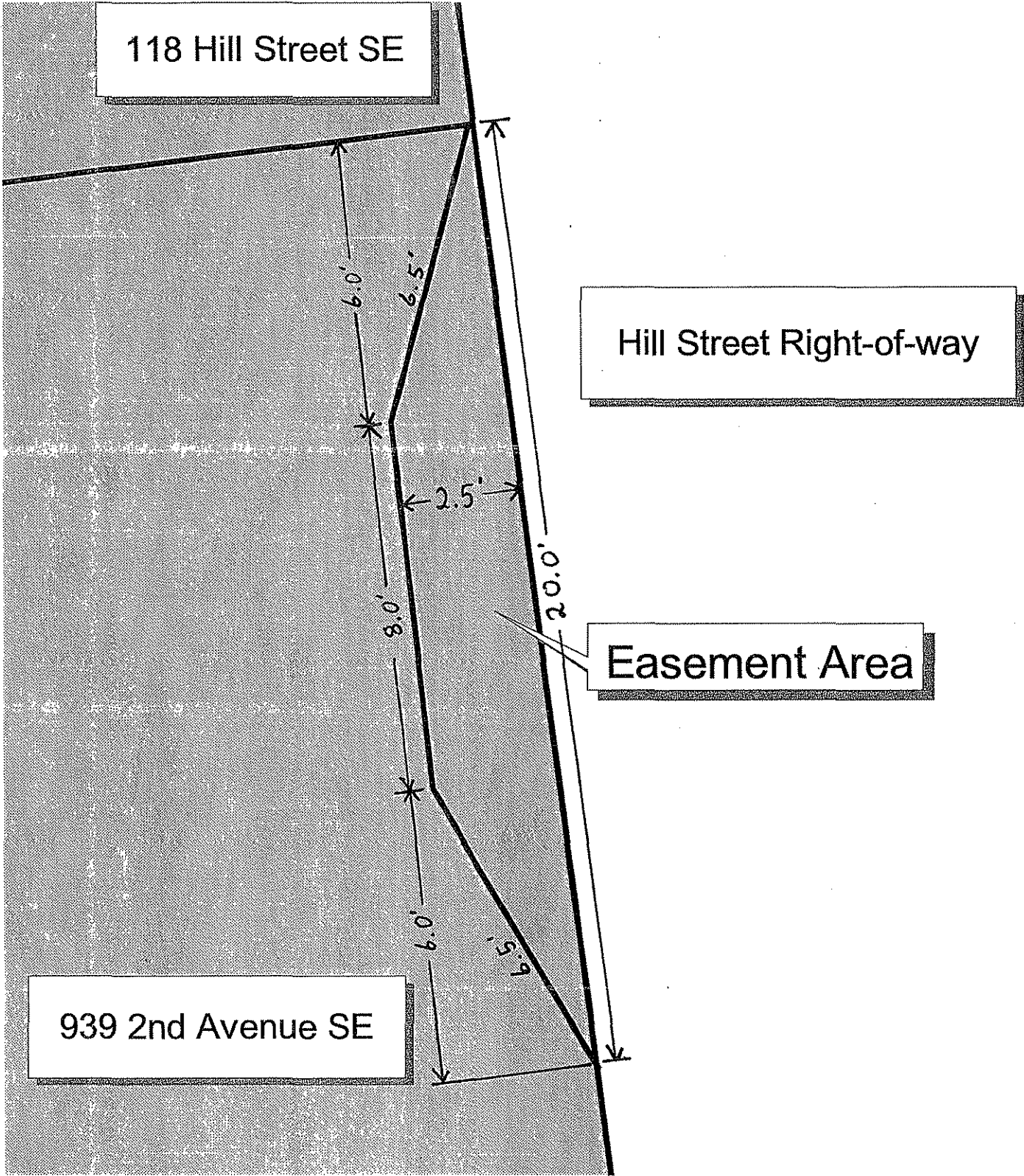


Exhibit B - Easement Map

	Public Works	Gordon Steffensmeier	<small>The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.</small>	
	gordons nil	Oct 23, 2008		

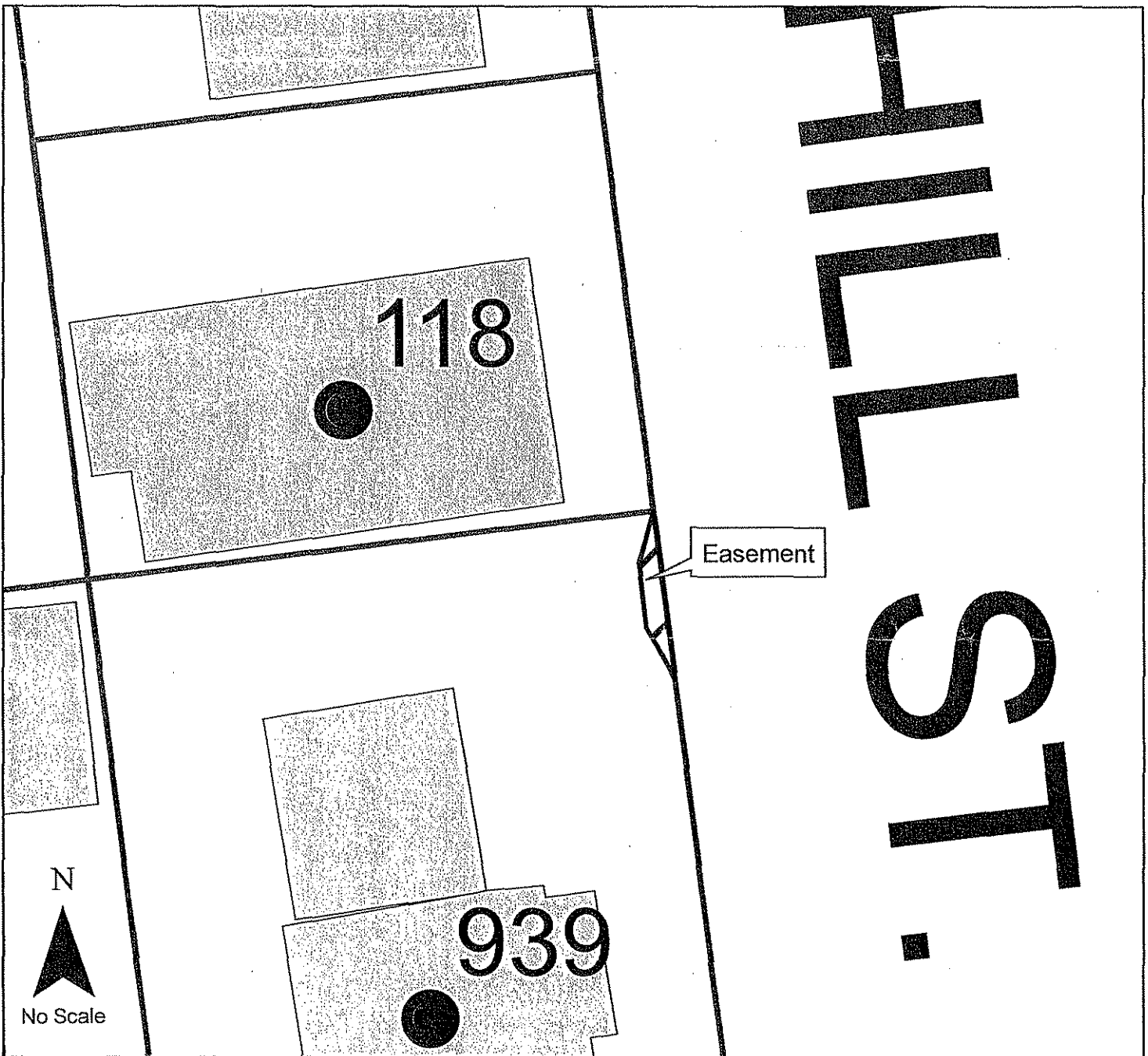
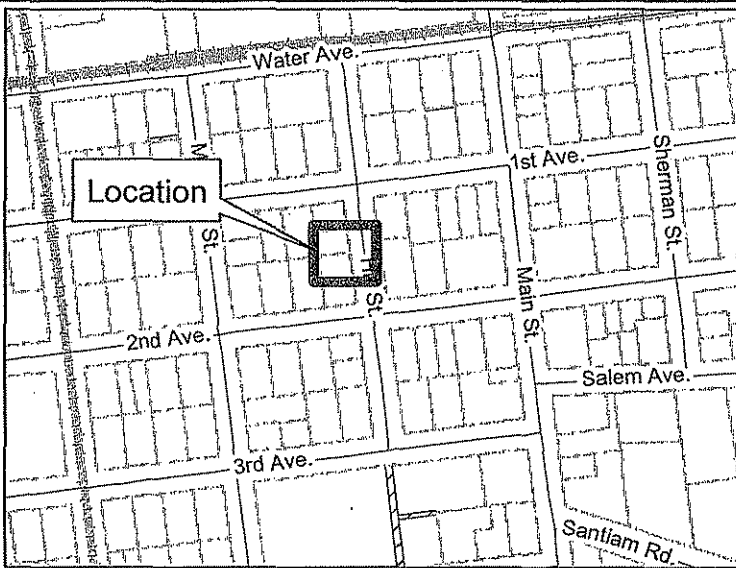
EXHIBIT C

11SO3W06DD00700

A variable width sidewalk easement to allow a public sidewalk to avoid an existing large tree.



Geographic Information Services





TO: Albany City Council

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

FROM: Mark W. Shepard, P.E., City Engineer *MWS*
Staci Belcastro, P.E., Civil Engineer II *SB*

DATE: November 6, 2008, for the November 24, 2008, City Council Meeting

SUBJECT: Award of Bid for WL-09-03, 9th Avenue and 24th Avenue Water Line Replacement

RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Staff requests Council, acting as the local contract review board, waive a minor bid irregularity and award this contract in the amount of \$77,439 to the low bidder, Kamph Construction Company, Inc., of McMinnville, Oregon.

Discussion:

On Tuesday, October 28, 2008, bids were opened for WL-09-03, 9th Avenue and 24th Avenue Water Line Replacement. There were eighteen bids submitted for this project, ranging from a total of \$77,439.00 to \$147,497.50. The engineer's estimate was \$95,100.00. Attachment 2 is a project vicinity map.

Project Description

This project includes construction of approximately 350 lineal feet of 4-inch ductile iron water line on 9th Avenue and 350 lineal feet of 8-inch ductile iron water line on 24th Avenue. Both water lines are located east of Waverly Drive. Construction of the water line on 9th Avenue replaces a leaking 2-inch water line and the construction of the 8-inch water line on 24th Avenue completes a loop between Waverly Drive and Edgemont Street to the east.

Minor Bid Irregularity

Professional Underground Services, Inc., has submitted a bid protest to staff protesting the award of the contract to Kamph Construction based on a minor bid irregularity. Attachment 3 is a copy of the bid protest. Kamph Construction did not include their Corporation Seal on the bid proposal; however, they did sign the bid proposal and include the 10 percent Bid Bond as required per the Contract Documents. Staff and the City Attorney recommend that this minor bid irregularity be waived.

Summary of Total Estimated Project Costs

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

Project Components	Estimated Cost
I. Costs	
a. Engineering	\$ 4,800
b. Construction Management	\$ 5,000
<i>Engineering Subtotal</i>	\$ 9,800
II. Construction Costs	
a. Construction Contract	\$ 77,400
b. Contingency (10%)	\$ 7,700
<i>Construction Subtotal</i>	\$ 85,100
<i>Total Estimated Project Cost</i>	\$ 94,900
<i>Project Budget</i>	\$118,000
<i>Under/(Over) Project Budget</i>	\$ 23,100

Award Recommendation

Based on the competitive bids received, it is recommended that the minor bid irregularity be waived and the contract be awarded to Kamph Construction Company, Inc. The total estimated project cost of \$94,900 is \$23,100 under the project budget of \$118,000.

Budget Impact:

This project will be funded from Water System Capital Projects (615-50-2308).

SLB:kw

Attachments (3)



CITY OF ALBANY, OREGON
Public Works Department
Construction Contract Bids

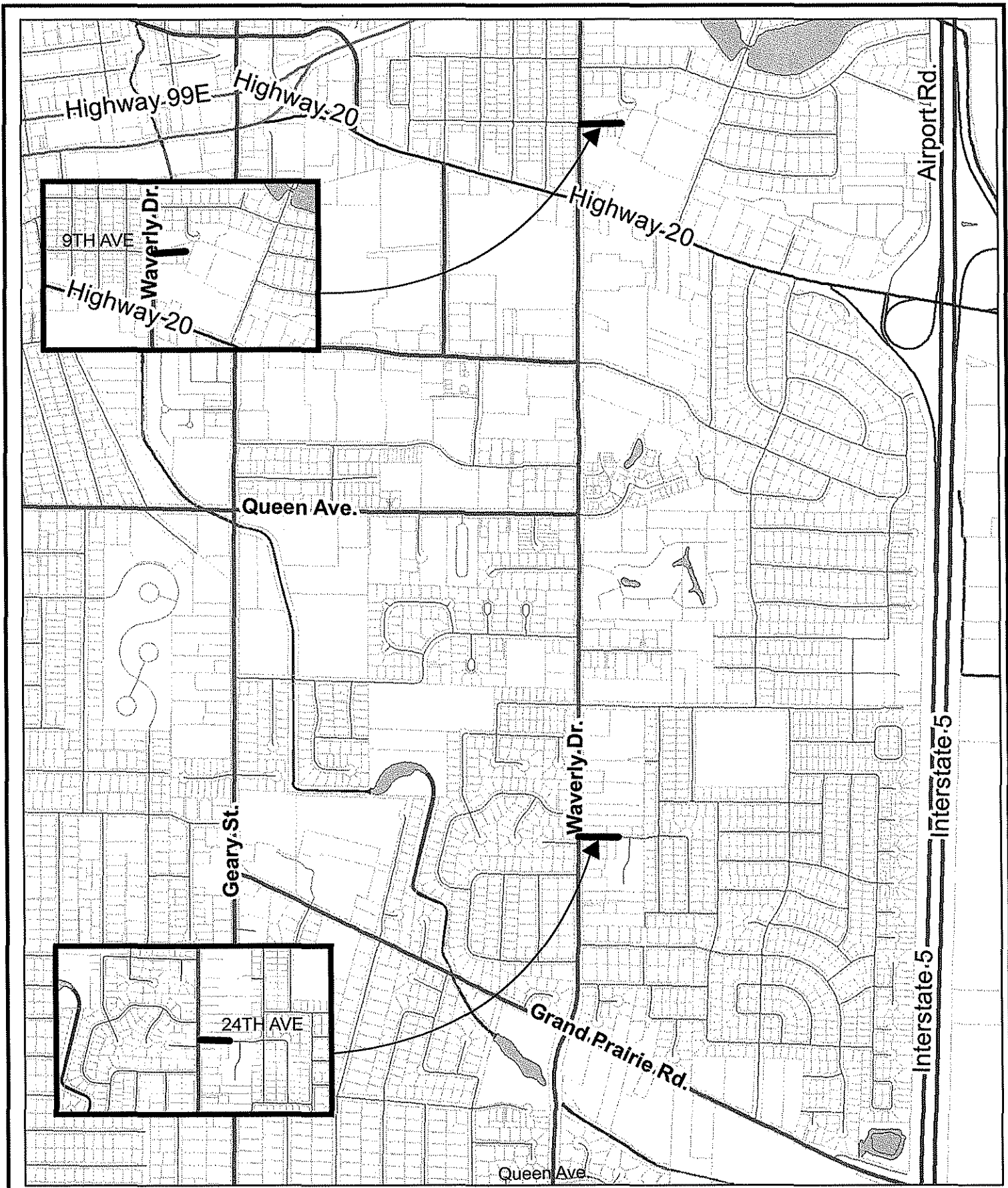
Project: WL-09-03, 9th Avenue and 24th Avenue Water Line Replacement

Bid Opening: October 28, 2008

Engineer's Estimate	Kamph Construction	Professional Underground	Emery & Sons	RJ Armstrong & Assoc.	Zehr Excavation	Alpine Construction
95,100.00	77,439.00	84468.90	88,600.00	89,004.00	92,641.25	92,860.00


Pacific Excavation	NW Kodiak Construction	D & T Excavation	Harold Primrose Excavating	CPM Development Corp	Timberline Contracting & Investments	R&R General Contractors
93,330.00	94,488.00	101,761.64	104,192.00	105,918.59	110,220.88	112,199.00

Mid Valley Gravel Co.	Gelco Construction	North Santiam Paving	George Schmid & Sons	M.L. Houck Construction
116,875.00	117,113.00	233,036.00	134,009.82	147,497.50




WL-09-03, 9TH AVENUE AND 24TH AVENUE WATER LINE REPLACEMENT

ATTACHMENT 2 - VICINITY MAP

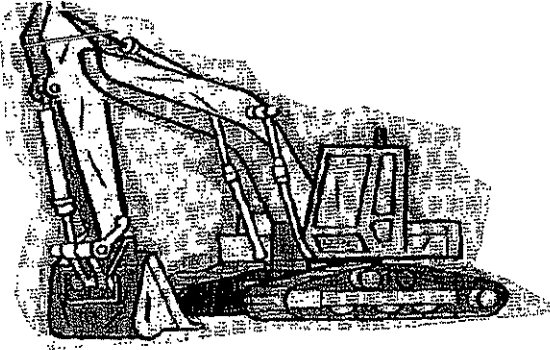


The City of Albany's infrastructure records, drawings, and other documents have been gathered from many sources, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information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

0 100 200 400 600 800 1,000
Feet



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



Professional Underground Services Inc.

PO Box 2641, Eugene, Oregon 97402 P: 541-343-2238 F: 541-343-2843

CCB# 156231 Emerging Small Business Cert: #5326

City of Albany, Public Works Engineering
333 Broadalbin St SW
Albany, OR 97321

Bid Protest 9th and 24th Ave Waterline Replacement WL-09-03

To Whom It May Concern:

After reviewing the bid documents for the above named project it has come to our attention that Kampf Construction failed to affix their corporate seal to their bid proposal. The bid documents clearly state that the corporate seal must accompany the signature of the authorized representative of the offering company. The bid was not entered under the corporate seal signed by an authorized officer of the company and therefore should be rejected.

Matthew Powell
President – Professional Underground Services
P: 541-343-2238
C: 541-501-7128

Signed _____



TO: Albany City Council

VIA: Wes Hare, City Manager
Diane Taniguchi-Dennis, Public Works Director *com for DTD*

FROM: Mark Shepard, City Engineer *MWS*
Ron Irish, Transportation Systems Analyst *R.I.*

DATE: November 10, 2008, for the November 24, 2008 , City Council Meeting

SUBJECT: Report on Neighborhood Meeting - Rail Crossing Closures

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

Action Requested:

Council decision on whether to accept an offer by ODOT Rail to fund crossing improvements on Water Avenue in return for closure of other at-grade crossings in Albany.

Discussion:

As part of on-going negotiations between the City and ODOT Rail regarding the crossing improvements on Water Ave. necessary to redevelop old industrial sites along the Willamette River, ODOT offered to fund the crossing improvements necessary for the Wheelhouse and RCM development in return for closure of the Jefferson and Madison Street crossings, together with closure of two additional crossings. The options identified for the additional crossings were at Chicago Street, Burkhart Street, and Columbus Street. Council directed staff to host a neighborhood meeting and obtain input from residents that would be impacted by the closures.

The neighborhood meeting was held on the evening of October 10, 2008. Invitations were sent to about 60 homes. About a dozen people attended the neighborhood meeting, half of which were residents. The residents in attendance saw both a community benefit (ODOT helps fund improvements within the City) and neighborhood benefit (less train horn noise) to closure of two crossings. Everyone in attendance believed that the Chicago Street crossing should be closed, but there was no real preference regarding whether Burkhart Street or Columbus Street should be the second closure. Staff told residents in attendance that written comments could be provided during the week following the meeting. No written comments were turned in during the following week. One resident did speak with staff at the counter and indicated a preference for the Columbus Street closure over Burkhart Street. In addition, the owner of a rental unit in the area submitted a letter prior to the meeting (attached) indicating that they opposed any closure and because it would be an inconvenience to residents of the area.

Budget Impact:

If the City accepts ODOT Rail's offer, the State would fund crossing improvements for the Wheelhouse and RCM projects. If the City does not accept the offer, alternative funding for the crossing improvements (estimated to cost between \$250,000 and \$750,000 per crossing) would need to come from another source.

RGI:kw
Attachment

Oct 10, 2008

Ken Smith
Trans. Syst. Analyst
333 Broadalbins W
Albany OR 97321

Dear Mr. Smith:

I talked to you on the phone after I received the notice about a possible closure of Chicago & Burkhardt RR crossings. I cannot make it to the meeting at City Hall, but I would like to express that closing those crossings would create a hardship on the people in the neighborhood. (over)

I own property at 2105
Water Ave - My renters
have always used both
those crossings ~~and~~ and
I do, also, when I
visit the property.

I very much hope
that they don't close
them but I don't
expect our voices (the
ones who live there and
the ones who own
property there) will be
heard.

Sincerely,
Christa Wimmers,
Christa Wimmers