



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
 Council Chambers
 333 Broadalbin Street SW
 Wednesday, February 12, 2014
 7:15 p.m.

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

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

AGENDA

Rules of Conduct for Public Meetings

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL

4. SPECIAL PRESENTATION

a. Purple Heart Order – Purple Heart City plaque presentation. [verbal]

Action: _____

5. SCHEDULED BUSINESS

a. Quasi-Judicial Public Hearing

1) DC-02-13, amending Ordinance No. 4441, which adopted the City of Albany Development Code and Zoning Map by amending the Development Code text related to redemption centers, adopting findings, and declaring an emergency. [Pages 3-32]

Action: _____ ORD. NO. _____

b. Business from the Public

c. Adoption of Consent Calendar

1) Approval of Minutes

a) December 12, 2011, City Council and Planning Commission Joint Meeting. [Pages 33-36]

b) November 4, 2013, City Council Work Session. [Pages 37-41]

c) December 11, 2013, City Council Regular Session. [Pages 42-50]

2) Authorizing the Chief of Police to sign ongoing undercover police vehicle operating lease contracts with Enterprise. [Pages 51-52] RES. NO. _____

3) Authorizing the City Manager to execute an abandonment and termination of easement document at 3015 Salem Avenue SE. [Pages 53-58]

RES. NO. _____

Action: _____

d. Reports

1) Replacing police vehicles. [Page 59]

Action: _____

2) Purchasing John Deere Gator police utility vehicle. [Page 60]

Action: _____

3) 2012-2013 Audit Report. [Page 61]

Action: _____

6. BUSINESS FROM THE COUNCIL
7. NEXT MEETING DATE: Work Session February 24, 2014
Regular Session February 26, 2014
8. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net

The location of the meeting/hearing is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-917-7508, 541-704-2307, or 541-917-7519.



TO: Albany City Council
VIA: Wes Hare, City Manager
Mark Shepard, Director of Public Works and Community Development *MWS*
FROM: David Martineau, Lead Current Planner *DM*
DATE: February 5, 2014, for the February 12, 2014 City Council Meeting
SUBJECT: Public Hearing (Planning File DC-02-13)

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods
● Healthy Economy

Action Requested:

Staff recommends that Council conduct a public hearing, hear testimony, deliberate and make a decision on the land use application that is Planning File DC-02-13.

Discussion:

This is a quasi-judicial and legislative public hearing regarding proposed amendments to the Albany Development Code that would add a definition for "redemption center" in Article 22 and amend special conditions in Articles 4 and 5 to allow redemption centers through Site Plan Review or Conditional Use approval in the Regional Commercial, Community Commercial, Light Industrial, Neighborhood Commercial, and Main Street zones. The location for the proposed use is 1224 Santiam Highway SE, in the Main Street zoning district. The applicant is Stephanie Marcus from the Oregon Beverage Recycling Cooperative.

The Planning Commission held a public hearing on the proposal January 6, 2014, and voted unanimously to recommend:

1. APPROVAL of the proposed Development Code amendment to ADC Article 22 that adds a definition for "redemption center";
2. APPROVAL of the proposed amendment to ADC Section 5.070(8)(a) to add redemption centers as a permitted use in the Main Street (MS) district; and
3. DENIAL of the proposed Development Code amendment to ADC Section 4.060(11) to add redemption centers as a permitted use in the Neighborhood Commercial (NC) district.

The following documents are attached related to this public hearing:

The attached Exhibits for amending the Albany Zoning Map, and adopting findings

- Ordinance Exhibit A: Development Code Amendments
- Ordinance Exhibit B: Staff Report with Planning Commission Recommendation

Budget Impact:

None

DM:er

Attachments: as noted above

Proposed Amendments to the Albany Development Code

1) Proposed amendment to Albany Development Code (ADC) Section 22.400:

“Redemption Center: An indoor retail facility approved by the Oregon Commission as provided for in ORS 459A that facilitates the return of empty beverage containers and serves dealers of beverages, at which any person may return empty beverage containers and receive payment of the refund value of such beverage containers.”

STAFF COMMENT: Planning Commission recommends APPROVAL

2) Proposed amendment to Albany Development Code (ADC) Section 5.070(8)(a):

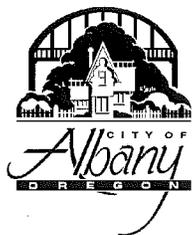
Limited Uses in MS, ES and MUR. The following retail uses are permitted: convenience and personal service-oriented commercial intended to serve nearby residents and employees; specialty retail stores and studios; small appliance rental and repair, shoe repair, and tailoring. **In the MS district, redemption centers are permitted.** All other retail uses are prohibited. See Article 22 for descriptions of convenience-oriented and personal service-oriented commercial uses.

STAFF COMMENT: Planning Commission recommends APPROVAL

3) Proposed amendment to Albany Development Code (ADC) Section 4.060(11):

Limited uses in OP, NC and IP. The only retail uses allowed are convenience-oriented retail and personal services-oriented retail intended to serve nearby residences and employees. **In the NC district, redemption centers, a “repair-oriented” retail business, are permitted.** Businesses are limited to a 5,000-square-foot maximum building footprint. See Article 22 for examples of convenience-oriented and personal service-oriented businesses. Vehicle repair-oriented services, motor vehicle sales, large equipment sales, and bulk sales are prohibited.

STAFF COMMENT: Planning Commission recommends DENIAL



Community Development Department

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Albany, OR 97321

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www.cityofalbany.net

STAFF REPORT

Development Code Amendment - DC-02-13

<u>HEARING BODY</u>	CITY COUNCIL
<u>HEARING DATE</u>	Wednesday, February 12, 2014
<u>HEARING TIME</u>	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

EXECUTIVE SUMMARY

Property owners and residents of the City may request that the Planning Commission initiate a review of the Development Code text. The Planning Commission reviews the proposal and determines whether the proposal warrants processing as a legislative amendment. On October 7, 2013, Stephanie Marcus, a property acquisition coordinator with the Oregon Beverage Recycling Cooperative, and Todd VanDomelen, representing the Salvation Army, approached the Planning Commission during the Public Comments period to formally request the Commission to initiate a Development Code amendment. This amendment would permit a beverage container redemption center to operate at the former Salvation Army building located at 1224 Santiam Highway SE, in the Main Street (MS) zoning district. The Planning Commissioners agreed to the request and directed staff to bring the proposal forward for consideration.

Recycling drop-off centers are allowed through an approved site plan review in the Community Commercial (CC) and Regional Commercial (RC) zones, and, through an approved site plan review or conditional use in the LI zone (if the recycling drop-off center is classified as a “waste and recycling-related” use). Recycling drop-off centers are not allowed in the Neighborhood Commercial (NC) and Main Street (MS) zoning districts because the intent of these zoning districts is to primarily support commercial development that serves nearby residences and employees rather than city-wide or regional services.

The Albany Development Code (ADC) 22.140(2)(d), considers recycling drop-off center uses as a “repair-oriented” business under the Retail Sales and Service heading. According to ADC 5.060, Schedule of Permitted Uses and Special Conditions in ADC 5.070(8), retail sales and services in the Main Street (MS) zone are limited to convenience and personal service-oriented commercial intended to serve nearby residents and employees; specialty retail stores and studios; small appliance rental and repair, shoe repair, and tailoring. All other retail uses are prohibited. Therefore, under current zoning regulations, the redemption center would not be a permitted use in the former Salvation Army building.

The proposed redemption center is also not permitted in the Neighborhood Commercial (NC) district. According to ADC 4.050, Schedule of Permitted Uses and Special Condition 4.060(11), the only retail uses allowed are convenience-oriented retail and personal services-oriented retail intended to serve nearby residences and employees. No “repair-oriented” businesses are allowed. Permitted retail businesses are limited to a 5,000-square-foot maximum building footprint. A special exception would be needed to add redemption centers to the list of allowed uses in the NC district.

On November 1, 2013, Stephanie Marcus submitted an application on behalf of the property owner to amend the Albany Development Code (ADC) to allow a beverage container redemption center in the Main Street (MS) zoning district as well as four other zoning districts (Attachment I). The proposed amendment would add a new definition for “redemption centers” to ADC Article 22 together with amendments to Special

Conditions under the Schedule of Permitted Uses in Articles 4 & 5 that would allow redemption centers through site plan review or conditional use in the following zoning districts: Neighborhood Commercial (NC); Community Commercial (CC); Regional Commercial (RC); Light Industrial (LI); and Main Street (MS).

The Albany Planning Commission reviewed the amendment application at a January 6, 2014 public hearing. At the hearing, staff presented findings that supported a recommendation to:

1. APPROVE the proposed Development Code amendment to ADC Article 22 that adds a definition for "redemption center";
2. DENY the proposed Development Code amendment to ADC Section 4.060(11) to add redemption centers as a permitted use in the Neighborhood Commercial (NC) district; and
3. DENY the proposed amendment to ADC Section 5.070(8)(a) to add redemption centers as a permitted use in the Main Street (MS) district. Staff believes commercial zones, such as Community Commercial (CC) and Regional Commercial (RC), are better suited for retail and service uses that draw customers city or region wide such as a bottle redemption center. The NC and MS districts are intended primarily for small areas of retail establishments serving nearby residents' frequent needs in convenient locations.

PUBLIC TESTIMONY

Besides the applicant, one person spoke in favor of the amendments that would allow the use to take place at 1224 Santiam Road SE, in the Main Street district. Hasso Hering, 3668 Terrace Drive NW, Albany, stated that a lot of bottles and cans do not get recycled because existing facilities are uncomfortable and time-consuming. He believed a center like this would vastly increase the numbers of containers being recycled, which would outweigh the Main Street zoning issue. The property is in an extremely blighted area, and the old Salvation Army building doesn't do anything to enhance the area. He concluded that the extra traffic may bring more business for neighboring businesses. No other oral or written comments were received.

PLANNING COMMISSION RECOMMENDATION

After reviewing the staff report and considering public testimony, the Albany Planning Commission, by a vote of 6 – 0, recommends Council:

1. APPROVAL of the proposed Development Code amendment to ADC Article 22 that adds a definition for "redemption center";
2. APPROVAL of the proposed amendment to ADC Section 5.070(8)(a) to add redemption centers as a permitted use in the Main Street (MS) district; and
3. DENIAL of the proposed Development Code amendment to ADC Section 4.060(11) to add redemption centers as a permitted use in the Neighborhood Commercial (NC) district.

GENERAL INFORMATION

DATE OF REPORT: February 5, 2014

FILE: DC-02-13

TYPE OF APPLICATION: Quasi-Judicial Development Code Amendment (Type IV) to add a definition for "Redemption Centers" in Albany Development Code Article 22, and amend Special Conditions in Articles 4 & 5 to allow Redemption Centers through Site Plan Review or Conditional Use approval

REVIEW BODY: Planning Commission and City Council

STAFF REPORT PREPARED BY: David Martineau, Planner III
PROPERTY OWNER: The Salvation Army; 180 East Ocean Boulevard; Long Beach, CA 90802
APPLICANT: Stephanie Marcus, Property Acquisition Coordinator; Oregon Beverage Recycling Cooperative; 3900 NW Yeon Avenue; Portland, OR 97210; 503-542-0756
ADDRESS/LOCATION: 1224 Santiam Highway SE
MAP/TAX LOT: Linn County Assessor's Map No. 11S-03W-06DD; Tax Lot 11000 & 10900
ZONING: MS (Main Street) District
CP DESIGNATION: Village Center

NOTICE INFORMATION

A Notice of Public Hearings was published in the *Albany Democrat Herald* on December 30, 2013. Also on December 30, 2013, the public hearings notice was posted at the Old Salvation Army building site where the Oregon Beverage Recycling Cooperative proposes to operate a redemption center. Every property owner in the Main Street zoning district was also sent the notice. The development code text amendment staff report was posted on the City's Web site. At the time this staff report was completed, no written comments were received.

CITY COUNCIL DECISION OPTIONS

The City Council may do one of the following:

- 1) Enact, amend or defeat all or part of the proposal under consideration, or
- 2) Refer some or all of the proposal back to the Planning Commission, Hearings Board, or Landmarks Advisory Commission for further consideration.

The City Council may also continue the public hearing to a specified date in order to receive testimony, review modified language, or continue deliberation.

APPEALS

The City Council decision can be appealed to the Oregon Land Use Board of Appeals by filing a Notice of Intent to Appeal within 21 days of the Council decision.

STAFF ANALYSIS

Development Code Amendment File DC-02-13

The Albany Development Code (ADC) 2.290 contains the following review criteria that must be met for this Development Code amendment to be approved. Code criteria are written in *bold italics* and are followed by the Proposed Findings and Conclusions.

Criterion (1) The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.

Relevant Comprehensive Plan goals and policies are written in *italic* type and considered as a separate review criterion following the description of the major revisions.

Comprehensive Plan Goals and Policies (Submitted by Applicant)

Statewide Planning Goal 9-Economic Development: Albany's Economy, Goal 2: Provide a supportive environment for the development and expansion of desired businesses.

Statewide Planning Goal 9-Economic Development: Land Use, Goal 3: Create village centers that offer housing and employment choices.

Statewide Planning Goal 9-Economic Development: Land Use, Goal 5: Improve community appearance and establish attractive gateways into Albany and visually appealing highway corridors.

Statewide Planning Goal 9-Economic Development: Land Use, General Policy 7: Consider infill and redevelopment of already serviced vacant and underdeveloped land before designating additional land for industrial and commercial uses.

Statewide Planning Goal 9-Economic Development: Land Use, Commercial Policy 5: Provide opportunities for small neighborhood commercial facilities to be located in neighborhoods and Village Centers to be located close to the areas they are intended to serve. Neighborhood convenience and Village Center commercial uses must:

- a. Be located, designed, and operated so as to be compatible with surrounding residential uses.*
- b. Be oriented to provide for the common and frequently recurring shopping needs of the area they are intended to serve.*
- c. Be limited in number, size, and location. Generally, new Neighborhood Commercial sites will be less than an acre.*
- d. The commercial component of Village Center zoning districts should be sized to meet the neighborhood needs. Village Centers are generally located at least one mile in travel distance from any other commercial site that serves or is available to serve similar commercial needs.*
- e. Zone change applications for new neighborhood and Village Center commercial sites must demonstrate that the chosen site is superior or equal to viable alternative sites within the same market area based on exposure to traffic flows and other market indicators, accessibility and convenience to the market area, and compatibility with surrounding uses.*

Statewide Planning Goal 11-Public Facilities and Services: Solid Waste Policy 1: Ensure that the solid waste franchise continues to provide a full range of solid waste disposal services including a recycling program that:

- a. Increases awareness for the need to recycle.*
- b. Considers the needs of the residential, commercial, and industrial waste generators.*
- c. Promotes utilization of recycling efforts.*

Statewide Planning Goal 11-Public Facilities and Services: Solid Waste Policy 2: Ensure that there is land available and zoning regulations which would accommodate firms specializing in resource reuse, recycling, or resource recovery.

Comprehensive Plan Goals and Policies (Submitted by Staff)

Statewide Planning Goal 9-Economic Development: Land Use, Goal 1: Ensure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Albany, including commercial, professional, and industrial development.

Statewide Planning Goal 9-Economic Development: Land Use, General Policy 2: Encourage land use patterns and development plans that take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations that increase energy efficiency.

Statewide Planning Goal 9-Economic Development: Land Use, General Policy 3: Designate enough land in a variety

of parcel sizes and locations to meet future employment and commercial needs.

Statewide Planning Goal 9-Economic Development: Land Use, Commercial Policy 3: Designate new mixed use Village Centers that provide a mix of commercial, office, entertainment and medium- to high-density residential uses that are integrated into the desired character of the neighborhood.

Statewide Planning Goal 9-Economic Development: Land Use, Commercial Policy 4: Use land use controls and other tools to reserve Village Centers for intended uses.

FINDINGS OF FACT

- 1.1 Stephanie Marcus, a Property Acquisition Coordinator with the Oregon Beverage Recycling Cooperative, proposes three amendments to the Albany Development Code (ADC) relative to redemption centers, which are considered “recycling drop-off centers”, a repair-oriented retail sales and services use in the Code (see Attachment II). If approved, the amendments would add a definition for “redemption center” to Article 22, which would become permitted uses in the Neighborhood Commercial (NC) and Main Street (MS) zones. Staff confirmed the use is a permitted use already in the Community Commercial (CC), Regional Commercial (RC), and the Light Industrial (LI) districts; therefore an amendment to permit redemption centers in those zones is not needed.
- 1.2 The applicant believes the proposed redemption center is consistent with several listed comprehensive plan goals and policies related to economic development (Statewide Planning Goal 9) and public facilities and services through the management of solid waste (Statewide Planning Goal 11). The applicant states that there are plans for about 50 redemption centers across Oregon; the proposed center in Albany would be the 9th statewide. BottleDrop Redemption Centers employ an average of eight people per site.
- 1.3 According to the applicant, BottleDrop Redemption Centers at other locations have increased the amount of recycling in areas compared to the return of beverage containers in recycling centers at retailers. The Centers are clean, convenient and staffed, and provide different options to customers.
- 1.4 The former Salvation Army site at 1224 Santiam Highway SE offers many advantages over other sites in Albany, according to the applicant. These include “adequate building size, roll up door, parking, good ingress/egress,” and a central location relative to local retailers. The applicant contends the Salvation Army site has been vacant for about six years and believes the proposed use will help clean up the site for the benefit of the neighborhood and the community. In turn, this will “improve the community appearance and promote economic vitality.”
- 1.5 City staff is supportive of a bottle redemption center in Albany; however the proposed facility will operate as a regional facility rather than a neighborhood facility. According to state law (ORS 459A), stores located within a 2-mile radius of a bottle redemption center are not required to redeem bottle bill containers. Stores within 3½ miles of a redemption center are allowed to limit the number of containers they accept to 24 per person per day.
- 1.6 An adequate supply of land has been zoned to provide for a full range of economic development around the greater Albany region. Staff does not know if all stores within the 2-mile and 3½-mile radius will change their policy accepting containers. However since only one redemption facility is proposed in Albany, it is highly likely the redemption center will function as a regional facility serving Albany and the surrounding area rather than just the surrounding neighborhood.
- 1.7 All grocery stores within the city limits of Albany are within a 3½-mile radius (see Attachment III). Having just one recycling drop-off center centralizes beverage container redemption which will increase the need for travel and dependency on the private automobile. This will not promote energy efficiency nor reduce motor vehicle trips and their impact on the City’s transportation network.

- 1.8 The Comprehensive Plan designation for the former Salvation Army site and its surrounding neighborhood is "Village Center." Land controls, such as zoning districts and design standards, are used to preserve village centers for their intended use. Allowable retail uses are limited to small neighborhood-scale developments in the village center zones in order to meet the neighborhood needs. Village Center commercial uses shall be located, designed, and operated so as to be compatible with surrounding residential uses, according to the Comprehensive Plan.

CONCLUSIONS

- 1.1 The proposed Development Code amendment to add a definition of "redemption center" to ADC Section 22.400 is consistent with the Comprehensive Plan goals and policies.
- 1.2 Redemption centers are classified as a "recycling drop-off center", a repair-oriented retail sales and services use that is already permitted in the CC, RC, and LI districts.
- 1.3 Certain Comprehensive Plan goals and policies appear to support the requested amendments with regards to the redemption center use in general.
- 1.4 Staff believes that, on balance, Comprehensive Plan goals and policies do not support redemption centers in zoning districts that emphasize and permit only neighborhood-scale uses.
- 1.5 This criterion is satisfied for the purposes of adding the definition of "redemption center," however permitting the use in the NC and MS district does not better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.

Criterion (2) The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.

The applicable Development Code policies and purposes are identified in *italic* type and considered as a separate review criterion.

Article 4: Commercial and Industrial Zoning Districts

ADC 4.020(2), Zoning Districts: NC – NEIGHBORHOOD COMMERCIAL DISTRICT. The NC district is intended primarily for small areas of retail establishments serving nearby residents' frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius.

ADC 4.020(3), Zoning Districts: CC – COMMUNITY COMMERCIAL DISTRICT. The CC district recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas.

ADC 4.020(4), Zoning Districts: RC – REGIONAL COMMERCIAL DISTRICT. The RC district is intended primarily for developments that serve the wider Albany region. RC allows a wide range of retail sales and service uses, and is typically appropriate for developments that require large sites near Interstate 5. Design guidelines, building location and front-yard landscaping will provide an enhanced community image along major transportation corridors. These uses often have significant impacts on the transportation system. Sound and visual buffers may be required to protect nearby residential areas. RC districts may not be appropriate in all locations.

ADC 4.020(7), Zoning Districts: *LI – LIGHT INDUSTRIAL DISTRICT. The LI district is intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors and related establishments. Uses will have limited impacts on surrounding properties. This district is particularly suited to areas having good access to highways and perhaps to rail. LI may serve as a buffer around the HI district and may be compatible with nearby residential zones or uses.*

ADC 4.050, Schedule of Permitted Uses:

Commercial, Office and Industrial Zoning Districts									
Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	OP	NC	CC	RC	TD	IP	LI	HI
INDUSTRIAL									
Waste and Recycling Related	4	N	N	CU	N	N	N	S/CU	S/CU
COMMERCIAL									
Retail Sales and Service		S-11	S-11	S	S	S	S-11	N	N

CU = Use permitted conditionally; S = Use permitted through Site Plan Review approval; N = Use not allowed

ADC 4.060, Special Conditions:

(4) Waste and Recycling Related Uses in the CC, LI, and HI zones.

Limited uses in CC. Only processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are considered with a conditional use review.

Limited uses in LI. Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are allowed with Site Plan Review. Salvage yards, junkyards, and refuse transfer stations are not permitted. All other material and recycling operations are considered through a conditional use review.

Limited uses in HI. Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area and all other material and recycling operations, excluding salvage yards and junkyards, are allowed with Site Plan Review. Salvage yards, junkyards, sanitary landfills, and refuse transfer stations require a conditional use review.

(11) Retail Sales and Services in the OP, NC and IP zones.

Limited uses in OP, NC and IP. The only retail uses allowed are convenience-oriented retail and personal services-oriented retail intended to serve nearby residences and employees. Businesses are limited to a 5,000-square-foot maximum building footprint. See Article 22 for examples of convenience-oriented and personal service-oriented businesses. Vehicle repair-oriented services, motor vehicle sales, large equipment sales, and bulk sales are prohibited.

Article 5: Mixed Use Village Center Zoning Districts

ADC 5.020, Overview: *The mixed-use Village Center zoning districts are the center of neighborhood and commercial activity, providing a horizontal or vertical mix of retail and residential uses to serve nearby neighborhoods. Other uses may include offices, and community and personal services. Centers are easily accessible to nearby residences, are pedestrian-friendly, and relate to adjacent land uses. Commercial uses must fit the scale of adjacent neighborhoods and the desired character envisioned for each Village Center. The Village Center zones differ in permitted uses, development standards, and design based on the unique objectives of each center. Design standards may be adopted to define the unique architectural and streetscape features of each Village Center. Medium-density residential development that provides a mix of housing choices is located adjacent to Village Center commercial zones.*

ADC 5.030(6), Zoning Districts: MS – MAIN STREET DISTRICT. The MS district is intended primarily as an employment center with supporting commercial and retail services for residents and employees in the area. Retail, restaurant or night uses that impact surrounding residences are discouraged.

ADC 5.060, Schedule of Permitted Uses:

Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	MUC	WF	HD	CB	LE	PB	MS	ES	MUR
INDUSTRIAL										
Waste and Recycling		N	N	N	N	N	N	N	N	N
COMMERCIAL										
Retail Sales and Service		S-8	CU-7	S	S	S	S	S-8	S-8	S-8

CU = Use permitted conditionally; S = Use permitted through Site Plan Review approval; N = Use not allowed

ADC 5.070, Special Conditions:

- (7) Retail Sales and Service in the WF zone. All retail uses in the WF zone require a Conditional Use approval.

Limited Uses. The only retail uses allowed in the WF zone are: convenience and personal service-oriented commercial intended to serve nearby residents and employees; specialty retail stores and studios. All other retail uses are prohibited. [Ord. 5635, 1/11/06]

- (8) Retail Sales and Service in the MS, ES, MUC and MUR zones.

Limited Uses in MS, ES and MUR. The following retail uses are permitted: convenience and personal service-oriented commercial intended to serve nearby residents and employees; specialty retail stores and studios; small appliance rental and repair, shoe repair, and tailoring. All other retail uses are prohibited. See Article 22 for descriptions of convenience-oriented and personal service-oriented commercial uses.

Prohibited Uses in MUC. Sale, leasing and rental of vehicles and trucks; hotels, motels, and recreational vehicle parks. [Ord. 5556, 2/21/03]

FINDINGS OF FACT

- 2.1 The applicant notes that ADC Section 5.070(8)(a) currently allows certain convenience and personal services-oriented commercial uses intended to serve nearby residents and employees. The Main Street (MS) district permits specialty retail stores and studios and repair-oriented retail such as small appliance rental and repair; shoe repair and tailoring. The applicant contends that the redemption center would serve nearby residents and employees.
- 2.2 The former Salvation Army building site is located at 1224 Santiam Highway SE, in close proximity to Habitat for Humanity’s ReStore and a storage facility for the Linn-Benton Education Service District.
- 2.3 The MS district is a small geographic area containing just 60 lots. The applicant states that the Oregon Liquor Control Commission determines siting of redemption centers and would not approve more than one facility on property within the MS district. Even with the redemption center, the proposed amendment still allows the zone to serve “as an employment center with supporting commercial and retail services for residents and employees in the area,” according to the applicant.
- 2.4 Staff notes that the City, together with the Central Albany Revitalization Area (CARA), continue to invest significant resources in order to foster a neighborhood “feel” to the district by supporting proposed developments that support and strengthen both the current zoning as well as the fabric of the neighborhood. In

addition to outreach to the East Salem Neighborhood group to better understand their needs and goals, the City and CARA have invested in specific projects including the new workforce housing at Woodland Square, the community garden, the forthcoming traffic circle, as well as a future user for the historic church on Main and Santiam.

- 2.5 Staff believes commercial zones, such as Community Commercial (CC) and Regional Commercial (RC), are better suited for retail and service uses that draw customers city or region wide such as a bottle redemption center. As noted above, the Neighborhood Commercial (NC) district is intended primarily for small areas of retail establishments serving nearby residents' frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius. Likewise, the MS district is intended as an employment center with supporting commercial and retail services for residents and employees in the area. As a Village Center zoning designation, uses in the MS district are intended to be easily accessible to nearby residences, pedestrian-friendly, and relate to adjacent land uses. Commercial uses must fit the scale of adjacent neighborhoods and the desired character envisioned for each Village Center.

CONCLUSIONS

- 2.1 The proposed Development Code amendment that would allow redemption centers in the NC and MS districts is not consistent with the purposes of the Code.
- 2.2 Staff concludes this criterion has not been satisfied.

ATTACHMENTS

- I. Applicant's Submittal
- II. Proposed Amendments to the Albany Development Code
- III. Proposed Redemption Center Location Maps:
a) Main Street Zoning District map
b) 2- and 3½-mile radius map



Development Code Amendment Application

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

TO BE FILLED OUT BY STAFF

File No: DC- _____

Filing Fee (Fees subject to change every July 1)
Development Code Amendment (DC) None at this time

Date Fee and Application Received: _____ Amount Paid: _____

Receipt No: _____ Received By: _____

Revised 07/01/2011

OVERVIEW

The Albany Development Code is designed to implement the goals and policies of the Comprehensive Plan, which is a reflection of community values and needs. Because these values may change with time and because new techniques for implementing the Plan may be appropriate, the Code must have some mechanism for response to those changes. Amendments to the Code should occur as needed in order to maintain a close relationship between the Development Code and the Comprehensive Plan.

Who May Initiate the Application. The City Council, Planning Commission, Landmarks Advisory Commission or the Community Development Director may initiate a review on any legislative matter [ADC 1.580(2)]. Also, any property owner or resident of the City may request that the Planning Commission initiate a review of an amendment.

In the situation of a property owner or resident wanting to propose an amendment, the first step would be for he/she to schedule a Pre-application meeting with City Planning Staff. Then, if the Director decides not to initiate the amendment, the second step would be to submit a request to the Planning Commission that they review the proposal and determine whether it warrants processing as a legislative amendment [ADC 1.580 (3)]. This is not a public hearing or a decision on the proposal.

Review Process. Development Code amendments are usually under the legislative review process, because the regulation would be applied City-wide. Legislative applications are reviewed under the Type IV review process, which means it will have two hearings. The first is before the Planning Commission, who will make a recommendation to the City Council. The second hearing is before the City Council, who would make the final decision. Notice of the hearings is provided in the local newspaper and to the Department of Land Conservation and Development (DLCD).

This type of application is not subject to the 120-day review time limit of ORS 227.178. Legislative land use decision on a matter not related to periodic review may be appealed to the Land Use Board Of Appeals (LUBA).

DEVELOPMENT CODE AMENDMENT APPLICATION

DATE OF PRE-APPLICATION MEETING: August 28, 2013

ATTACH ANY NOTES THAT WERE TAKEN AT THE MEETING.

PROPOSED AMENDMENT(S)

1. Identify all sections of the Development Code that would be amended.

Add definition of redemption center. With permitted use in NC, CC, RC,

2. Provide the proposed amendment wording for each of the above sections. (If additional space is needed this may be provided by attachment to the application.) ^{LI}

Redemption Center: An indoor retail facility approved by the Oregon Commission as provided for in ORS 459A that facilitates the return of empty beverage containers and serves dealers of beverages, at which any person may return empty beverage containers and receive payment of the refund value of such beverage containers.

REVIEW CRITERIA (ADC 2.290)

An application to amend the Development Code may be approved if the City Council finds that the application meets the review criteria.

Attach detailed findings of fact and conclusions that address the following:

- (1) The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.

APPLICANT INFORMATION

Who May Initiate the Application. The City Council, Planning Commission, Landmarks Advisory Commission or Community Development Director may initiate a review on any legislative matter. [ADC 1.580 (2)] Also, any property owner or resident of the City may request that the Planning Commission initial a review of any legislative matter (such as an amendment to the Development Code text). The Planning Commission shall review the proposal and determine whether the proposal warrants processing as a legislative amendment. [ADC 1.580 (3)]

APPLICANT: PROPERTY OWNER OR RESIDENT OF THE CITY OF ALBANY

Name: (print or type) The SALVATION Army, a California Corp.
City of Albany Address: 1224 Santiam Hwy S.E. Albany, OR 97321
Current Mailing Address (if different than above): 180 E. Ocean Blvd, 3rd Floor
Long Beach, CA 90802

Daytime Telephone No: (562) 491-4145
Fax No: (562) 491-4245

Email: KARE.PATTERSON@USW.SALVATIONARMY.ORG

X
Signature: [Signature] [Signature] OCT - 1 2013
TREASURER Asst. Secretary

CONTACT PERSON (if different than above resident or property owner):

Name: (print or type) Todd VanDomelen
Address: 621 S.W. Morrison St. #800, Portland, OR 97205
Current Mailing Address (if different than above): _____

Daytime Telephone No: 503-225-8475
Fax No: 503-228-2136
Email: ToddVanNorris-Stevens.COM
Signature: [Signature]

(This means to specifically identify all Goals and Policies of the Comprehensive Plan that relate to this proposal and explain how the proposal better achieves these than what is in the Code now.)

- (2) The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.

(This means to specifically identify all applicable policies on purpose and purpose statements in the Development Code and explain how the proposed amendment is consistent with them.)

**EXAMPLE
FINDINGS OF FACT**

A Development Code Amendment may be approved if the approval authority finds the application conforms to the criteria found in Sections 2.290 of the Albany Development Code.

The applicant must submit information that adequately supports the applicable review criteria are met. If the applicant submits insufficient or unclear information, the application will be denied or delayed. Before you submit, you may want to come to the Community Development Department and review available former amendment files to see how they were prepared.

FORMAT

The applicant must provide statements of fact that address each of the review criteria. Findings are statement of factual information. Draw conclusions from the statements of fact to explain how the facts result in support meeting the review criteria.

EXAMPLE (This is not intended to apply to your particular proposal.)

Criterion (1) The proposed amendment better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.

Findings of Fact

1. Albany Development Code Section 6.131 currently allows manufactured home parks in floodplains. This application is to amend Section 6.131 of the Development Code to prohibit manufactured home parks to be located in the 100 year floodplain.
2. Comprehensive Plan Goal 7, Policy 4 says "Recognize that development within areas subject to flooding is subject to regulations to protect life and property and that certain types of development may not be allowed."
3. Within the last two years, three manufactured home parks in floodplains have sustained major damage even though they were built to the standards required by the Code.

Conclusion

1. The proposed Development Code amendment to prohibit manufactured home parks from being located in floodplains would better achieve Goal 7, Policy 4 than the existing code section that allows manufactured home parks in floodplains because it would protect life and property.

Criterion (1) The Proposed amendment better achieve the goals and policies of the Comprehensive Plan than the existing regulatory Language.

Findings of Fact:

1. Comprehensive Plan Goal 11 Waste Policy 1 says "Ensure that the solid waste franchise continues to provide a full range of solid waste disposal services including a recycling program that:
 - a. Increases awareness for the need to recycle.
 - b. Considers the needs of the residential, commercial, and industrial waste generators.
 - c. Promotes utilization of recycling efforts."
2. Comprehensive Plan Goal 11 says "In Albany, recycling is being accomplished on a medium, if not large scale. Albany's recycling center recycles newspapers, cardboard, glass, tin, aluminum and motor oil. The center is open at all times and depends upon people to drop off recyclable materials. Curbside residential pick-up of sorted recyclable materials (cardboard, newspaper, glass, aluminum, tin, and motor oil) is also available free of charge to all city residents. This program has been operational for the last five years. A commercial source separation program is also in place, and it is anticipated that an industrial recycling program will be available within the next three to five years."
3. Albany Comprehensive Plan Goal 11 Solid Waste, Policy 4 says "Ensure that there is land available and zoning regulations which would accommodate firms specializing in resource reuse, recycling, or resource recovery."
4. Albany Comprehensive Plan Goal 9 Land Use Policy 7 states "Consider infill and redevelopment of already serviced vacant and underdeveloped land before designating additional land for industrial and commercial uses."
5. Albany Comprehensive Plan Goal 9 Community section 3 states "Create village centers that offer housing and employment choices." Additionally, section 5(a) states "Be located, designed, and operated so as to be compatible with surrounding residential uses."
6. Albany Comprehensive Plan Goal 9 Community deals directly with uses in the Village Center zoned areas (MS). In section 5(e) it reads the following, "e. Zone change applications for new neighborhood and Village Center commercial sites must demonstrate that the chosen site is superior or equal to viable alternative sites within the same market area based on exposure to traffic flows and other market indicators, accessibility and convenience to the market area, and compatibility with surrounding uses."
7. Albany Comprehensive Plan Goal 9 Economy Land Use goal 5 states "Improve community appearance."
8. Albany Comprehensive Plan Goal 9 Economy states "Provide a supportive environment for the development and expansion of desired business."

Conclusion:

*BottleDrop Redemption Centers have increased recycling in areas compared to the return of beverage container recycling at retailers. The redemption centers are staffed, clean, convenience, and provide options. Albany has a goal to reduce the amount of waste being disposed and a redemption center can help increase recycling rates in their community.

*Albany states that they are accomplishing recycling on a medium if not large scale. A BottleDrop redemption center will help increase these efforts in recycling. Albany would be the 9th redemption center in the state of Oregon. There are plans for 50 centers across the state.

*There are many commercial sites available in Albany, however only one site fit the criteria needed for a BottleDrop Redemption Center. This includes adequate building size, roll up door, parking, good ingress/egress and most importantly a central location that will allow a large group of retailers to participate in the center.

*The Salvation Army building in the MS zone has been vacant and boarded up for 6 years. Placing a retail establishment in this location would help clean up the site for the neighborhood and community.

*BottleDrop Redemption Centers employ about 8 people per site. Additional jobs in the community help boost the economy.

*Converting a boarded-up building that has been vacant for over six years and improves the community appearance and promotes economic vitality.

Criterion (2) The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.

Finding of Fact:

1. Albany Development Code 5.070 (8) (a) currently allows convenience and personal-oriented commercial intended to serve nearby residents and employees
2. Main Street Zoning currently allows specialty retail stores and studios, small appliance rental and repair, shoe repair, and tailoring.
3. In Albany there are only a few properties that are currently zoned MS.
4. Neighboring properties to the site in contract to become a Redemption Center include Habitat for Humanity Restore and School District storage

Conclusion:

*A Redemption Center provides its customers convenience by giving them options for returning deposit containers. It serves nearby residents and employees.

*A redemption center is an indoor retail facility and they are approved by the OLCC. This definition is very specific in explaining exactly what a redemption center is and it is a special retail type facility. The OLCC needs to give approval for a redemption center; this will mean that once a redemption center goes

into a location, there would not be more redemption centers with a center area. A redemption center can take retailers offline at a maximum of 3.5 mile radius of a redemption center.

*The Main street zone is very small condensed area in Albany, allowing redemption center to be an allowed use would only open up the possibility of few properties in this zone. The OLCC approves the location of a redemption center and would not approve an additional center within this small area of main street zoning. Adding the definition of redemption center into allowed specialty retail stores that are allowed would not open up the possibility for anything other types of commercial business to be permitted. It would continue to keep this Main Street Zone as an employment center with supporting commercial and retail services for residents and employees in the area.



PRE-APPLICATION CONFERENCE WORKSHEET

Staff Contact: David Martineau

Date of Meeting: August 28, 2013, 1:00pm

Project Description: Development Code Amendment and Site Plan Review for a bottle bill redemption center in an existing building (former Salvation Army building)

Property Location: 1224 Santiam Highway SE

Zoning: MS (Main Street) District

- Floodplain Wetlands Hillside Airport Willamette Greenway Other:

- Potential Applicable Criteria: (ADC refers to Albany Development Code) ADC Article 2 Development Code Amendments; Site Plan Review ADC Article 5 Mixed Use Districts ADC Article 8 Design Standards ADC Article 9 On-Site Development and Environmental Standards ADC Article 11 Land Divisions

Who attended the preapplication meeting? City representatives: David Martineau, Melissa Anderson, Mike Leopard, Anne Catlin, Heather Hansen, (Planning), Gordon Steffensmeier (Public Works); Ron Irish (Traffic Engineering), Gary Stutzman, Joel Heenan (Building); Mike Trabue (Fire Marshal).

Others:

A pre-application meeting on a preliminary plan is not a land use decision. The purpose of the pre-application meeting is to discuss issues generally that may affect the design and/or cost of a project based on the preliminary plan submitted. Staff also tries to identify obvious additional information, studies, etc. that will be required with the formal application. However, in the course of reviewing the actual application(s), other issues may be discovered that were not anticipated or noticed at the pre-application meeting. The City may request additional details, drawings, information, analyses, or plans relevant to the review up to 30 days following submittal of an application.

Based on the information submitted for the pre-application meeting, it appears that in addition to the requirements listed in the application(s), the application(s) must be accompanied by the following (CHECKED) additional analyses, plans, studies, meeting, or "other" is required with this project:

- Traffic Generation Study; Traffic Impact Analysis TIA; TIA include TPR analysis (rezones) OAR 660-012-0060; Urban Conversion Plan (land divisions); Geo-Tech report (hillside development); Floodplain Development. Permit... Floodplain study; Drainage study; Neighborhood Meeting before filing application(s) -see ADC 1.203 and 1.204 - foot radius notice area Other:

General Meeting Notes: See Attached

1977 was an auto parts shop. No outside storage prop. 6' ht. limit on stacking PET bales, possible fire sprinkler system if higher. 25% project costs spend on removing barriers to the disabled. Starts in the parking lot. Property served by water & sewer. SDCs due if adding fixtures - ~\$500 per fixture.

Length of time for code amendment for changing message signs?

PLANNING PRE-APPLICATION NOTES – 8/28/2013
Bottle Redemption Center, 1224 Santiam Highway SE—Stephanie Marcus

Development Code Amendment and Site Plan Review for a bottle bill redemption center in an existing building (former Salvation Army building).

According to Albany Development Code (ADC) 22.140(2)(d), recycling drop-off centers are considered a “repair-oriented” business under the Retail Sales and Service heading. According to ADC 5.060, Schedule of Permitted Uses and Special Condition 5.070(8), Retail Sales and Services in the Main Street (MS) zone are limited to convenience and personal service-oriented commercial intended to serve nearby residents and employees; specialty retail stores and studios; small appliance rental and repair, shoe repair, and tailoring. All other retail uses are prohibited.

ADC 5.020 explains that mixed-use Village Center zoning districts are the center of neighborhood and commercial activity, providing a horizontal or vertical mix of retail and residential uses to serve nearby neighborhoods. Other uses may include offices, and community and personal services. Centers are easily accessible to nearby residences, are pedestrian-friendly, and relate to adjacent land uses. Commercial uses must fit the scale of adjacent neighborhoods and the desired character envisioned for each Village Center. The Village Center zones differ in permitted uses, development standards, and design based on the unique objectives of each center.

According to ADC 5.030(6), the MS district is intended primarily as an employment center with supporting commercial and retail services for residents and employees in the area. Retail, restaurant or night uses that impact surrounding residences are discouraged.

Applications:

I. Development Code Amendment. The City Council, Planning Commission, Landmarks Advisory Commission or the Community Development Director may initiate a review on any legislative matter. Also, any property owner or resident of the City may request that the Planning Commission initiate a review of an amendment. The Planning Commission would then review the proposal and determine whether it warrants processing as a legislative amendment.

Development Code amendments are reviewed under the legislative review process, because the regulation would be applied city-wide. Legislative applications are reviewed under the Type IV review process, which means it will have two hearings. The first is before the Planning Commission, who will make a recommendation to the City Council. The second hearing is before the City Council, who would make the final decision. Notice of the hearings is provided in the local newspaper and to the Department of Land Conservation and Development (DLCD). This type of application is not subject to the 120-day review time limit established in state law. Presently, there is no filing fee. If the amendment is ultimately approved:

II. Site Plan Review to Modify Existing Development. The fee is \$1,716, which is subject to change beginning July 1, 2014. This is normally a staff decision reviewed in accordance with the Type 1-L limited land use procedure. Written notice of the proposal will be sent to property owners within 300 feet of the property on which applications are received. Decisions are typically 6-8 weeks from the date the application is deemed complete, but by law the City has up to 120 days to make the decision.

III. Tentative Replat. This would be needed for any street dedications, relocation of existing easements or removal of property lines. The fee is \$264, which is subject to change beginning July 1, 2014. There is no fee for reviewing the final replat.

Basic Development Standards of the MS zoning district -- Article 5: Zoning is Main Street (MS). See Article 5, Table 1, in the Development Code. This covers setbacks, building height, etc. Minimum front setback is 5 feet; maximum is 10 feet. Maximum front setback can be increased if 100% of the increase in setback is used for pedestrian amenities. No interior setback is required because the use to the south is a warehouse building owned by Linn-Benton ESD, therefore not a residential use. Maximum height in MS is 50 feet. Maximum lot coverage (includes buildings and parking area) is 90%.

Parking: Parking lots must be of durable surface, have drainage, perimeter curbing, striping. See ADC 9.010-9.200 (construction, design layout; landscaping, etc. standards). Sheet flow of water over sidewalks is not allowed. Up to 40% of the spaces may be designated for compact vehicles, but these must be shown on the site plan. See ADC 9.130 for parking lot design and space/aisle dimensions. A loading area at least 250 square feet must be delineated on site for buildings of 5,000 to 20,000 square feet of gross floor area (see ADC 5.270). Parking requirements are based on the following ratios, per ADC 5.260, Table 4:

- Parking for the bottle redemption center use would likely be closely aligned with "Testing, repairing, cleaning, servicing of materials, goods or products and warehousing and wholesale." Therefore, the number of parking spaces would be based on 1 space per 2 employees plus 1 per 300 square feet of patron serving area, plus 1 per company vehicle.

Note: Although the property is already developed, areas of the parking lot are in disrepair and will need to be repaved in order to function properly. In addition, the pre-application material states that there are 23 parking spaces on-site; however, based on aerial photos and a site visit it appears there are fewer on-site than are estimated. A site plan drawn to scale with an accurate parking lot layout will be required for a land use application.

ADA Spaces: Parking spaces must include providing *parking for the disabled* to meet State of Oregon ADA standards. These are not in addition to the minimum number required of the use. There are specific design requirements for ADA parking spaces. Building Division has the handout.

Bicycle Parking: Per ADC 9.120(13)(c), bicycle parking must be provided at a rate of two spaces, plus one space for every 10 automobile spaces required. At least half of the required bicycle spaces must be sheltered. The Director may allow an exemption or reduction in bicycle parking if the use is not likely to need bicycle parking.

Landscaping: Landscaping standards are found in ADC 9.140-9.200. All development applications involving buildings and parking areas must include landscape plans. If required parking results in construction or expansion of a parking lot, planter bays will be required at both ends of each parking bay. The planter bays must be at least 5 feet wide with a 6-inch curb and one canopy tree at least 10 feet high, two shrubs, and decorative ground cover.

Design Standards: Commercial Site Design Standards (ADC 8.310 – 8.390) apply to any new commercial development and to the expansion or modification of existing commercial development in any district. Design standards focus on building orientation and entries. On sites smaller than 3 acres, buildings shall be oriented to the public street/sidewalk, and off-street

parking shall be located to the side or rear of the building except where it is not feasible due to limited street frontage or where there are access restrictions. *The MS district requires 50% transparency at the pedestrian level.* Supplemental Commercial Design Standards in Village Centers (ADC 8.405 – 8.475) apply in addition to the commercial design standards. In summary, main building entrances must face either of the streets or be oriented to the corner. Parking lots and traffic lanes shall not be sited between the building(s) except for drop-off facilities. Building design principles that reduce the visual appearance of larger scale buildings to a smaller scale pedestrian scale are listed in ADC 8.440.

Outside Storage: Outside storage is permitted in all yards except for required front setbacks or required buffer areas, however it must be enclosed with a sight-obscuring fence or wall constructed of non-combustible material. This enclosure must be located on the property at the required setback line as if the berm, fence, wall, or hedge was a building. Materials and equipment stored as permitted in this subsection may be no more than 14 feet above the elevation of the storage area. Open storage over six feet tall must be screened by landscaping.

Screening: Refuse containers must be screened from customer parking area by a sight-obscuring fence, wall, or hedge at least six feet tall. All refuse materials must be contained within screened area, in accordance with ADC 5.370.

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

Neighborhood Meeting: A neighborhood meeting is recommended but not required for this use. The standards are listed in Albany Development Code (ADC) Section 1.204. The applicant must hold the neighborhood meeting before submitting an application. Notice of the meeting must be mailed to all property owners and residents within 300 feet of the property. A representative from the Planning Division needs to attend.

Plans (Site Plan & Elevation Plan): All plans submitted with a land use application must be to an identified scale and fully dimensional. Elevation plans are necessary to assess whether plans meet the requirements, such as height and compatibility with surrounding buildings.

Odors. ADC 9.470 states that continuous, frequent, or repetitive odors or the emission of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. Odor is regulated by the Department of Environmental Quality. However, an exception is that an odor detected for less than 15 minutes per day is exempt.

Albany Building Division

Date: August 21, 2013

File:

Applicant: Stephanie Marcus, Property Acquisition Coordinator; Oregon Beverage Recycling Cooperative

Applicant Rep:

Address: 1224 Santiam Rd SE

Project: Possible Development Code Amendment and Site Plan Review for a bottle bill redemption center in an existing building (former Salvation Army building)

Building Division comments are provided by Gary Stutzman Building Official. 541-917-7626

PERMITS

1. Individual Building Permits are required to be obtained from the Building Division prior to any remodel of the building. Several of the permits may be combined such as Building, Mechanical, and Plumbing. Separate applications are required for electrical, fire sprinklers, fire alarms, accessible parking restripe, and signs.
2. A Change of Occupancy Permit will not be required.

CODES Most Building Codes will change to new Code Cycles on April 1, 2014.

3. The current building codes are:
 - a. 2010 Oregon Structural Specialty Code (OSSC) based on the 2009 International Building Code (IBC)
 - b. 2010 Oregon Energy Efficiency Specialty Code (OEESC), (COMcheck Energy Forms)
 - c. 2010 Oregon Mechanical Specialty Code (OMSC) based on the 2009 International Mechanical Code (IMC) and 2009 International Fuel Gas Code
 - d. 2011 Oregon Plumbing Specialty Code (OPSC) based on the 2009 Uniform Plumbing Code
 - e. 2010 Oregon Fire Code (OFC) based on the 2009 International Fire Code (IFC)
 - f. 2011 (NEC) the National Electrical Code
 - g. 2010 NFPA 72 for alarms.

BUILDING HISTORY

4. The building was constructed in 1977 as Albany Auto Parts as Group F1 and F2 occupancy 7440 square feet two stories Type III-N construction. It was converted to the Salvation Army thrift store in 1984 as Group M occupancy.

OCCUPANCY

5. It appears the new occupancy will most likely be Group M for retail and S-1 for combustible storage.

OCCUPANT LOAD

6. The occupant load of the retail customer area is 30 square feet per person and 300 square feet per person per OSSC Table 1004.1.1

RESTROOMS

7. The number of restrooms required is determined by using OSSC Table 29-A. Take the square footage of the seating area and divide by 200 for the customer area. ½ of that number are male and ½ of that number are female. Use the table to determine the appropriate number. Separate male and female restrooms are required when the total occupant load, including both employees

and customers exceeds 15. It appears you will be under 15 per the table. **OSSC 2902.3 Exception 1**

F.O.G. (Fats, Oils, and Grease)

8. On January 1, 2013, the State of Oregon issued an amendment to the Oregon Plumbing Specialty Code that identifies that the following plumbing fixtures and drains shall be connected to a grease interceptor: All plumbing fixtures, garbage disposals, dishwashers, floor drains, and cooking equipment, with drain connections in food and/or beverage preparation areas of all food service establishments.

FIRE SPRINKLERS

9. Group M and S-1 requires fire sprinklers when the fire area exceeds 12,000 square feet. **OSSC 903.2.7 and 903.2.9**

HIGH PILED COMBUSTIBLE STORAGE-OFC Chapter 23

10. **OFC 2302** defines high piled combustible storage as storage of combustible materials in closely packed piles or combustible materials on pallets, in racks or on shelves where the top of storage is greater than 12' in height. It also includes certain high-hazard commodities, such as rubber tires, **Group A plastics**, flammable liquids, idle pallets, and similar commodities, where the top of storage is greater than 6' in height.

11. **OFC 2303.7.1** also defines PET or PETE as Group A plastic.

ACCESSIBILITY-

12. **OSSC 3411.7 and Oregon Revised Statutes (ORS) 447.241** require that in any project for addition, remodel, or change of use, an amount equal to 25% of the cost of the project be spent towards removing any barriers to the disabled. This begins with accessible parking serving accessible entrances, routes to the affected areas, doors, restrooms, alarms, storage, etc. It does not necessarily include plumbing, electrical, or mechanical work.
13. If parking is provided, accessible parking must be designed, striped, and signed as per **OSSC 1106.7 and ICC/ANSI A117.1 Section 502**, and **OSSC Chapter 11 figures 2 through 6 and Figure 10**. The accessible parking must be located as near the accessible entrances to the building as practical. **(OSSC 1106.6) A pre-blacktop and or pre-stripe inspection is required prior to painting new asphalt or striping.**
14. Sites, buildings, structures, facilities, elements and spaces temporary or permanent are required to be accessible to persons with physical disabilities. **OSSC 1103**
15. Where counters are provided for sales or distribution of goods or services, at least one of each type provided shall be accessible. **OSSC 1109.11.3**
16. All controls, operating mechanisms and hardware are required to be accessible to the disabled.
 - A clear floor space is required to be provided complying with **ICC/ANSI 305**.
 - Operable parts shall be placed within one or more of the reach ranges specified in **ICC/ANSI 308**.
 - Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. **ICC/ANSI 309.4**

Proposed Amendments to the Albany Development Code

1) Proposed amendment to Albany Development Code (ADC) Section 22.400:

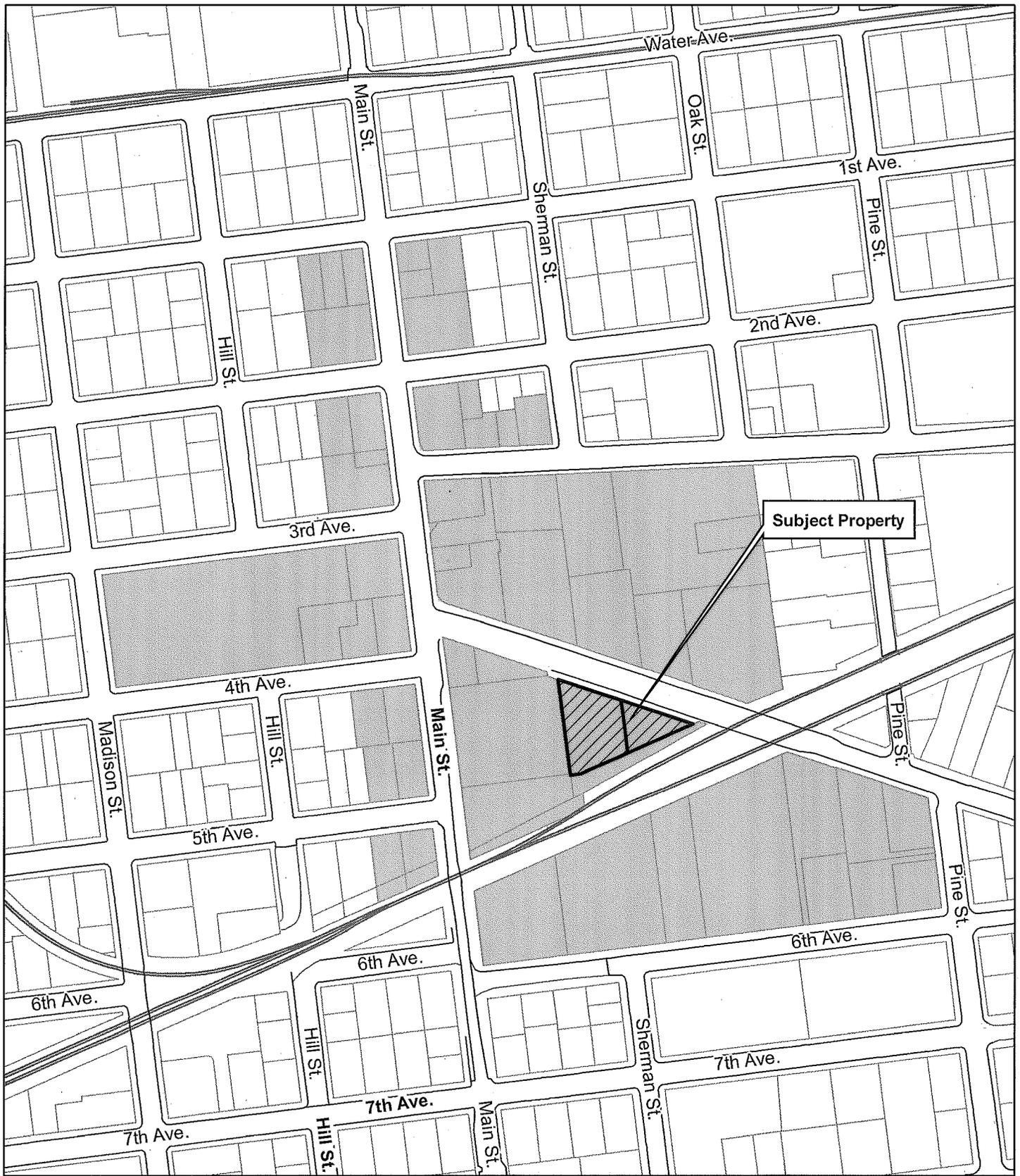
“Redemption Center: An indoor retail facility approved by the Oregon Commission as provided for in ORS 459A that facilitates the return of empty beverage containers and serves dealers of beverages, at which any person may return empty beverage containers and receive payment of the refund value of such beverage containers.”

2) Proposed amendment to Albany Development Code (ADC) Section 4.060(11):

Limited uses in OP, NC and IP. The only retail uses allowed are convenience-oriented retail and personal services-oriented retail intended to serve nearby residences and employees. **In the NC district, redemption centers, a “repair-oriented” retail business, are permitted.** Businesses are limited to a 5,000-square-foot maximum building footprint. See Article 22 for examples of convenience-oriented and personal service-oriented businesses. Vehicle repair-oriented services, motor vehicle sales, large equipment sales, and bulk sales are prohibited.

3) Proposed amendment to Albany Development Code (ADC) Section 5.070(8)(a):

Limited Uses in MS, ES and MUR. The following retail uses are permitted: convenience and personal service-oriented commercial intended to serve nearby residents and employees; specialty retail stores and studios; small appliance rental and repair, shoe repair, and tailoring. **In the MS district, redemption centers are permitted.** All other retail uses are prohibited. See Article 22 for descriptions of convenience-oriented and personal service-oriented commercial uses.



Location Map: Main Street (MS) Zoning District; 1224 Santiam Highway SE



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 of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect, thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently field verify the



0 60 120 240 360 480 Feet

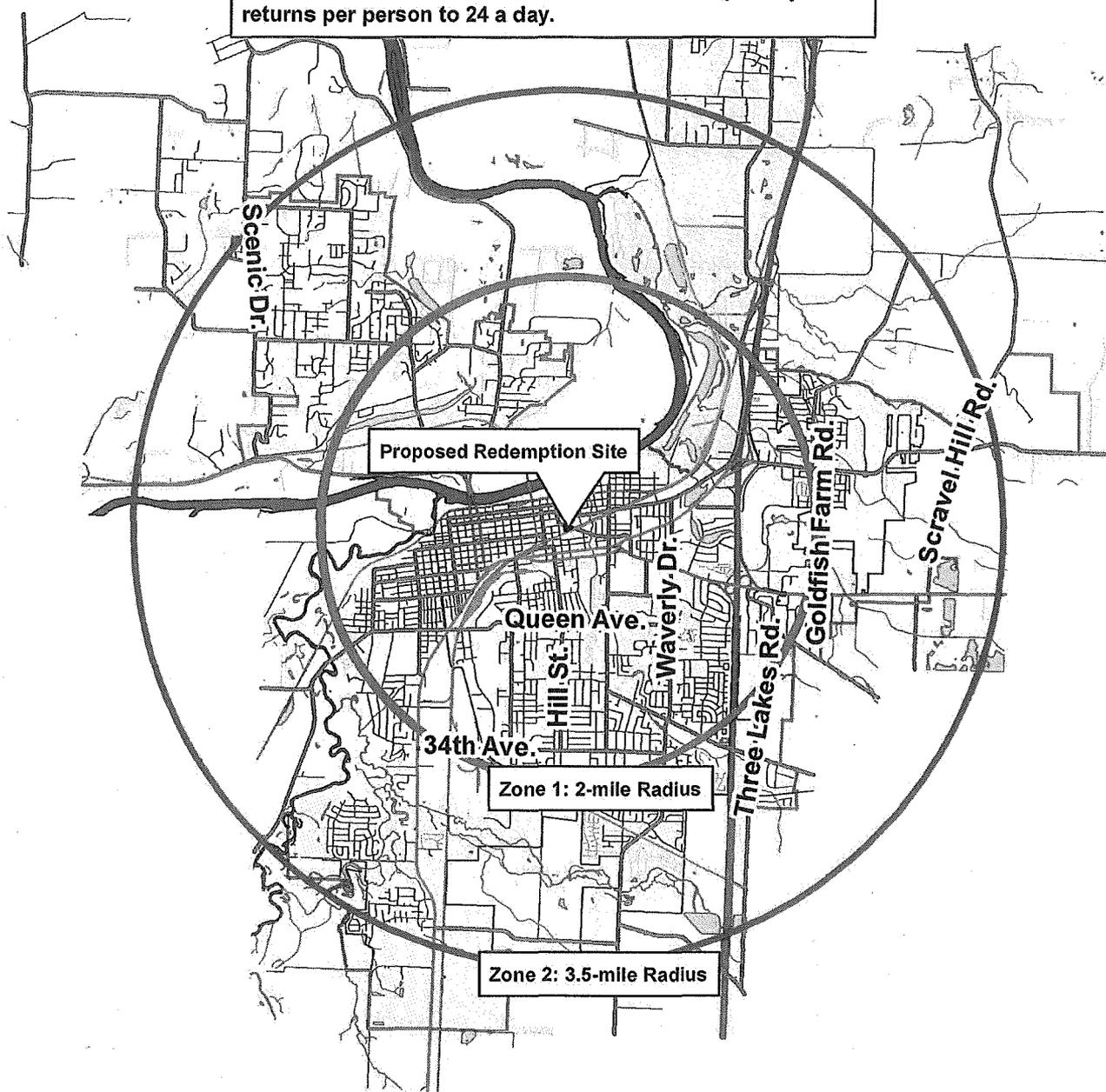
November 12, 2013

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550

Zone 1: Grocery retailers within a 2-mile radius of the center no longer required by law to accept bottle bill containers.

Zone 2: Grocery retailers within a radius greater than 2 miles but less than 3.5 miles are allowed to limit the quantity of returns per person to 24 a day.



Proposed Bottle Redemption Center: 1224 Santiam Highway SE

The City of Albany logo features a stylized figure and the word 'Albany'. Below it is a scale bar with markings at 0, 1,500, 6,000, 9,000, and 12,000 feet. A north arrow is also present.

September 26, 2013

Planning Division

RADIUS MAP

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917-7550

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND ZONING MAP BY AMENDING THE DEVELOPMENT CODE TEXT RELATED TO REDEMPTION CENTERS, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY (FILE DC-02-13).

WHEREAS, the state of Oregon has delegated the responsibility to local government units to adopt regulations designed to promote public health, safety, and the general welfare of its citizenry; and

WHEREAS, from time to time it is appropriate to amend the Albany Development Code based on changing conditions, and to be in compliance with other state and federal laws; and

WHEREAS, these amendments are proposed as a part of the on-going process of evaluating and updating the Code; and

WHEREAS, on December 30, 2013, notice of the Planning Commission and City Council public hearings was published in the *Albany Democrat-Herald*; and

WHEREAS, on January 6, 2014, the Planning Commission held a public hearing on the proposed amendment; and

WHEREAS, the Planning Commission recommended these changes to the City Council, based on public testimony, their deliberation, and the staff report; and

WHEREAS, on February 12, 2014, the Albany City Council opened a public hearing on the proposed amendment, reviewed the amendment recommended by the Planning Commission and any testimony presented at the public hearing and then deliberated.

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

Section 1: The Albany Development Code text is hereby amended as shown in the attached Exhibit A for the articles listed below:

Exhibit A: Section 5.070(8)(a) of Article 5, Mixed Use Village Center Zoning Districts; and Section 22.400 of Article 22, Use Categories and Definitions

Section 2: The Findings and Conclusions found in the staff report, attached as Exhibit B, are hereby adopted in support of this decision.

Section 3: Inasmuch as this Ordinance is necessary for the immediate preservation of the peace, health and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect on February 12, 2014, when signed by the Mayor.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



COMMUNITY DEVELOPMENT DEPARTMENT

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

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

NOTICE OF DECISION

DATE OF NOTICE: February 14, 2014
FILE: DC-02-13
TYPE OF APPLICATION: Legislative amendments to the following Development Code Articles

- Article 5, Mixed Use Village Center Zoning Districts
- Article 22, Use Categories and Definitions

REVIEW BODIES: City Council and Planning Commission
PROPERTY OWNER: The Salvation Army; 180 East Ocean Boulevard; Long Beach, CA 90802
APPLICANT: Stephanie Marcus, Property Acquisition Coordinator; Oregon Beverage Recycling Cooperative; 3900 NW Yeon Avenue; Portland, OR 97210
ADDRESS/LOCATION: 1224 Santiam Highway SE
MAP/TAX LOT: Linn County Assessor's Map No. 11S-03W-06DD; Tax Lot 11000 & 10900
ZONING: MS (Main Street) District
CP DESIGNATION: Village Center

On February 12, 2014, the Albany City Council adopted Ordinance No. _____ to amend Articles 5 and 22 of the Albany Development Code as described in Exhibits A & B

A copy of Ordinance No. _____ is attached. Exhibits are available upon request. The City based its decision on the proposed code amendment's conformance with the review criteria listed in the Albany Development Code. The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW. For more information, please contact David Martineau, Project Planner at 541-917-7550.

The City's decision may be appealed to the State Land Use Board of Appeals (LUBA), if a person with standing files a completed Notice to Appeal application and the associated filing fee no later than 21 days from the date the City mails the Notice of Decision.

City of Albany Mayor



APPROVED: Planning Commission January 6, 2014

APPROVED: City Council _____

**CITY OF ALBANY
PLANNING COMMISSION
City Hall Council Chambers, 333 Broadalbin Street
Monday, December 12, 2011
5:15 p.m.**

MINUTES

City Councilors present: Bessie Johnson, Floyd Collins, Ray Kopczynski, Dick Olsen, Jeff Christman and Mayor Sharon Konopa

Planning Commissioners present: Paul Davis, David Faller, Michael Styler, Dala Rouse, Cordell Post, Larry Tomlin, Glenda Fleming, and Dave Wood

City Council absent: Bill Coburn

Planning Commissioners absent: Bob Kish (excused)

Staff present: Wes Hare, City Manager; Marilyn Smith, Public Information Officer; Greg Byrne, Community Development Director; Tari Hayes, Administrative Assistant

Others present: Joe Dills, OTAK Project Manager

CALL TO ORDER

Mayor Konopa called the meeting to order at 5:15 p.m.

BUSINESS FROM THE PUBLIC - None

ROLL CALL

SOUTH ALBANY AREA PLAN (SAAP) UPDATE

The project began in August, with some interviews with a cross section of community members. They gave their opinions about the kind of place they'd like South Albany to be in 20 years. There are lots of organizations that have agreed to lend a hand on this project. Some of the Stakeholders providing feedback and direction are:

- Business community
- GAPS & LBCC
- Linn County
- City of Tangent
- State of Oregon (ODOT, DEQ, DLCD, DSL, Archeologist, etc.)
- Albany boards and commissions.
- Railroads
- Tribes

Businesses represented on Project and Technical Advisory Committees include:

- Wah Chang
- Sno-Temp
- Mennonite Village
- Pacific Power
- NW Natural
- Epping Development
- Metro Land Development
- Tom's Garden Center

Byrne and Hansen have been presenting up-to-date project information to community organizations.

- Presentations have been made to the Parks & Recreation Commission, City Tree Commission and Bicycle & Pedestrian Advisory Commissions. Staff is on the agenda for the March 7, 2012 Landmarks Advisory Commission.
- Byrne has presented to the Rotary, Kiwanis, and local Realtors. Still to come are the Albany Chamber, United Way and more.

Comments are positive, and the project is receiving good feedback

Budget

The City was fortunate to get a grant from the State of Oregon to cover most of the costs. The money comes from the Transportation and Growth Management Program. Two state departments are major participants -- Department of Transportation and Land Development and Conservation. The grant was for \$178,000, and will be paid to a consulting team. The consulting team includes planners, traffic analysts, economists, natural resource specialists, and urban designers. The City planning staff is managing the whole project, and will match the grant with local staff time.

Byrne provided an in depth slideshow presentation (available online).

Purpose

The study has a number of purposes:

- Feasible patterns of land uses.
- Logical and orderly infrastructure improvements.
- Transportation facilities needed.
- Rail service to industrial properties.
- Reduced reliance on the auto for short trips.
- Alignment and design standards for the Oak Creek Parkway.

Interviews with stakeholders, a market analysis, a vacant land study, a natural area evaluation an archeological assessment have all been completed so far.

The market analysis is being done over a 20 year time period, however build out could take as much as 40 years.

The area is mostly agricultural with many large properties, some that are still actively farmed.

Wetlands

The Oak Creek wetland complex presents a major challenge to connections to the north. It's a physical barrier between north and south. There are many wetlands, many associated with Oak Creek. These wetlands present one of the biggest challenges in developing the area. Some are "significant wetlands", and under State law and local codes they must be

preserved. Generally, these are right along Oak Creek. Others can be filled and developed. However, the costs associated with mitigation must be factored into public and private plans.

The plan will look at options for dealing with wetland mitigation for the area, rather than on a case-by-case basis.

Transportation

The entire study area is bound by major types of transportation including three major roads, all controlled by Oregon Department of Transportation (ODOT), two railroads, and three existing crossings over Oak Creek. Limitations include new highway intersections, constrained turning movements, decisions about interchanges and (of course) funding.

Railroads present additional barriers to movement in and out of the area. At least one arterial road connection must be closed for safety reasons when the 53rd extension is built. (Ellingson at Pacific) The 53rd extension over the tracks will require +/- \$17M. There's no clear source of money for this project.

Additional street connections to the north over Oak Creek and the railroad are extremely unlikely.

Creek crossings are limited. Improving Lochner to carry flood flows will be expensive. There is a concern that the combined impact of constraints – creek, wetlands, railroads, highways -- will tend to discourage development, and to isolate the area from the balance of Albany Transportation Plan goals for the SAAP include a transportation system offering choice; new neighborhood commercial area to reduce trip lengths; and natural area protection and restoration.

Vacant Land Study

The team has looked at how much vacant land is available, and projected what would be needed for the next 20 years. It turns out there is enough residential land to last longer than 20 years, perhaps as long as 40. There are also key vacant industrial sites, including the PepsiCo property that never got built. Data for the study area includes:

- 1919 acres
- 905 acres inside City limits
- 1014 acres outside City within UGB
- 189 tax lots
- 15 tax lots greater than 50 acres
- 285 acres significant wetlands
- 502 acres non-significant wetlands

Natural Area Study

There are some Oak groves (savannahs) that are still standing. The natural features could brand the area, be used in marketing the area while providing key wildlife habitats. Wetland will be an issue and is currently being discussed in the Goal 5 work.

Archeological Study

An archeological study is being done and we can expect Native American findings. Native American tribes used these waterways in the Willamette extensively. Some of the properties have already had detailed evaluations of archeological resources. The consulting team has provided a map showing where the most likely areas of concern are found.

Existing Conditions and Planned Growth

The team has reviewed all the City's existing plans for land use, utilities, parks and recreation, and streets. The team is looking at this as a blank slate, while there is existing zoning, it could be rezoned if need be. There's a large area that is not in City limits that will need to be zoned when they come into the city.

Village Centers

One problem we hear a lot about is the absence of grocery stores and other neighborhood services in the south end of town. The study showed a high concentration of groceries in the north and east sides of the City. When Wal-Mart opens, the focus will move even more to the north and east. The plan will focus on the neighborhoods to be planned with commercial and retail facilities.

Discussion

There will be Comprehensive Plan amendments needed and Development Code amendments to implement the plan.

The group discussed the calendar for the project; there are 3 joint meetings between the City Council and Planning Commission. The Technical & Project Advisory Committees have met twice already. There are at least 3 community workshops planned.

A financial plan will be part of the deliverables. There will be large infrastructure costs.

EcoNorthwest is doing a study on all of the employment sites available in the study area. There are employment lands to the north west, the Pepsico site needs to work on wetland issues. There is a shortage of multi zoned land, the industrial inventory is in balance now that the Pepsi land is back in the mix.. Railroad wants us to look closely at track transitions from neighborhoods, and the transition from rail to heavy industrial to housing.

Konopa asked if the developments were targeted to the higher end of the community. Is there a plan for affordable housing? The desired outcome is for a mix of housing.

Allen Lane is not in the study area, but LBCC is an important part of the study.

East/West and North/South transportation was poor in the past.

Johnson asked if two main roads were adequate to handle 1,200 households, etc. The study has not finalized the number of roads needed. There will be surface streets as well as the two major streets shown in the draft plan.

Additional schools, elementary may be required. Greater Albany Public School system owns land in the study area, however it is not the best site for a school and may do some land deals within the study area.

There will be choke points east to west, which is why central services is important so everyone doesn't have to leave the neighborhood. Seven Mile Road is not built to carry the kind of traffic anticipated, but could be an outlet for the south side of the plan area.

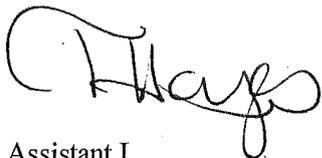
A new interchange on I-5 is not an option.

ADJOURNMENT

Hearing no further business, Chair Faller adjourned the meeting at 7:30 p.m.

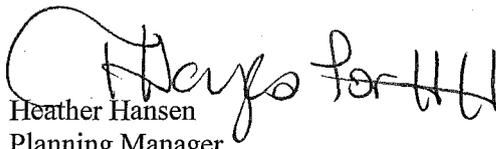
Submitted by

Tari Hayes
Administrative Assistant I



Reviewed by

Heather Hansen
Planning Manager



CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, November 4, 2013
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:00 p.m.

ROLL CALL

Councilors present: Councilors Bill Coburn, Floyd Collins, Bessie Johnson, Rich Kellum, Ray Kopczynski, and Dick Olsen.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

Konopa said there are people in attendance that likely want to talk about the airport fence, but there are people who have scheduled items on this agenda. She said Public Works Director Mark Shepard will give an update regarding the fence and further discussion can take place after the regularly scheduled agenda items if needed.

Shepard said the fencing at the airport is being replaced, and the main concern about the new fencing is the location proposed on the southeast side of the airport. The Airport Advisory Commission (AAC) expressed a desire to have the fence located at the east boundary of the airport so it delineated the airport property; however, there is a creek between the airport and the boundary. A decision was made to keep the fence on the west side of the creek because of several different issues. He said there was a lack of communication to the AAC about the decision and members were surprised by the decision. Shepard met with the consulting engineer, Councilor Rich Kellum, and Heath Kasper on site to talk about the issues. His understanding was that Kasper was satisfied with where the fence was going in, and the primary concern was that the AAC doesn't want to lose airport property on the east side of the fence. Staff is looking for ways that the Council can reaffirm that the property outside of the fence belongs to the airport.

Kellum said he doesn't think Kasper is on board with putting the fence in that location. He said he is okay with the fence's location as long as the boundary is delineated and it is put in writing so it is clear to all parties.

Councilor Floyd Collins said that he discussed this issue in the past with former Parks & Recreation Director Dave Clark. He said Clark had wanted to include the area west of Price Road and east of the existing fence in the Parks Master Plan. Collins said no at that time because it is delineated as airport property, but said it could be used for overflow parking as needed. He said the property was purchased with Federal Aviation Administration (FAA) funds and couldn't be easily transferred to Parks & Recreation. He is okay with the proposed fence location because it allows for overflow use. Shepard said that area is currently open, but it will have a gate across it in order to have more control over it.

Konopa said this discussion will be continued after the scheduled agenda items.

REVIEW OF FINANCIAL, INVESTMENT, AND RISK MANAGEMENT POLICIES

Finance Director Stewart Taylor said this is a review of three policies. This review is done on an annual basis in order to give a market update, to review insurance coverage and claim history, and to review rating agencies. He said the Investment Policy is required to be reviewed on a periodic basis.

Investment Policy

Sally Walden, Davidson Fixed Income Management, said investment yields remain at historically low levels. She said the outlook for the next six months is that yields will continue to remain low. The City can have investments in the local government pool, municipal bonds, treasury bonds, and high quality corporate bonds. She said the City's portfolio is conservative, stable, and well-diversified. She said Albany's Investment Policy is in-line with the Oregon statute, and no changes are recommended at this time.

Kellum asked what law the investment policy is mandated by. Walden said the Oregon Revised Statutes indicate what municipalities are able to invest in and the Oregon Short-Term Fund Board has a recommended policy. Taylor said the State prescribes what the City can invest in and financial advisors are required to be federally registered. Kellum said inflation is higher than the amount the City is getting back. City Manager Wes Hare said the State's primary interest is the security of the investment versus the return of the investment. He said it is a problem in the sense that the money's value erodes, but it is also very secure.

Taylor said there are no changes recommended this year to the Investment Policy.

Risk Management Policy

Steve Uerlings, Barker-Uerlings Insurance, distributed a Risk Management Report [see agenda file]. He said some changes have been made this year due to market conditions. He said in the last few years, the City has been able to purchase earthquake insurance through Affiliated FM; however, that ended in January 2013. He said the City received two quotes for property coverage from City County Insurance Services (CIS) and Traveler's Insurance. CIS Trust is a pooled program for property and provides \$10 million dollars to the City, but it is pooled with every other city and county in the state with a \$200 million limit. Traveler's Insurance offered the City \$25 million dollars of earthquake coverage at a competitive price, so the City's property coverage was moved to it. He said no other major carrier in the United States is providing earthquake coverage to public entities besides Traveler's Insurance.

Councilor Ray Kopczynski asked about the deductible listed on page two of the Risk Management Policy. He said it looks like the deductible is increasing from \$5,000 to \$10,000 per incident. Uerlings said that is the minimum deductible level recommended. Konopa said that the City used to be able to get \$100 million dollars of earthquake coverage and now can only get \$25 million. Uerlings said the same is true for many municipalities. He said a study was done based on Albany's risk factors, and \$27 million dollars worth of property damage is what was estimated as being needed.

Uerlings said there have been virtually no property losses in the last five years until the lightning strike at the Senior Center. He said the City had \$5,000 in tort losses for 2012-2013. Hare said, the reality is that we don't control when people file lawsuits against the City. Uerlings said the City gets a break on the premium because it has a \$75,000 deductible for auto liability and tort liability claims. Senior Accountant Mike Murzynsky said the \$75,000 is spread throughout the budgets based on claims. Uerlings said there are 28 property and liability claims per year on average with an average cost per claim of \$5,933.

Councilor Bessie Johnson asked if the City is unable to recoup the costs of damage done to vehicles because of uninsured drivers. Uerlings said that is correct.

Financial Policies

Taylor said the City refunded some water revenue bonds last year. The City also had a ratings review done by Moody's Investors Services and they reaffirmed the City's A+ rating. He said an internal controls audit was done by Boldt, Carlisle & Smith in order to review the City's cash management in several different departments. Auditors showed up at the Northwest Art & Air Festival to review cash management processes. He said that he hasn't received the report yet, but it will likely be brought forward to the Audit Committee at the beginning of the next year. The Finance Department will be issuing a Request for Proposals (RFP) for auditing services in January or February 2014. He said the City has contracted with Boldt, Carlisle, and Smith for the last seven audits. The Audit Committee will be involved with the review of the RFPs and will make a recommendation to the City Council.

Taylor said all three policies are on Wednesday's City Council agenda for adoption.

REPUBLIC SERVICES RATE INCREASE

Hare said that several years ago, the Council passed a resolution regarding rate increases for the solid waste utility. He said part of the agreement includes Republic Services submitting a report to the City Council each year, along with justification as to the rate change being proposed. Kevin Hines, Republic Services Division Manager, distributed an annual report summary [see agenda file]. He said the Consumer Price Index calculation indicates a 2.6 percent increase that is slated to go into effect January 2014.

Councilor Dick Olsen asked if streets can hold up to garbage trucks. Shepard said that the residential street standards have been increased to five inches of asphalt. He said garbage trucks and school buses are probably the heaviest vehicles residential streets receive.

Julie Jackson, Republic Services Community Relations Manager, discussed some of the events that have occurred throughout the year including the Annual Big Pick-up and the Spring Recycling Roundup. She said there have been over 24 recycling presentations made in the Albany area. She said 97 percent of customers participate in recycling activities. When customers call for service, they reach a live person in the Albany office. She said if there is a street closure, Republic Services has the ability to call customers to let them know.

Councilor Bill Coburn asked, if a new customer calls for service, what containers do they get? Jackson said they get a garbage container, a co-mingle recycle container, a glass container, and a yard debris container. Johnson asked about labor costs and what type of cost-of-living-adjustment the employees receive. Hines said employees received a little over one percent across the board. Kellum said he called to see if he could get changes to his pick-up schedule and it was taken care of quickly and he appreciated that. Konopa said this is scheduled for approval at Wednesday's meeting.

Johnson said she doesn't think any entity should get a guaranteed rate increase. Hare said it is not a guaranteed rate increase and the Council has the right to change the rate. He said the Council has the choice to look at other service options. Kellum asked if this was part of a negotiated agreement. Hare said yes. Johnson said she likes the service, but it is a guaranteed increase. She said she appreciates Republic's work with the City.

NORTH ALBANY ROAD PROJECT

Assistant Public Works Director/City Engineer Jeff Blaine said the North Albany Road Reconstruction Project includes the reconstruction of North Albany Road and realigning West Thornton Lake Drive. He said the Broadway Reservoir Water Transmission Main was also combined with this project because of potential cost savings realized through economies of scale and to minimize the inconvenience to North Albany residents. A major benefit of the project is raising North Albany Road so it can be an emergency access road during a 100-year flood event. This is a complex project for staff because of the floodplain interactions with the bridge. He said staff has identified some concerns with both project costs and schedule. Staff is working hard to get to a summer 2014 schedule, but is not optimistic about that goal. Schedule concerns come from the required permitting processes and the need for an iterative design approach for the bridge. For cost, he said that, depending on the final estimate, it may be necessary to wait a year or two in order to fill the funding gap. The two main factors impacting the increased cost estimates are meeting floodplain development requirements and previously un-scoped storm drain improvements. He said the design is still underway and staff is continuing to look for potential cost savings and ways to do things differently. Blaine said there are three options outlined in the memo, and he asked the Council for direction about how they wish to proceed. The three options are:

- Provide emergency access (staff's suggested approach).
- Do not provide emergency access.
- Postpone construction/reprioritize projects.

Collins asked if the Gibson Hill sidewalk is still scheduled for next summer. Blaine said the Oregon Department of Transportation (ODOT) has a lot of control over the schedule for this project and could delay it, but staff is still pushing forward. Collins said when the first half of North Albany Road was completed, it was set-up to provide emergency access and meet the 100-year flood commitment. He said if the City doesn't proceed with providing emergency access, then half the money for that project will have been wasted. North Albany Road needs to be the emergency access in and out of North Albany because it is the only road that can get emergency vehicles into the neighborhoods. He said North Albany is nearing 20,000 residents and there needs to be emergency access. The construction needs to be done in summer because school is closed during that time. Collins supports the increased use of Transportation System Development charges since the revised budget is down from the methodology. He said North Albany Road is a critical element of transportation in this community, it is a major collector, and we need to move forward as quickly and reasonably as possible. Koczyński said he agrees with Collins.

Coburn asked if there is a scenario where the West and East Thornton Lake Bridge wouldn't have to be replaced. Blaine said staff is looking at other options, such as putting in a culvert, in order to avoid building a new bridge. He said there has to be no impact to the floodplain. Coburn asked if everyone is on board regarding the floodplain study. Blaine said Federal Emergency Management Agency (FEMA) has reviewed and concurred with the results of the North Albany floodplain study; they are in the process of drafting revised maps. Collins asked when the cross-sections will be available from FEMA. Blaine said that FEMA indicated we would have draft maps to review at the end of November.

Kellum asked if North Albany Road flooded in 1996. Emergency Management Specialist Darrel Tedisch said it flooded in 1964. Kellum asked if other Capital Improvement Program (CIP) projects may have to be reviewed or delayed if there is an increase in this project. Blaine said that is correct. Kellum is concerned about other projects being delayed.

Johnson said she wants to see this project done all at one time. She said it is an important roadway and staff needs to find the best way to move forward.

Coburn asked if the road is constructed one foot below the 100-year floodplain in order for emergency vehicles to be able to drive through the water. Tedisch said that is correct.

Konopa said this project is not yet eligible for Metropolitan Planning Organization (MPO) funding because the MPO is just starting up. Shepard said the MPO members are starting the process of deciding how projects will be evaluated. Albany generates approximately 85 percent of Surface Transportation Program (STP) funds that will come to the MPO. He said funding becomes available in January 2014 and it should be a little more than what the City received independently, but it won't be a big increase.

Tedisch gave details of what occurred during the flood in 1996. He said North Albany Road is a critical road for emergency access.

Collins said he suggests moving forward with option one in the staff memo, have construction take place in the summer months, coincide with the water main project, and look for TSDC funding and other CIP funding. Coburn and Johnson said they agree with that plan. Kellum said it bothers him to move forward because he doesn't know what other projects may be impacted or delayed. Hare said staff will discuss the potential impacts to other projects when the project is brought to the Council for authorization. Coburn asked if it is realistic to try to get this project bid for summer 2014. Blaine said staff will try, but he is not optimistic that it will happen because of the permitting requirements and remaining iterative design processes.

BLUE OX RV PARK BILLING

Shepard said this item is being brought forward from the September 11, 2013, Council meeting at the request of the Council and Scott Lepman.

Lepman introduced Clackamas County Bank Executive Officer Lisa Hansen. He said the bank owns the Blue Ox RV Park property and he has the option to buy it. The bank foreclosed on the property in December 2012, and he took over management of the property in 2013. He said part of the agreement with the bank was to have a discussion with the City about water and sewer rates and with the County about property taxes. Hansen said this property has been on the books for a long time. She said the previous owner attributed problems relating to high property taxes, and water and sewer charges based on individual RV spaces. Konopa said this park used to have a lot of people who lived there full-time. That is still true; there are about 65-75 spaces that are occupied on a long-term basis. Hansen said the most significant vacancies occur October through March. Lepman said the park needs to have available vacancies in order to operate. He said the problem is that there is a fixed cost per space for water and sewer, and Albany is unique in that regard. He said it costs \$84,000 for water and sewer per year for this property. He said the expense for water and sewer is unlike any he has seen for any other properties.

Kellum asked Lepman if there would there still be an issue with the water and sewer rates if the RV park was full year-round. Lepman said this park is not the same as a manufactured home park because those parks have steady residency levels. Collins asked Hansen if she was aware of what the City tried to do to reach a resolution with the previous owners. Hansen said she didn't learn about that until the foreclosure was almost complete. Collins said he checked with other jurisdictions to see how they handle RV parks. He said some cities charge a flat rate for every two spaces. He asked if that might be something to consider. Lepman said he wouldn't be opposed to providing a certain percentage of revenue. He said he has tried to work through the process, and staff has been cooperative.

Konopa wondered if it may be that the bank has too high of a note and needs to reduce their amount to make it more feasible for this property. Hansen said the water and sewer expense is extraordinary for a commercial property regardless of the loan amount.

Kopczynski asked what will happen if Lepman walks away from the property. Hansen said the bank will shut down the RV park and sell the property to the highest bidder. Kopczynski asked if the property would pencil out if the necessary improvements were made. Lepman said that it will cost \$318,000 to retrofit the first phase of the park. Discussion followed.

Kopczynski asked if the well system could be reconnected. Lepman said he would like to go back to using the well. Shepard said the Albany Development Code requires development in the City to connect to City water. He said when the Blue Ox RV Park expansion happened in 1998, the park went to full use of City water. It wasn't until years later that they went back to using the well without notifying the City. He said the consumption of sewer services is based on water usage and if someone is using a well, it is hard to know how much they are using unless they are using a meter. If the City allows the Blue Ox RV Park to go back to using the well, then the City will have to consider all those who may ask the same question. He said staff looked at two hotels to do a comparison of charges. The first hotel compared has 93 rooms and is charged \$1.22 per day per room for sewer and water. The second hotel compared has 73 rooms and is charged \$1.45 per day per room for sewer and water. He said the Blue Ox is charged \$1.41 per space per day for sewer and water. Shepard said the Blue Ox is being charged similarly as hotels. Lepman said the revenue a hotel receives per room is much different than the revenue received per RV space. He said a hotel charges around \$120 per room per day whereas the Blue Ox charges \$30 per space per day. Shepard said making decisions based on a single property and single situation opens the City up to issues with other customers as they come in.

Coburn asked, can someone rent a space for one night and dump a holding tank during their stay? Lepman said they can. Coburn said he is assuming the biggest concern is the flat fee charge per space per day as opposed to the usage fee. Lepman said that is correct. He said the history of the RV park has shown that it is never at full occupancy. He said he would favor an adjustment to reflect the occupancy.

Olsen said the comparisons between the hotel and RV Park don't add up. He said the Council needs to think about a way to make it possible to have an RV park. City Attorney Jim Delapoer said if the Council provides a benefit to one class of users, it will add a burden to another class of users. He said rates can't be based on a Council's social decision to subsidize or encourage a certain type of user. Rates are supposed to be based on demand. He said this can create an argument to challenge the rate structure.

Johnson said the RV park is a service that Albany needs. She said the Council just did an adjustment to one resident's rate structure and this is not different. Hare said that the Council allowed Shepard to make an adjustment to a customer's bill. Hare said he has the same concerns as Delapoer. He said many businesses could try to make a case that they are being charged too much for water and sewer.

Collins said the Blue Ox adds to the City's ability to attract visitors and provides a service. He said the well doesn't meet fire flows as needed in case of a fire. Rates aren't based upon income levels of users; they are based on the equity and use of the service. Collins suggested using the monthly transient room tax report as a possible way to determine a rate. He believes there is a way to keep the RV park in the community and it will benefit everyone to find a reasonable solution. Collins suggested forming a study group in order to look at this further.

Kopczynski asked how much time the bank will give in order to find a solution. Lepman said there is a December 16, 2013, deadline. Konopa asked Collins and Johnson to work with staff to create a proposal that will be consistent for both RV parks in Albany. Shepard said that staff will come up with a few options to present.

AIRPORT FENCING ISSUE

AAC member Chuck Kratch said it is important to put the airport fence in correctly the first time so it doesn't have to be moved later.

AAC Chair Heath Kasper said the airport has been losing property over the years to the fairgrounds, restaurants, and hotels. He said there was a process breakdown regarding where the fence would be going in at. He said the airport doesn't have a defined property line and the survey was supposed to determine the airport property line. The survey determined the property line was on the eastside of the creek on Price Road. The AAC didn't have a chance to look at the fencing project. Shepard distributed a map [see agenda file] that indicates where the proposed fence is supposed to be constructed. The AAC voted to continue the fence along Price Road and on the eastside of Cox Creek. He said it is a seven-foot fence with barbed wire on the top section. Konopa said a barbed wire fence along Price Road is not going to be aesthetically appealing. Discussion followed.

Konopa said it is important that Parks & Recreation and the airport work together. Kasper said the AAC is most concerned with losing airport property. Jack Kasper said he has seen very little acquisition of property at the airport. He said he doesn't want the airport giving away anymore property. Hare asked Delapoer if the Council could make a formal action to set the boundaries of the airport in the location where the AAC wanted. Delapoer said that a partition could be done. Hare said a formal action would leave no question where the airport boundaries are. He said he is concerned with spending additional money and time on this project.

Delapoer said the Council could direct staff to prepare a resolution that delineates the area intended to be exclusively for airport use and direct staff to not undertake any development action inconsistent of airport use without the Council's review. He said a future Council could change the resolution, but staff can't. Hare said there is a commitment that the installation of the fence is not in any way giving away airport property.

Olsen asked if the AAC would have a problem with the fence if there is a resolution setting the airport boundaries. Kasper said the AAC was formed to give advice about what needs to be done at the airport. He said the AAC gave input as to where they wanted the fence to go, and the group was not informed of where the final location of the fence was being constructed. The AAC doesn't want the airport to get any smaller. He said there is a section on the south end near Price Road where there is a riparian zone around the creek. He said this needs to be addressed because there will be a gap and asked if that portion of the project could be put on hold so it can be addressed. Konopa said she would be okay with putting it on hold and suggested talking with Parks & Recreation as well. She said putting the fence up around Price Road is going to be detrimental to the streetscape. Shepard said it won't be possible to get anything permitted across the creek with the current bid. He said that portion of the project would have to be pulled out of the contract, and staff would have to see if the FAA would finish it later. He doesn't know what the ramifications will be if the project is delayed, but it will cost the City more to delay. Olsen said the fence won't be interfering with hangar construction. Konopa asked staff to check on the consequences of delaying the project and bring the information back to Wednesday night's meeting. Coburn said he would like to know what possible use there would be for the property between the fence and Price Road. Konopa asked staff to provide a picture of what the fence will look like.

COUNCILOR COMMENTS

Kopczynski said he had a nice visit at the Carousel on Saturday.

Konopa said the Veterans Day parade is next Monday. She asked Councilors to bring small American flags to wave.

Collins said that he talked to a constituent who had called the county clerk to get clarification regarding the bond. The constituent was told that it is a forty year bond. Collins said he is concerned because that was not the correct information.

CITY MANAGER REPORT

None.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:51 p.m.

Respectfully submitted, Reviewed by,

Diana Eilers
Administrative Assistant I

Stewart Taylor
Finance Director

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, December 11, 2013
7:15 p.m.

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Floyd Collins.

Councilors absent: None.

SPECIAL PRESENTATION

Target grant.

Konopa introduced Resource Development Coordinator Anj Brown. Grant Cyrus, on behalf of Target, presented Brown with a \$7,000 check in support of the Children's Performing Arts Series, the River Rhythms concert series, and the Northwest Art & Air Festival (NWAAF).

Konopa thanked Target for their support. Albany is proud of its concerts.

PROCLAMATION

Homeless Persons' Memorial Day.

Konopa read the proclamation for Homeless Persons' Memorial Day in the agenda packet.

Konopa said the City has an annual memorial to remember the homeless. The event will be on December 20, 2013, at 10:00 a.m., in the City Hall Plaza. Names are read and balloons are released in honor of those who have died.

SCHEDULED BUSINESS

Communication

Geocaching programs.

Don Bacher, 1650 Main Street SE, is here to report on two major geocaching events sponsored by Albany Visitors Association (AVA). Geocaching is a real world, outdoor treasure hunting game, using GPS enabled devices. Participants navigate to a specific set of GPS coordinates to try and locate the geocache hidden at the location. There are several types of geocaching; tonight he will be discussing traditional and virtual geocaching.

Bacher distributed a document about geocaching (see agenda file). The first event was the 2013 Albany Historic Homes Coin Challenge. The kickoff event was on July 27, which was also the day of the Albany Historic Homes Tour. Bacher said the coin events are common in Oregon and across the United States. Each challenge contains a specified number of containers hidden in the community and coordinants are posted on the website at geocaching.com. Geocachers receive a passport and a special coin. The Kathy House and AVA logo were put on 300 coins. As long as coins are available, the challenge will continue. People come from all over Oregon as well as Washington, California, and Massachusetts to participate. Many stay in Albany's hotels and campgrounds, visit our restaurants, and purchase gas locally. This is Albany's first coin challenge, and based on comments it is obvious this is a benefit for the community and economy.

Bacher said the second major geocaching event was at the third annual NWAAF. Participants also recieved a specially minted coin. Since it was a one-day event they only ordered 150 coins. Each year, they use the City's NWAAF poster for the coin design. Unlike the historic homes challenge, this event used local businesses as locations for virtual caches. There is no container to find, rather the geocacher must enter the business and answer a question on their passport. Each year they use 15 local businesses and five non-business sites. The only repeats have been the Albany Carousel and the Albany Museum.

Bacher said each year the event gets better and they have more participants. Like the Historic Homes challenge, this event brings folks from all over Oregon and Washington. This year they even had a young couple from

Germany that read about Albany's event on the internet. They have had over 200 participants attend the Meet & Greet event and the Night Glow on Friday. Many stayed for the Saturday night concert. Albany benefits from their lodging, meals, and gas.

Bacher said the brochure in the packet of information he presented was put together by one of the motels and features special rates for geocachers. Word travels fast and Albany is developing a great reputation with geocachers. It is becoming the place to visit and cache.

Councilor Ray Kopczynski said this presentation was given at the AVA and he suggested that it be presented to the Council. This is a hidden gem that takes place in Albany that many people don't know about. He thanked Bacher for putting the program together. Bacher said membership is free.

Bacher said there is a plan in the works that will bring worldwide attention to Albany. It will be 2015 before he can give specifics.

Quasi-Judicial Public Hearing

ZC-03-13, amending Ordinance No. 4441, which adopted the City of Albany Zoning Map, adopting findings, and declaring an emergency for property located at 6150 Columbus Street SE.

Konopa read the Mayor's Guide (see agenda file).

Konopa said, next on tonight's agenda is a quasi-judicial public hearing regarding Planning file ZC-03-13. This is a quasi-judicial public hearing regarding a zoning map amendment to reconfigure the size and location of the existing RM (Residential Medium Density), RS-5 (Residential Single Family) and MUC (Mixed Use Commercial) zoning districts as presented in the ordinance and exhibits for planning file ZC-03-13. The location of the property is 6150 Columbus Street SE. The applicant is Tri-County Investments.

Open: Konopa opened the public hearing at 7:28 p.m.

Konopa asked if any Councilors wished to declare a conflict of interest. No one did.

Konopa asked if any Councilors wished to report any ex parte contact. No one did.

Konopa disclosed that she met with Tri-County investments but it was not over this application but rather what their future plans are for the property.

Konopa asked if any Councilors wished to report a site visit. No one did.

Konopa asked if any Councilors wished to abstain from participating in the proceedings. No one did.

Konopa asked if anyone wishes to challenge the City Council's right to determine this matter or the participation of any Councilor in this hearing and decision. No one did.

Konopa said for those wishing to testify there is a sign-up sheet at the table (see agenda file).

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

Staff Report.

Planner II Melissa Anderson gave a Power Point presentation (see agenda file).

Councilor Bessie Johnson asked, if the map change is to change it from mixed use to residential, correct? Anderson said the rezone only affects about one acre of land in order to refine the boundary between the existing RM, RS-5 and MUC zoning districts. There was a small section of RM between the MUC and RS-5 zone that really had no benefit, which was removed from the proposal. It makes for a cleaner line and is easier to administer, and does not impact what they want to do with the area.

Anderson said this parcel is unique in that they have not subdivided the property yet. They do plan to subdivide in the future, and the proposed rezone is intended to align more closely with how they intend to develop the property in the future.

Applicant

Mark Grenz, with Multi Tech Engineering, 1155 13th Street, Salem, represents the applicants. He recalled that through the South Albany Area Plan (SAAP) process, it was envisioned that there would have to be some minor adjustments and some zoning boundaries were set in the legislative process in order to make them fit with the actual development plans as they came forward. The Plan envisioned that the Oak Creek Parkway would connect to Columbus Street as far north as possible given the topography. They have done enough work toward planning the actual development to know where the alignment of the parkway will be and this tweaking allows the formation of MUC to better match future extension of Seven Mile Lane into this site. This will take advantage of street connections. The changes the Planning Commission asked for were minor for roadway use purposes. They wanted to get the zone change done first so that the designations in the plan for the property and parcels would match up to the zones.

Konopa asked, does any member of the audience wish to speak in support of the application? No one did.

Konopa asked, does any member of the audience wish to speak in opposition to the application? No one did.

Konopa asked, does any member of the audience wish to speak who is neither in favor nor in opposition to the application? No one did.

Konopa asked, does any staff member wish to respond to any testimony presented? No one did.

Close: The public hearing was closed at 7:41 p.m.

City Attorney Jim Delapoer read the ordinance for the first time in title only: An ordinance amending Ordinance No. 4441, which adopted the City of Albany Zoning Map, adopting findings, and declaring an emergency for property located at 6150 Columbus Street SE.

MOTION: Councilor Bill Coburn moved that the ordinance be read a second time in title only. Councilor Rich Kellum seconded the motion and it passed 6-0.

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

MOTION: Coburn moved to adopt the ordinance and Kopczynski seconded it. The motion passed 6-0 and was designated Ordinance No. 5829.

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

Setting rates for water use and repealing Resolution No. 6190.

There was no one signed up to speak on the signup sheet (see agenda file)

Open: Konopa opened the public hearing at 7:44 p.m.

Public Works Director Mark Shepard gave a PowerPoint presentation (see agenda file).

Throughout the PowerPoint presentation Shepard showed several slides including water service installations, mains, repairs, hydrants, and the canal.

The PowerPoint included a table titled "2013-14 Average Monthly Utility Bills in Oregon Cities"; Shepard handed out a copy of that slide (see agenda file). Shepard pointed out that Albany is in the upper third of the 24 cities in the table.

Councilor Dick Olsen said the table on page 12 of the agenda packet lists service fees and charges. He said a constituent was charged \$25 for a non-sufficient funds check, and he thinks that is high. Shepard said there is a cost associated with reprocessing the checks. He noted that in some cases customers do it on purpose to buy a few extra days so a portion of the fee is a deterrent. Olsen asked, regarding the \$100 tampering fee, what constitutes tampering. Shepard said if the City locked someone's service and the person cuts the lock and turns the service back on, that is tampering.

Olsen thinks the City should lower rates in the summer to encourage folks to water their lawns. Shepard said the rate structure is built on a declining block rate; in other words, the more water someone uses, the less they pay for each unit of water they use. It is generally frowned upon because it does not encourage conservation. Discussion followed.

Regarding the rates on private fire protection, Councilor Floyd Collins noted that City staff proposed removing the fee. There are approximately 60 fire protection customers that came with the water system when it was

purchased from Pacific Power & Light. The fee is for sprinkler systems and stand pipes. Collins thinks the City should maintain the fee because it is a service and staff should try to identify the others; it is part of the utility system. To not bill that portion of the utility system or not know where those connections are is inappropriate. Collins suggested that they drop the recommendation of staff to remove fire suppression fees and instead increase them by 3%, and have staff identify the missing components. He thinks that \$27,000 in annual revenue is not insignificant, and if they were able to find 50 more, than it could double the money. He said if the user is not paying for it then someone else is.

Shepard said they know they have customers who are getting the benefit but not paying for it and some who are paying so it is inconsistent. Staff has pursued tracking the fire connections and they do so from three angles: the fire department has some data, Public Works has some data from a cross-connection standpoint, and the Utility Billing list. In trying to reconcile the list they visited about 70% of the customers that they have in the utility billing system and found that about 20% of those have been billed incorrectly. The reason staff recommended dropping the fee was to treat customers equitably as they work it out. Once they have the full picture then they had planned to bring it back to Council. Shepard said the general cost for fire service for a 2" line is \$12.47 up to a 10" for \$69.60 month. They would be increased by 3% if the Council directs that they be added back to the proposed resolution.

Kellum said if they are using system and getting benefits they should be paying for it.

Councilor Bessie Johnson asked for an example of who would use the fire service. Shepard said a commercial or industrial customer who has a domestic service serving a bathroom or kitchen, and then a separate service just for their fire sprinkler. It is a separate water line and is generally a larger line. This was the last item the Water Task Force was going to work on but it was dropped.

Collins pointed out that industries that have fire sprinklers receive a reduction in their insurance rates.

Shepard said the City does not have a true cost-of-service rate structure. However, staff will keep the service fee in the rate schedule; will start charging for those additional fire services that they discover; and bring back the cost-of-service conversation at a future date.

Konopa asked if anyone in the audience wished to speak in favor, opposition, or neutral. There were none.

Close: The public hearing was closed at 8:30 p.m.

MOTION: Collins moved to adopt the resolution, with a change to "Exhibit A", Section III, A., Inside City Limits, and Section B., Outside City Limits, to continue charging for the service and to implement a 3% increase for the service and Kellum seconded it. The motion passed 6-0 and was designated Resolution No. 6289.

Olsen asked Shepard to provide the table which shows that Albany does not have the highest utility rates. Shepard will send it to the full Council. Hare noted that the League of Oregon Cities website has the information as well.

Business from the Public

Scott Lepman, 100 Ferry Street, said thank you to the Council on behalf of the Clackamas County Bank and Blue Ox RV Park. Lepman met with staff to discuss changes to rate structures to make it feasible for the RV Park. He thanked them for listening.

Adoption of Resolutions

Removing 45 feet of on-street parking on Thurston Street.

Transportation Systems Analyst Ron Irish said at the last Council meeting, the Councilors asked for a representative from Greater Albany Public Schools (GAPS) to discuss the on-street parking request for Thurston Street. Irish said he tried to contact GAPS but didn't hear back from them. He did have a few emails and met them on site in the past, so he is prepared to provide a history of the request.

Hare said he did a site visit. On Thurston Street there is a row of houses and duplexes and the other side is GAPS property. The day Hare was there, there were no vehicles parked on the street. Even with the loss of 45 feet there is still a long stretch where they can park on GAPS property. He said they would be taking very little to accommodate what GAPS has discovered is sometimes a problem. They are having difficulty making turns to safely drop off kids. He thinks it is a straightforward request.

Kellum said that he was there twice, once when school was in and once when it was not. The turnaround they have is in the worst possible place, in the middle of the block instead of the end. It would have been reasonable to put something at the end. He doesn't want to take away parking. He said GAPS doesn't have to do this, they are choosing to; they could make the turn in other ways.

Kellum said he has a second issue with GAPS; they sometimes ask the City to fix a problem that they created. He wonders what changed to prompt this request. Irish said this problem predates the building of the new school. Before the turnaround was built the school bus and parent pick up for students was all on Thurston Street, and it was a zoo. On consultation with City staff and the Council, the decision was made to try and separate the locations of the bus pick up and parent pick up. The problem with Thurston Street is that it is not a good parent pick up because it is off to the side and difficult for the school to control; it is easier for the school to control if it is used as the bus pick up. The problem with using it for the bus pick up is that it is a long dead end street with no turnaround. The decision was made to try and figure out how the busses could turn around, and they picked a spot on GAPS property which is not at the end of the road, because at the end of the road is City park property. Irish said the idea to use some of the City park property as a turnaround did not come up at the time because they were focusing on the school property, not the property at the end of the road.

Irish said that the turnaround has worked fairly well since 2005-06 and only recently has become problematic. The problem is due to the way the school busses access the turn around. From Thurston Street they head south past the school, go slightly past the turnaround, stop, back into it, and then pull forward to the north for loading next to the school. When they make that maneuver there are no parking restrictions on the street. There is a tenant of one duplex with a large pick up that uses the west side of the road, and when the truck is there it makes it difficult for the school bus to back into the turnaround. GAPS originally asked Irish if they could get yellow curb on the west side of the street in front of the duplexes. He told them that that would be very difficult because historically the Council has been very reluctant to remove parking, so he asked if there was any other way. They ultimately took his suggestion and now are willing to do a turnaround maneuver instead. To their knowledge they have not historically seen cars on the east side but want to be able to continue to make the preferred maneuver so they have asked for the yellow curb to ensure they can continue to make that movement.

Irish said GAPS is not sure why the resident of the duplex is not willing to park somewhere else. GAPS fears that he will park on the GAPS side of the road for the sole purpose of getting in the way of the bus driver. They are asking for this yellow curb to preclude that. It is on GAPS frontage and would remove overall parking on the street. If the request is approved the east side of the road would have 10 spaces north and 12 spaces south of the turnaround. All lots on the west side of the road have onsite parking and would continue to have on street parking along their frontages as well. This particular street has an abundance of parking compared to other streets that have residential units along both sides of the street. This request is to remove two spaces.

Kopczynski asked if they could enlarge the bus turnaround. Irish said they could make it wider but it would cost more. They could provide a cul-de-sac bulb rather than a hammerhead, similar in size to what a fire truck would need (100 foot diameter pad.) Currently there is lawn to the north and a ball field that would be impacted. There is room to do it but it would impact the ball field.

Konopa suggested they consider if new funds available through the Community Development Block Grant program could be used to improve Sunrise Park; if they add parking, maybe it could provide ways for busses to turn around. Irish said if they built the parking lot at the south end of the park it is possible they could do a pass through for the bus, though he has not seen the design. Konopa said it will be a few years before there would be sufficient funds raised so maybe it could be an interim solution for the school.

Kellum said that there are at least two ways to back in straight, and they would not have to do anything other than change where the busses park. Irish said that having been at Sunrise School when school lets out, he would not recommend that. It is not a good idea to have busses backing up when students are there.

Collins said he understands that the Council is frustrated with GAPS for asking the City to find a solution for a problem that we didn't create; but being practical, backing up from the other streets at school dismissal time is not a good idea. If something can be incorporated later with the park that would be great, but in the meantime the loss of two parking spaces in order to keep kids safe is reasonable. He supports approval of the request, but the message to GAPS is to please think about these issues ahead of time.

MOTION: Collins moved to approve the resolution and Olsen seconded it. The motion passed 4-2, with Johnson and Kellum voting no and was designated Resolution No. 6290.

Waiving competitive bidding, establishing a class special procurement, and awarding a special procurement contract for Hach, Endress and Hauser, and Kinetrol products; and related equipment to Hach, Field Instruments and Controls, and Paramount Supply Company respectively.

Shepard said this is a class special procurement exemption. The City did this in 2012 for other equipment used at the treatment plants. The treatment plants have equipment with lots of different components and it is important to maintain them efficiently and for the instruments to work together. There is a specific need at the Vine Street Water Treatment Plant for turbidity meters, flow meters, and valve actuators. Generally, the City would go out to bid for equipment but the problem is that they could then have multiple types of valves and meters that would create a problem during maintenance and calibration. They could also come to the Council on a case by case basis but they want to get this class exemption so they don't have to come back every time; this process is more efficient.

Collins said he has dealt with treatment plant issues most of his life and he supports the need for consistency in instrumentation. It is a matter of efficiency and reliability.

Kellum asked if Paramount has a stock of parts. Staff replied that they do have some parts in stock for the City.

Coburn asked where Hach is located. Staff said they are in Portland; the parts are not sold locally. Johnson asked if they are the only suppliers in the area. Shepard said that generally for this type of equipment, the manufacturers have designated distributors. For example, Hach will tell the City who sells their items. It is fairly regionalized.

MOTION: Kellum moved to adopt the resolution and Johnson seconded it. The motion passed and was designated Resolution No. 6291.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) October 9, 2013, City Council Regular Session.
 - b) November 18, 2013, City Council Work Session.
- 2) Approving a liquor license for EM-BX2, LLC, D/B/A No Baloney, 2250 14th Avenue SE.
- 3) Directing staff to execute an abandonment and termination of easement document.
- 4) Declaring equipment number 605-99, a 1999 Dodge BR3500 utility pickup, as surplus property and authorizing the Public Works Department to dispose of the asset.

RES. NO. 6292

MOTION: Kopczynski moved to adopt the Consent Calendar as presented. Olsen seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Konopa noted that the appointee for Cascades West Area Commission on Transportation have expiring terms at the end of December. They need to do a reappointment. Olsen is the primary and Irish is the alternate.

MOTION: Collins moved to reappoint City Councilor Dick Olsen and Transportation Systems Analyst Ron Irish to the Cascades West Area Commission on Transportation. Kopczynski seconded the motion and it passed 6-0.

Johnson said she got a letter from different public safety agencies regarding medical marijuana. She asked Delapoer for an update about what they can or cannot do. Delapoer said there is no greater clarity on the question of whether or not local governments have jurisdiction to preclude dispensaries or substantially alter the rules from the state program. The state is in the process of finishing their dispensary rules though he does not think it will answer that question. He sent Hare a timetable which was forwarded to the Council. Basically, what the Council may want to decide is if you want to take a position to prohibit dispensaries in Albany. If the Council wants to do that, then there are two paths being pursued by other communities. One is through a business license program in which they could deny business licenses for operations which violate federal law. Albany does not have business licenses so that option is not readily available unless the Council adopts a comprehensive business license program. The second option is through land use regulations. If the Council does want to take the position of banning dispensaries, then doing so through modifications of the existing Albany Development Code (ADC) is the best and cleanest way.

Delapoer called the Council's attention to some provisions of the ADC under the Administration Section, a requirement that a parcel of land can be developed only as the code permits. A later section talks about consistency of plans with state and federal laws. An argument could be made that under the existing ADC, a dispensary which is in violation of federal law is not permitted in Albany. Delapoer said that it is potentially vague, however, so he would suggest that this would be the place that the Council would add language. He thinks that a sentence similar to...*no parcel of land or structure may be used for the dispensation or delivery of any drug, if such dispensation or delivery is or would be a violation of state or federal law.* The other advantage to using the ADC is that there are enforcement sections already in place in the Administration Section. So in addition to using the general penalty, although Delapoer said he would not recommend that, there remains the ability to adjoin violations. It would mean that they couldn't get a development approval for a dispensary and if they operated a dispensary without a development approval, the City could go to court to ask a Circuit Court Judge to adjoin that action.

Delapoer said if the Council wants to outlaw dispensaries or any other sale that is in violation of federal law, he recommends they do it through an ADC modification. Staff provided Delapoer with a timeline which would require that the Council take action next week if they want the ADC modification to be in effect before dispensaries are licensed to proceed. Coincidentally Hare and Police Chief Mario Latanzio will be attending a conference in one week to discuss with other communities about the steps they are taking. It would be a good opportunity to see what other communities are doing.

Delapoer said, if the Council wants to prohibit dispensaries, then he suggests that they direct staff to initiate an ADC amendment to accomplish that end.

Hare added that if the Council chooses to proceed, one of the advantages of using the land use process is that it is heavy on process and that is why it takes so long. There would be opportunity for hearings giving people the chance to testify at both the Planning Commission and the City Council.

Konopa asked if they could apply the same rule to dispensaries as they do for adult entertainment, that commercial zoning could not be located closer than 300 feet to residential zones, just in case the federal law does change. It would be a back up just to make sure the dispensaries are properly zoned. Delapoer said he would recommend against that because he thinks it weakens the chance of succeeding in banning dispensaries if they are also in essence trying to fit it in. There are already areas in the dispensary law that address zoning locations. Discussion followed. If federal law changed so that marijuana became legal, the City could still regulate types of businesses and at that point it would be appropriate to look at zoning regulations.

Kopczynski said he is adamantly opposed to prohibiting dispensaries. If it becomes legal on March 1, he will be supporting getting in dispensaries established in Albany.

Collins said that given the timing, he thinks the Council should have staff proceed with the ADC amendment so that they are ready to make a decision when they have all the information. He is not ready to say yes or no tonight.

Delapoer said that consistent with the requirements of the land use process, the Council should be an unbiased decision making body. They should not make a decision until after they hear from the Planning Commission and the public hearing comments. It also provides continuing opportunities for the process to be refined. But if the Council wants to have the option to be able to adopt ADC amendments prior to March 1, then they need to direct staff to proceed now.

Olsen said they need to proceed cautiously. If they come out in favor of prohibition then he thinks that they will offend a sizable portion of the population. Johnson disagrees with Olsen. She likes the idea of the process Delapoer suggested because it will allow public input. There is a lot of information from public safety folks about what has happened in other states and she wants to learn all she can before she decides.

MOTION: Johnson moved to direct staff to file an application for an amendment to the Albany Development Code to make it unlawful to dispense any drug if such dispensation is, or would be, in violation of state or federal law, and Kellum seconded it.

Delapoer said the language he proposes to use is that no parcel of land or structure may be used for the dispensation or delivery of any drug, if such dispensation or delivery is or would be in violation of state or federal law.

Delapoer noted that he is not making a recommendation about dispensaries. If the direction is that the Council wants to achieve the outcome, then he recommends that they do it through the ADC; and if they are going to do it through the ADC then he recommends that the Council take the steps necessary to have it in place before people open businesses. The City becomes much more vulnerable to arguments of regulatory taking, if they are shutting down businesses that are already operating by adopting a new law. He is trying to minimize the damage if that option is what the Council chooses.

Hare added that this action was not initiated by staff; it was a Council-initiated measure. Delapoer has been responsive and is not pushing one way or the other. Delapoer said that by starting the land use process, the Council is not locking them into a decision. It will allow ample opportunity for public input. Discussion followed.

Coburn said he will be voting yes on the pending motion because he wants to get more information. He wasn't sure about regulating something that is a legal substance, but then he talked to staff at the Albany Police Department and got a different perspective. He wants to make an informed decision.

VOTE: A vote was taken on the motion and it passed 4-2, with Olsen and Kopczynski voting no.

Kellum discussed marijuana being used as medicine. Safety is a concern for him and he has many questions that need answers.

Kopczynski said that some of the processes Kellum referred to are being worked on now, and he will concur with what the state comes up with. He may not agree with all of it but in general, he thinks there is too much fear-mongering about the issue. He said that if someone has a medical need for marijuana they should be able to acquire it easier than how they have to get it now.

Olsen said that for those who want to use it, it should be safe and regulated.

Collins will be attending the first joint meeting of the Albany Metropolitan Planning Organization (MPO) and the Corvallis MPO. Collins met with Corvallis Chair Hal Brauner today. The objective of the meeting is to look at what issues they have in common which affect both MPOs so they can be on common ground and provide mutual support. They will be discussing the Loop system and the ultimate output of the rail issue. They will look to identify where they agree, not where they disagree. This will put them in the position to be more influential in the future for decision making and funding. Collins anticipates they will set a process to meet biannually.

Collins passed out a document titled "Councilor Collins' Proposal to Develop Community Support for Fire and Law Enforcement Facilities" (see agenda file). Collins said he has given a lot of thought to how the Council could detach

itself from the issue. As he looks back for some of the reasons that were publicly stated for the failure of the bond for public safety facilities at the November election, it dealt with lack of trust and lack of specifics; and could also be attributed to lack of public involvement. Yet the needs don't go away with the defeat of the measure; so the question is how to constructively address the subject.

Collins thinks it would be unwise if the Council took the leadership role in getting the issue back out to the public. He proposes they appoint co-chairs; he has contacted Senator Frank Morse and retired Sherriff Dave Burrigh. Both agreed to co-chair and they would select members based upon citizens at large and disciplines involved in decision making for public facilities. The committee would look at all the material the Council has looked at so far and the proposed locations. They would also meet with the Fire Chief and Police Chief for any other information they need. The Council would not be taking an active role though could attend the public meetings. Basically, this is an independent review with recommendations coming back to the Council of the needs or revised needs, potential financing methods, and recommended timing to take the issues back before the citizens. This would put the Council in a position of potentially rebuilding some trust, involves a cross-section of the community, and will address defining the needs in a timely way so that the needs of the fire department and police department have a chance of being met. Collins said he personally doesn't have a problem with the Committee possibly coming up with a different set of recommendations, so long as they are based upon factual considerations. He is asking the Council to endorse this approach and to confirm Morse and Burrigh as the co-chairs. They would then select committee members in January.

MOTION: Kellum moved to have the City Council endorse a Public Safety Facility Needs Committee to be co-chaired by Frank Morse and Dave Burrigh and Coburn seconded it.

Konopa asked if the committee will be coming up with a design of the buildings. Collins said that if a redesign is necessary in order to provide accurate cost estimates and would be appropriate, the committee could request that the Council to have a consultant prepare it.

Konopa said if it involves coming up with a design then they need to get public input, including consideration of a design which would fit into the historic district for the downtown fire station. Discussion followed.

Coburn is in favor of giving the committee a clean slate, without setting any parameters, and let them go through the review process.

Hare said this would be an advisory body that would make recommendations to the Council. Ultimately the Council would make the decisions for how to spend money.

Kellum said it is important not to give the committee time constraints. He prefers it be done right, not quickly.

Johnson said she thinks that although Burrigh was not the Sheriff when the jail was built, she does believe he was Sheriff long enough that he would be able to provide good input.

Collins said there are other members of the community that could co-chair just as well, but these two people are well known, well respected, not biased, and experienced. They will give an independent analysis.

VOTE: A vote was taken on the motion and it passed 6-0.

Collins recalled that the Council directed Collins and Kellum to meet with Scott Lepman to see if they could find a resolution for the Blue Ox RV Park. Collins gave history about utility bills at the Blue Ox: the prior owner went bankrupt and the bank was in the process of taking the facility over. The bank contracted with Lepman to operate it on a contractual basis. Lepman was considering buying the property and how to control costs. He approached the City to see if there was a way to address the utility bill because they were representing a disproportionate cash impact upon the business. Collins and Kellum met with staff and with Lepman. Collins said they established some principles of agreement. Collins said the Blue Ox used to be on a well for water supply that qualified as a community water supply, which is a designation by the state of Oregon. They expanded and got City water in order to get fire flows and additional domestic supply, and hooked to City sewer. The principles of agreement are in two sections: for water, the Blue Ox can reactivate their well and they agreed to meter to City standards and operate it to try and ensure that any water coming from the City would only be necessary if there was a fire onsite or if their well was insufficient to meet domestic needs. They would continue to pay the monthly charge for the 2" water line and their consumption. For sewer, the consumption would be based on the sum of their well discharge and any water through the City meter.

Collins noted that the Blue Ox operates with three customer classes; some use it only to store their RVs; some use it on a long term basis; and others use it on a short term basis. The current sewer bill is based on the assumption that all 150 spaces are available for sewer hookup. Lepman said 12-20 spaces are used for storage only and not connected to sewer. Collins said they discussed having Lepman pick a number that they want to have available for storage and no utilities, and then staff could physically plug those sewer connections; this would decrease sewer billing proportionally. The number could be reviewed and adjusted if necessary annually. This does not require an alteration to the City's utility billing structure, but does allow the City to accommodate their needs.

Collins said the continuation of Blue Ox is a community asset. Collins said, if we do nothing and Lepman drops out, then the bank will shut it down. Then the City would lose tax revenue, utility billing revenues, tourism, and a complementary

facility to the Expo Center. This is a community asset. Collins recommends that the Council direct staff to authorize the City Manager to prepare and execute an agreement based on the principles that Lepman has agreed to.

Kellum said that once the Blue Ox increased their size, it has never been full; but it is an asset if there is a need for overflow RV parking at community events. This agreement would allow Lepman to get his costs in line to a point that is manageable. The City is not out much money, and he would still be in business. This does not impact other customers in an unfair way. Kellum is pleased with how it turned out.

Coburn asked how the sewer would be billed. Collins said that commercial sewer is not calculated on the winter average, but on monthly use. He explained what the water is used for. Under this agreement Lepman would be the main supplier of the water, and the sewer bill would be based on well consumption and City water. Coburn asked if the RVs can dump their holding tank into our sewer. Shepard said the City no longer allows dump stations. Collins said that Lepman sees that as a complication and he would consider not allowing that service. Discussion followed.

Johnson asked if there is a dump station in Albany. Shepard said there is no rate structure for it. They are dealing with the Knox Butte RV Park with that same situation and they are working with them. Discussion followed. Shepard said they could start offering it as it would be a potential revenue source but would take a capital investment to get started. Johnson thinks it is a service the City should provide.

Collins said a conversation about an RV dump is necessary but should be independent of the current Blue Ox RV Park discussion. He agrees that there should be an appropriate RV dump station in the community or else folks will dump illegally.

MOTION: Collins moved that the City Council authorize the City Manager to execute an agreement for the Blue Ox RV Park based on the principles discussed by Collins, Scott Lepman, and City staff. Kellum seconded the motion and it passed 6-0.

Collins said, with the snow, Albany's streets are in good shape compared to other cities. Shepard said that street crews have been out 24-7 since Friday morning, spreading 130 tons of sand. Crews spent 270 hours just in sanding. They sanded the state highway bridges and the state highway all the way to North Albany Road. There were eight traffic signs damaged and there were five requests for sanding in specific areas. Shepard said the water crew responded to 93 calls for service since Saturday, with frozen pipes and three broken hydrants. Both crews have been working very hard under the circumstances.

Collins said staff should be complimented for getting the job done under adverse conditions. People tend to forget the value of staff when things go well, but they are reminded of their value when things go wrong. Staff has done a great job. The Council agreed.

NEXT MEETING DATE: Work Session January 6, 2014
 Regular Session January 8, 2014

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:47 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Stewart Taylor
Finance Director



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Mario Lattanzio, Chief of Police
DATE: February 4, 2014, for February 12, 2014, City Council Meeting
SUBJECT: Approval to Sign Lease Agreement for Undercover Vehicles
RELATES TO STRATEGIC PLAN THEME • An Effective Government.

Action Requested:

Staff is asking the Council to authorize the Chief of Police to sign on-going undercover police vehicle operating lease(s) with Enterprise.

Discussion:

Leasing unmarked undercover vehicles makes sense operationally and provides lower visibility for our narcotics detectives. For many years, the Police Department has been renting two used vehicles for undercover detective work. The past agreements offered monthly rental fees of \$300 per month per vehicle and allowed termination of the lease agreement with 30 days written notice by either party. The annual cost has been \$7,200. It has been difficult to keep vendors who are willing to provide on-going, good quality vehicles at a reasonable monthly cost and to trade out different cars intermittently for undercover security.

We have obtained quotes from the following companies for two lease vehicles:

- | | | |
|----------------------|----------------|-------------------------|
| • Enterprise | 18-month lease | \$301 & \$334 per month |
| • Government Leasing | 18-month lease | \$841 & \$887 per month |
| • Keifer Auto | 24-month lease | \$563 per month |
| • Roberson Ford | 24-month lease | \$534 per month |

SUGGESTED MOTION: I move that the Council authorize the Chief of Police to sign on-going police vehicle operating lease contracts with Enterprise.

Budget Impact:

Costs are supported by the approved FY 2013-14 General Fund Police budget in Equipment Rental Private. The appropriate funds will be included in each annual budget request for the ongoing undercover vehicle leases.

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE CHIEF OF POLICE TO SIGN ON-GOING POLICE VEHICLE OPERATING LEASE CONTRACTS WITH ENTERPRISE.

WHEREAS, the City of Albany Police Department has been renting/leasing undercover police vehicles for many years; and

WHEREAS, Enterprise, provided the lowest quote to lease these services; and

WHEREAS, the Albany City Council authorized Department Directors to sign contracts and agreements by Resolution No. 5183, dated August 24, 2005.

NOW, THEREFORE, BE IT RESOLVED that the Chief of Police is hereby authorized to sign on-going police vehicle operating lease contracts with Enterprise.

DATED AND EFFECTIVE THIS 12TH DAY OF FEBRUARY, 2014.

Mayor

ATTEST:

City Clerk



TO: Albany City Council

VIA: Wes Hare, City Manager
Mark W. Shepard, P.E., Public Works Director *MWS*

FROM: Jeff Blaine, P.E., Assistant Public Works Director / City Engineer *AB*
Gordon Steffensmeier, P.E., P.L.S., Civil Engineer III *GS*

DATE: January 30, 2014, for the February 12, 2014, City Council Meeting

SUBJECT: Abandonment of a Sewer Easement

RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Staff recommends that Council adopt the attached Resolution authorizing the City Manager to execute the attached Abandonment and Termination of Easement document.

Discussion:

A sanitary sewer main was realigned in 1999 as part of the Cummings Transfer development on Salem Avenue. The new sewer main was constructed, a new easement over the new sewer was granted to the City, the old sewer main was abandoned, and a building was built over the abandoned sewer. The un-needed easement over the abandoned sewer was intended to be eliminated, but a recent Title search showed that the old easement was never abandoned.

This issue was brought to staff's attention recently because the property owner is selling the property. Both the property owner and the potential buyer want the un-needed easement eliminated before the property changes hands. Staff recommends that the easement be terminated.

Budget Impact:

None.

GPS:kw
Attachment 2

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ABANDONMENT AND TERMINATION OF EASEMENT DOCUMENT:

Grantor

City of Albany, Oregon

Grantee

Waverly Properties LLC

Purpose

Abandonment of a sewer easement over an abandoned sewer main at 3015 Salem Avenue SE, 11S03W05DA00400.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the City Manager is directed to execute the attached Abandonment and Termination of Easement Document.

DATED AND EFFECTIVE THIS 12TH DAY OF FEBRUARY 2014.

Mayor

ATTEST:

City Clerk

After Recording Return to:

City of Albany
P.O. Box 490
Albany, OR 97321

Grantor

City of Albany

Grantee

Waverly Properties LLC

ABANDONMENT AND TERMINATION OF EASEMENT DOCUMENT

KNOW ALL PEOPLE BY THESE PRESENTS, that THE CITY OF ALBANY, a municipal corporation, does hereby abandon and terminate the following easement, described as follows, to wit:

Legal Description

A Sewer Easement recorded in Book 257, Page 254, Linn County, Oregon Deed Records. See legal description on attached Exhibit A and maps on attached Exhibits B and C.

To Have and to Hold the same unto said CITY OF ALBANY, OREGON and its successors and assigns forever.

IN WITNESS WHEREOF, the CITY OF ALBANY, OREGON has executed this instrument this _____ day of _____, 2014.

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 execute this instrument on behalf of the City of Albany, pursuant to the terms thereof this _____ day of _____ 2014.

City Manager

ATTEST:

City Clerk

Exhibit A

Legal Description of Terminated Easement

All of that Sewer Easement granted to the City of Albany in an easement document recorded December 26, 1957 in Linn County, Oregon deed records Book 257, Page 254. As shown on the attached maps labeled Exhibit B and Exhibit C, attached hereto and incorporated herein.

Exhibit B - Map of Easement being Eliminated

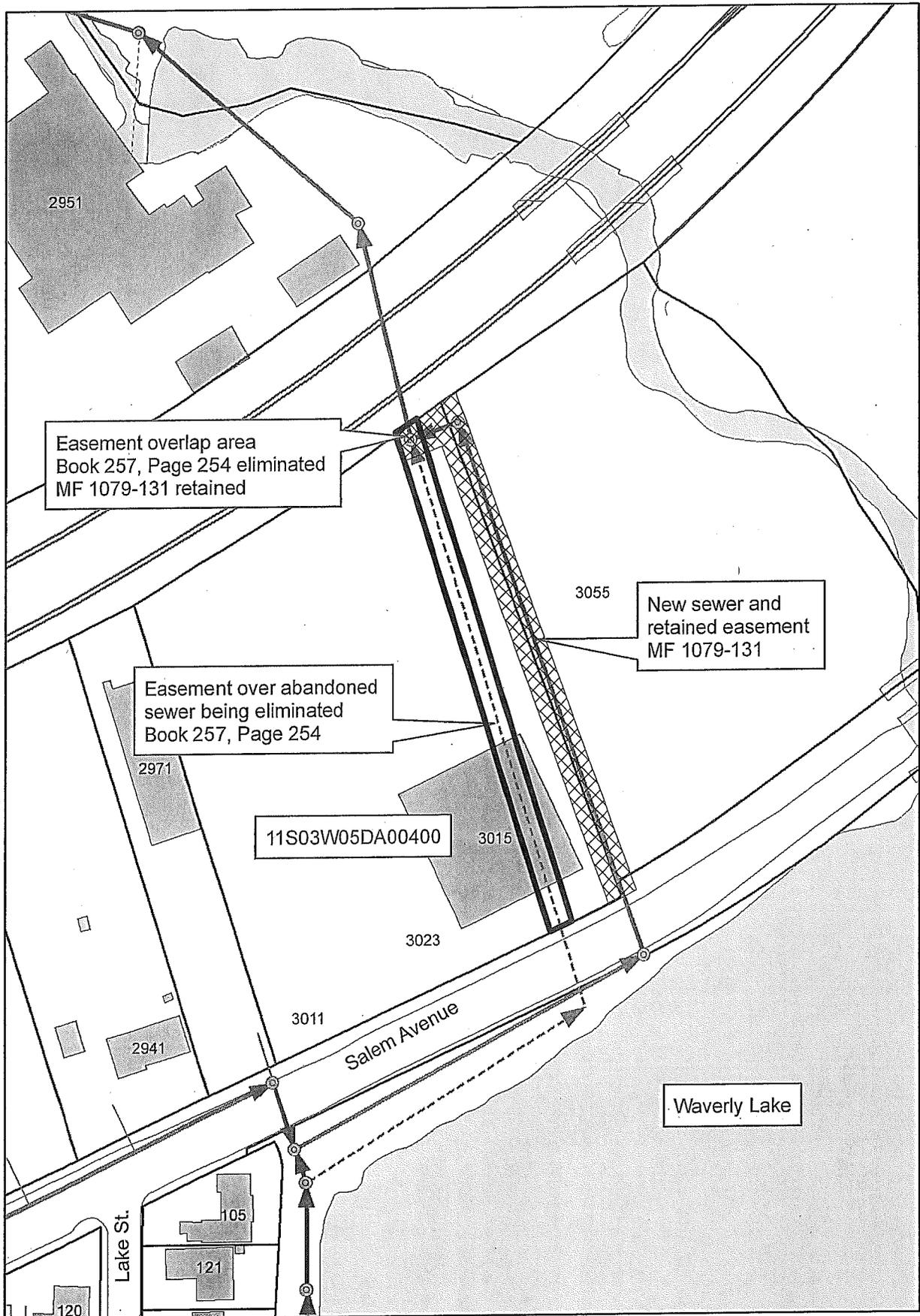


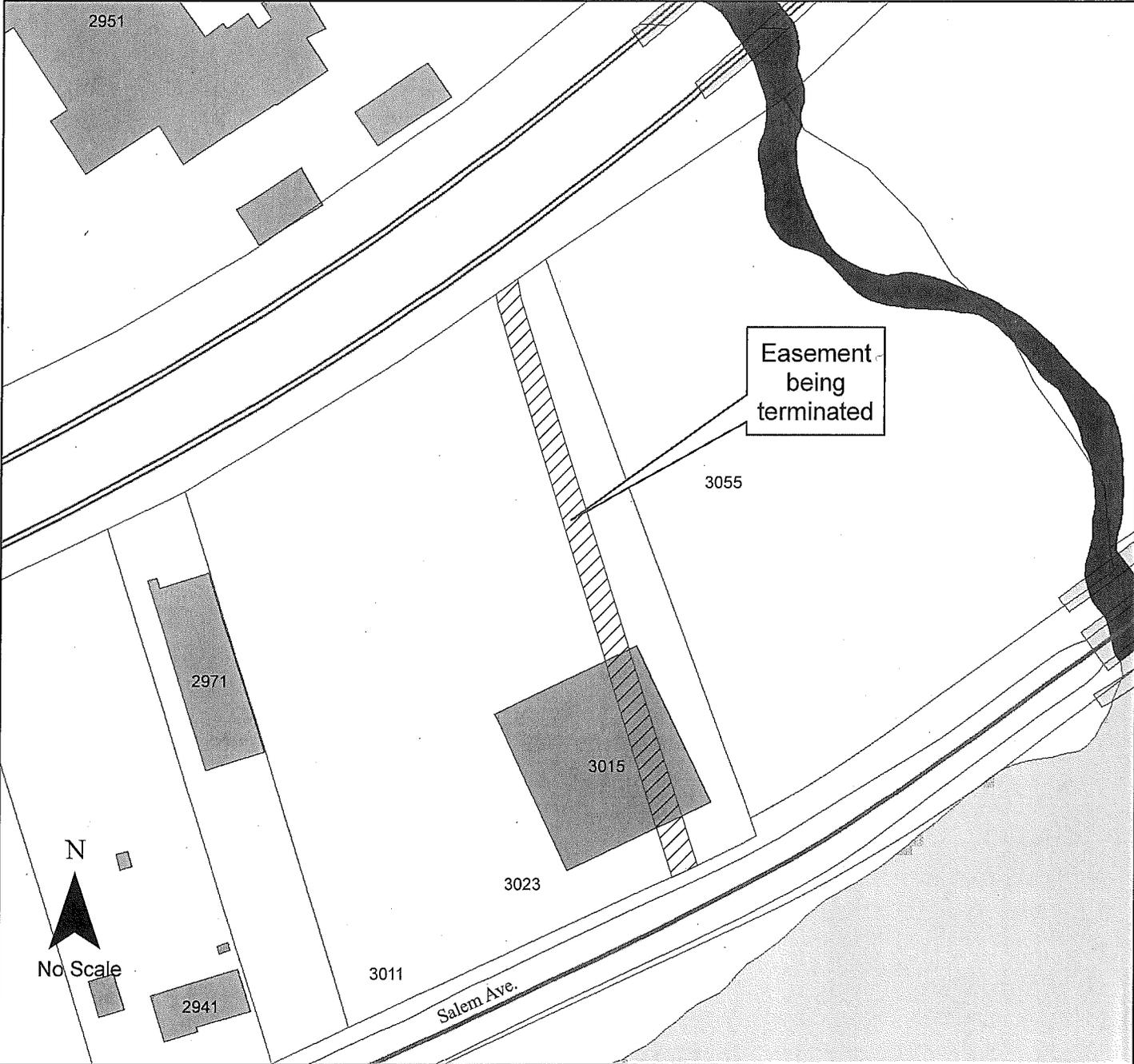
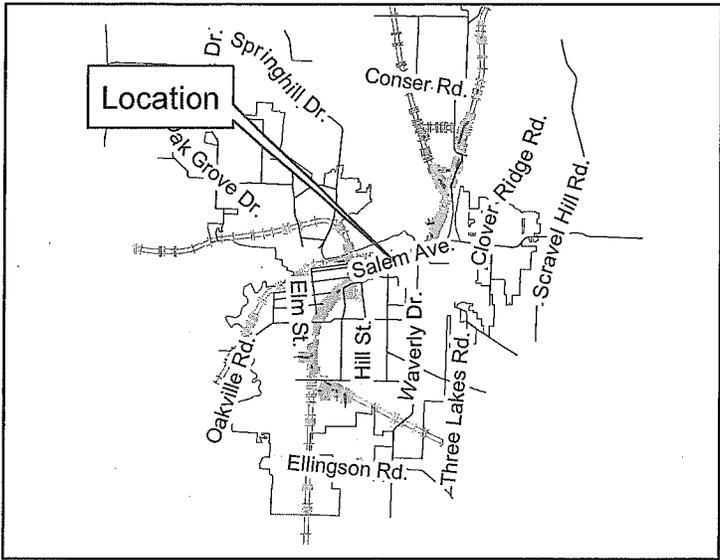
EXHIBIT C

11S03W05DA00400

Abandonment of a sewer easement
over an abandoned sewer main
at 3015 Salem Avenue SE,
11S03W05DA00400



Geographic Information Services





TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Mario Lattanzio, Chief of Police

DATE: February 5, 2014 for the February 12, 2014, City Council Meeting

SUBJECT: Replace Police Vehicles

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

Action Requested:

Inform Council of our intent to purchase Police Vehicles using Equipment Replacement funds.

Retiring Vehicle	Replacement Vehicle	ORPIN Contract	Vendor	Purchase Price
CSO 2003 Ford F150 Pickup	2014 Ford F150 Pickup	Low bid	Roberson Albany Ford	\$ 20,977
CSO 2004 Ford F150 Pickup	2014 Ford F150 Pickup	Low bid	Roberson Albany Ford	\$ 20,977
2000 Ford Taurus	2014 Dodge Journey	#0443	Tonkin Dodge, Gladstone, OR	\$ 21,636
2001 Ford Taurus	2014 Ford Explorer	Low bid	Roberson Albany Ford	\$ 23,305
2004 Ford Taurus	2014 Nissan Rogue	Low bid	Kiefer Nissan, Corvallis, OR	\$ 23,936
2004 Ford Taurus	2014 Chevrolet Impala	#0433	Hubbard Chevy, Hubbard, OR	\$ 18,575
TOTAL COST				\$129,406

Discussion:

The Albany Police Department budgeted for and plans to replace the following vehicles during the current Fiscal Year 2013-14. Due to the number of vehicles being replaced at one time, we want to inform the Council of our actions. We obtained three quotes for each vehicle, including local vendors and State of Oregon Purchasing Agreements. All of the above vehicles will be purchased from the lowest bidder.

The lighting and equipment for each of these vehicles, which are additional costs, vary between a few hundred dollars to \$6,000 each, depending on the equipment needed.

Budget Impact:

Our current FY 2013-14 approved budget has adequate funds in Equipment Replacement to cover the cost of replacing the above vehicles.



TO: Albany City Council
 VIA: Wes Hare, City Manager
 FROM: Mario Lattanzio, Chief of Police *ML*
 DATE: February 4, 2014 for the February 12, 2014, City Council Meeting
 SUBJECT: Purchase John Deere Gator Police Utility Vehicle

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

Action Requested:

Inform Council of purchase of John Deere Gator Police Utility Vehicle with trailer.

Discussion:

The Albany Police Department recently borrowed a utility vehicle from the Albany Parks and Recreation Department to aid in enforcing laws in our parks, trails and remote areas of the city. By using this vehicle, patrol time and removal of unlawful camps was cut in half. In the past, these operations have been done on foot or bicycle. In some cases it is necessary to arrest someone who is encountered in a remote area. This vehicle will allow us to transport a person, as well as equipment, in an efficient and safe manner.

We acquired three written quotes from the following vendors:

VENDOR	MODEL	UV COST	TRAILER	LIGHTS	GRAPHICS	TOTAL
Pape Machinery	John Deere XUV 550	\$ 9,499	\$ 3,200	\$350	\$450	\$12,599
Bobcat West	3400 XL	\$11,734	\$ 3,200	\$350	\$450	\$15,734
I-5 PowerSports	Polaris Ranger 570	\$11,920	\$3,200	\$350	\$450	\$15,920

Budget Impact:

Funds are available in our approved FY 2013-14 General Fund and Equipment Replacement budgets.



TO: Albany City Council

VIA: Sue Folden, Council Audit Committee Chair
Ray Kopczynski, Council Audit Committee Vice-Chair
Wes Hare, City Manager

FROM: Stewart Taylor, Finance Director

DATE: January 28, 2014, for the February 12, 2014, City Council Meeting

SUBJECT: 2012-2013 Audit Report

RELATES TO STRATEGIC PLAN THEME: ● An Effective Government

Action Requested:

Accept the audit report of the City's financial statements dated June 30, 2013.

Discussion:

Brad Bingenheimer from the certified public accounting firm of Boldt, Carlisle & Smith, LLC, presented the audit report to the Council Audit Committee on January 27, 2014. The report expressed the opinion that the financial statements present fairly, in all material respects, the financial position of the City of Albany as of June 30, 2013, in conformity with accounting principles generally accepted in the United States of America.

In addition, Brad discussed the independent auditor's report required by the minimum standards for audits of Oregon municipal corporations and the report on internal control over financial reporting and on compliance performed in accordance with government auditing standards. In the former report, Brad described that nothing came to the auditors' attention that caused them to believe the City was not in substantial compliance with relevant rules and regulations. In the later report, Brad described that the auditors did not identify any deficiencies in internal control over financial reporting that they consider to be material weaknesses.

This is the seventh annual audit completed by Boldt, Carlisle & Smith, LLC and is the final audit that can be conducted under the current contract. Requests for proposals for a new auditing contract closed on January 24, 2014. Five qualified proposals were received. A review committee consisting of Sue Folden, chair of the Council Audit Committee, the Finance Director, and both Senior Accountants will review the proposals and recommend a new contract to the City Council.

City management would like to express appreciation to Brad and his team for their hard work in conducting the annual audit and in working with management to improve financial controls and efficiencies.

Budget Impact:

None

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