



NOTICE OF PUBLIC MEETING

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, February 11, 2008
4:00 p.m.

AGENDA

- 4:00 p.m. **CALL TO ORDER**
- 4:00p.m. **BUSINESS FROM THE PUBLIC**
- 4:05 p.m. **COUNCIL VIDEO IMPROVEMENT TIPS** – Mike Cox
Action Requested: Information and demonstration in Council Chambers.
- 4:20 p.m. **PROPOSED COUNTYWIDE LIBRARY DISTRICT** – Ed Gallagher
Action Requested: Information and discussion.
- 4:45 p.m. **TITLE 18 PROPERTY MAINTENANCE CODE QUARTERLY REPORT** – Melanie Adams
Action Requested: Information.
- 5:00 p.m. **TRANSPORTATION SYSTEM PLAN UPDATE** – Jeni Richardson
Action Requested: Distribution of new technical memos.
- 5:10 p.m. **RECOMMENDED CHANGES IN TREE CODES** – Craig Carnagey
Action Requested: Information, discussion.
- 5:30 p.m. **COUNCILOR COMMENTS**
- 5:45 p.m. **CITY MANAGER REPORT**
1. Charter revision election date
- 6:00 p.m. **Adjournment**

Meeting will reconvene at 7:00 p.m. for City Council candidate interviews.

City of Albany Web site: www.cityofalbany.net

The location of the meeting/hearing is accessible to the disabled. If special accommodations to attend or participate in the meeting/hearing are needed, advance notice is requested by notifying the Human Resources Director at 917-7500.

City Council Meeting Notes


1. Things we have addressed:
 - a. Lighting over the Council has been increased.
 - b. One of the cameras had a loose cable.
 - c. Cameras facing the Council have been reprogrammed giving more coverage.

2. Sound is the biggest problem.
 - a. A wireless mic to be used when a speaker is moving around.
 - b. Leaning back or turning head to speak to Council.
 - c. Getting too close to the mic.
 - d. Shuffling papers or coughing.

3. Visual problems
 - a. Wearing very dark or white
 - b. Name tag change to a darker color with white lettering
 - c. If possible, presentations made using PowerPoint and laptop show better

4. We are also going to get a professional to check the mic levels and balances on February 22, 2008.



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Gallagher, Library Director 
DATE: February 6, 2008, for the February 11, 2008, City Council Work Session
SUBJECT: Library District

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

Action Requested:

Adopt a Resolution at the earliest opportunity to include the City of Albany in the proposed Linn Library District boundaries. A Resolution template is included in this packet.

Discussion:

The City Council is well aware of the five-year effort of the Linn Library League (LLL). This grassroots, grant-funded outreach has successfully delivered library services to thousands who had none before. The next step is to ask City Councils throughout the proposed district to adopt a Resolution to be a part of the district, which will allow the LLL to collect signatures and place a library district ballot measure before the voters in November, 2008.

The Council may also be aware that the Lebanon City Council unanimously adopted such a Resolution at their January 23, 2008 meeting. I have enclosed City Manager John Hitt's letter of support.

All of the Albany Public Library support groups—Advisory Board, Foundation, and Friends of the Library—as well as staff, support the concept of a library district, and would support having a library district measure on the November, 2008 ballot.

One of Albany's strategic goals is *An Effective Government*. One of our strategies is to "pursue appropriate alternative service delivery models through the use of regional collaborative partnerships...and other innovative methods." I think pursuing a library district squarely addresses this goal. Library districts throughout Oregon have been successful for decades, and clearly "demonstrate effectiveness with partner governments."

Some of the most tangible library district benefits for Albany citizens would be:

- 60% increase in FTE, and significant strengthening of staffing by strategic realignment.
- More than 50% increase in book/materials budget.
- A 23% increase in operational hours, something the public has requested for years, but is beyond the ability of the General Fund to support and sustain.
- Consolidated planning, purchasing, and training that help eliminate redundancies and inefficiencies.
- Dedicated source of funding to help avoid library cutbacks and closures as seen in Sweet Home, Jackson and Josephine Counties.
- Little, if any, effective tax increase.

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February 6, 2008

Using this regional collaborative method of providing library services will significantly strengthen every library and community in the proposed district. Stronger communities and libraries percolate and resonate influence across every social and economic sphere. Great cities and great libraries go hand in hand. The voters should be given the opportunity to explore a library district, and vote in November. I believe that cities working hand in hand to vastly improve library services is a tried and true method throughout the country that will thrive with the strong participation of Albany.

Budget Impact:

None

EG:kg

Attachments 3

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February 4, 2008

Dear Ed,

The Lebanon City Council had May Garland, Linda Ziedrich and library consultant, Ruth Metz at their January 9th meeting. At that time the City Council discussed the League's upcoming request for a resolution from the council stating the City of Lebanon's intention to be a part of the library district being proposed for much of Linn County. At the January 23rd meeting, the Council unanimously approved the resolution.

From my point of view, it has become increasingly difficult for small municipalities to support library services at the levels patrons are demanding. It is the intention of the Linn Library League that the proposed library district would provide stable funding from all residents of the district, instead of the current funding model whereby city residents essentially fund library services for non-residents at a subsidized rate. Stable funding is essential for improved services.

From the information provided by May and Linda, the City Council and I could see that the library district would be able to increase hours of service to the public, significantly increase staff size, and increase the book budget for purchasing new materials. Patrons would be able to check out and return library materials to any library in the district. Additionally, the district would improve library services to rural patrons and continue funding for the bookmobile.

The issue of the City of Lebanon levy was discussed after the resolution passed. Councilors appreciated the concept of not double taxing citizens within the city limits for a specified period of time. While not legally binding, they did come to a general consensus in support of under levying for 3 years. To be able to improve library services while eventually freeing general fund revenues for other city needs is a pleasing prospect.

As Lebanon and Albany move forward with new library facilities for our communities, it seems that the library district is the next logical step in providing adequate, stable operational funding for the new libraries for many years to come.

Sincerely,

John Hitt

Administration



To: City Council, City of Albany
From: Ruth Metz, for the Linn Library League
Date: February 11, 2008
Subject: Request for Resolution to Include Albany in the Proposed
Linn Library District Boundary

For several years, the Linn Library League (League) under the leadership of Scio residents May Garland and Linda Ziedrich has studied the potential for a county-wide library district. Their efforts have culminated in a proposal to form a library district that, if approved by voters, would encompass much of Linn County and would be called the Linn Library District.

The informal steps leading up to a formal process of getting a district on the ballot have been essentially completed. The next step for the Linn Library League is to establish for filing purposes the boundaries of the proposed district. The inclusion of cities in a proposed district boundary must be by city council resolution.

Purpose

Our purpose today is to request that the Albany City Council consider a resolution to include the City of Albany in the proposed Linn Library District boundaries. A resolution template is included as Attachment A. We have summarized below the key elements of the proposal and the district feasibility conclusion.

District Service Area

The district boundaries will follow those of Linn County, with the addition of North Albany, in Benton County, and the omission of the City of Brownsville and the parts of the Santiam Canyon, North Santiam, and Jefferson school districts in Linn County (these school districts are part of the proposed North Santiam Library District). In the proposed Linn Library District are approximately 107,000 residents and 10 incorporated cities. Five of these cities (Albany, Lebanon, Sweet Home, Harrisburg, and Scio) now have public libraries; the other five (Tangent,

Halsey, Millersburg, Sodaville, and Waterloo) do not. The City of Brownsville has decided not to participate in the district at this time.

Lacking library service are approximately 3,000 residents of cities without libraries and approximately 23,500 residents of unincorporated areas of Linn County. (An additional 5,300 residents of unincorporated areas of Linn County will be served by the proposed North Santiam Library District.) Approximately 6,000 residents of the proposed Linn Library District live in North Albany, in Benton County; as Albany residents, they now have access to the Albany Public Library.

Services

Only the elected governing board of the library district can establish the district's service plan. However, the Oregon Revised Statutes require a proposed service plan as the basis for determining the district's economic feasibility.

The League's proposal emphasizes the basics: hours open, collections, services to youth, outreach to rural areas, and convenient information services to the general public. Focus groups, a telephone survey, and study of library jurisdictions with comparable service populations guided the development of the proposed plan.

The League's proposed plan will raise all library services in the district to an "adequate" level, and beyond, according to Oregon Library Association standards (threshold-adequate-excellent). The budget includes a combined total of 295 hours of open hours per week, an average of 50 hours per week per facility. This 53% increase over current hours will provide more convenient weekday hours for the public and open hours every day of the week in the district.

Residents of the district will have equal access to the circulating collections of all six library outlets; online search capability from home, schools, work, and libraries; and convenient delivery of borrowed items to and from their preferred location. Services to children and teens will be significantly broadened so that every youth in the district has access to age-appropriate services: story hours, reading clubs and incentives, and K-12 learning support. A bookmobile will serve residents of rural areas throughout the district.

Cost/Tax Rate

A 3-year budget for the proposed district is included as Attachment B. To sustain the proposed Linn Library District service plan requires a minimum tax rate of \$0.68 per thousand dollars of assessed valuation.

This tax rate would generate an estimated \$4.805¹ million in 2009, the first year the taxes would be collected for the district. With additional revenues of about 5% from fees, fines, and miscellaneous revenue sources, the district revenue in 2009/2010 would be an estimated \$5.058 million. The per capita tax-generated revenue (about \$45) compares very favorably with comparable library jurisdictions in Oregon.

Governance and Structure

An elected library board of five members, as required by Oregon law, will govern the library district. The board members will be elected by zone to ensure geographic representation. Each zone will include approximately 20 percent of the district's population.

A district library director, appointed by the elected board, will administer the library system. Services such as library information technology, acquisitions and cataloging, collection management, building maintenance, finance, human resource management, and staff training and development will be centrally coordinated to ensure efficient operations.

Local cities and their library advisory boards will still play a key role in the district. Local library boards will advise the district board in establishing goals and policies and the district plan of service.

Local Friends of the Library groups and library foundations will continue to support local libraries with volunteer help and fundraising. These groups will retain control of their funds and expenditures. Volunteer organizations that own collections housed in local libraries can retain ownership of these collections if the members wish.

Library Building Ownership, Maintenance, and Capital Improvement

As proposed, the cities will continue to own the library buildings while the library district pays for the associated facility operating costs. The district will lease the facility from each city for a nominal fee and in return provide library services from those library facilities.

In Scio and Harrisburg, where the libraries are contained within the City Hall buildings, the district will pay a prorata share of power and light, heating and fuel, alarm line fees, and water and sewer services per the space occupied by the library. The district will also pay a portion of

¹ This revenue estimate is based on a July 2007 tax run prepared by the County Assessor's Office for the Linn Library League. The Linn Library League is considering requesting an updated tax revenue estimate to reflect the latest boundaries of the district and to verify the adequacy of the proposed tax rate.

custodial and grounds upkeep, if these are performed by the city rather than by the district.

An intergovernmental agreement (IGA) will specify the lease costs. The IGA will be adjusted annually to reflect current costs. The IGA between the city and the district should include provision for building a capital improvement reserve fund. The budget for the proposed district does not include a capital improvement reserve fund. To do so would require a higher tax rate.

The district administration would assist the cities with fundraising for design and construction of new or expanded library facilities, if they are needed.

Staffing

The District pay scale and benefits will apply to library employees. An intergovernmental agreement between the district and cities will specify that all City employees at the time of transition to the District will retain their current salary and comparable benefit structure for a specified period of time, if higher than the District scale.

Feasibility Conclusions

Economic Feasibility: a Linn Library District is economically feasible if the voters approve a tax rate of at least \$0.68/\$1,000 of assessed valuation and the district successfully collects an additional two to five percent annually in fines, fees, and miscellaneous revenues. Local Friends and foundation fund-raising will continue to be needed to enhance collections and programs at the local level. Cities and the library district will have to work together to contain operating costs and collaborate on building development projects.

Sustaining the district service plan will require that the district board of directors and administration ramp up to full service gradually, over a two-year period. This will allow the district to create a healthy fund-balance over the ramp-up period.

For example, if a ballot measure for the district goes before the voters in November 2008, the County would collect taxes for the district in November 2009. Upon voter approval of the district, the board of directors could begin by January 2009 to organize the district. Starting in July 2009, the district could assume the cost of local operations through December and ready a larger collection and prepare to launch its new hours of operation, to take effect in January 2010. The 3-year

budget, Attachment B, assumes this scenario and illustrates its impact on the annual ending balance and reserve fund.

Understandably, cities and county officials are concerned about the fiscal impact of a permanent tax on local revenues. A League analysis of the financial impact on cities and the county found that there will be no adverse impact on the City of Albany; likewise for all other cities except Sweet Home. The analysis has recently been corroborated by consultant, Jeffrey Tashman in a communiqué to the City Manager. Mr. Tashman of Tashman Johnson, LLC, specializes in urban renewal, economic development, and infrastructure finance.

Political Feasibility: Library district advocates believe that voters will be more willing to authorize the new tax if the cities under-levy local city taxes. Their reasoning is that city voters will be averse to paying “double taxes” for library services: the tax they already pay for city services and the new library district tax. If the cities pledge to under-levy locally, the case can be made to voters that the district tax is a replacement rather than an additional tax.

In Conclusion

The League requests that the City Council of the City of Albany adopt a resolution that would include Albany in the boundaries of the proposed library district. This is the first formal step in the process. If the City Council adopts the resolution, the League requests that the City Council also encourage the Linn County Board of Commissioners to place the library district measure before county voters. The Commissioners have stated they will not put this or any district tax measure on a ballot. If they do not act, the League will need to obtain about 11,000 signatures on petitions to place the measure on a ballot. It is unlikely that signatures can be obtained by the deadline for the November 2008 election.

Proposed Linn Library District, 3-Year Budget

LLL Proposed Library District Service Model Budget	Year I	Year II	Year III
	Jan- June 2010	July 2010-June 2011	July 2011-June 2012
Cash forward	\$ -	\$932,240	\$856,592
Previously levied taxes		\$153,364	\$157,965
Interest	\$16,018	\$37,290	\$42,264
Fines and fees	\$75,000	\$80,000	\$85,000
Donations	\$5,000	\$5,000	\$5,000
Miscellaneous	\$5,000	\$5,000	\$5,000
Tax income from current year's taxes	\$4,805,394	\$4,949,556	\$5,098,042
Total resources	\$4,906,412	\$6,162,449	\$6,249,862
Annual expenditures	Year I	Year II	Year III
Personnel	\$1,643,950	\$3,419,417	\$3,556,194
Collections	\$252,915	\$521,006	\$536,636
Other materials and services	\$505,831	\$1,042,012	\$1,073,272
Capital outlay	\$126,459	\$227,623	\$200,258
Total annual expenditures	\$2,529,155	\$5,210,058	\$5,366,360
Projected 2% under-expended line items	\$50,583	\$104,201	\$107,327
Expenditure total	\$2,478,572	\$5,105,857	\$5,259,033
July - Dec 2009 current operations estimate	\$ 1,495,601	\$0	\$0
Grand total operating expenditures	\$ 3,974,172	\$5,105,857	\$5,259,033
Transfer to reserves	\$0	\$ 200,000	\$200,000
Projected ending balance	\$932,240	\$856,592	\$790,830



TO: Albany City Council
VIA: Wes Hare, City Manager
Blaine Brassfield, Building Official *JB*
FROM: Melanie Adams, Assistant Building Official *MA*
DATE: February 7, 2008, for the February 11, 2008, City Council Work Session
SUBJECT: AMC Title 18 Update

- RELATES TO STRATEGIC PLAN THEME:
- Great Neighborhoods
 - A Safe City
 - An Effective Government

Action Requested:

None. Informational only.

Discussion:

Since last reporting to Council on September 24, 2007, Compliance staff has received 37 new complaints and has closed 50 cases. Overall, staff has worked toward resolution of 97 total cases during this reporting period. These numbers are consistent with past reporting periods.

A couple of highlights from the past few months:

- Sign Code Enforcement

In November, 2007, after discussions with the City Manager and the Planning Division, Compliance staff began addressing signs placed in the city right-of-way. Staff began this process by sending out over one hundred letters to local real estate agents, charitable agencies, and seasonal businesses, asking that signs not be placed within the city right-of-way. While this mass mailing did result in a number of signs in the right-of-way being removed, staff did not notice any significant decrease in the overall number of sign violations throughout the city. After additional meetings with the City Manager and City staff, we developed a standard procedure for handling signs in the right-of-way. Rather than do a city-wide sign sweep, we determined that our enforcement efforts would be more effective and lasting if done on a case-by-case basis. When staff receives notice that a sign is placed in the right-of-way, the owner of the sign receives both a phone call and a letter, giving a timeline for removal of the sign (usually 7 days, unless other hazards exist) and offering help in finding an alternate, approved location for the sign. If the sign has not been removed at the end of the grace period, staff removes the sign and sends the owner a postcard with information on where to retrieve the sign. Staff has made every effort to communicate with business owners about these enforcement efforts, including approaching the Democrat-Herald about running an informational piece in the newspaper (see 1/4/08 D-H). While staff makes every effort to address and resolve sign complaints quickly, we do have limited resources and must take on new cases as time allows. The following is an overview of our results, thus far:

	<u>2008</u>	<u>2007</u>
Number of signs addressed:	39	35
Number of signs voluntarily removed:	27	30
Number of signs confiscated:	8	0*

** No signs were confiscated at the end of last year, per the direction of the City Manager, to allow an opportunity to educate about sign code requirements and request voluntary compliance. Instead, it was decided enforcement efforts would be started January 1, 2008, if necessary.*

- 532 Baker St

As staff has reported previously, the house at 532 Baker St was purchased and is being renovated by its new owner, Tim Vaughan. Several months ago, historic home owner and Urban Renewal Coordinator Kate Porsche agreed to serve as liaison between Mr. Vaughan and the City in order to facilitate the permitting and historic approval process. Her efforts in keeping this project on track have been invaluable, and we are seeing significant progress being made on the house. Mr. Vaughan has advised us that he has begun framing the new walls and is now running new electrical. He has been able to find historically appropriate doors and windows to repair/replace the damaged or missing ones, and has finalized his project plans with the State Historic Preservation Office. Kate is working with him on applying for a small grant from CARA to help with the remodeling, which will be brought before CARA at the February meeting. Mr. Vaughan believes that he will be able to complete the project by the end of April.

Drug Labs

When staff first started addressing drug labs in May of 2006, there were seven contaminated drug lab properties in Albany. Since May of '06, two more drug labs were added to the list. As of today, Compliance staff has eliminated all but one drug lab through use of the Title 18 tools. The remaining drug lab was, in fact, cleaned up several months ago, but further testing revealed that there was still some chemical residue in the duct work. Since that time, the property owner and contractor have not been cooperative, and we are anticipating that we will need to pursue enforcement through the courts in order to resolve this case.

Disability Access

The State Building Code requires parking lots to be maintained to current disability access standards, but does not permit the use of revenue from building permits for enforcement. Throughout the past several months, to comply with state and federal requirements, Building staff has taken on additional compliance duties regarding enforcement of disability access in existing parking lots and ADA compliance. With some assistance from the General Fund, we have been able to train two of our inspection compliance staff on State disability access requirements and the provisions of the Americans with Disabilities Act [ADA], and have been able to begin inspecting existing parking lots for deficiencies. In addition, Building staff has been providing the City Manager and the Public Works Department with advisory assessments of City bus stops and their compliance, or lack of compliance, with the ADA guidelines. Per federal law, all public facilities are required to comply with the ADA. As time allows, staff will be reviewing other city facilities and providing a summary of ADA-related deficiencies to City administrators for follow-up. These cases are not listed in the following report as they are not related to AMC Title 18, but we wanted to advise Council that we've expanded our compliance efforts in this direction.

Sources of Complaints

Of the 37 new complaints which staff received during this reporting period, 16 of them were called in by neighbors. For approximately the last year, staff has been tracking the frequency of neighbor-generated complaints in order to assess whether the new property maintenance standards were being used as a means of retribution between neighbors. During that time, staff has not observed any evidence of such abuse.

Summary of Cases

Dangerous Buildings, Structures, and Premises cases:

Madison St. NE, 200	Commercial fire – Former Inland Quick Freeze site. Extensive structural damage caused by fire. Demolition permit issued 1/25/07, extended to 2/21/08. This 2006 demolition case closed and new case opened to address safety concerns on site. (See new complaint at end of this section.)	Status: Closed (Active Dates: 06/01/06 - 11/29/07)
Willamette Ave NE, 2202	Contaminated drug lab property. Building demolished. Certificate of Fitness issued by DHS on 9/21/07. Demolition permit received final inspection 10/24/07.	Status: Closed (Active Dates: 06/01/06 - 10/24/07)
2nd Ave, 1402	Code Squad Case. Fire was started by transient living in the structure. Issued Notice and Order on 3/1/07. Permits obtained and final inspection approved 10/12/07.	Status: Closed (Active Dates: 10/24/06 - 12/19/07)
Santiam Rd. SE, 1197	Contaminated drug lab property. Building demolished; permit received final inspection 9/7/07. Certificate of Fitness issued by DHS 9/21/07.	Status: Closed (Active Dates: 12/04/06 - 10/09/07)
19th Ave SE, 719 #11	Contaminated drug lab property. Received Certificate of Fitness from DHS on 10/30/07.	Status: Closed (Active Dates: 05/21/07 - 11/07/07)
Century Dr NE, 1101	Code Squad Case. Derelict trailers/manufactured dwellings, junk accumulation. Structures at 1101 Century have been secured and remain unoccupied; owners trying to sell property to developer and do not plan on doing work other than basic property maintenance. Issues with power lines going through tree branches and other vegetation have been addressed. Power company checked lines and found them to be safe.	Status: Closed (Active Dates: 06/28/07 - 10/18/07)
Oak St SE, 2315	Tenant report of exposed and faulty wiring, a room poorly built with no permits, sewage backing up from bathroom toilet/sink and flooding into bedrooms and under house. House uninhabited during inspection on 7/26/07, but concerns existed that owner would try to find another tenant. Staff in process of generating Notice and Order when owner moved back into house. Most serious problems addressed; now working with owner to remove non-permitted room or bring up to code. Dangerous premises case was closed and new construction case opened (see below).	Status: Closed (Active Dates: 07/26/07 - 01/16/08)
Adah Ave NE, 3545	Vacant house unsecured, junk and trash accumulation plus abandoned animals on property. Sent letters to owner and Trust manager, who arranged for property to be cleaned and secured.	Status: Closed (Active Dates: 10/11/07 - 11/21/07)
Geary St. SE, 2030	Code Squad Case; report of dangerous property. Inspection attempted by Building staff and APD 4/07; APD made contact and continues to work with owner. Waiting for direction from APD before taking further action.	Status: Open (Active Dates: 03/29/06 -)
Thurston St SE, 2020	Contaminated drug lab property. Notice and Order posted on 8/9/06. Sampling complete. Work plan approved. Clean-up performed, but re-sampling revealed contamination is still present. Next step will be referral to City Attorney for injunction request and citation.	Status: Open (Active Dates: 06/01/06 -)
Main St SE, 301	Code Squad Case. Property maintenance violations accumulated to level of hazard. Inspection revealed extreme levels of deferred maintenance. Dangerous Premises Notice & Order issued in September 2006. New owner began renovation. Rehabilitation of entire site is nearly complete. Most units are complete and have received final inspection. Inspectors are on the site on a regular basis. Work is progressing steadily with 2 permits left awaiting final inspection approval.	Status: Open (Active Dates: 08/11/06 -)

Baker St. SE, 532	Code Squad Case. Historic home damaged by 1996 fire and never repaired. Notice and Order issued 6/22/07. New owner acquired property and obtained structural, electrical, and plumbing permits in Nov. and Dec. 2007. Owner plans to complete work in Spring 2008. Continue to monitor.	Status: Open (Active Dates: 02/01/07 -)
Shortridge St SE, 1250	Code Squad Case. Property owner living in shop; no sanitation; electrical hazards; expired permits; many junk items. Performed inspection; identified numerous dangerous conditions. Notice & Order issued 5/15/07. Financing by Code Squad allowed several Dumpsters of junk to be hauled away. Although progress is slow, owner is continuing clean-up of the property. Regular visits to site made by inspection staff.	Status: Open (Active Dates: 02/13/07 -)
Oak St SE, 2225	Code Squad Case. Severely fire-damaged house is unsecured and has become attractive nuisance. Notice and Order has been posted. Currently attempting to determine ownership interests, as there are many liens on property. Owner has offered to deed property to City, but ownership in dispute. Research in progress.	Status: Open (Active Dates: 10/01/07 -)
Madison St. NE, 200	Demolition was incomplete after Inland Quick Freeze site fire. Fence securing site was damaged, fallen, or missing in many areas. Progress was slow and concerns over trespassers being injured or causing more damage were growing. Previous demolition case from 2006 closed and consolidated with new case. Issued Notice & Order on 1/04/08 requiring owners to secure site, maintain fence, and begin demolition within 45 days. Owners have made a number of improvements to site security and will continue to work with City toward site clean-up.	Status: Open (Active Dates: 11/13/07 -)
<i>New Construction cases:</i>		
18th Ave. NW, 2676	Complaint regarding construction defects. Owners obtained permits to correct defects. Owners pursuing legal remedies against contractor. Final inspection approval 12/27/07.	Status: Closed (Active Dates: 04/14/06 - 01/07/08)
34th Ave SE, 1212	Retirement community changed use without site plan review or building permits. Permits obtained to convert 94 units to 74 individual apartments. Construction completed and units received final inspection approval.	Status: Closed (Active Dates: 06/16/06 - 12/21/07)
6th Ave. SE, 1127-1195	Conversion of motel into apartments without permits or site plan review. Insufficient evidence to pursue at this time.	Status: Closed (Active Dates: 07/14/06 - 01/31/08)
Lyon St. SE, 705	"Signs of Victory." Commercial cooler placed outside without required setback. Cooler moved inside garage. Case closed when Mission vacated the building.	Status: Closed (Active Dates: 09/11/06 - 11/09/07)
Hill St SE, 2044	Structural roofing work done without required permit. Permit obtained. Final inspection approval 10/31/07.	Status: Closed (Active Dates: 10/12/06 - 11/01/07)
Santiam Hwy SE, 1977	Structural, demo, and installation work without permits. Permits obtained; final inspection approval 1/22/08.	Status: Closed (Active Dates: 10/27/06 - 01/23/08)
Front Ave NE, 2103	Code Squad Case. Complaint of failure to construct required garage; further research reveals expired permits for manufactured dwelling installation. Garage construction violation remains outstanding; owner unable to perform work due to recent incarceration; Notice of Nonconforming Use recorded on title to property to alert future owners of garage requirement. Owner's mother requested final inspection approval on manufactured dwelling installation. Finaled on 11/13/07.	Status: Closed (Active Dates: 01/09/07 - 11/19/07)

20th Pl SE, 3324	Expired electrical permit. Work was complete and passed final inspection on 1/8/08.	Status: Closed (Active Dates: 03/07/07 - 01/08/08)
Adah Ave NE, 3505	Large carport constructed without required permit created clearance problems with electrical service conductor. Permits obtained. Electrical service conductor was raised. Final inspection approvals 5/1/07 and 11/13/07.	Status: Closed (Active Dates: 03/16/07 - 11/15/07)
Charlotte St NE, 125	Electrical permit expired without final inspection. New owner made corrections and received final inspection approval.	Status: Closed (Active Dates: 03/29/07 - 01/17/08)
Walker Road NW, 355	Electrical permit expired without required final inspection. Homeowner provided evidence that whole house remodel, including rewiring, began in August 2007 and that new permits were applied for at that time.	Status: Closed (Active Dates: 05/22/07 - 11/09/07)
Pacific Blvd SW, 3410 #9	Plumbing work performed in occupied apartment complex without a permit and not according to code. Walls of shower could be viewed from exterior of building. Permit obtained, corrections performed. Final inspection approval 12/27/07.	Status: Closed (Active Dates: 06/01/07 - 12/28/07)
5th Ave SE, 838	Electrical permit expired before final inspection. Work not completed due to unemployment of owner and death of helper. Letter sent giving deadline for completion. Inspection performed, work meets minimum safety requirements.	Status: Closed (Active Dates: 06/20/07 - 01/17/08)
Pine St SE, 3215	Electrical permit expired without final inspection. Work not begun due to serious illness. Owner sent statement that no work has been done and permit was closed.	Status: Closed (Active Dates: 06/20/07 - 12/17/07)
Locust Ave SE, 2923	Electrical permit expired without final inspection. Owner requested extension to January 31 to finish wiring for hot tub installation, but then requested that permit be closed. Inspection performed to show that no electrical work had commenced and that hot tub was not installed.	Status: Closed (Active Dates: 06/20/07 - 01/08/08)
Marion St. SE, 2960	Construction of new home was incomplete and permits had expired. Homeowner performed multiple corrections. Final inspections approved.	Status: Closed (Active Dates: 08/06/07 - 12/13/07)
37th Ave SW, 1037	Remodel work without permits. Permits obtained. Received final inspection approval 1/28/08.	Status: Closed (Active Dates: 09/21/07 - 01/29/08)
Clay St SE, 815	Expired residential electrical permit. Contacted owner on 11/29/07 and determined that project was ready for final inspection. Approval received on 12/3/07.	Status: Closed (Active Dates: 11/09/07 - 12/03/07)
4th Ave SE, 1015	Garage converted to apartment without plan review or permits; Planning denied apartment use. Engineered plans submitted to reconvert to garage; contractor hired and work was to begin in mid-September; permit ready for contractor to pick up as of 9/17/07. Contractor finished with his part, owner to finalize work and call for final inspection. No action or response in two months. Sent certified letter to owner and owner's rep on 1/30/08 that Notice of Substandard Conditions will be recorded on the title to the property.	Status: Open (Active Dates: 05/01/06 -)
6th Ave SE, 739	Train derailment caused structural damage to house. Inspection revealed several bedrooms in basement without egress windows and electrical and plumbing work without permits and with serious defects. Permits obtained. Correction work is continuing. Monitor for completion and final inspection approval.	Status: Open (Active Dates: 11/09/06 -)

4th Ave. SE, 703	Construction of new exterior stairs on historic home without a building permit or historic review. Owner submitted applications and received approval. Corrections are necessary. Monitoring for completion of work.	Status: Open (Active Dates: 11/29/06 -)
20th Ave. SE, 2500	Code Squad Case. Partially-constructed house; project has been abandoned and was foreclosed upon. City Attorney's office sent letter and construction debris has been cleaned up. Inspection performed and list of defects recorded on title. Site will be monitored for sale and/or completion of project.	Status: Open (Active Dates: 11/30/06 -)
Geary St SE, 1320	Parking lot for store repaved and awning added without permits. Awning removed. Site plan application submitted for parking lot. Site plan approved. Some corrections still outstanding. Monitor for completion.	Status: Open (Active Dates: 12/09/06 -)
Jackson St. SE, 1505	Code Squad Referral. New roof work and interior work performed without permits. Permits obtained, not yet finalized. Work is ongoing. Continuing to monitor.	Status: Open (Active Dates: 01/05/07 -)
Jackson St SE, 1630	Front porch remodel and electrical work without permits. Permits obtained. Work is ongoing. Monitor for completion.	Status: Open (Active Dates: 02/07/07 -)
3rd Ave SW, 225	Exterior awning on commercial structure in extreme disrepair and in danger of collapse. Engineering complete, but there was a hold-up over an extra inspection. Mediated between engineer and owner and work is to start again, including completion of all special inspections ordered by engineer. Should be complete by 3/15/08.	Status: Open (Active Dates: 03/16/07 -)
4th Ave SE, 704	Extensive interior remodel and exterior alterations to historic home. Application submitted to and approved by LAC. Building permits obtained. Exterior alterations performed do not conform to what was approved by LAC. House is for sale. Letter sent to owner 12/31/07. Owner has not met deadline to perform required alterations; second letter to be sent.	Status: Open (Active Dates: 05/10/07 -)
Waverly Dr. SE, 2714	Large patio cover constructed without permit. Owner has agreed to reduce square footage and remove added exterior wall by 2/18/08.	Status: Open (Active Dates: 05/29/07 -)
12th Ave. SW, 1141	New plumbing, electrical, mechanical, and structural work without permits. Stop Work Order issued. Permits applied for but have not received final inspection. Reminder letter to be sent.	Status: Open (Active Dates: 06/25/07 -)
Washington St SW, 1210	Garage built too close to property line and without permits or historical review. Owner applied for permits and received exterior alteration approval. Legal non-conforming setback. Issues with fire-resistive construction due to distance from property line are being resolved. Awaiting final inspection on garage.	Status: Open (Active Dates: 07/02/07 -)
20th Ave SW, 520	Second-story addition constructed without permits. Appears to be structurally unsound. Stop Work Order posted on site. Owner agreed to apply for permits but must consult with engineer and submit plans. Work has been stopped while owner gathers financial resources to proceed.	Status: Open (Active Dates: 08/02/07 -)
22nd Ave. SE, 2500	Home addition without permit. Stop Work Order issued. Permit obtained. Monitoring for final inspection.	Status: Open (Active Dates: 09/06/07 -)
Western St SE, 300 #39	Enclosure of porch to create living space without building permits. Met with property owners on 12/11/07 to assess structure and outline items to be completed to remove enclosure. Progress is being made on construction. Re-check site on 3/1/08.	Status: Open (Active Dates: 10/24/07 -)

Echo Springs PI SE,3388	Covered patio being converted to sunroom/living space without permits. Posted Stop Work Order. Owner unaware of requirement to get permits for this work. Currently waiting for engineer's calculations before proceeding.	Status: Open (Active Dates: 10/24/07 -)
43rd Place SE, 2452	Expired residential electrical permit. Owner requested extension of electrical permit to match open building permit expiration of 2/8/08. Extended electrical permit expiration to 2/8/08. Monitor for completion of final electrical inspection.	Status: Open (Active Dates: 11/09/07 -)
6th Ave SE, 306	Expired residential electrical permit. Electrical contractor to send letter to Building Division by 2/4/08 confirming no work was done at residence. Will close upon receipt of letter.	Status: Open (Active Dates: 12/23/07 -)
9th Ave. SE, 919	Commercial remodeling work without permits. Stop Work Order issued on 1/4/08. Tenant inquired about permits, but owner has issued eviction notice. If tenant leaves, will work with owner to make sure work is inspected or removed. Will send reminder letter to tenant to obtain permits.	Status: Open (Active Dates: 01/03/08 -)
Queen Ave SE, 2009	Enclosure of patio to create living space without permits. Letter sent on 1/4/08, which was returned undeliverable. No available phone numbers to contact owner. Copy of letter posted at site on 2/6/08. Further action will be taken if no response by 2/15/08.	Status: Open (Active Dates: 01/03/08 -)
Oak Street SE, 2315	Room added onto rental house without permits or owner approval. Owner is now living in house and making repairs. Working with owner to remove rooms or bring them into compliance.	Status: Open (Active Dates: 01/16/08 -)
Mount Vernon St SE, 2510	Addition of walls in garage; possible conversion to create livable space. On 1/28/08, tenant stated room is for storage only and not for livable space. However, received letter from property owner stating the space will be constructed as bedroom. Letter to be sent to tenant requiring permits for construction of habitable space or removal of work done.	Status: Open (Active Dates: 01/24/08 -)
Pine St SE, 321	Expired residential electrical permit. Letter sent to owner on 1/29/08. Follow-up set for 2/11/08.	Status: Open (Active Dates: 01/29/08 -)

New Construction cases with Development Code issues:

Fairmont Dr NE, 647	Large covered structure being constructed without permits or proper setbacks. Stop Work Order issued; working with property owner to meet building code and Development Code requirements. Revised plans currently under review.	Status: Open (Active Dates: 12/07/07 -)
4th Ave SE, 807	Report of electrical being installed in single family residence to create apartment. Records show apartment in use for at least 30 years. Have requested opportunity to inspect site to verify no life safety problems. Awaiting reply from owner.	Status: Open (Active Dates: 01/03/08 -)
Pacific Blvd SW, 3615	Number of signs on property is in excess of what is allowed by Development Code. Owner obtained approval for billboard without listing all of the signs on the lot. Further complaints received due to electrical service being installed on billboard without approval or permit.	Status: Open (Active Dates: 01/31/08 -)

Development Code cases:

Cleveland St SE, 620	"Signs of Victory:" Report from AFD of illegal apartment upstairs. Owner dropped request for school and retail store when Mission vacated building.	Status: Closed (Active Dates: 08/22/06 - 12/27/07)
4th Ave SW, 615	Vinyl windows installed in historic home. LAC did not approve. Applicant replaced vinyl windows with approved wood windows and performed minor necessary alterations.	Status: Closed (Active Dates: 10/05/06 - 11/05/07)

14th Ave. SE, 1950	Newly installed refrigeration units at rear of Grocery Outlet creating constant noise for those living nearby. Acoustical abatement performed. Final testing report on Jan. 22 indicates noise level is now within permissible levels.	Status: Closed (Active Dates: 10/31/06 - 01/28/08)
5th Ave SW, 627	Two windows in historic home replaced with single vinyl window box without approval. Owner worked with Preservation Planner on this and other exterior alterations. Work completed.	Status: Closed (Active Dates: 04/02/07 - 10/18/07)
Liberty St SW, 1630	Large, overgrown hedge and newly-placed fence obstructing vision of vehicular traffic when exiting adjacent driveway. Fence moved from clear vision area. Hedge trimmed to allowable levels.	Status: Closed (Active Dates: 04/08/07 - 11/13/07)
Pacific Blvd SW, 640	Commercial trash receptacles were not screened from view. Letters sent; owner installed screens.	Status: Closed (Active Dates: 05/03/07 - 11/26/07)
Main St SE, 1845	Code Squad Case. Fence height increased to over 6 feet. Junk and trash accumulation plus an unsecured refrigerator on driveway. Two compliance letters sent to owner regarding fence concern; fence lowered. Junk and trash referred to APD.	Status: Closed (Active Dates: 06/12/07 - 09/24/07)
Pacific Blvd SE, 3110	Code Squad Case. Large sign not removed after gas station closure, piece of sign detached and hanging. Letters sent to corporate owner. Sign removal completed by 9/15/07.	Status: Closed (Active Dates: 07/05/07 - 10/23/07)
North Albany Rd NW, 910/904	Reports of auto garage operation onsite. No evidence of commercial auto repair observed during 4 site visits.	Status: Closed (Active Dates: 07/27/07 - 10/18/07)
Lake St. SE, 192/196	Complaint of auto body shop operating in single family house. Worked with APD to monitor after-hours auto painting activity, but closed case due to lack of evidence.	Status: Closed (Active Dates: 08/16/07 - 11/28/07)
Bobcat Ave. SW, 1962	Shed was constructed within required setback distance of the property line. Letter sent; owner moved shed to appropriate setback distance.	Status: Closed (Active Dates: 08/16/07 - 10/18/07)
9th Ave & Oak Street, SE	Cutting of 6 large oak trees without permit. At least two trees appear to be over 25 inches in diameter and may fall under Municipal Code violations. Referred case to City Forester.	Status: Closed (Active Dates: 08/17/07-10/18/07)
Pacific Blvd. SE, 2719	Large vinyl sign has recently been placed without approval and in violation of the Development Code. Sign permanently removed.	Status: Closed (Active Dates: 08/30/07 - 10/19/07)
Clover Ridge Station Ph. V	27 trees on site cut without approval. 12 of these are in conservation easement. Referred to City Attorney.	Status: Closed (Active Dates: 08/31/07 - 10/19/07)
Pacific Blvd SE, 2505	Withnell Auto Sales. Several banners placed on lot. Only one banner advertisement or sign allowed per street frontage. Letter sent. Banners removed.	Status: Closed (Active Dates: 09/06/07 - 11/09/07)
Three Lakes Rd SE. 2626	Blower fan at Santiam Cabinets creating excessive noise for neighboring businesses. Letter sent; owner made adjustments/repairs to equipment, thereby reducing noise to an acceptable level.	Status: Closed (Active Dates: 10/16/07 - 01/08/08)

Broadway St NW, 2689	Neighbor complaint of tree cutting for new development in Tuscany Estates. Investigation performed. No violations found.	Status: Closed (Active Dates: 10/22/07 - 01/03/08)
5th Ave SE, 716	Sight-obscuring fence greater than 6 ft tall in height located in required front yard setback. Clear vision obstructed. Owner removed portion of fence and reduced height of remaining fence.	Status: Closed (Active Dates: 10/26/07 - 10/26/07)
Bartley Dr SE, 3616	Wooden material attached to fence causing height to exceed 6 ft. Letter sent on 11/5/07. Wooden material was removed from fence to reduce height.	Status: Closed (Active Dates: 11/01/07 - 11/13/07)
Geary St SE, 1740	Inflatable sign and balloons attached to roof of building. No permits on file for promotional signage. Signs removed on 11/5/07	Status: Closed (Active Dates: 11/02/07 - 11/19/07)
Signs in Right-of-Way (2007 Cases)	General sign case used to track all complaints of signage in public right-of-way, city-wide. Sign owners receive a letter and a phone call to educate them on signage requirements and request their voluntary compliance. Thereafter, signs may be confiscated if the sign owner fails to obtain a permit or remove the sign.	Status: Closed (Active Dates: 11/19/07 - 12/27/07)
Pine St SE, 342	Three "Cash for Your House" signs nailed to trees along the public right-of-way. Sent letter to owner; signs removed.	Status: Closed (Active Dates: 11/09/07 - 01/31/08)
Tudor Way SE, 1410	Storage building constructed without a permit and junk/trash on site. Statute of limitations expired on building without permit several years ago. Junk/trash referred to APD for monitoring.	Status: Closed (Active Dates: 11/26/07 - 01/29/08)
Morse Ln SW, 1441	Complaint of home-based business storing building materials and products in view of street. No evidence of business. Letter sent and materials removed immediately.	Status: Closed (Active Dates: 01/23/08 - 01/25/08)
Maier Lane (Fabian Estates)	Tree cutting occurred without site plan review; Stop Work Order issued. Site Plan Review for subdivision submitted. Planning Commission denied application; case appealed to City Council and subsequently appealed to LUBA. Awaiting LUBA's decision.	Status: Open (Active Dates: 12/08/06 -)
Highway 99E, 34685	Auto repair shop doing business without approval. Unapproved signs and junk/trash. Pre-application meeting determined business cannot be approved without a fire hydrant nearby. Business owner is investigating options. Letter sent to owner 1/30/08.	Status: Open (Active Dates: 01/17/07 -)
Santiam Hwy SE, 2272	Permanent advertising sign installed next to sidewalk without a permit. Owner is applying for new sign permit and must remove old sign by 3/1/08.	Status: Open (Active Dates: 04/23/07 -)
Main St. SE, 550	Code Squad referral of business being conducted on a permanent basis in temporary outdoor tents. Multiple Development Code violations. Letter sent. Business owner removed signs 1/31/08. Owner agrees to remove tents by Feb. 4. Tents not removed, so additional enforcement letter will be sent.	Status: Open (Active Dates: 05/01/07 -)
Lyon St SE, 505	Complaint of apartment Dumpster on public street often overflowing with trash. Many options looked into; consulted with AFD, Planning, Public Works. Owners must build indoor trash room or contract with adjacent business to move Dumpster to their parking lot. Until then, Dumpster may remain where it is. Pickups have been increased and resident manager is doing an excellent job of keeping area clean.	Status: Open (Active Dates: 08/06/07 -)

19th Ave. SE, 810	Code Squad Case. Refuse Dumpster unscreened and overflowing; trash blowing into neighbors' yards. Dumpster too close to residence window. Garbage purposely thrown over fence into yards. Used motor oil being dumped next to property line fence. Storm water drain empties onto ground next to dumpster. Environmental Services worked with owner to clean up oil. Communicated with owner regarding water drainage, Dumpster placement, and requirements for screening. He installed storm water drains right away and will move and screen dumpster when he repaves parking lot. Hopes to have work completed by 3/07/08.	Status: Open (Active Dates: 08/17/07 -)
Ferry St.SW, 3001	Very tall electric fence constructed inside city limits, adjacent to residential neighborhood; electric fences prohibited by Development Code. Electrical work done without permit. Site visit confirmed that fence is not turned on, but owners were directed to disconnect it from power source. After confirming that fence functions by delivering a shock when touched, letter being sent to owner and fence vendor that fence must be removed.	Status: Open (Active Dates: 08/27/07 -)
Montgomery St. SE, 331	Complaint of large hedge blocking clear vision area. Letter sent to owner requesting removal of large shrubs. Owner responded by pruning shrubs back severely. Working with owner to remove old shrubs and replace with smaller variety.	Status: Open (Active Dates: 08/29/07 -)
Ravenwood Ct NW, 2000	Shed located in required interior setback area and not in compliance with fire life safety requirements. Property owner has not met agreed upon time-frames. Certified letter sent on 1/23/08 requiring property owner to give a solid date project will be completed. Monitor for response.	Status: Open (Active Dates: 10/29/07 -)
Maple Sr SW, 1840	Two signs advertising "\$Cash\$ for your House" are displayed in yard without permits. Second letter sent, but signs are still up. Owner claims these signs are advertising the house is for sale. Will send final enforcement letter and refer to City Attorney for citation.	Status: Open (Active Dates: 11/15/07 -)
Pacific Blvd SE, 843	Advertising for continuing weekend garage sales and selling furniture outdoors on site of old gas station without permits or site plan review. Business owner came in to get temporary merchant license for garage sales, but did not apply for sign permit. Second letter sent requiring sign removal or application for permits. Signs have been removed. Will continue to work with owner on use of site.	Status: Open (Active Dates: 11/20/07 -)
Pacific Blvd SE, 843	Swimming pools placed at the site of an old gas station for resale. Temporary merchant license issued on 1/11/08 which expires on 2/11/08. Follow-up with owner is scheduled for 2/12/08.	Status: Open (Active Dates: 12/19/07 -)
Signs in Right- of-Way (2008 Cases)	General sign case used to track all complaints of signage in public right-of-way, city-wide. Sign owners receive a letter and a phone call to educate them on signage requirements and request their voluntary compliance. Thereafter, signs may be confiscated if the sign owner fails to obtain a permit or remove the sign.	Status: Open (Active Dates: 01/02/08 -)
Columbus St SE, 3107	Vehicles parked in front setback area blocking vision of pedestrians and motorists. Letter sent to property owner on 1/24/08. Property owner states vehicles will be moved. Follow-up to verify compliance on 2/4/08.	Status: Open (Active Dates: 01/22/08 -)



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., Assistant Public Works Director / City Engineer
Jeni Richardson, P.E., Civil Engineer III *Jeni*
Ronald G. Irish, Transportation Systems Analyst *R. Irish*

DATE: February 7, 2008, for the February 11, 2008, City Council Work Session

SUBJECT: Transportation System Plan (TSP) Update – 2030 Roadway Needs Analysis

STRATEGIC PLAN THEMES AND GOALS: Great Neighborhoods

Action Requested:

No action required. Documents will be delivered to Council with a short presentation.

Discussion:

The purpose of this report is for Council to receive documents titled:

- *Memorandum #6C - DRAFT 2030 Roadway Needs Analysis*
- *Knox Butte Neighborhood discussion papers*

Memorandum #6C includes all of the roadway improvement projects that have been considered at this time. Bicycle, pedestrian, and other non-roadway projects were included in Memorandum #6B accepted by Council on January 28, 2008. A comprehensive list of all TSP projects, costs, and priorities will be developed in the next technical memo that resolves those cases where one project conflicts or overlaps with another.

We are asking you to review Memo #6C and let us know if we omitted any roadway projects or if there is a project that might need additional analysis. We see this as a time when Council can point out any fatal flaws or omissions before we go out to the public for their feedback. Memo #6C summarizes the analyses and recommendations for:

- Intersection and roadway corridor improvements
- Safety improvements
- Urban upgrade improvements
- Future corridor right-of-way
- Roadway functional classification changes

The Knox Butte Neighborhood discussion papers are meant to provide context for the Memo #6C roadway projects in this areas. These background documents do not need to be formally accepted by Council, but are for background information only.

These documents have also been delivered to other agencies including Oregon Department of Transportation (ODOT), Department of Land Conservation and Development (DLCD), Linn County, Benton County, Albany Chamber of Commerce, Albany-Millersburg Economic Development Corporation (AMEDC), and Cascades West Council of Governments (CWCOG). We expect feedback from them prior to February 25th.

Staff plans to return on February 25th to inform Council of the input received from other agencies and to hear from you. At that time we can either seek your acceptance of the memo with changes as directed, or we can allow additional review time and return on March 10th. Your acceptance of *Memorandum #6C* signalizes approval for staff to begin developing a comprehensive list of all transportation solutions.

Budget Impact:

There is no direct budget impact to approving Technical Memorandum #6C. This project is funded with Street Capital Funds.

JEN:kw



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Hodney, Director of Parks and Recreation
Craig Carnagey, City Forester
DATE: February 6, 2008, for the February 11, 2008 City Council Work Session
SUBJECT: Recommended Tree Code Changes

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

RELATES TO: • Council requested discussion of tree removal codes

Action Requested:

Review and give staff direction regarding recommended changes to the City's Tree Codes

Discussion:

Over the past six months, the Tree Commission held several discussions and public hearings regarding the City's tree removal codes. At their December 20th, 2007 meeting, the Commission voted to forward recommendations to the City Council that make changes to these codes. This memo outlines the issues regarding these recommended changes.

Background

Requirements for tree removal on private property are currently found in two different sections of the City's Codes. The Albany Municipal Code (AMC) Section 7.98.040 describes permit requirements for removing a tree larger than six and a half feet in circumference on any property within the City. The Albany Development Code (ADC) Section 9.205-208 describes site plan review requirements for removing five or more trees eight inches in diameter or greater on property greater than twenty thousand square feet.

Large trees on small parcels of land typically present a higher degree of risk to life and property due to their likely proximity to dwellings and other structures. To date, over 90% of the trees reviewed for permit on these smaller lots have been determined to be hazardous or nuisance trees. Many of these trees were in decline, planted in unsuitable locations, inappropriate species, or not properly maintained. This pattern of permit approval for sites where large trees consistently presented hazardous or nuisance circumstances for property owners raised the question whether small parcels should be exempt from the AMC 7.98 requirements.

The majority of tree removal within the City occurs from development activity. Approximately 2,300 trees have been removed since the adoption of the ADC related to tree felling. Removal of trees in mass can have a negative impact on the communities overall canopy cover and reduce the benefits to the public that trees provide which include cooling, noise abatement, carbon reduction, storm water retention, erosion control, and beauty to the urban landscape. The criteria outlined in the ADC section 9.208 related to tree felling are considered by many to be vague. They provide no clear criteria upon which decisions regarding tree removal and preservation can be made. This led to the question about how clearer tree removal criteria could be added to ADC 9.208.

Code Change Recommendations

The code changes recommended by the Tree Commission include: exempting lots under 5,000 square feet from the Albany Municipal Codes 7.98.040 permit requirements to remove a tree six and one-half feet in circumference, and adding language to the Albany Development Code 9.208 related to tree removal that clarifies tree felling requirements. The Tree Commission asked the City Forester to bring forward these specific recommendations regarding tree code changes to the next available City Council meeting after December 20th 2007. The following are the recommendations for the Council to consider:

AMC Recommendations

- 1) 7.98.040 Insert language requiring permits for trees 24" or greater in diameter to only those lots larger than 5,000 sq. ft.

ADC Recommendations

- 1) 9.208 Add language for tree preservation priorities; add mitigation language to replace trees when removal occurs

Tree Preservation Priorities

Preservation of individual trees and wooded areas should be established on a site where feasible and prudent. This may require site redesign including, but not limited to: redesign of streets, sidewalks, storm water facilities, and utilities; changing the shape and size of parking lots; reducing or limiting proposed site grading; and changing the locations of buildings or building lots.

1. Each design shall consider the following priorities when determining trees and wooded areas for preservation.
 - High Priority Canopied slopes, native woodlands, riparian buffers, significant trees.
 - Mid-Level Priority Contiguous woodlands, non-native woodlands, use buffers.
 - Low-Level Priority Invasive species, relic orchards, Christmas tree lots, less desirable species, species with poor tolerance of construction activities.
2. Each design shall consider the following principles when determining trees and wooded areas for preservation.
 - Preserve only those trees that are healthy and free from significant structural defects.
 - Provide adequate root zone for preserved trees (the canopy dripline reflects the critical root zone of a tree).
 - Retain trees in groups. Trees preserved in isolation should only be specimen candidates tolerant of site alterations.
 - Age and potential longevity. Mature and over-mature trees are less able to tolerate construction impacts and remain assets than are young and semi mature trees.

Tree Mitigation when removal occurs

Tree replacement should be required for a development when more than 30 percent of a site's existing tree canopy is requested for removal. The requirements for replacement will be in addition to any landscape requirements. The City Forester will determine replacement values based on the percent of removed canopy from the site beyond the 30 percent threshold.

The priority of mitigation is to replace trees on the site where impacts occur. The City Forester will approve locations for mitigation plantings. On sites where replanting is not permissible due to site constraints, payment for the monetary value of each mitigation tree shall be required for deposit into the City's Urban Forestry Program account. The monetary value of each replacement tree will be determined by the City Forester based on the fair market price to purchase, install, and establish each tree. All monies received for replacement trees shall be used to plant trees in public spaces within the City, as close to the subject development site as is possible.

Conclusion

Staff would like to have the opportunity to return to Council at a later date with specific code language that reflects the direction Council would like to take regarding changes to the tree removal codes.

Budget Impact:

None

CTC