NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
Council Chambers
333 Broadalbin Street SW
Wednesday, April 9, 2014
7:15 p.m.

AGENDA

OUR MISSION IS

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

OUR VISION IS

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

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. PRESENTATION
   a. Fire Department citizens' awards. [verbal]

5. PROCLAMATION
   a. Arbor Week. [Page 3]
   Action: _____

6. SCHEDULED BUSINESS

   a. Communication
      1) Albany named as Tree City USA for the 20th consecutive year/Arbor Week activities. [Page 4]
      Action: _____

   b. Second Reading of Ordinance
      1) Declaring a moratorium on medical marijuana facilities and declaring an emergency. [Pages 5-6]
      Action:_____ ORD. NO._____

   c. Business from the Public

   d. First Reading of Ordinance
      1) DC-03-13, amending Ordinance No. 4441, which adopted the City of Albany Development Code and Zoning Map by amending the Development Code text related to economic development, home businesses, planned developments, and signs, and adopting findings and declaring an emergency. [Pages 7-25]
      Action:_____ ORD. NO._____

   e. Adoption of Consent Calendar
      1) Approval of Minutes
         a) February 12, 2014, City Council Regular Session. [Pages 26-34]
         b) February 24, 2014, City Council Work Session. [Pages 35-38]
      2) Approving an extended property tax abatement agreement between Linn County, a cosponsor of the South Santiam Enterprise Zone, and Selmet, Inc. [Pages 39-42] RES. NO._____
      3) Accepting a dedication deed from the Greater Albany Public School District. [Pages 43-49] RES. NO._____
      4) Accepting an easement from Hayden Homes, LLC. [Pages 50-55] RES. NO._____
      5) Approving 2013-2014 funding allocations for two Community Development Block Grant programs. [Pages 56-57]
      Action: _____

   f. Report
      1) Modifying the Water Avenue Streetscape Plan. [Pages 58-61]
      Action: _____ RES. NO._____

7. BUSINESS FROM THE COUNCIL

8. NEXT MEETING DATE: Work Session April 21, 2014
Regular Session April 23, 2014

9. 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.

PROCLAMATION

ARBOR WEEK
April 6 – 12, 2014

WHEREAS, in 1872, Arbor Day was first observed with the planting of more than a million trees in Nebraska and is now observed throughout the nation and the world; and

WHEREAS, Albany's urban trees grace our streets, parks, and open spaces; provide shade and habitat for wildlife; improve air and water quality; increase property values and economic vitality in business areas; and contribute to a sense of community pride and ownership; and

WHEREAS, through the cooperation of all residents of Albany, the beneficial effects of tree plantings in our community and in our surrounding forest lands can be passed on as a vital natural resource to succeeding generations; and

WHEREAS, the City of Albany has been named as "Tree City USA" by the National Arbor Day Foundation for twenty consecutive years in recognition for our stewardship of Albany's urban forest.

NOW, THEREFORE, I, Sharon Konopa, Mayor of the City of Albany, Oregon, do hereby proclaim the week of April 6 through April 12, 2014, as

ARBOR WEEK

in Albany and encourage all citizens to take time during the week to appreciate and enhance our community's urban forest and to participate in the week of activities celebrating our community's commitment to trees.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 9th day of April 2014.

_____
Sharon Konopa, Mayor

TO: Albany City Council

VIA: Wes Hare, City Manager
Ed Hodney, Parks and Recreation Director

FROM: Rick Barnett, Park Operations Supervisor / City Forester

DATE: April 2, 2014, for April 9, 2014, City Council Meeting

SUBJECT: Albany Named as Tree City USA for the 20th Year / Arbor Week Activities

Action Requested:

None. Information only.

Discussion:

In recognition of the City's commitment to maintaining a healthy urban forest, The National Arbor Day Foundation has named Albany as a Tree City USA for the 20th consecutive year. The Tree City USA program is sponsored by the National Arbor Day Foundation in cooperation with the National Association of State Foresters and the US Department of Agriculture Forest Service.

Over the last 20 years, The City of Albany has met the four Tree City USA standards by maintaining an active Tree Commission, a tree care ordinance, a comprehensive community forestry program, and an annual celebration and proclamation of Arbor Day. Albany's designation as a "Tree City USA" acknowledges the commitment made to maintaining a healthy urban forest.

This week (April 6-12) is Arbor Week throughout Oregon and in Albany. The "Sawing for Schools" program will return for the 6th year and provide an opportunity for students, wood-working professionals and community members to watch and learn how donated logs are processed into wood. Here's a schedule for this week's events:

- Monday, April 7th, 8:00 a.m. - 3:00 p.m. Sawmill demonstration, West Albany High School.
- Tuesday, April 8th, 8:00 a.m. - 3:00 p.m., Sawmill demonstration, South Albany High School.
- Wednesday, April 9th, 7:15 p.m., City Council proclamation and Oregon Dept. of Forestry Presentation.

In addition to Arbor Week activities, there will be a community event on Saturday, April 26th at the Albany Farmer's Market to celebrate this benchmark anniversary. A tree giveaway and hands on activities for the whole family will be a part of the celebration.

Budget Impact:

None.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ALBANY, OREGON, DECLARING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES AND DECLARING AN EMERGENCY

WHEREAS, the 2013 Oregon Legislature enacted House Bill 3460, which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities; and

WHEREAS, House Bill 3460 (2013) directs that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution; and

WHEREAS, the issue of whether a local government believes a certain type of business should operate within its jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction; and

WHEREAS, the 2014 Oregon Legislature enacted Senate Bill 1531, which removes immunity from state prosecution for a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium prohibiting the operation of a medical marijuana facility; and

WHEREAS, the City of Albany believes it is in the best interests of the health, safety, and welfare of the citizens of Albany to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of the City of Albany;

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

MORATORIUM DECLARED. The City of Albany hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of the City of Albany. As used in this section, "medical marijuana facility" includes any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon law.

DURATION OF MORATORIUM. The moratorium imposed by this ordinance shall be effective until May 1, 2015, unless rescinded sooner.

ENFORCEMENT. The Chief of Police is charged with enforcement of the moratorium.

REMEDIES NOT EXCLUSIVE. The remedies available under Senate Bill 1531 (2014) for a violation of the moratorium imposed by this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law. It is within the discretion of the City of Albany to seek cumulative remedies for a violation of the moratorium imposed by this ordinance. Such cumulative remedies include but are not limited to punishment charged as a misdemeanor under the general penalty set forth at AMC 1.04.

SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

EMERGENCY. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, an emergency is hereby declared to exist and this ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by Council:

Approved by Mayor: _____

Effective Date: _____

_____
Mayor

ATTEST:

_____
City Clerk

TO: Albany City Council

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

FROM: Anne Catlin, Planner III alc

DATE: April 2, 2014, for the April 9, City Council Meeting

SUBJECT: DC-03-13, Business Ready Task Force Proposed Development Code Changes

RELATES TO STRATEGIC PLAN THEME:
- A Healthy Economy
- Great Neighborhoods

Action Requested:

Staff recommends Council adopt the Albany Development Code (ADC) changes proposed by the Business Ready Task Force and recommended by the Planning Commission, as amended and presented by staff or as Council may modify.

Discussion:

Council held a public hearing at the March 12, 2014 Council meeting. During the public hearing, four people testified in support of the proposed amendments to the Albany Development Code as presented by the Planning Commission and staff.

The proposed ADC changes presented to the Council on March 12, 2014 included amendments to the package presented to the Planning Commission. These amendments were in response to issues raised by the public after the Planning Commission hearing and one corrective amendment related to uses prohibited as home businesses. The amendment related to uses prohibited as home businesses was made after staff had further discussion with the Planning Commission regarding the intent of their motion. The proposed changes are listed below and are in yellow highlight in the attached replacement pages for the March 12 2014, packet.

1. Ordinance Exhibit A, Home Businesses, Prohibited Uses, Sections 3.094 and 3.125. The Planning Commission did not intend for all prohibited uses to be considered as a Conditional Use, only those uses listed in Section 3.125. (Replacement pages for pages 67-71 of the March 12th City Council packet.)
2. Home Business Proposed Changes Summary Matrix. This table summarizes the proposed changes in Ordinance Exhibit A and is not part of the ordinance. (Replacement page for page 72 of the March 12th City Council packet.)
3. Ordinance Exhibit C, Section 1.083 Extension of a Land Use Approval. Per public testimony, add language to allow for extensions received prior to the effective date of this ordinance to be considered and define the expiration date. (Replacement pages 81-82 of the March 12th City Council packet.)
4. Ordinance Exhibit D, Sign Code, Section 13.422, Wall Signs. Correct the formula for calculating the amount of wall signs to be 1.5 square feet for each lineal foot of building frontage (rather than 1 square foot). (Replacement pages 127-128 of the March 12th City Council packet.)

The attached replacement pages along with the material from the March 12, 2014 agenda packet make up the entire package of the proposed ADC changes.

Staff has also provided Council with information on the City's noise standards. These standards can be found in both the Albany Municipal Code and Development Code. Council had asked for this information as a result of discussions surrounding whether or not to consider a noise standard for home businesses. These standards are included in Attachment A.

In an effort to conserve resources, **staff has included only the proposed amendments to the ADC changes with this memo. Please bring your March 12, 2014 City Council packet to the April 9, 2014, meeting for continued deliberation.** Please let staff know if you would like a full copy of the DC-03-13 Ordinance and Exhibits.

AC:er

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 ECONOMIC DEVELOPMENT, HOME BUSINESSES, PLANNED DEVELOPMENTS, AND SIGNS, AND ADOPTING FINDINGS AND DECLARING AN EMERGENCY. (FILE DC-03-13)

WHEREAS, from time to time it is appropriate to amend the Albany Development Code to address changing conditions or to clarify existing language; and

WHEREAS, several obstacles to development and redevelopment of existing sites were identified in the Albany Development Code over the last few years; and

WHEREAS, citizen participation was integrated into the planning process through appointment of a task force of Albany residents; and

WHEREAS, in May, 2012, a Business Ready Task Force (Task Force) was appointed with members representing property owners, the business community, commercial brokers, residents, home business owners, the sign industry, the Albany Planning Commission, and Albany City Council; and

WHEREAS, the Task Force met nine times between May, 2012, and November, 2013, to evaluate the following issues or standards: home business objective standards, planned development process and open space calculations, plan review process time, expiration of land use approvals, small infill site development, nonconforming sites and situations, reuse of vacant buildings in the Light Industrial zone, small-scale manufacturing opportunities in commercial and mixed-use zones, downtown residential development; and

WHEREAS, a "sign work group" was also formed to provide direction on revisions related to the city's sign standards and included representatives from the sign industry, residents, businesses, an architect, the Planning Commission, and the City Council; and

WHEREAS, on March 4, 2013, the Business Ready Task Force, Planning Commission, and City Council held a joint work session to review proposed amendments; and

WHEREAS, on January 3, 2014, the City mailed a "Measure 56" notice of the Planning Commission and City Council public hearings and an open house on the proposed Development Code amendments to all property owners within the City limits; and

WHEREAS, on January 9, 2014, City staff presented the proposed amendments to the Chamber of Commerce's Governmental Affairs subcommittee; and

WHEREAS, on January 13, 2014, the Planning Commission held a work session on the proposed amendments; and

WHEREAS, on January 14, 2014, the City held an open house on the proposed amendments; and

WHEREAS, a notice of the Planning Commission and City Council public hearings was published in the Albany Democrat Herald on January 27, 2014; and

WHEREAS, on February 3, 2014 the Planning Commission held public a hearing on the proposed amendments, and

WHEREAS, on February 17, 2014, the Planning Commission deliberated on the proposed amendments and made a recommendation to the City Council, based on public testimony and findings of fact; and

WHEREAS, the Albany City Council held a public hearing on March 12, 2014, concerning the proposed amendments recommended by the Planning Commission, reviewed the testimony presented at the public hearing, findings in the staff report and continued deliberation to April 9, 2014.

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 Exhibits A-D for the sections listed below.

Exhibit A, Home Businesses in Articles 3 and 22;

Exhibit B, Planned Developments in Article 11;

Exhibit C, "Business Ready" Amendments in Articles 1, 2, 3, 4, 5, 8, 9 and 22; and

Exhibit D, Sign Standards in Article 13.

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

Section 3: Emergency Clause. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

_____
Mayor

ATTEST:

_____
City Clerk

New language is in **bold**; deleted text is shown ~~struck through~~; and *staff comments are in blue italics*.

ARTICLE 3
RESIDENTIAL ZONING DISTRICTS

ISSUE A: HOME BUSINESSES – Several standards are subjective and are difficult to enforce if there are negative impacts in the neighborhood.

HOME BUSINESSES ~~OCCUPATIONS~~

Staff Comments: The Business Ready Task Force recommended hobbies not be included as a home occupation, so staff recommends changing the section heading and use category to "Home Business". Hobbies would be allowed at home and would be subject to standards in the Albany Municipal Code.

The purpose of the proposed amendments is to support home-based businesses that are compatible with the residential neighborhood in scale, intensity and off-site impacts. Due to the subjective language of most of city's standards, it is challenging to enforce the standards when we received complaints. The proposal includes setting clear and measurable standards, and creating two levels of home businesses:

- *Allow home businesses outright if they meet the revised clear and measurable standards.*
- *Home businesses that cannot meet the standards to be allowed outright, would be considered through a Conditional Use review that would provide for neighborhood input.*

3.050 Schedule of Permitted Uses.

SCHEDULE OF PERMITTED USES

Uses Allowed in Residential Zoning Districts								
Use Categories (See Article 22 for use descriptions.)	**Spec. Cond.**	**RR**	**RS-10**	**RS-6.5**	**HM**	**RS-5**	**RM**	**RMA**
RESIDENTIAL: Miscellaneous								
Accessory Buildings, Garages or Carports ~~that meet the standards in Special Cond. 9~~	9	**Y/S**	**Y/S**	**Y/S**	**Y/S**	**Y/S**	**Y/S**	**Y/S**
Home **Business** ~~Occupations~~ (See **3.090-3.160 to determine if CU**~~3.100~~)		**Y/CU**	**Y/CU**	**Y/CU**	**Y/CU**	**Y/CU**	**Y/CU**	**Y/CU**

Staff Comments: The purpose statement is being amended to incorporate language from the definition in Article 22.

3.090 Purpose. The home ~~occupation~~ **business** provisions recognize the needs of many persons who are engaged in small-scale business ventures ~~or personal hobbies, whether conducted for profit or not,~~ which could not be sustained if it were necessary to lease commercial quarters, or **which** because **of** the nature of the activity would make it impractical to expand to a full-scale enterprise **and that the business is incidental to the residential use. The purpose of these standards is to allow home businesses that can be compatible in scale and operating characteristics within a residential neighborhood without infringing on the right of neighboring residents to enjoy the peaceful occupancy of their homes. Home businesses do not include hobbies as defined in this Code.**

New language is in **bold**; deleted text is shown ~~struck through~~; and *staff comments are in blue italics*.

Staff Comments: The proposed new section informs of exceptions stated in the Albany Municipal Code, clarifies that hobbies are exempt, and proposes that family child care homes be exempt.

3.092 Applicability. The provisions of this section apply to all home businesses except for the following:

(1) Garage, yard or estate sales from the site that comply with Albany Municipal Code Section 7.84.190.

(2) Open houses and other events involving the sale of goods or services as long as they comply with the frequency of garage sales allowed in Albany Municipal Code Section 7.84.190.

(3) Hobbies.

(4) Registered or certified family child care homes per ORS 657A.440.

Staff Comments: The Planning Commission decided - after deliberating over testimony received primarily about welding and the proposal to prohibit "dispatch centers" in (7) below - to allow ALL uses that were formerly prohibited to be considered through the Conditional Use process. Staff does not believe this was their intent. After further consideration, the Planning Commission recommended that staff propose keeping prohibited uses (3) through (6) due to concerns about safety, offsite impacts, and neighborhood compatibility. rather than considering them through the Conditional Use process in Section 3.125.

3.094 ~~3.110~~ Prohibited Uses. The following uses are prohibited as home ~~occupations~~ **businesses**:

~~(1) Auto body repair and painting.~~

~~(2) Ongoing mechanical repair conducted outside of an entirely enclosed building.~~

(~~3~~**1**) Storage and/or distribution of toxic or flammable materials, and spray painting or spray finishing operations that involves toxic or flammable materials which in the judgment of the Fire Marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties.

(~~4~~**2**) Junk and salvage operations.

(~~5~~**3**) Storage and/or sale of fireworks in quantities judged by the Fire Marshal to be dangerous.

(~~6~~**4**) Storage or display of more than one motor vehicle for sale.

3.096 Procedures.

(1) Home Business Allowed Outright. Home **businesses** ~~occupations~~ shall be allowed **outright** as a permitted accessory use to a residence provided that **the business or businesses cumulatively meet all of the standards in Section 3.110 and 3.120**~~**, and 3.125**~~**.**

(2) Home Business as a Conditional Use. Applications for a home business that cannot meet the standards in Section 3.120 ~~**or 3.125**~~ **will be processed as a Conditional Use Type III. The business shall meet the standards in Section 3.110 and the Conditional Use review criteria in Article 2, Section 2.250.**

New language is in **bold**; deleted text is shown ~~struck through~~; and *staff comments are in blue italics.*

3.110 Standards **that Apply to All Home Businesses.**

(1) ~~(3)~~ One window or wall sign is allowed, not larger than 12 inches by 18 inches.

(2) ~~(4)~~ There is no visible outside storage of materials **or commodities** except plant materials

(3) ~~(5)~~ There is no display, other than the allowed sign, which would indicate from the exterior that the building is being used for any purpose other than ~~a dwelling~~ **residential use**.

(4) No customers or employees may enter the premises between the hours of 8:00 p.m. and 7:00 a.m.

(5) All required building and other permits pertaining to the proposed business must be obtained. A home business that is classified as commercial or industrial occupancies by the building codes must comply with the applicable requirements of the Uniform Building Code and Uniform Fire Code.

Staff Comments: In order to better respond to complaints, the standards are proposed to be revised to be clear, objective, and measurable. Businesses that can't meet these measurable standards would be considered as a Conditional Use per standards in Section 3.125.

3.120 Standards for Home Businesses Allowed Outright. In order to be allowed outright, a home business shall meet all of the following standards. If more than one business is proposed at the same residence, then all businesses must cumulatively meet these standards.

(1) **Employees.** The ~~use~~ **business** is carried on only by ~~members of the family residing on the premises~~ **residents** and not more than ~~one~~ **two** outside employees or volunteers ~~who shall work a maximum of 20 hours per week~~. *Staff Comments: Increase standard to allow two outside employees outright. More employees may be considered with a Conditional Use review.*

(2) **Offsite Impacts.** ~~There is no offensive noise,~~ **The business operation results in no** vibration, smoke, dust, odors, heat, ~~or~~ glare **or noise more than 60 decibels** ~~resulting from the operation~~ noticeable at or beyond the property line **sustained for more than 10 minutes between the hours of 7:00 a.m. and 6:00 p.m.** *Staff Comments: 60 decibels s equivalent to normal conversation. If a business is conducted within a building, the noise level should be greatly minimized at the property line.*

Staff Comments: The current standard "excessive generation of traffic" is being quantified by limiting the number of deliveries/pick-ups, customer vehicles, and sales for home businesses allowed outright in (3) - (5) below.

(3) Deliveries. ~~(7) There is not excessive generation of traffic created by the home occupation, including frequent~~ **The business will not average more than three** deliveries and pickups by trucks or other **commercial** vehicles **per day, excluding deliveries from the post office.**

(4) Customer Vehicles. No more than three customer or client vehicles are permitted on the property or in the right-of-way at one time.

(5) Sales. On-site sales shall be by appointment only.

New language is in **bold**; deleted text is shown ~~struck through~~; and *staff comments are in blue italics.*

Staff Comments: "Adversely affect the residential character" needs to be clear and objective. The proposed language would allow businesses in accessory buildings up to a size that could fit into the character of the neighborhood.

~~(6) The use does not adversely affect the residential character of the neighborhood, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.~~

(6) **Size and Scale. Home businesses located in accessory buildings may not exceed 1,000 square feet including storage.**

~~(8) The rental of separate living quarters within a single family residence is limited to not more than one bedroom which does not contain separate cooking facilities and which has a maximum occupancy of two persons.~~ *Staff Comments: The definitions in Article 22 limit the number of unrelated persons per bedroom so this standard is not needed.*

Staff Comments: After deliberating over testimony received primarily about welding and the proposal to prohibit "dispatch centers" in (3) below - the Planning Commission decided to allow these formerly prohibited uses to be considered through the Conditional Use process.

3. **125 Home Businesses Requiring Conditional Use Approval. The following uses may be considered through a Conditional Use review and approval:**

(1) Auto body repair and painting for compensation. *Staff Comments: Moved from 3.110 Prohibited Uses.*

(2) Mechanical repair conducted outside of an entirely enclosed building. *Staff Comments: Moved from 3.110 Prohibited Uses.*

(3) Headquarters or dispatch center where employees and/or vehicles come to the site and are dispatched to other locations. *Staff Comments: The intent of the proposal is to limit the frequent coming and going of employees and/or vehicles.*

3.14~~020~~ Initiation of Complaints. Complaints may be originated by the City of Albany or the public. Complaints from the public shall clearly state the objection to the ~~H~~**h**ome **business** ~~Occupation~~ based on the **applicable** standards **in this Code** ~~listed above~~.

3.15~~030~~ Review Procedures **for Complaints. An investigation of the complaint will be performed accordingly:**

(1) If the Director finds that a home business allowed outright does not meet the standards in Sections 3.110 and 3.120, the Director will:

(a) Require the business be brought into compliance with the applicable standards; or
(b) Require the business be processed as a Conditional Use; or
(c) Order the business to be terminated.

(2) If the complaint is regarding a home business approved as a Conditional Use, the Director will review the complaint against the standards in Sections 2.250 and 3.110, and any conditions of approval in the notice of decision. If the Director determines the business is in violation of applicable standards or conditions of approval, the Director will:

(a) Require the business be brought into compliance with applicable standards and the conditions of approval; or

(b) Order the business to be terminated.

3.**160**~~180~~ Penalties. Non-compliance with the orders of the Director, or his designee, **Planning Commission,** or Hearings Board, as referred to above, are an infraction punishable as per AMC Section 1.04.01. In addition, each violation of this Article shall bear an additional minimum civil penalty of $50 per violation. The procedure for adjudication for infractions shall be as set forth at AMC Section 1.05.

~~3.140 Cessation of Home Occupations Pending Review. If it is determined by the Director or his designee, that the Home Occupation in question will affect public health and safety, the use may be ordered to cease pending Hearings Board review and/or exhaustion of all appeals. Violation of an order to cease shall be an infraction subject to the penalties set forth in Section 3.180 below.~~

~~3.150 Notice of Hearing. Written notice of the hearing, including its date, time, and place shall be given to the property owner and the person undertaking the use, if other than the property owner, as well as property owners within 100 feet of the use, and any complainant(s).~~

~~The Director shall make an initial determination of whether the alleged violation requires discretionary review. If the Director determines that review of the complaint is discretionary, the complaint will be reviewed by the Hearings Board. All other complaints will be reviewed by staff. An investigation of the complaint will be performed and the use will either be approved as it exists, ordered terminated, or brought into compliance with the standards.~~

~~3.160 Hearings Board Review. The Hearings Board shall either approve the use as it exists, order it to be terminated, or restrict and/or condition the use in order to ensure compatibility with the neighborhood.~~

ARTICLE 22
USE CATEGORIES AND DEFINITIONS

22.400 Definitions. As used in this Code, the following words and phrases shall have the following meanings:

Staff Comments: A definition for Hobby is needed. The Home Business definition is proposed to be amended to allow home businesses in accessory buildings and clarify that hobbies are not considered a home business.

Hobby. An activity or interest pursued outside one's regular occupation and engaged in primarily for pleasure.

Home **Business**~~Occupation~~: ~~An occupation~~ **A business** carried on within a dwelling **or residential accessory building** provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. **Home businesses do not include hobbies as defined in this Code.**

PROPOSED HOME BUSINESS STANDARDS SUMMARY

Current Code Standards	Standards for Home Business Allowed Outright	Home Business as a Conditional Use
3.110 Prohibited Uses: (1) Auto body repair and painting. (2) Ongoing mechanical repair conducted outside of an entirely enclosed building. (3) Storage and/or distribution of toxic or flammable materials, and spray painting or spray finishing operations that involves toxic or flammable materials which in the judgment of the Fire Marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties. (4) Junk and salvage operations. (5) Storage and/or sale of fireworks in quantities judged by the Fire Marshal to be dangerous. (6) Storage or display of more than one motor vehicle for sale.	**3.094** Prohibited Uses. The following uses are prohibited as home **businesses** ~~occupations allowed outright but may be considered through a Conditional Use Type III review and approval:~~ ~~(1) Auto body repair or painting **for compensation.**~~ ~~(2) Ongoing mechanical repair conducted outside of an entirely enclosed building.~~ (1) Storage and/or distribution of toxic or flammable materials, and spray painting or spray finishing operations that involves toxic or flammable materials which in the judgment of the Fire Marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties. (2) Junk and salvage operations. (3) Storage and/or sale of fireworks in quantities judged by the Fire Marshal to be dangerous. (4) Storage or display of more than one motor vehicle for sale. ~~**(7) Headquarters or dispatch center where employees and/or vehicles come to the site and are dispatched to other locations.**~~	**3.125** (Prohibited) Uses CONSIDERED THROUGH CU: **(1) Auto body repair or painting for compensation. (2) Mechanical repair conducted outside of an entirely enclosed building. (3) Headquarters or dispatch center where employees and/or vehicles come to the site and are dispatched to other locations.**
3.100 (4) There is no visible outside storage of materials other than plant materials.	3.110(2) There is no visible outside storage of materials **or commodities** other than plant materials	
3.100 (5) There is no display, other than the allowed sign, which would indicate from the exterior that the building is being used for any purpose other than a dwelling.	3.110 (3) There is no display, other than the allowed sign, which would indicate from the exterior that ~~the~~ **a** building is being used for any purpose other than **for residential use**~~a dwelling~~.	
3.100 (6) Use does not *adversely affect* residential character of the neighborhood nor infringe upon the right of neighboring resident to enjoy the peaceful occupancy of their homes.	3.110 (4): **No customers or employees may enter the premises between the hours of 8:00 p.m. and 7:00 a.m.**	
3.100 (1) The use is carried out by members of the family residing on the premises and not more than 1 outside employee or volunteer up to 20 hrs/week.	3.120 (1) **Employees.** The use is carried out by ~~members of the family residing on the premises~~ **residents** and not more than ~~1 outside~~ **2 non-resident** employees or volunteers ~~up to 20 hrs/week~~.	Employees: SUBJECT TO CU
3.100 (2) There is no *offensive* noise, vibrations, smoke, dust, odors, heat or glare resulting from the operation noticeable at or beyond the property line.	3.120(2) **Offsite Impacts. The business operation results in no** ~~There is no offensive noise,~~ vibrations, smoke, dust, odors, heat, ~~or~~ glare, ~~resulting from the operation~~ **or noise more than 60 decibels** noticeable at or beyond the property line **sustained for more than 10 minutes between the hours of 7:00 a.m. and 6:00 p.m.**	Noise: SUBJECT TO CU
3.100 (7) There is not ***excessive*** generation of traffic created by the home occupation, including ***frequent*** deliveries or pickups by trucks or other vehicles	3.120 (3) **Deliveries.** ~~There is not excessive generation of traffic created by the home occupation, including frequent~~ **The business will not average more than three** deliveries or pickups by trucks or other **commercial** vehicles per day, **excluding deliveries by the post office.**	Deliveries: SUBJECT TO CU
	3.120 (4) **Customer Vehicles. No more than** ~~one~~ **three customer vehicles are permitted on the property or in the right-of-way at one time.**	Customer Vehicles: SUBJECT TO CU
	3.120 (5) **Sales. On-site sales shall be by appointment only.**	Sales: SUBJECT TO CU
22.400 Home Occ. definition says ***to be "carried on within a dwelling".***	3.120 (6) **Size and Scale. Home businesses located in accessory buildings may not exceed 1,000 square feet including storage.**	Size: SUBJECT TO CU

(c) Modify site circulation or access.

~~If a nonconforming use of a building has been vacant for more than one year, refer to Articles 3, 4 or 5 for permitted uses in each zoning district.~~

(9) An emergency measure necessary for the safety or protection of property when authorized by the City Manager with written notice to the City Council.

(10) Any temporary use of land of up to a 30-day duration (such as a promotional event, festival, carnival, or outdoor sale) that conforms with all other requirements of this Code and other applicable City regulations, public health, and safety requirements, some of which may further limit such uses in terms of location, scope, and duration.

(11) The establishment, construction, alteration, or maintenance of a public facility authorized by the Director of Public Works, including streets, highways, traffic control devices, drainage ways, sanitary and storm sewers, pump stations, water lines, electrical power or gas distribution lines, or telephone or television cable systems. This includes construction of staging areas of less than six months' duration but does not include major substations, treatment facilities, storage tanks, reservoirs, and towers.

(12) Excavation and fill for foundations and all other excavation or filling of land involving 50 cubic yards or less that does not adversely affect drainage patterns **and is not located in the special flood hazard area.**

ISSUE D: EXPIRATION OF LAND USE APPROVALS – Three years is sometimes not enough time to get a project underway.

Staff Comments: Given the slower economy, recommendation is for <u>one</u> two-year extension for all land use approvals, except for phased subdivisions or planned developments would be allowed a <u>second</u> two-year extension, if there have been no change in applicable standards.

1.080 <u>Expiration of Land Use Approvals</u>.

(1) All land use approvals**, except Type IV approvals,** ~~as provided in (2) and (3)~~ shall expire three years from the date of approval unless:

(a) The applicant has installed all of the required public infrastructure related to the development and the infrastructure has been accepted by the city, or the applicant has provided financial assurance for all required public infrastructure per Section 12.600 or the first phase, if the development was approved for phased construction~~. This provision may also be applied to developments approved prior to December 7, 2011~~; or

(b) If the development did not require public infrastructure, a valid **approved** building permit exists for new construction or improvements, and work has commenced**; or**

Staff Comments: The language in (2) below being removed because land divisions also expire in three years and the language below is repetitive and/or is no longer applicable.

~~(2) All approval of land divisions and development contained in Article 11 shall expire three years from the date of tentative plat approval, unless;~~

~~(a) The applicant has installed all of the required public infrastructure related to the development and the infrastructure has been accepted by the city, or the applicant has provided financial assurance for all required public infrastructure per Section 12.600. This provision may also be applied to developments approved prior to December 7, 2011~~.

(~~b~~c) <u>Phased Subdivisions **or Planned** Developments</u>. When an applicant desires to develop and record final subdivision plats covering portions of an approved tentative plat in phases, the City may authorize a time schedule for platting and otherwise developing the various phases

not to exceed five years for all phases. ~~in periods of time in excess of three years. In no case shall the total time period for all phases be greater than five years.~~ Each phase that is platted and developed shall conform to the applicable requirements of this title~~. Portions platted after three years require modifications to avoid conflict with any changes in the Comprehensive Plan or implementing regulations at the local, state or federal level~~; **or**

(d) An extension has been granted pursuant to Section 1.083.

1.083 Extension of a Land Use Approval. These provisions apply to all land use approvals that have not expired or for which a written request for an extension was received prior to the effective date of this Section 1.083.

(1) Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended one time for two years for all land use approvals except for phased or planned developments, a second two-year extension may be granted. Applicants shall apply for an extension by filing an application for extension at least 45 days before the expiration date. For the purposes of this sub-section the expiration date shall be the applicable anniversary date of the Notice of Decision previously given to the applicant.

(2) Requests for extensions shall be processed as Type I application and shall be granted if there has been no change to all applicable local, state or federal standards since the original approval, or the development complies with any changes or can meet the current standards with limited modifications to the approved development.

(3) While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.

Staff Comments: Historic review approvals currently expire in one-year if not associated with a building permit. Staff proposes the approval expire in three years like other land use decisions and be given an opportunity for an extension.

~~(3) Expiration of Historic Review Approvals.~~

~~(a) Historic Review approvals not associated with a building permit shall expire one year from the date of approval; or~~

~~(b) Historic Review approvals associated with an approved building permit shall expire upon the expiration of the building permit.~~

~~(c) Expiration of a Historic Review approval shall require reapplication and payment of all application fees plus an administrative fee equal to the application fee. Applications that are the same as originally approved will be processed administratively.~~

ISSUE: Neighborhood meetings should be held at reasonable times and should be coordinated with staff.

1.203 Neighborhood Meeting. The purpose of a neighborhood meeting is to ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications. It is intended to encourage applicants to be good neighbors. City staff will attend the neighborhood meeting in an advisory capacity to answer questions.

The applicant shall hold a neighborhood meeting before submitting the following types of land use applications:

(1) Multiple-family development that abuts a single-family zoning district.

permanently affixed to the sign.

13.360 Maintenance of Signs. All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and be maintained in a safe, neat, clean and attractive condition, free from rust, corrosion, peeling paint or other surface deterioration.

Staff Comment: Combined Pedestrian Areas with Commercial and Industrial Areas to reduce redundancy and provide clarity.

SIGN STANDARDS BY ~~SIGN~~ **ZONING** DISTRICT

~~PEDESTRIAN AREAS~~

~~13.411 District Areas. The Pedestrian Area shall consist of the CB (Central Business), HD (Historic Downtown), MUC (Mixed Use Commercial), and LE (Lyon-Ellsworth) zones. [Ord. 5446, 5/10/00, Ord. 5556, 2/21/03]~~

~~13.412 Aggregate Sign Restrictions. The total number and area of signs in pedestrian areas shall conform to the following:~~

~~(1) The aggregate number of signs allowed for each business shall be no more than two signs for each building frontage.~~

~~(2) The aggregate area of all signs per building frontage, except for exclusive use of wall signs in Section 13.413(2), shall not exceed an area equal to one square foot for each lineal foot of building frontage with a minimum aggregate area restriction of 30 square feet and a maximum aggregate area of 120 square feet.~~

~~(3) As an option to the above, when a customer entrance/exit is used by a group of businesses for access, then each business with frontage can have one wall sign or marquee sign no greater than ½ foot for each foot of the business fronting on the street. In addition, one sign is allowed using the entire building frontage for all businesses located within, which shall not exceed 1 square foot for each 1 foot of lineal frontage.~~

~~(4) Aggregate area and number provisions do not include nameplates, directional signs, awning and marquee signs as prescribed in Sections 13.320 (3, 5, 6, 8, 11, 12, and 14).~~

~~13.413 Wall Signs. Wall signs in pedestrian areas shall comply with the following provisions:~~

~~(1) No wall sign shall exceed 60 square feet, unless increased by the following provision.~~

~~(2) If wall signs are used exclusively, the area allowed shall be calculated at 1.5 square feet for each lineal foot of wall frontage up to a maximum individual sign size of 75 square feet and a maximum aggregate area of 150 square feet.~~

~~13.414 Freestanding Signs. Freestanding signs in pedestrian areas shall comply with the following provisions:~~

~~(1) Signs shall be no higher than 25 feet.~~

~~(2) One sign shall be permitted for each lot with a street frontage in excess of 50 lineal feet. Two or more parcels of less than 50 feet may be combined for purposes of meeting the foregoing standard, provided that all businesses are identified on such signs.~~

~~(3) Signs shall not exceed a total face area of 3/4 square feet for each lineal foot of street frontage~~

~~with a maximum face area of 50 square feet for one face or a total of 100 square feet for two or more faces.~~

~~(4) Signs shall be placed on the central 50 percent of the street frontage of the business(es) or 40 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.~~

~~13.415 Projecting Signs. Projecting signs in pedestrian areas shall comply with the following provisions:~~

~~(1) One sign shall be permitted for each business or group of businesses occupying a single common space or suite instead of a freestanding sign.~~

~~(2) Signs shall not exceed an area of 3/4 square feet for each lineal foot of business frontage to which the sign pertains, except that any business may have one projecting sign of 12 square feet per face. The maximum area of any projecting sign shall be 50 square feet per face.~~

~~COMMERCIAL AND INDUSTRIAL AREAS~~

13.421 **Zoning** Districts ~~Areas~~. ~~The commercial and industrial areas shall consist of the~~ **The following sign standards apply to signs in the CB (Central Business), HD (Historic Downtown), MUC (Mixed Use Commercial), LE (Lyon-Ellsworth),** OP (Office Professional), NC (Neighborhood Commercial), CC (Community Commercial), RC (Regional Commercial), MUR (Mixed Use Residential), MS (Main Street), WF (Waterfront), TD (Transit District), ES (Elm Street), PB (Pacific Boulevard), LI, (Light Industrial), HI (Heavy Industrial), and IP (Industrial Park) zoning districts.

Staff Comments:

- *Remove the aggregate total and amend so sign allowances are by type of sign.*
- *Wall sign area allowance is allocated for each building frontage based on the length of the building frontage with minimum and maximum area restrictions. Remove restriction on the number of wall signs and the limit of 12% of wall area because it is unnecessary if sign area is based on the length of building frontage.*
- *After receiving a public concern about the formula for wall signs, staff reviewed the calculations and believes that the formula for determining the area of wall signs* ***should be 1.5 square feet (rather than 1 square feet)*** *for each lineal foot of building frontage in all zones* ***except the downtown pedestrian and historic area zones - CB, HD, LE, and MUR.*** *This change is shown in yellow highlight.*

13.422 **Wall Signs**~~Aggregate Sign Restrictions~~. The total ~~number and~~ area of **wall** signs ~~in commercial and industrial areas~~ shall conform to the following:

~~(1) The aggregate number of signs allowed for each property shall be two signs for each frontage.~~

(~~1~~2) **Wall Sign Area.** The aggregate area of all **wall** signs for each ~~street~~ **building** frontage shall not exceed an area equal to 1-1/2 ~~one~~ square **foot** ~~feet~~ for each lineal foot of ~~street~~ **building** frontage **to which the sign pertains, except in the CB, HD, LE, and MUR zones the area shall be one square foot for each lineal foot of building frontage.** ~~However, I~~ In addition, aggregate **wall** sign area shall be subject to the following minimum and maximum ranges **for each building frontage**:

Staff Comments: the size allowances are increased and amended to be divisible by 4.

(a) For CC, RC, PB, LI, HI, and IP zones, the minimum is **48** ~~45~~ square feet, maximum is 200 square feet. [Ord. 5555, 2/7/03]

(b) For NC, MS, MU~~CR~~ and WF zones, the minimum is **32** ~~35~~ square feet, maximum is **160** ~~150~~ square feet.

(c) For CB and HD zones the minimum is 32 square feet, maximum is 120 square feet.

(d~~e~~) For **LE, MUR,** OP, ES and TD zones the minimum is **32** ~~24~~ square feet, maximum is **80** ~~50~~ square feet. [Ord. 5446, 5/10/00]

(2) Aggregate area provisions do not include nameplates, directional signs, awning and marquee signs as prescribed in Sections 13.320 (3, 5, 6, 8, 11, 12, and 14).

ALBANY NOISE STANDARDS

IN THE ALBANY MUNICIPAL CODE

7.08 DISORDERLY CONDUCT

7.08.050 Unnecessary noise.

It is unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any loud, disturbing, or unnecessary noise in the City. The following acts are declared to be violations of this section, but such enumerations are not deemed to be exclusive:

(1) The keeping of any animal which by frequent or loud continued noise disturbs the comfort and repose of any person in the vicinity;

(2) The use of any automobile, motorcycle, streetcar, or other vehicle, any engine, stationary or moving instrument, device, or thing so out of repair, so loaded, or operated in such manner as to create loud or unnecessary grating, grinding, rattling, or other noises;

(3) The sounding of any horn or signal device on any automobile, motorcycle, streetcar, or other vehicle on any street or public place of the City, except as a necessary warning or danger to property or person;

(4) The use of any mechanical device operated by compressed air, steam, or otherwise, unless the noise created thereby is effectively muffled;

(5) The erection, including excavation, demolition, alteration, or repair of any building, other than between the hours of 7:00 a.m. and 6:00 p.m., except upon special permit granted by the Common Council;

(6) Construction and activities ancillary to construction, not regulated under subsection (5) of this section or the Albany Standard Construction Specifications, including, but not limited to, preparation of materials, staging of construction equipment and apparatus, processing, preparing, or moving construction vehicles, equipment, or material, which generate sounds audible at any residentially zoned property; and which generate sounds for 30 minutes or more in any three-hour period between the hours of 6:00 p.m. and 7:00 a.m. This subsection does not apply to construction related activities performed by the City of Albany or pursuant to a City of Albany contract or those activities otherwise permitted by the Common Council;

(7) The use of any gong or siren upon any vehicle other than police, fire, or other emergency vehicle;

(8) The operation of any gasoline engine without having the same equipped with and using thereupon a muffler;

(9) The use of "muffler cutout" on any motor vehicle upon any street;

(10) The use or operation of any automatic or electric piano, phonograph, radio, loudspeaker, or any sound amplifying device so loudly as to disturb persons in the vicinity thereof or in such manner as renders the same a public nuisance; provided, however, that upon application to the City Manager permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches, or general entertainment;

(11) The conducting, operating, or maintaining of any garage within 100 feet of any building used as a private residence, apartment house, rooming house, or hotel in such

a manner as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m. The foregoing acts are declared nuisances and any person violating any of the provisions of this section shall be deemed guilty of an offense. (Ord. 5761 § 1, 2011; Ord. 4937 § 1, 1990; Ord. 3873 § 1, 1975; Ord. 2823 § 43, 1958).

7.08.052 Sound amplifying paging systems.

(1) For purposes of this chapter, a "sound amplifying paging system" is defined as any device which amplifies any sound from which a person may obtain the information that he or she is receiving a telephone call or from which he or she may receive directions from another person. "Sound amplifying paging system" does not include any sound amplification device used by any law enforcement agency, fire department, or other unit of government that uses such device in connection with law enforcement or public safety function.

For purposes of this chapter, "plainly audible" is defined as any sound which can be heard outside of any building by the human ear 20 feet or more from the source of such sound.

(2) It shall be unlawful to operate or permit the use or operation of any sound amplifying paging system which produces a plainly audible sound except as provided herein.

(3) Operation of sound amplifying paging systems shall be permitted from the hours of 8:00 a.m. to 9:00 p.m. so long as the volume of sound shall not exceed 65 decibels at any property line which is under the control of the operator of the system and is contiguous to the property upon which the sound amplifying paging system is located.

(4) It shall be unlawful to operate any sound amplifying paging system which is plainly audible between the hours of 9:00 p.m. and 8:00 a.m.

(5) This section applies only to amplified sound or speech. It does not apply to the unamplified human voice. (Ord. 4998 § 1, 1992).

Chapter 6.04 DOGS

6.04.170 Public nuisance – Designated.

Dogs shall be considered a public nuisance under the meaning of this chapter in the following instances:

(1) – (6) Not applicable

(7) Any dog which barks cumulatively for more than 10 minutes during any one-hour period when such barking is audible off the premises of the dog's owner or keeper;

(8) *Not applicable.* (Ord. 5685 § 2, 2007; Ord. 5313 § 1, 1997; Ord. 5026 § 1, 1993; Ord. 4840 § 1, 1988; Ord. 4557 § 5, 1983).

IN THE ALBANY DEVELOPMENT CODE

ENVIRONMENTAL

9.400 Purpose. These regulations are designed to protect all uses in all zones from certain objectionable off-site impacts associated with nonresidential uses. These impacts include noise, vibration, odors, and glare. The standards ensure that uses provide adequate control measures or locate in areas where the community is protected from health hazards or nuisances. Use of objective standards provides a measurable means of determining specified off-site impacts. This method protects specific industries or firms from exclusion in a zone based solely on the general characteristics of similar industries in the past. [Ord. 5555, 2/7/2003]

9.405 Exemptions. The off-site impact standards do not apply to machinery, equipment, and facilities that were at the site and in compliance with existing regulations at the effective date of these regulations. Any new or additional machinery, equipment, and facilities must comply with the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site. [Ord. 5555, 2/7/2003]

9.410 Relationship to Other Regulations. The environmental standards are in addition to all other regulations of the Albany Municipal Code. These standards do not replace or supersede regulations of the Department of Environmental Quality (DEQ), relevant county regulations, or standards such as the Uniform Building Code or Uniform Fire Code. [Ord. 5555, 2/7/2003]

9.420 Evidence of Compliance. Before approving a development application, the Director may require submission of evidence demonstrating compliance with state, federal and local environmental regulations and receipt of necessary permits.

9.425 Responsibility. Compliance with state, federal and local environmental regulations is the continuing obligation of the property owner and operator.

9.430 Measurements. Measurements for compliance with these standards are made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.

If the City does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The City may accept measurements made by an independent expert hired by the owner or operator of the off-site impact source. If the City contracts to have measurements made and no violation is found, the City will bear the expense, if any, of the measurements. If a violation is found, City expenses will be charged to the violator. Nonpayment of the costs is a violation of the Code. [Ord. 5555, 2/7/2003]

9.435 Neighborhood Compatibility. If a site is located within 300 feet of residentially-zoned property and environmental impacts regulated by this article have not been adequately determined, the Community Development Director may require that a proposed use be considered under the Conditional Use process to provide an opportunity for public review and comment and to establish conditions to mitigate potential impacts. [Ord. 5555, 2/7/2003]

9.440 Noise. The City noise standards are stated in Albany Municipal Code Title 7, Public Peace, Morals and Safety. Oregon Administrative Rules (OAR) 340-035-0035, Noise Control

Regulations for Industry and Commerce, is adopted here in its entirety, and as may be subsequently amended by the State of Oregon. Tables 7, 8, and 9 referenced in OAR are included here for reference only. In addition, the Department of Environmental Quality (DEQ) has regulations that apply to firms adjacent to or near noise-sensitive uses such as dwellings, religious institutions, schools, and hospitals. [Ord.5720, 08/12/2009]

TABLES 7 & 8 (OAR 340-035-0035) New and Existing Industrial and Commercial Noise Source Standards Allowable Statistical Noise Levels in Any One Hour	
7 am – 10 pm	**10 pm – 7 am**
L_{50} – 55 dBA	L_{50} – 50 dBA
L_{10} – 60 dBA	L_{10} – 55 dBA
L_{01} – 75 dBA	L_{01} – 60 dBA

TABLE 9 (OAR 340-035-0035) Industrial and Commercial Noise Source Standards for Quiet Areas Allowable Statistical Noise Levels in Any One Hour	
7 am – 10 pm	**10 pm – 7 am**
L_{50} – 50 dBA	L_{50} – 45 dBA
L_{10} – 55 dBA	L_{10} – 50 dBA
L_{01} – 60 dBA	L_{01} – 55 dBA

[Ord. 5720, 8/12/2009]

(1) Additional City Standards. The following restrictions are in addition to the State DEQ standards for purposes of City noise regulation:

(a) For purposes of measuring permitted sound levels from noise-generating sources under the provisions of DEQ rules, any point where a noise-sensitive building could be constructed under the provisions of this Code shall apply as if such point contained a noise sensitive building.
(b) Within the Industrial Park (IP) and Waterfront (WF) zoning districts, each property or building under separate ownership shall be considered a noise-sensitive property under the provision of DEQ rules, with the exception that the allowable noise levels shall be increased by 5 db.
(c) The allowable noise levels cited in Tables 7, 8 and 9 shall apply to all non-residential uses. [Ord. 5768, 12/7/11]

(2) Expert Evaluation. A noise analysis may be required in the development review process to show that a proposed activity can meet the noise standards or that residential uses are adequately buffered from noise sources.

(3) Mitigation Measures. The following noise mitigation measures may be required through development review:

(a) increased building setbacks;
(b) special berms and heavy vegetation areas;
(c) site layout to establish buffer areas or locate low-noise buildings to serve as buffer between the noise-sensitive areas and the sound source;
(d) special sound insulation construction techniques;

(e) improvements as recommended by the DEQ or a qualified noise consultant;
(f) posting a bond or other financial agreement to ensure that the required noise reduction features are installed.

[Ord. 5555, 2/7/2003]

9.450 Visible Emissions. Within the mixed-use, commercial, IP and WF zoning districts, there shall be no use, operation, or activity that results in a stack or other point source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) that is visible from a property line. [Ord. 5555, 2/7/2003]

9.455 Water Quality. Direct discharge of storm water and process waste from operation of industries shall comply with the water quality standards adopted by DEQ and as authorized in a National Pollutant Discharge Elimination System (NPDES) Permit. [Ord. 5555, 2/7/2003]

9.460 Vibration. Continuous, frequent, or repetitive vibrations that exceed 0.002g peak may not be produced.

Exceptions: Vibrations from temporary construction and vehicles that leave the site (such as trucks, trains, or aircraft) are exempt; vibrations lasting less than five minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.

Measurements. Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.

[Ord. 5555, 2/7/2003]

9.470 Odors. 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.

Exceptions: An odor detected for less than 15 minutes per day is exempt.

[Ord. 5555, 2/7/2003]

9.480 Glare and Heat. No direct or sky-reflected glare in excess of 0.5-foot candles of light, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Code. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line of the source. Strobe lights visible from another property are not allowed, except as may be required by the Federal Aviation Administration. [Ord. 5555, 2/7/2003]

CITY OF ALBANY
CITY COUNCIL
Council Chambers
February 12, 2014
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

Purple Heart Order – Purple Heart City plaque presentation.

Konopa introduced Department Commander for the state of Oregon Military Order, Charles Upton. Upton introduced Department Chaplain Franklin Strader. Upton said after a lot of work, Albany has been named the first Purple Heart city in the state of Oregon, followed by Medford. Upton said he is honored to live here; he notices how veterans are received in Albany and that is the major reason for the award.

Upton read the plaque: "The Military Order of the Purple Heart Special Recognition Award is bestowed with pride to the City of Albany, First Purple Heart, City of Oregon, for your dedication and support honoring America's combat wounded veterans, becoming the First Purple Heart City. Presented by the Patriot Members of the Department of Oregon Military Order of the Purple Heart, USA."

Upton presented the plaque to the Mayor.

Konopa said it is an honor to be the first city in Oregon to be named a Purple Heart city. She thanked Upton for his work.

SCHEDULED BUSINESS

Quasi-Judicial Public Hearing

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.

Konopa said, next on tonight's agenda is a quasi-judicial and legislative public hearing regarding Planning file DC-02-13. The proposed amendments to the Albany Development Code 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.

Open: Konopa called the public hearing to order at 7:18 p.m.

Konopa said, do any members wish to declare a conflict of interest? No one did.

Konopa said, do any members wish to report any *ex parte* contact? Councilor Floyd Collins said he had contact with folks in the neighborhood to get background, but the information he learned would not persuade his decision.

Councilor Dick Olsen said he talked to neighbors about the situation.

City Attorney Jim Delapoer explained that the purpose of ex parte is to disclose the substance of the communication so that someone in the audience can give contradictory evidence of what the Councilors may

have heard. Disclosing that ex parte communication took place but not disclosing its substance opens the door to a challenge that is indefensible.
Collins clarified that a resident called him to ask for a contact number for the Salvation Army because they were interested in making an offer for the site. Collins got the number from a board member and gave it to the citizen.

Olsen clarified that he gained no substantial information other than that the person may come to this meeting.

Konopa asked, do any members wish to report a site visit? No one did.

Konopa asked, do any members wish to abstain from participating in the proceedings? No one did.

Konopa asked, does anyone wish 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, if you wish to testify, please sign in at the table next to the City Clerk.

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

Konopa called for the staff report.

Staff report

Planner David Martineau said, on November 1, 2013, Stephanie Marcus submitted an application to amend the Albany Development Code (ADC) to allow 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. Additionally, the proposed amendment would add a new definition for "redemption centers" to Article 22 together with amendments to Articles 4 and 5 that would allow redemption centers through site plan review or conditional use approval in the Community Commercial (CC), Regional Commercial (RC), Light Industrial (LI), Neighborhood Commercial (NC), and Main Street (MS) districts.

Martineau said, recycling drop-off centers are already allowed through an approved site plan review in the CC and RC zones. If the center was classified as a "waste and recycling-related" use, it could be allowed through an approved site plan review or conditional use in the LI zone. Therefore, no amendments are necessary to allow redemption centers in those zones. However, recycling drop-off centers are not an allowed use in the NC and MS zoning districts.

Martineau said the Planning Commission reviewed the amendment application at a January 6, 2014, public hearing. At the hearing, staff presented findings that supported a recommendation to approve the Code amendment that adds a definition for "redemption center"; but staff recommended denial of the proposed amendment to Article 4 to add redemption centers as a permitted use in the NC district; and denial of the proposed amendment to Article 5 to allow the use in the MS district. Staff believes that general commercial zones, such as CC and RC, are better suited for retail and service uses that draw customers across the city or region like a bottle redemption center. While staff is supportive of having a redemption center in Albany, they felt that the NC and MS districts were intended primarily for neighborhood-scale retail and service establishments that are designed to serve nearby residents and businesses.

However, Martineau said, after reviewing the staff report and considering public testimony, the Planning Commission, by a vote of 6-0, recommended the Council approval of the proposed ADC amendment to Article 22 that adds a definition for "redemption center"; approval of the proposed amendment to Article 5 to add redemption centers as a permitted use in the MS district; and, in concurrence with staff, denial of the proposed Development Code amendment to Article 4 to add redemption centers as a permitted use in the NC district. A draft ordinance has been provided in the agenda packet which reflects their recommendation.

Martineau said, prior to the hearing tonight, the City received two letters of comment concerning the proposed amendments. The first comment, submitted by Jacho Eaton, of 1628 First Avenue East in Albany, contended that there were other suitable locations in Albany in which to site a redemption center (see agenda file). Martineau said Eaton is concerned about traffic impacts to surrounding residential neighborhoods and feels that the MS zone is supposed to be used for limited retail development serving nearby residents. A second letter was submitted by Sarah Stevenson, of Innovative Housing Incorporated, in Portland (see agenda file). Innovative Housing is the developer of the proposed 54-unit Woodland Square workforce housing project on Salem Avenue. Martineau said Stevenson expressed concern that the proposed redemption facility would be out of scale from the

traditional feel of a neighborhood-oriented district that is characterized by pedestrian-friendly residential development.

Councilor Ray Kopczynski pointed out that in the third paragraph of the staff report, page 5 in the agenda packet, recycling drop-off centers are considered "repair-oriented" businesses. He asked why and if it makes a difference on how it is put in the ADC. Martineau said this particular use and other characteristics in Village Centers (VC) uses is that they tend to be smaller in size and scale. There is only limited retail allowed; for example in the MS district, retail must be less than 6,000 square feet. This is also true for Waterfront zones and some others. When the code was developed and the different types of uses were considered, it was decided that repair-oriented uses such as for small appliances, tailors, or shoes is different than larger repair uses.

Kopczynski said that page 30 of the agenda packet shows the zoning radius at three miles. He asked where it could be located where it wouldn't have a similar impact. Martineau said they are already allowed in CC. Kopczynski asked, if it is meant to serve the local residents in the area, won't they be using it the recycling center too? Martineau said that now people redeem cans at various stores, but this recycle center would draw all that traffic to the MS zone rather than to other zones better suited in terms of traffic, street size, and parking availability. Kopczynski asked if the redevelopment of the roundabout would alleviate some of those concerns. Martineau said there are compelling cases on either side of the issue, as outlined in the staff report. Overall, staff felt they should recommend denial, because MS is one of six VC zones set aside to have its own unique characteristics, so they did not think it was an appropriate use for this particular zone. Kopczynski noted that the building has been vacant for 5-6 years. Martineau said there are other vacant buildings in town zoned for it.

Councilor Rich Kellum pointed out that this is one of the main streets in Albany and it already has lots of a.m. and p.m. traffic. Konopa reminded the Councilors that at this point in the public hearing they should not deliberate, but just ask questions regarding the staff report. Kellum had no questions for staff.

Konopa said, if anyone wishes to enter an exhibit into the record as part of your testimony, please briefly describe the exhibit and then present it to the City Clerk.

Konopa asked the applicant to come forward and make any comments they may have for the City Council.

Stephanie Marcus, 3900 NW Yeon Avenue, Portland, represents Oregon Beverage Recycling Cooperative (OBRC). Marcus is here to gain support to add a redemption center definition and its permitted use in the MS zoning. The OBRC is currently in contract with the Salvation Army to purchase the building at 1224 Santiam Highway. It has been vacant six years.

Marcus said clean, staffed, and popular bottle drop redemption centers are in seven locations across the state and they plan to add four each year over the next 10 years. The centers have seen increases in redemption and recycling in the surrounding areas; they believe it is because of customer satisfaction, self-service or hand counts, and a drop and go program. The centers increase recycling efforts in the community and add eight jobs per site. They are fully staffed from 9:00 a.m. to 6:00 p.m., seven days a week. Finding a location is a challenge; Marcus said she looks for properties which are stand alone with 7,000 square feet, have ample parking, a roll up door, good ingress and egress, and retailers in a two mile radius. The retailers are partners with OBRC and they pay for half the site to run. There is a lot that goes into finding the perfect location.

Marcus said the 1224 Santiam Highway property has all the criteria for a center. It is also a small community with enough retail support to make the center run. The one issue is the MS zoning. OBRC thinks this neighborhood is a good location; it includes the Habitat for Humanity store and warehouse storage. OBRC could fill a vacant building and it would provide recycling, sustainability, and jobs.

Marcus said that City staff has stated that they would like a redemption center in Albany but in a different location. She has looked at other sites but none have the criteria they need. She hopes this zoning request passes so they can open in the summer of 2014. She said that once Albany experiences a redemption center, the citizens will appreciate it. She distributed a brochure from Bottle Drop, presented by OBRC (see agenda file). She said, Albany can be one of the first centers in the area.

Kellum asked if any of the business is done outside. Marcus said all the business is done indoors; there is about 2,000 square feet for customers and the rest is the warehouse. The cans are on a conveyor belt, then sorted and crushed in the back. The trucks pick up at most other locations in Albany and they would also pick up at this center.

Councilor Bessie Johnson asked if the center would take all cans and bottles. Marcus said they take all that have a deposit, and for those that don't customers can still bring them in to be recycled but they would not get money.

Konopa said, does any member of the audience wish to speak in support of the application?

Konopa called the people who signed up to speak in support of the application on the signup sheet (see agenda file).

Todd Van Domelen, 8923 NW Mills Street, Portland, is a real estate broker, and is the Chairman of the Advisory Council for the Salvation Army. He is representing the Salvation Army for this proposal. Van Domelen said the Salvation Army is in favor of the proposed amendment and they ask that the Council approves it. The building has been vacant for six years. The property has been a drain on the Salvation Army. It has to be maintained and they could use those funds for other programs.

Van Domelen said it has been difficult to sell with the MS zone restriction, and most potential buyers are not retail oriented. The interest have primarily been from contractors, roofing companies, etc., which are not allowed in the zone. This makes it difficult to attract qualified buyers. Having a vacant building is not good for the neighborhood. This is an opportunity to bring it back to a use for residents in the area. The Council's approval would help to sell the property. OBRC plans to remodel the building and it would be much more attractive, bringing people to the neighborhood and the surrounding businesses. Salvation Army could take the proceeds of the sale and put them towards needed programs. He asked that the Council support the amendment.

Collins asked if the proposed buyer a tax exempt or taxable organization. Van Domelen said it is taxable.

Konopa asked if there was anyone else who would like to speak in support of the application. There were no more.

Konopa noted that there were people signed up to speak in opposition.

Heather Hill, 104 Main Street SE, is the owner of Legacy Ballet. She has been leasing for six years and disagrees with the proposed zoning change to allow a redemption center in the MS district. While a redemption center may help promote more can recycling, it could be better located in a different area. She said, for six years we have struggled to make a positive impact in the neighborhood and community, and has seen the other local business owners do the same, as well as nearby residents devoting time and energy to the community garden. They have begun to see the City of Albany have a vision for the Main Street area and the waterfront. Rather than being in the part of town which is on the wrong side of the railroad tracks, they hope to become part of a hub to connect the waterfront and historical downtown. Albany has consumers of bottled and canned products, but there is also a population that searches through garbage cans to collect cans. The additional pedestrian and bicycle traffic this will create in the Main Street area will complicate the already existing issues, especially if other grocery stores within two miles are no longer required to take returns.

Hill said she may be biased. In July 2013, the owner of the building she currently occupies placed it on the market. A search began for a new location. On August 16, they submitted an offer to Todd Van Domelen to purchase the Salvation Army. They were told that the person who needed to look at the offer was on vacation for a week. After waiting a week, coincidently another offer was turned in and during that time they were told that they reviewed both offers, declined theirs, and accepted the other. They may never know if their plans for the building would have worked out, but as a Main Street business owner, she does not see the center as the vision for the area. While ownership of the current location is up in the air, she hopes to stay in the area and is excited to see the City's vision for the area take shape.

Arthur Meeker, Xtreme Grafx, 505 Main Street, said he is right around the corner from the proposed redemption center. His issue with the center is traffic; there is already lots of it on Main Street and where his building is located. The City and the railroad both decided not to improve the road so it is already in poor shape. The center would bring more traffic down that road. He is also concerned about the parking and the traffic that will be generated on Santiam Highway. He owns two pieces of property there, and uses a vacated street as the back entrance which goes between the Salvation Army and the school district warehouse. He is concerned about it being blocked or partially blocked. He is also concerned about extra foot traffic; they already have a problem in the neighborhood with the crime rate. He has already had problems with people breaking into his property and stealing from vehicles, cutting holes through fences, etc. When he is working in the middle of night he sees a lot of foot traffic collecting things along the way.

Kellum asked Meeker, if those same folks learned that the bottles and cans were inside the building, do you think they would still show up in the middle of the night? Meeker said yes, they could just be camping out and waiting for the center to open. The railroad is like the highway through town and he sees them walking up and down the tracks. Main Street is the hub for the homeless to redeem cans at the Circle K or 7-Eleven store. Meeker said weekly, he has to clean up empty cans and puke along the front of his building. If the center is where they are returning cans, and it is right next to his property, he thinks it could be a problem too.

Penny Williams, 434 Main Street SE is a homeowner. She is concerned about the center in her small neighborhood. Traffic is a huge concern for her and other neighbors. There is already lots of foot traffic because people are going to 7-Eleven to return cans. If there is a redemption center there would be more traffic from the homeless shelter past the center to the edge of town. It will create more theft, littering, and traffic all day and night, regardless of the center's hours and it will create more problems for the neighborhood. Williams said all the people that live there are homeowners and have been there a long time. She has lived there for 23 years. They are all trying to make the neighborhood better, even though it is by the railroad. The Salvation Army is just one street away from all these homes. She is also concerned about noise from trucks. She asked when the trucks will be delivering. Even with the roundabout, traffic will be an issue because the streets are small. It is a small

residential neighborhood, and likewise the businesses are small. If people that live all over the city come there to do their recycling, then it will no longer be a small community, but will be more like an industrial area.

Margaret Fourne, 926 Fourth Avenue SE, #9, lives two blocks away from the location. She asked what the operation hours would be. It is a very quiet neighborhood. She is concerned about what the noise level would be. She has been to a recycling place and can hear glass and other items being crushed; she wonders if they will hear that with this center. She asked, will operations be going 24 hours a day, 7 days a week, or just form 9:00 a.m. to 6:00 p.m.? The evening or weekend noise will degrade the quality of the neighborhood.

Fourne agrees with Williams' comments about the foot traffic. She lives in an apartment and all through the night there are folks in the dumpster. It is very unsettling to find them in the dumpster because it is unknown what drugs they are on. Traffic will be unbelievable. When the train comes through, there is room for about 20 vehicles; this would be adding to that with more cars pulling in and out of the center. She works at Dari Mart. She thinks Albany needs a redemption center, but she has a different location in mind, such as the previous Tom's Garden Center on Pacific Boulevard. The center might reduce the returns she takes at Dari Mart, but it is not worth what she will give up in her neighborhood. It is about traffic, quality of life, and noise.

Emma Eaton, 1638 First Avenue E, said she has a tremendous investment emotionally, financially, physically, and with blood in this neighborhood. She is willing to fight for it. She has seen promising changes in the MS district. She asked the Councilors, if this was on your street would you support it? Allowing the zoning change is setting a bad precedent. People are starting to have hope that they will have a nice Main Street and a quality of life in the community. It also affects property values. She disagrees with the proposal. She respects the project but setting a precedent to allow zone changes when the neighborhood is just starting to see a glimpse of hope for the area, is wrong.

Konopa asked if there was anyone else who would like to speak in opposition of the application. There were no more.

Konopa asked, does any member of the audience wish to speak who is neither in favor nor in opposition to the application? There were none.

Konopa asked if the applicant has any rebuttal testimony.

Marcus said she heard concerns about noise, foot traffic, bringing down the neighborhood, crime, and theft. The hours are 9:00 a.m. to 6:00 p.m., seven days a week, and during the summer they are open until 7:00 p.m. Nothing happens after the center closes. There are cameras on the exterior and interior. Their buildings are clean, nice, well kept retail centers with trained staff. She said anyone is welcome to use the centers, but there are rules and expectations. She has not seen the homeless hanging around and camping at the other centers. They are expected to follow the rules.

As to the noise, Marcus said the crushing happens inside machines which are soundproofed. Crushing can be heard from inside the center, but not outside. For example, some centers are next to a pizza place and solar panel business. They use quiet rock to sound proof and have not had issues with a neighbor with an adjoining wall hearing the noise. As to the trucks, the delivery hours depend on the amount of product. Based on Albany's production of 18 million units of recyclables, it would not be daily pickups. Trucks are on routes all over the state during the day so they are flexible when they can pick up, but it would not be in the middle of the night because the drivers work day shifts. Out of the seven centers, three are next to residential neighborhoods and there have been no complaints. She said they speak at community meetings before they open the centers to share information. This is not the same environment as a recycling center outside of a grocery store; it is a different experience. She invited the public to visit the other centers. She said change is scary and there may be resistance, but they believe what they are doing is good for communities.

Kellum asked how many people they get a day in facility the produces 30 million units. Marcus said about 20-25 cars per hour at the busy facilities. Albany is smaller so she thinks the impact will be smaller. Kellum asked if there will be a perimeter fence. Marcus said no.

Public Works Director Mark Shepard had no comments specific to the testimony. He said on one hand this building has been vacant for six years and meets the center's business model needs, but on the other hand the Main Street zoning district was set up for a very specific purpose to create the Main Street neighborhood. It is zoned for neighborhood and commercial activities whereas the redemption center would be a regional commercial. Any retailer within a two mile radius could stop taking bottles and cans. These are two competing interests.

Konopa asked if anyone wanted to respond to Shepard's comments. No one did.

Closed: The public hearing was closed at 8:11 p.m.

Kellum asked Shepard how many vehicles travel on Santiam Highway each day. Shepard does not have that information. Kellum would be interested in that number.

Kopczynski asked if there was traffic analysis done for the redemption center. He said that regardless of the type, any kind of retail establishment coming in would generate traffic and noise. Shepard said the facility is a regional facility rather than a neighborhood facility. Kopczynski pointed out that even a successful neighborhood retail that was successful would increase traffic.

Johnson said she had been in favor of the proposal, but now she is more concerned about the neighborhood. There is already crime there and the neighbors have tried so hard to clean it up to become a place. She thinks this is a good service that is needed, but she agrees with staff's recommendation. She doesn't want to hurt the neighborhood. At this point she is not in support of the proposal.

Olsen asked if stores no longer take cans when redemption comes in. Shepard said the law allows them to stop, but he can't say if stores would stop. Olsen said that during rush hour this area is very busy and that is one of the reasons for putting in the roundabout and making other improvements. Aside from annoying the neighborhood, it would be a big traffic generator that would be a burden to the neighborhood all day. Through Central Albany Revitalization Area (CARA) they are trying to make this neighborhood more livable and attractive, he thinks it is a mistake to change the zoning.

Kellum said he recognizes folks want to have a quiet neighborhood, but there is no way they can with trains going by. If all the operations are inside the center and it is insulated, and it can't be heard from outside, he thinks that point is moot. As to the rough calculation of 12 additional vehicles per hour, that is not that many considering the retail that is right across the street. It is also abutting the railroad. If there were a perimeter fence to discourage people walking through, it would be helpful.

Konopa said that even with 12-25 cars per hour, it is still unknown since they don't know how many stores in Albany would stop taking returns. If all the stores stopped taking returns, there could be much more than that.

Kellum suggested they leave the public hearing open so they can get more information about the traffic impacts. The centers in Eugene and Salem should be able to identify population versus traffic numbers.

Konopa said there was a center like this on Queen Avenue by the railroad tracks, but the return amount wasn't much and it was not viable. The new state rule that allows grocery stores to opt out would help.

Johnson asked how many stores in the area surrounding centers stopped taking the cans in other cities. The hearing had been closed so the applicant did not respond.

Delapoer said that procedurally, if the Council is making their decision based on anecdotal information, it is a precarious position to be in. If that is a pivot point for a decision, is it based on substantial evidence or rough estimates? The Council is supposed to make this quasi-judicial land use decision based on what information they present at the hearing. If they don't have enough information and want more, they could table the item, ask staff for more information, and reopen the hearing so others could respond also.

Konopa asked if they could add definition in the ADC, and a different motion could be used to include the use into the MS zone.

Delapoer asked staff if there is time to come back with findings if the Council gave that direction in a motion; Council could then make a decision when they adopt the findings. Staff said yes, there is time. They did not reopen the hearing because there are not getting new information. Discussion followed.

MOTION: Olsen moved to make a tentative decision to accept the staff recommendation to: approve the proposed Development Code amendment to ADC Article 22 that adds a definition for "redemption center"; 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 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; and to prepare findings to support that action. Councilor Bill Coburn seconded the motion.

Coburn thanked the citizens for coming to the meeting and testifying. It is appreciated.

Shepard said they have findings that they presented to the Planning Commission in support of the staff recommendation. If there are other things the Council wants to have in the findings staff can add it.

Martineau said they are approaching the 120 day clock, which runs out March 7, so there is one more Council meeting before the deadline. If they want to extend it beyond that date they would need to ask the applicant for an extension. Discussion followed.

Olsen asked if Economic Development and Urban Renewal Director Kate Porsche could speak to the MS zoning. Delapoer said if staff were to provide more facts then the hearing would have to be reopened.

Martineau noted that Central Albany Revitalization Agency (CARA)'s position is in the staff report on the bottom of page 12.

Kellum said that he has heard testimony that the center would be loud, but he sees no evidence of that since it is an insulated building. As to traffic, there is no evidence it would increase dramatically. He doesn't think the Council has enough information to tell the center no.

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

To the applicant, Coburn said there are folks in favor of the redemption center, but there may be a more appropriate zoning.

Business from the Public

Jim Clausen, 1403 15th Street, spoke to the recent snow. He said the average global temperature has been dropping for 17 years. He suggested that rather than buying a new bus the City should buy a snow plow or snow plow attachments for the bus. He said, global warming is a hoax and propaganda. He said that much of the Council's decisions are based on bad information and "green" agendas. He said he thinks that they are going into a mini ice age and there will be solar flares for the next 10-15 years. He said, the Council should consider this in their future deliberations.

Adoption of Consent Calendar

1) Approval of Minutes
   a) December 12, 2011, City Council and Planning Commission Joint Meeting.
   b) November 4, 2013, City Council Work Session.
   c) December 11, 2013, City Council Regular Session.
2) Authorizing the Chief of Police to sign ongoing undercover police vehicle operating lease contracts with Enterprise. RES. NO. 6296
3) Authorizing the City Manager to execute an abandonment and termination of easement document at 3015 Salem Avenue SE.

RES. NO. 6297

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

Reports

Replacing police vehicles.

Police Chief Mario Lattanzio said although Council approval is not required, he wants to be transparent with funds so is letting them know about what they are doing at the Albany Police Department (APD).

Lattanzio said APD will be replacing vehicles: two trucks for Community Resource staff, three detective vehicles, and one for the administrative fleet. In addition to using the state contract they are also taking advantage of low bids in the community to allow local businesses to participate. They looked at state contracts and local bids. The quotes are in the staff report. There is one change; the Whitman Dodge from Salem offered a quote that was $1,000 less.

Kopczynski asked about the cost to add lights. Lattanzio said it varies depending on the type of vehicle and gave examples. This will be paid from out of the Equipment Replacement fund.

Olsen asked if any of the vehicles are four-wheel drive. Lattanzio said they usually buy all-wheel drive vehicles. The Explorer has it, though he doesn't have that information about the others vehicles with him. Lattanzio said they have chains which were used during the snow storm. They didn't have a problem getting around.

Olsen said that during the snow, APD helped some folks stuck in the St. Mary's parking lot. Lattanzio said the officers helped lots of folks get their cars dug out and moving again.

Coburn noted that the retired vehicles are Fords and the replacement vehicles are a variety. He asked if there was and advantage or disadvantage to that. Lattanzio said the Ford Escapes are moving from the detective unit to the administrative fleet, and the detectives will be using different models for surveillance. The order will be placed shortly.

Purchasing John Deere Gator police utility vehicle.

Lattanzio said APD will be purchasing a John Deere Gator. On January 3, Sergeant Jerry Drum borrowed a gator from the Parks & Recreation Department with the goal to go into trail areas and check on the transient camps. It is difficult getting into those remote areas on bike or foot, and if the officers encounter someone that should be arrested there is no way to transport them out other than walking. The solution was to purchase a four seat gator for easier transportation.

Lattanzio said they also found a stranded dog that APD staff was able to reunite with its owner. They also identified transient camps that they were unaware existed and were able to clean them up. It is a better use of officer time and allows them to go out there more frequently.

Lattanzio said the APD gator can also be used to support summer events. APD will be selling a motorcycle and the funds from that will help to offset the gator purchase.

2012-2013 Audit Report.

Kopczynksi said the Audit Committee met. He reported that the City of Albany received a clean audit. Request For Proposals (RFPs) for audit services is underway.

Kopczynski said the auditor did bring up serious concerns going forward in 1-1.5 years regarding with Government Accounting Standards Board (GASB) pronouncements, which will affect all cities across the nation; staff will elaborate.

Finance Director Stewart Taylor said he appreciates the Council members who serve on the Audit Committee. The City recently completed the audit for Fiscal Year 2012-2013. An area of concern is not with the current audit, but with future GASB regulations coming in 2015. The issue for Oregon cities and cities in most states is the unfunded liability that most state retirement systems have. In Oregon, the Public Employees Retirement System (PERS) liability is shared by all participating agencies. GASB wants each reporting agency to identify its piece of the total liability. The difficulty is that agencies do not know what that number is. It would require an actuarial study of the demographics of PERS and then the individual agencies. GASB wants a number that is currently not an audited number. The concern for the auditors is that they could not give a clean opinion based on a number that would be actuarially determined. This could impact Albany's history of receiving the Government Finance Officers Association (GFOA) awards. Taylor said this is a concern for all cities, and there is legislation being proposed now in Oregon to allow PERS to charge cities to do the actuarial study. Taylor is not sure how it will come out.

Hare said much of this has grown out of serious problems that some states have had funding their pension plans. However, Oregon does very well and is either second or third in the nation in terms of percentage of liability funded, which is at about 80%. The nature of the funding changes relative to what happens in PERS investments. More than 65% of the money in PERS is investment earnings. It is a very difficult issue to grapple with at the local level. Hare hopes that the state comes up with a rational response.

Collins asked who GASB is and if they are fabricating standards with no substance. Taylor said they make standards to provide transparency for readers of the documents. Taylor described GASB, GFOA, and others associations that set standards for accounting. GASB has new standards annually that cities must meet.

Hare said the purpose of GASB is because there are some cities that do not behave responsibly and are in bankruptcy or unable to fund their liabilities, or were not reporting accurately or transparently to their citizens. That has not been the case in Oregon, a state with a good record of managing liabilities. In fact, there were significant changes to PERS in 2003 and 2013. There are reasons for GASB, but Hare hopes that between now and implementation of the new rule, they can work out some compromises.

Kellum asked how the City can plan for its liability if it can't be identified. Taylor said, Albany's approach to fund the liability is to pay-as-we-go. For example, PERS costs are funded in each year's budget. What is not funded is the future liability, but it would still be funded in that year by the pay-as-we-go system. Taylor said another purpose of GASB is to lend consistency across agencies, so that City of Albany's financial reports look similar to other cities. The standard establishes how the information is reported. The annual report is the City's auditor giving their opinion of how accurately the City's records reflect the actual position of the City and if it is presented according to GASB standards.

Taylor noted that this audit was the final year under contract by Boldt, Carlisle & Smith. The City put out a RFP and received six responses, though the sixth was late and could not be accepted. Budget Committee Chair Sue Folden is also the Audit Committee Chair, and participated in the review of the proposals and the interviews with the finalists. The recommendations from the RFP will be presented at the next City Council meeting.

Olsen asked if GASB applies to the Budget document. Taylor said no; the Budget is regulated under Oregon Local Budget Law.

BUSINESS FROM THE COUNCIL

Johnson offered thanks to the Fire Chief and Police Chief for the great job their staff did during the snow storm. It is good to know the City has professionals who can handle tough situations. Public Works street and operations crews also did well.

Shepard gave an update on the pedestrian crossings on Santiam Highway. ODOT approved the flashing lights for the crossing on Bain Street. On Davidson Street, they are holding back because of issues with the progression of signals. Staff will continue to work on the issue. He recommends that staff move forward with design for Bain Street.

Shepard said the Capital Improvement Program (CIP) included a crossing at Waverly Street and 22nd Avenue. All three crossings are in the Budget, so they could add the crossing at Geary Street and about 11th Avenue or 12th Avenue this year, and then do those on Santiam Highway next year. It still has to go through the permit process with ODOT. Construction should begin this summer.

NEXT MEETING DATE: Work Session February 24, 2014
Regular Session February 26, 2014

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:08 p.m.

Respectfully submitted,

Mary A. Dibble, MMC
City Clerk

Reviewed by,

Stewart Taylor
Finance Director

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, February 24, 2014
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 Floyd Collins, Bessie Johnson, Rich Kellum, Ray Kopczynski, and Dick Olsen

Councilors absent: Councilor Bill Coburn (excused)

BUSINESS FROM THE PUBLIC

There was none.

MUNICIPAL COURT ANNUAL REPORT

Municipal Court Judge Robert Scott drew attention to "Albany Municipal Court Judge's Annual Report for the Calendar Year 2013" [see agenda file]. He said that the figures in the report are self-explanatory. There was a reduction in traffic violations and total cases filed in Municipal Court between 2008 and 2012, and a modest but significant reversal of that downward trend in 2013. While there is no hard data, his perception is that there appears to be a stronger police presence in the City than there was a year ago, and it is his opinion that is the reason for the recent increase in violations. He believes that rigorous enforcement of traffic violations will save accidents.

Scott said there was an increase in criminal cases last year, some of which were due to the new ordinance related to possession of alcohol in public. Shortly after Police Chief Lattanzio came to the City, he set up meetings with City and Linn County personnel and presented proposed ordinances dealing with depositing waste and with possession or consumption of alcohol in public. During those discussions, Scott said that if the ordinances passed, he would sentence violators to 24 hours in jail. That has come to pass, the word has gotten out, and there is now a dramatic difference in the visibility of public drinking. Scott reviewed the revenue comparison by calendar year. If cases continue at the rate they are currently being filed, he would expect an increase in revenues in 2014. He said the Court has the proper relationships with the Police, City Attorney, defense attorneys, defendants, and general public. He expressed appreciation for the opportunity to serve as Albany's Municipal Court Judge.

Konopa said she appreciates that the Judge is working with the Police and the City Attorney on the new ordinances. She said the ordinances have made a positive difference in the community and have also helped individuals deal with their issues and move forward in a positive manner.

Councilor Bessie Johnson asked if the current staffing is sufficient. Scott said he doesn't think there is need for additional staff in Municipal Court at this time.

Councilor Rich Kellum asked if the Judge had insight on how the ordinances have affected the issue of people obstructing traffic. Scott said that those who were causing problems under the overpass were also frequently drinking, and the ordinance dealing with public drinking has been effective in reducing that activity.

Johnson asked for an update on the red light camera at Queen Street and Geary Street. Hare said that people appear to adjust their behavior and the data backs that up. The first year the camera was in place, more than 1,000 citations were issued, and the most recent data shows fewer than 500 citations issued. He understands that the company the City contracts with has had some internal conflict but the independent annual audit of the program has shown no problems to the best of his knowledge.

Johnson asked if most of those who are ticketed due to the red light camera are convicted. Scott said that officers will play the video for those who come to the hearing and that he offers to review the video for those who have questions about their guilt. The videos are very good, and the majority of the time they show that the citation is appropriate. There have been cases where he found the person came to a brief stop and dismissed the case.

Finance Director Stewart Taylor presented Scott with a coffee mug to commemorate his five-year anniversary as an employee of the City of Albany.

Konopa said that the contract renewal for Scott and the resolution for Pro Tem Judges will be on the February 26, 2014, Consent Calendar.

REVIEW OF TOURISM PROMOTION ACTIVITIES

Parks & Recreation Director Ed Hodney gave a PowerPoint presentation [see agenda file]. Hodney said staff was asked to present a summary briefing on the tourism expenditures associated with the Transient Lodging Tax (TLT).

Representatives from the Albany Downtown Association (ADA) and the Albany Visitors Association (AVA) were also present to speak to their activities and answer any questions specific to their programs. Hodney said that Albany Municipal Code Chapter 3.14 gives authority and establishes the formula for allocation of TLT funds. By policy "Existing" programs are funded at base plus up to 3% increase annually if TLT revenues are sufficient to cover the increase. "New" programs support and promote tourism development and annual funding may increase or decrease depending on available revenues after obligations to "Existing" programs are met. He reviewed the "Existing" programs (ADA, AVA, Albany Economic Development District (AMEDC), and Albany Airport Capital Reserve) and the "New" programs (Northwest Art & Air Festival, Trolley operations and maintenance, Albany Main Street Program development, Public Safety reimbursement, Veterans Day Parade, Monteith House Capital Reserve, and Collaborative Tourism Promotion) and their allocations for 2014, as detailed in the presentation. He said that the Collaborative Tourism Promotion (CTP) program is jointly managed by a committee of the ADA, AVA, Linn County Expo, and Parks & Recreation which reviews and approves funding requests. He reviewed the requests approved to date by the CTP Committee as shown in the presentation.

ADA Executive Director Rod Porsche distributed and reviewed *Albany Downtown Association Goals & Objectives* [see agenda file] and a map of the ADA area [see agenda file]. He said the ADA's mission is "to promote the economic well-being of downtown by promoting, sponsoring, and facilitating cultural, employment and commercial revitalization of historic downtown." He said the ADA accomplishes their mission following the four-point Main Street approach which includes promotions, design, economic development and organization. The ADA has a staff of three – the Executive Director, Office Manager, and a Parkwise Officer. The ADA oversees the Parkwise program on behalf of the City. The ADA works to encourage out-of-area visitors through activities such as hosting conferences. The Oregon Heritage Conference will be held in April and the ADA is taking the lead to help ensure this statewide group discovers all there is to do and see in Albany and the surrounding areas. The trolley shuttle from hotels and the Expo to historic downtown is effective in enhancing visitors' experience and exposing local businesses to new customers.

Kellum said it is his understanding that there are new restrictions on how TLT dollars can be used. City Attorney Jim Delapoer briefly reviewed applicable state law and Konopa said that the City Council made sure they were complying with state law when they made changes to the program.

Councilor Floyd Collins asked what other funding sources the ADA has. Porsche said that they receive funding for the Albany Main Street Program, some Economic Improvement District (EID) funds, and they have 110 merchant members who contribute various amounts based on the size of the business. In response to an inquiry from Konopa, Porsche said he has sound direction on what will be reimbursed under the Main Street Program.

Rebecca Bond, AVA, distributed and reviewed information about her organization [see agenda file]. She distributed a brochure and copies of articles about Albany that have run in *Northwest Travel* and *Parade* magazines [see agenda file]. She said the AVA is the official marketing arm of the City and is charged with marketing Albany, area attractions, historic resources, and events for leisure tourism and group travel. AVA's mission is "to grow the economic impact of tourism through enriching local experiences." They carry out their mission by encouraging overnight stays and visitor expenditures; seeking new tourism opportunities; promoting the surrounding area; assisting visitors in discovering activities; and supporting events, attractions, and facilities. She reviewed AVA activities and partnerships as detailed in the written information.

Jennifer Rouse, AVA, said the AVA works collaboratively with a number of regional and statewide partners to reach a larger audience. Albany and Linn County are featured on the Willamette Valley Visitors Association (WVVA) website and are featured in articles facilitated by WVVA marketing efforts and in paid WVVA advertisements. An article in the March/April issue of *VIA* magazine will feature a road trip through the Willamette Valley and will include a section on things to do in Albany. AVA partners with Travel Oregon and is able to access that organization's resources. AVA also has local partnerships. Tourism in Oregon is a $9.2 billion industry, directly generating 91,100 jobs and indirectly creating another 41,000 jobs statewide.

Collins asked if the AVA has other funding sources. Rouse said that other than the TLT funding, they receive revenue from other Linn County jurisdictions that are billed directly for her activities.

Collins asked if the AVA tracks the amount that is spent outside of Albany. Bond said that the AVA's Executive Director has estimated that between one-third and one-half of AVA's programs market all of Linn County. Konopa noted that the TLT funds provided to AVA by the City of Albany benefit the entire county. She asked if AVA receives funds from Linn County. Bond said no, but the organization partners with the Linn Expo in a variety of ways.

Collins suggested that future reporting on this program should include more information about the services provided outside of the City of Albany to the greater area.

Johnson asked if there have been requests for TLT funds from the Linn County Expo. Hodney said that a request from the Expo for $5,000 for ads for a marketing event was granted in Fiscal Year 2012-13, and a request for $1,000 for rent inside the Expo Center was declined. Staff has encouraged Expo Center staff to be more aggressive with their requests. Johnson requested that staff provide information about the all the requests that have been made to the CTP Committee, including those that were rejected.

Konopa thanked staff and the ADA and AVA representatives for their presentations and for their successful efforts.

CRIME UPDATE

Police Chief Mario Lattanzio gave a Power Point presentation on Crime and Officer Workload [see agenda file]. He said that FBI UCR Part 1 Crimes include violent crimes (homicide, rape, robbery, aggravated assault) and property crimes (arson, burglary, larceny, stolen vehicles). All other crimes, including drug offenses, are Part 2 crimes. He reviewed spreadsheets showing COMPSTAT: UCR Part 1 Crime statistics for Albany. In 2013, the actual reduction in Part 1 crimes was 8.9 percent as compared to 2012. In this community, there is very little violent crime and more property crime. He showed graphs of Part I Violent Crime and Part I Property Crime in Albany as compared to the state, the region, and the nation from 1998 to 2013. He showed graphs of 2012 Part I Violent Crime and Part I Property Crime statistics in Albany as compared to other cities in Oregon. Albany was shown to have the lowest Part I Violent Crime rate and the third highest Part I Property Crime rates in the comparison. He reviewed the 2012 Sworn Officers and 2012 Part I Crimes per Sworn Officer by community. Albany was shown to have the highest number of Part I crimes per officer in the comparison.

Lattanzio showed a graph of the 20-Year Projected Staff Requirements. The current officer/population rate is 1.18/1,000 and the proposed officer/population rate of 1.34/1,000, a difference of eight sworn officers. He reviewed a reference slide showing the population, number of sworn officers, and Part I crime statistics for Albany and comparable Oregon cities. He reviewed booking issues associated with limited jail space, noting a demonstrated cycle of property crime offenders being arrested and taken to the Linn County jail where they are released due to limited space and then arrested for another offense within a short period of time. He has proposed that a new City facility include a temporary holding facility so that people can be held overnight until they see the Judge.

Councilor Dick Olsen asked how many cells at the County jail are occupied by drug offenders. Lattanzio said he doesn't have that information. Brief discussion followed regarding property crimes in the City and efforts to fill the sworn officer vacancies. Lattanzio said that from the time of vacancy, it takes about a year to hire and train an officer. Hare noted that out of 100 applications received during the last round, only two were eligible for consideration.

RECORDS MANAGEMENT POLICIES REVIEW

City Clerk Mary Dibble drew attention to the staff memo requesting Council's annual review of Records Information Management (RIM) Program policies. She reviewed proposed changes to Policy F-05-08, Public Records Requests, which would prohibit the use of personal external sources for copies of public records and would clarify "Employee Costs" for Level 3 fees. She reviewed concerns that allowing the use of personal equipment to download City records creates a risk for City data. She noted that the Information Technology Department stocks clean USB flash drives and a fee for USB flash drives has been added to the form.

Dibble reviewed proposed housekeeping changes to Policy F-04-08, Identification Theft Protection Policy, as detailed in the memo. There were no changes proposed for Policy F-09-08, Records Management Policy, or Policy F-10-09, Digital Image as Original. A resolution adopting the Public Records Request policy and USB flash drive fee will be on the February 26, 2014, Consent Calendar.

COUNCILOR COMMENTS

Kellum suggested that each Councilor and the Mayor write a check to the Secretary of State's office for payment of the fine assessed to the City Manager, and that the checks be delivered along with a letter of objection. He said the Council directed the action taken by Hare, and he is frustrated by the lack of realistic ability to know where the lines are drawn.

MOTION: Kellum moved that the Mayor and Councilors each write a check for $10.72 payable to the Secretary of State's office to cover the fine assessed to the City Manager, and that the checks be delivered along with a letter of objection. Councilor Ray Kopczynski seconded the motion and it passed 5-0.

Hare said that the Secretary of State's office has rescinded the fine assessed to Management Assistant/Public Information Officer Marilyn Smith, recognizing that she was acting in a clerical capacity. He said he is willing and able to pay the fine, but he will defer to the Council's judgment.

Delapoer said there may be a public interest in fighting the fine. He is concerned that for future ballot measures, staff members will be unwilling to give the Council assistance before clearing it with the Secretary of State's Office, the result being that Council will not be able to rely on staff and may end up with misinformation. He doesn't believe that public employees have surrendered their right to free speech; however, this doesn't get tested because small fines are levied and jurisdictions can't justify the expense of fighting them. He estimated that it may cost between $5,000 and $20,000 in legal bills to go through to the Court of Appeals, and he can't say whether or not he would win the case. Council would need to decide if it is worth the expense based on the effect to the organization.

Collins suggested that Council have a conversation with the elected representatives to see if there is interest in taking this back to the legislature for clarification.

Johnson said that Councilors state-wide need to be able to rely on the expertise of their staff. She would support taking legal action.

Kellum said that the system has gigantic flaws; the question is whether to use the City's taxpayer funds to try to fix Oregon's problem.

Olsen said that this is a situation where the people who know what they are talking about are muzzled. He would support taking it to the courts. Brief discussion followed.

Collins suggested that the Council pay the fine with an objection letter and ask the elected officials to encourage the Secretary of State to follow through on a work study group to clarify the entire process.

Hare and Smith expressed appreciation for the Council's support.

CITY MANAGER REPORT

There was no report.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:20 p.m.

Respectfully submitted,

Teresa Nix
Administrative Assistant

Reviewed by,

Wes Hare
City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING AN EXTENDED PROPERTY TAX ABATEMENT AGREEMENT BETWEEN LINN COUNTY, A COSPONSOR OF THE SOUTH SANTIAM ENTERPRISE ZONE, AND SELMET, INC.

WHEREAS, Selmet, Inc., is expanding and investing in plant construction and equipment; and

WHEREAS, Selmet, Inc., intends to add one hundred eighty (180) new employees; and

WHEREAS, Selmet, Inc., anticipates providing average pay and benefits to these employees equal to or greater than 150 percent of the Linn County average, as required under ORS 285C.160; and

WHEREAS, Selmet, Inc., which is locating in the Linn County, has applied to extend the property tax abatement for which it qualifies through its inclusion in the South Santiam Enterprise Zone; and

WHEREAS, the Linn County has requested support of this agreement from the other cosponsors of the South Santiam Enterprise Zone; and

WHEREAS, the Linn County is a cosponsor of the South Santiam Enterprise Zone.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby approves the attached Extended Abatement Agreement.

DATED AND EFFECTIVE THIS 9TH DAY OF APRIL 2014.

_____
Mayor

ATTEST:

_____
City Clerk

Albany-
Millersburg, Oregon
ECONOMIC DEVELOPMENT CORPORATION
435 W First Ave. ▪ P.O. Box 548 ▪ Albany, OR 97321

Memo

Date: March 25, 2014

To: South Santiam Enterprise Zone Co-Sponsors

Roger Nyquist	Linn County
Wes Hare	City of Albany
Linda Kaser	City of Lebanon
Barbara Castillo	City of Millersburg

From: John Pascone, President

Subject: Selmet, Inc. Enterprise Zone Application
For Extended Abatement Agreement

Selmet is planning a $25 million project at their Linn County site. They have completed an Enterprise Zone Authorization Application dated October 31, 2013*. This is a several year project.

Under regular enterprise zone exemption rules the company is required to add 10% to their workforce, which would be 27, the exemption is 3 years. The company plans on hiring over 180 new employees.

For companies that agree to hire and pay wages and benefits in excess of 150% of Linn County's Average Annual Wage, the firm can qualify for an additional 2 years.

Attached is a draft resolution which needs to be passed by each co-sponsor. The zone manager (me) and the county assessor's representative (Gene Johnston) cannot officially approve the company's application until the extended resolution is approved by the co-sponsors.

Please contact me if you have any questions. When you have the matter scheduled let me know and if desired, I could attend to present it on behalf of the company.

Thank you,

John

Agreement for Oregon Enterprise Zone Extended Abatement

AGREEMENT WITH THE SOUTH SANTIAM ENTERPRISE ZONE SPONSORS TO EXTEND PROPERTY TAX EXEMPTION TO FIVE CONSECUTIVE YEARS IN TOTAL FOR CAPITAL INVESTMENT BY SELMET, INC.

The sponsors of the South Santiam Enterprise Zone comprising the governing bodies of the Cities of Albany, Lebanon, Millersburg and Linn County (hereinafter "The Zone Sponsor") and Selmet, Inc. (hereinafter "The Firm") do hereby enter into an agreement for extending the period of time in which The Firm shall receive an exemption on its investment in qualified property in the South Santiam Enterprise Zone contingent on certain special requirements, under ORS 285C.160 (2003).

The Zone Sponsor and The Firm jointly acknowledge: that subject to submission and approval of an application for authorization and the satisfaction of other requirements under ORS 285C.050 to 285C.250, The Firm is eligible for three years of complete exemption on its qualified property; that nothing in this agreement shall modify or infringe on this three-year exemption or the requirements thereof, and that this agreement becomes null and void if The Firm does not qualify for these three years of the exemption.

The Zone Sponsor extends The Firm's property tax exemption an additional two years on all property that initially qualifies in the South Santiam Enterprise Zone in the assessment year beginning on January 1, 2016 and, thus, sets a total period of exemption of five consecutive years during which statutory requirements for the standard three-year enterprise zone exemption must also be satisfied and maintained.

CONFIRMATION OF STATUTORY PROVISIONS
In order to receive the additional two years of enterprise zone exemption granted herein, The Firm agrees herewith under 285C.160(3)(a)(A) that for each year of the entire exemption period, all of The Firm's new employees shall receive an average level of compensation equal to or greater than 150 percent of the county average annual wage, in accordance with the specific definitions and guidelines in Oregon Administrative Rules (OAR), Chapter 123, Division 65 (123-065-41##), which provides that:

1. Such compensation may include non-mandatory benefits that can be monetized;
2. The county average annual wage is set at the time of authorization, except as pursuant to ORS 285C.160(4), according to the 2014* Linn County average annual wage rate of $ 36,987 for which 150 percent equals $ 55,481.

* Note: 2014 is the year this rate applies; it is published by the Oregon Employment Dept. as Average Annual Wage by County- 2012.

3. Only employees working at jobs filled for the first time after the application for authorization but by December 31 of the first full year of the initial exemption and performed within the current boundaries of the South Santiam Enterprise Zone are counted; and
4. Only full-time, year-round and non-temporary employees engaged a majority of their time in The Firm's eligible operations consistent with ORS 285C.135 & 285C.200(3) are counted, regardless if such employees are leased, contracted for or otherwise obtained through an external agency or are employed directly by The Firm.

LOCAL ADDITIONAL REQUIREMENTS
For The Firm to receive the additional two years of enterprise zone exemption granted herein, The City of Albany, a Zone Sponsor and The Firm agree that no additional requirements in addition to statutory requirements are being requested by The Zone Sponsor under ORS 285C.160(a)(B).

ACCEPTING FOR LINN COUNTY, A ZONE SPONSOR OF
THE SOUTH SANTIAM ENTERPRISE ZONE:

_____

ACCEPTING FOR SELMET, INC.:

_____

The other Zone Sponsors; City of Lebanon, City of Millersburg and Linn County approve this Agreement by passing separate Resolutions. Copies of which are attached.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING DEDICATION DEED:

Grantor	Purpose
School District No. 34 of Benton County, Oregon (Greater Albany Public School District)	A variable-width right-of-way along North Albany Road and East Thornton Lake Drive required for the construction of street improvements as part of ST-13-03, North Albany Road Rehabilitation.

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

DATED AND EFFECTIVE THIS 9TH DAY OF APRIL 2014.

_____
Mayor

ATTEST:

_____
City Clerk

RIGHT-OF-WAY DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that School District No. 34 of Benton County, Oregon (Greater Albany Public School District), hereinafter referred to as Grantor, hereby dedicates to the City of Albany, a Municipal Corporation, hereinafter called "City" for right-of-way purposes, portions of that real property situated in Benton County, Oregon, conveyed to Grantors by deed recorded on Book 47 Page 252 and Book 165 Page 588, Benton County deed records, and being more particularly described as follows:

> A piece of land in Section 36 of Township 10 South in Range 4 West of Willamette Meridian, City of Albany, Benton County, Oregon as described in the attached Exhibit A, as shown on the attached map labeled Exhibit B and the attached vicinity map labeled Exhibit C.

The Grantor covenants that they are lawfully seized and possessed of the real property above described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the same against all persons who may lawfully claim the same.

The right-of-way dedicated herein is in consideration of $28,525.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.

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

GRANTOR:

School District No. 34 of Benton County, Oregon
(Greater Albany Public School District)

By: Russell Allen
Title: Business Director for Greater Albany Public School District

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

The foregoing instrument was acknowledged before me this 11 day of March, 2014, by Russell Allen, Business Director for the Greater Albany Public School District, on behalf of the school district, as his/her voluntary act and deed.

Notary Public for Oregon
My Commission Expires: 12-25-2017

OFFICIAL SEAL
DUSTIE L BRANTON
NOTARY PUBLIC – OREGON
COMMISSION NO. 923296
MY COMMISSION EXPIRES DECEMBER 25, 2017

CITY OF ALBANY:

MD

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

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2014.

MD

Wes Hare MD
City Manager

OFFICIAL SEAL
MARY A DIBBLE
NOTARY PUBLIC – OREGON
COMMISSION NO. 473007
MY COMMISSION EXPIRES DECEMBER 05, 2016

ATTEST:

Mary S. Dibble
City Clerk

3/20/2014
Council has not approved Resolution yet.

CITY OF ALBANY:

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

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2014.

_____
City Manager

ATTEST:

_____
City Clerk

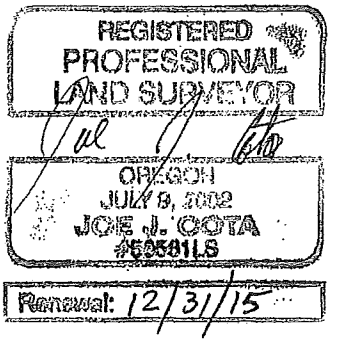
EXHIBIT "A"

Legal Description

North Albany Road Dedication

A Tract of land to be dedicated as public right-of-way located over portions of the School District No. 34 properties described by deeds recorded in Book 126, Page 588 on June 7, 1949 and Book 47, Page 252 on November 19, 1907, said Tract being more particularly described as follows:

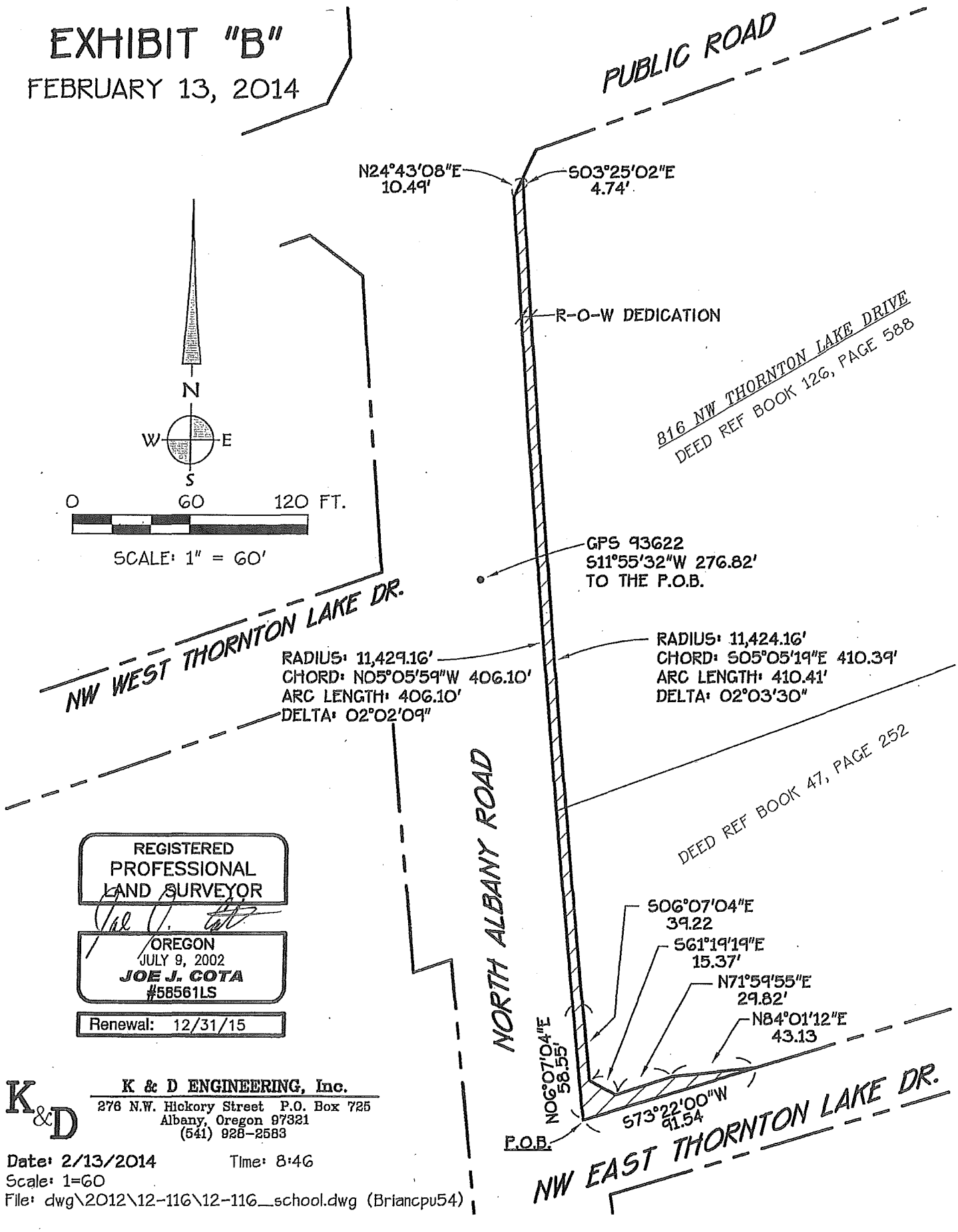
Beginning at a point at the intersection of the east right-of-way line of North Albany Road with the north right-of-way line of NW East Thornton Lake Drive which point being South 11°55'32" West 276.82 feet of a 2 inch aluminum cap in a monument box at City of Albany GPS Station 93266; thence North 06°07'04" East, along said east right-of-way line, 58.55 feet; thence along said east right-of-way line, on an arc of a 11,429.16 foot radius curve to the right (long chord which bears North 05°05'59" West 406.10 feet) a distance of 406.10 feet; thence North 24°43'08" East, along said east right-of-way line, 10.49 feet; thence South 03°25'02" East 4.74 feet; thence along a line that is parallel to said east right-of-way line, on an arc of a 11,424.16 foot radius curve to the left (long chord which bears South 05°05'19" East 410.39 feet) a distance of 410.41 feet; thence South 06°07'04" West, parallel to said east right-of-way line, 39.22 feet; thence South 61°19'19" East 15.37 feet; thence North 71°59'55" East 29.82 feet; thence North 84°01'12" East 43.13 feet to a point on said north right-of-way line; thence South 73°22'00" West, along said north right-of-way line, 91.54 feet to the POINT OF BEGINNING.



February 12, 2014
EXHIBIT "A"
NORTH ALBANY ROAD DEDICATION
(12-116) JJC:ls
File Ref: z:/projects/2012/12-116/surveying/documents/exhibit-816.doc

EXHIBIT "B"

FEBRUARY 13, 2014



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
JOE J. COTA
#58561LS

Renewal: 12/31/15

K&D

K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

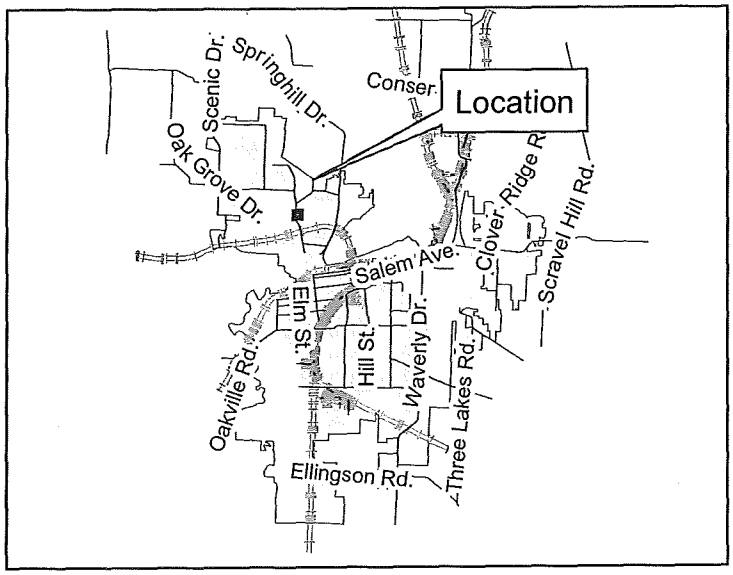
Date: 2/13/2014 Time: 8:46
Scale: 1=60
File: dwg\2012\12-116\12-116_school.dwg (Briancpu54)

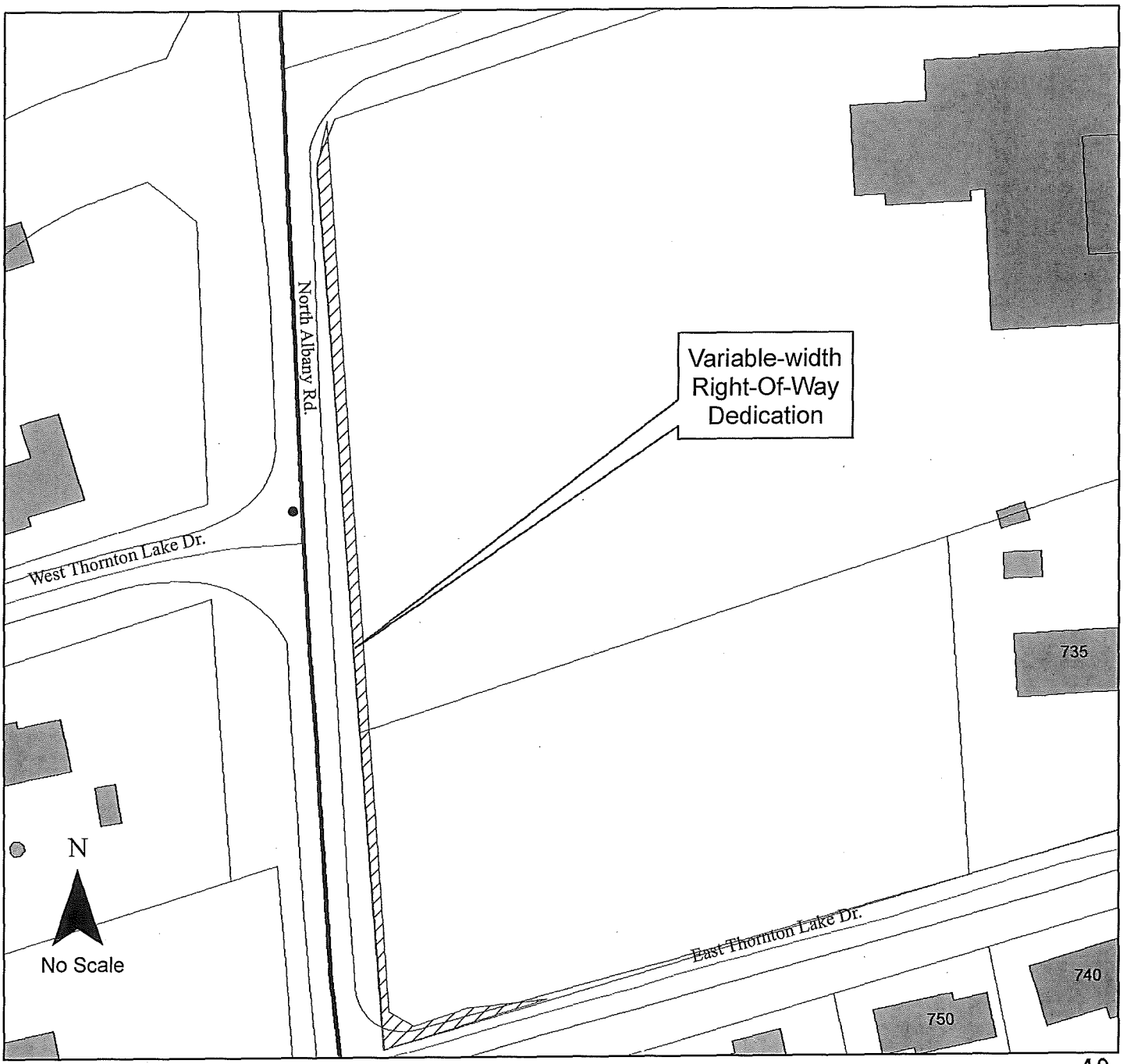
EXHIBIT C

10S04W36DD00700 - 00800

A variable-width right-of-way
along North Albany Road and
East Thornton Lake Drive required
for the construction of street imporvements
as part of ST-13-03, North Albany Road
Rehabilitation

Geographic Information Services





L:\richardm\.mxd

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor	Purpose
Hayden Homes, LLC	A 5-foot by 4.5-foot triangular pedestrian ramp sidewalk easement on the northeast corner of Hill Street and Tudor Place, as part of the Plum Tree Estates subdivision project.

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

DATED AND EFFECTIVE THIS 9TH DAY OF APRIL, 2014.

_____
Mayor

ATTEST:

_____
City Clerk

EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 24th day of March, 2014, by and between **Hayden Homes, LLC**, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

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

This agreement is subject to the following terms and conditions:

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

   A 5-foot by 4.5-foot triangular pedestrian ramp sidewalk easement on the northeast corner of Hill Street and Tudor Place, as part of the Plum Tree Estates subdivision project.

   See legal description on attached Exhibit A and maps on attached Exhibit B and Exhibit C.

2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.

3. The easement granted is in consideration of $1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.

4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

5. Upon performing any maintenance, the City shall return the site to original or better condition.

6. No permanent structure shall be constructed on this easement.

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

GRANTOR:

Travis Mills

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

The foregoing instrument was acknowledged before me this 24th day of March, 2014, by, Travis Mills (Title) Senior Project Manager on behalf of Hayden Homes, LLC, as his/her voluntary act and deed.

OFFICIAL SEAL
KAREN S WILLIAMS
NOTARY PUBLIC – OREGON
COMMISSION NO. 469787
MY COMMISSION EXPIRES AUGUST 13, 2016

Karen S. Williams
Notary Public for Oregon
My Commission Expires: 8-13-16

CITY OF ALBANY:

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

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2014.

_____
City Manager

ATTEST:

_____
City Clerk

Exhibit A

Legal Description for pedestrian ramp sidewalk easement

A 5 foot by 4.5 foot triangular sidewalk easement lying over the southwest corner of Lot 1, Plum Tree Estates, in the SW 1/4 Section 18, T11South, R3West, Willamette Meridian, City of Albany, Linn County, Oregon, more particularly described as follows;

Beginning at a point on the west property line of Lot 1, Plum Tree Estates, said point being N01°16'30"W 4.5 feet from the southwest corner of Lot 1; thence S01°16'30"E 4.5 feet to the southwest corner of Lot 1; thence N88°56'31"E 5.0 feet along the south property line of Lot 1; thence N49°10'05"W 6.74 feet to the point of beginning. As shown on the attached maps labeled Exhibit B and Exhibit C, attached hereto and made a part hereof this description.

The bearings used in this easement were based on Linn County, Oregon, County Survey Number 25640.

Exhibit B - Map of Pedestrian Ramp Sidewalk Easement

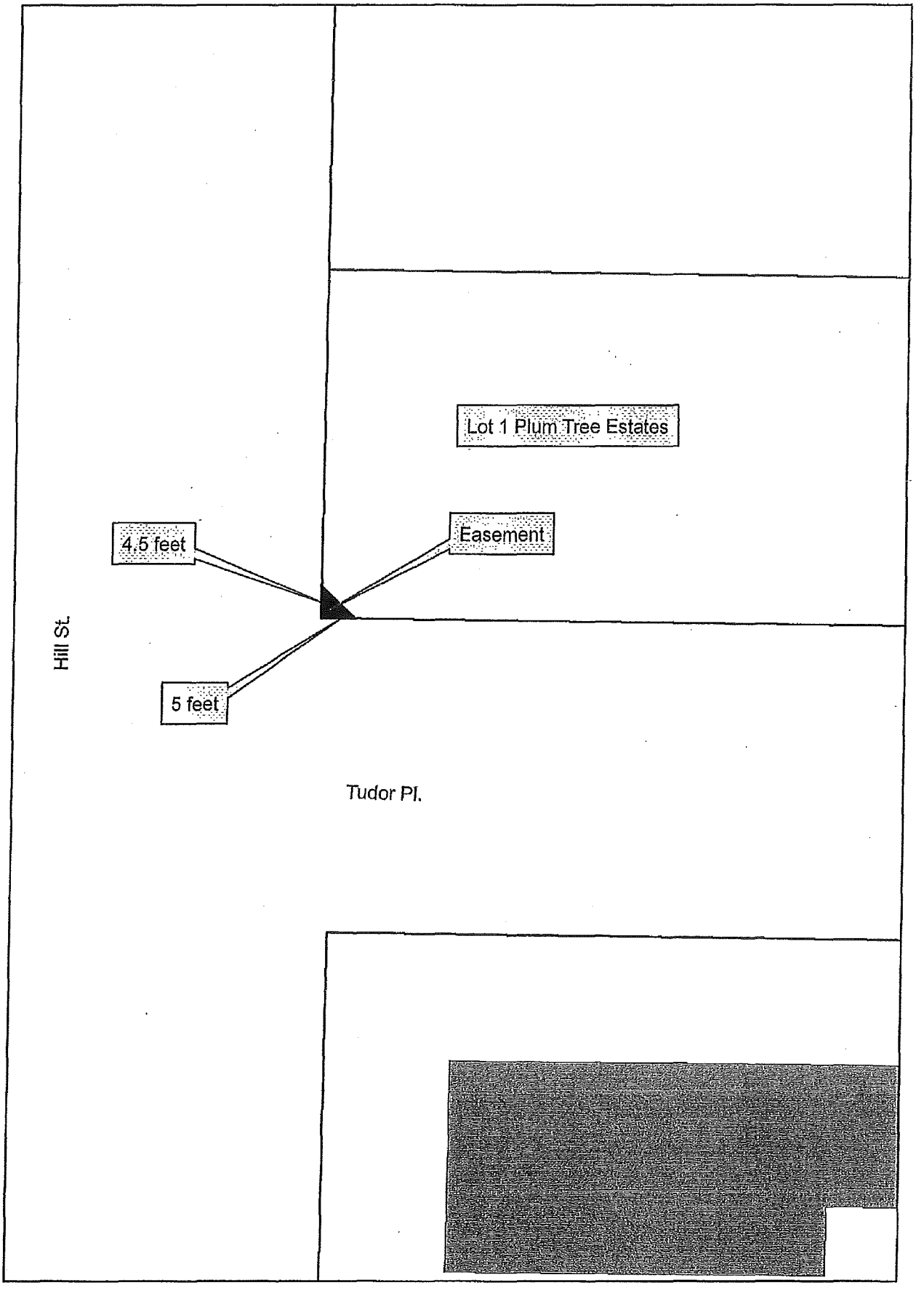
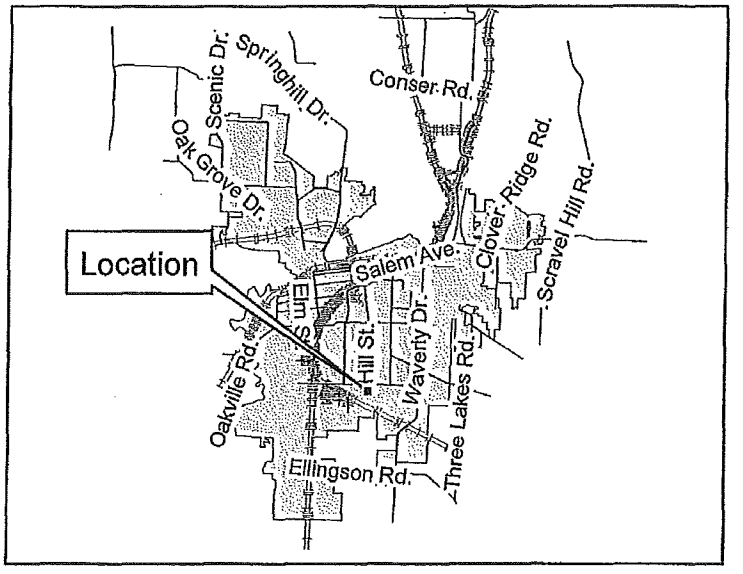


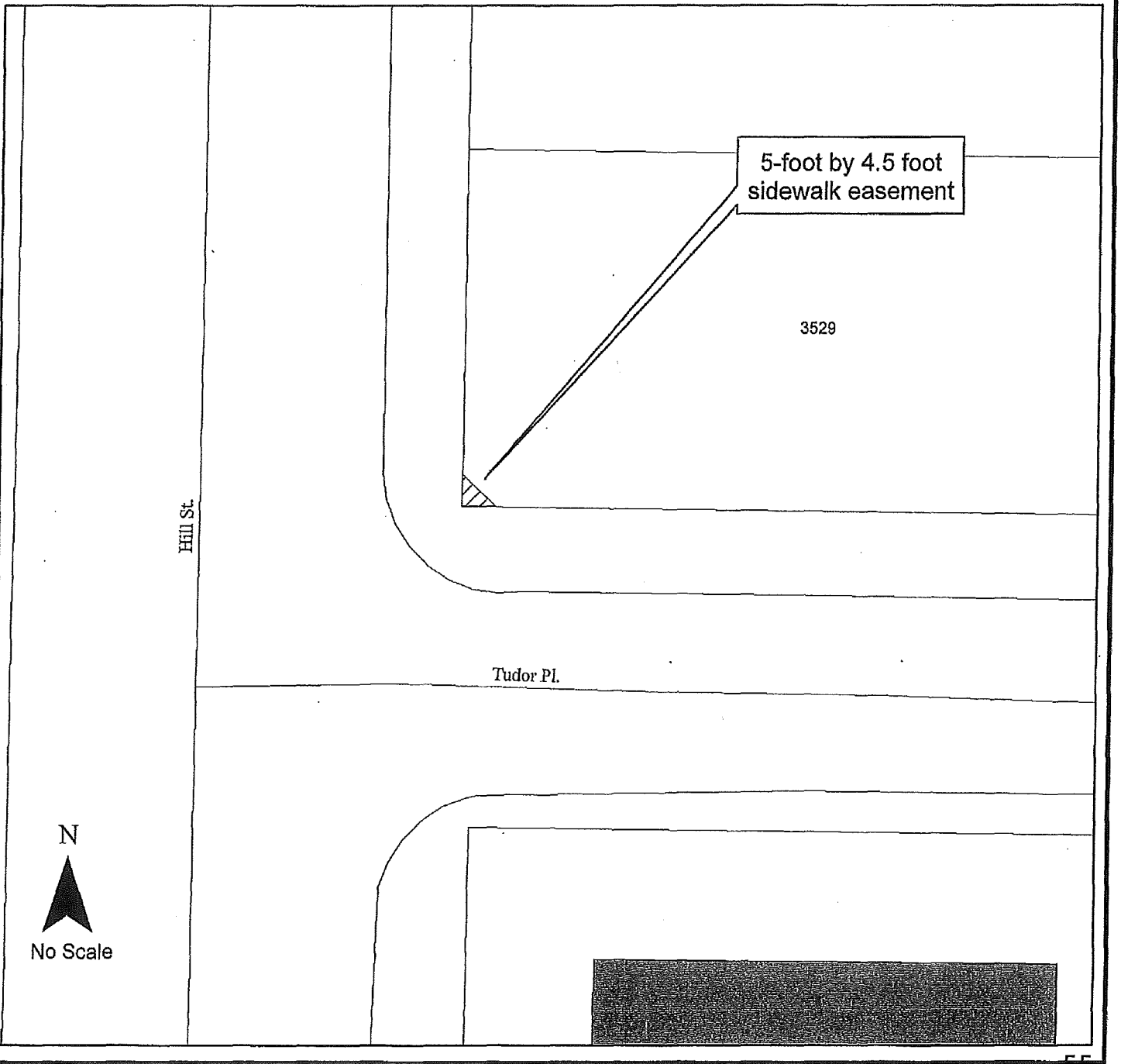
EXHIBIT C

11S03W18DD00400

A 5-foot by 4.5-foot triangular pedestrian ramp sidewalk easement on the northeast corner of Hill Street and Tudor Place, as part of the Plum Tree Estates subdivision project.



Geographic Information Services



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TO: Albany City Council

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

FROM: Anne Catlin, Planner III alc

DATE: April 2, 2014, for the April 9, City Council Meeting

SUBJECT: Community Development Block Grant 2013-2014 Funding Awards

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Staff recommends that Council approve 2013-2014 funding allocations for two Community Development Block Grant (CDBG) programs - Public Services and Homeless Housing. The Community Development Commission reviewed multiple applications for these funds and recommends funding as presented in the memo below.

Discussion:

Last summer the City Council adopted a five-year 2013-2017 Consolidated Plan and 2013-2014 Annual Action Plan. Both plans are a requirement of the CDBG program and identify needs to be addressed with CDBG funding.

The 2013-2014 Action Plan allocated $60,300 for Public Services programs and $32,000 for Homeless Housing; however, the specific agencies and programs were not identified in the plan since there was not enough time to solicit applications prior to the required deadline for submitting the plan to the Housing and Urban Development program (HUD). The Community Development Commission (CDC) solicited applications from area service agencies earlier this year for these programs. The CDC evaluated the applications against the needs identified in the City's plan and has recommendations for grants to several agencies.

Funding allocations for the 2014-2015 program year will be included in the 2014-2015 Annual Action Plan, which will be reviewed at the April 23, 2014 Council meeting.

Public Services: Public Services grants are available to assist Albany's low-income, special needs, and homeless populations. The CDC received grants from nine agencies. The CDC recommends allocating $60,300 to the following two agencies and programs in 2013-2014:

Agency and Program	2013-14 Funding
Family Tree Relief Nursery – Home-Based Infant Abuse Prevention Program	$30,150
Community Services Consortium Youth Build – Job Skills and Housing Rehab	$30,150

A future funding recommendation for the 2014-2015 CDBG funding cycle will include four additional agencies and programs that applied for funds.

Homeless Housing Program: The objectives of the Homeless Housing program are to provide safe emergency shelter for families and/or unaccompanied youth; and to provide permanent supportive or transitional housing to move homeless residents into stable housing.

The CDC received one application for the 2013-2014 program year. The application came from Albany Helping Hands Shelter requesting $32,000. The funding is to enable Albany Helping Hands to make repairs to two houses near the shelter that will provide supportive transitional housing for up to 6 total people. The program will provide case management and support services over a 12 month period to help shelter clients gain skills and confidence to successfully move into permanent housing.

The CDC recommends awarding the $32,000 allocated in the Homeless Housing Program to Albany Helping Hands for this project. Contracts will not be signed until Albany Helping Hands is current on any outstanding loans owed to the City and the required environmental review is completed on the project.

Staff anticipates providing the Council with funding recommendations for all CDBG programs in the 2014-2015 fiscal year at the April 23, 2014 Council Meeting along with the proposed 2014-2015 Annual Action Plan.

Budget Impact:

The funds for these grants were appropriated in the City's 2013-2014 fiscal year budget.

AC:er

TO: Albany City Council

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

FROM: Jeff Blaine, P.E., Assistant Public Works Director/City Engineer JB
Ron Irish, Transportation Systems Analyst R.I.

DATE: March 31, 2014, for the April 9, 2014, City Council Meeting

SUBJECT: Water Avenue Streetscape Plan

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Staff recommends Council, by resolution, amend the Water Avenue Streetscape Plan to open the Hill Street rail crossing and close the Madison Street rail crossing.

Discussion:

A request (Attachment 1) to modify the Water Avenue Streetscape Plan has been received from George Diamond, developer of the Edgewater Village project. The request is to modify the streetscape plan to close the rail crossing at Madison Street and open the crossing at Hill Street. Mr. Diamond is making the request as part of an effort to process an amendment to the land use approval for PD-01-02 that would modify the planned access to and from Edgewater Village. Mr. Diamond believes that Hill Street would make a better entrance into the development than would the Madison Street connection currently envisioned by both PS-01-02 and the streetscape plan. ADC 12.050 requires that all public improvements be designed to comply with adopted facility master plans. In order to comply with ADC 12.050, the Water Avenue Streetscape Plan will need to be amended before the Planning Commission can make a decision on the access modification desired for Edgewater Village.

The streetscape plan was developed with the involvement and cooperation of ODOT Rail and Portland and Western Railroad (PWRR). A primary goal of the plan was to reach agreement with ODOT Rail and PWRR on what rail crossing along the corridor would look like as land located between the rail line and the Willamette River redeveloped and transitioned from industrial to commercial and residential uses. The adopted streetscape plan calls for closure of several at grade rail crossings, including the crossing at Hill Street. Crossing that would remain open, including the crossing at Madison Street, would receive rail crossing improvements when the adjoining land to the north redeveloped. A copy of the streetscape plan showing the adopted plan for the crossings at Madison and Hill Streets is provided on Attachment 2.

ODOT Rail has reviewed the proposed change and indicated that they have no objection. Their primary concern is that the overall number of crossings along the corridor targeted for closure not change, and that crossings designated to remain open be improved when the adjoining parcels redevelop. The modification requested by Mr. Diamond essentially flips the plan for Madison and Hill Streets and will not impact the overall number of crossings that are either closed or improved.

Budget Impact:

None.

RGI:kw
Attachments (2)

ATTACHMENT 1

March 6, 2014

Albany City Council
c/o Ron Irish
PO Box 490
Albany, OR 97321

Dear Ron,

On February 25, 2013, the Planning Commission approved our plan for Edgewater Village. Our approved plan is consistent with designated rail crossings shown on the City's Water Avenue Streetscape Plan. Specifically, Madison Street is the designated rail crossing and Hill Street is not. In our conversations with staff before and after the Planning Commission hearing, we expressed our preference for a rail crossing at Hill Street rather than Madison. We agreed to postpone that discussion. By this letter I am asking the City Council to re-designate Hill Street as a rail crossing in the Water Avenue Streetscape Plan and close Madison Street.

In our plan, Madison Street ends before the last row of homes and narrows to a sidewalk to the riverfront path. However at the end of Hill Street there are no homes and it is wide open. We plan to build a viewing area in this location. Hill Street would make a better entrance into Edgewater Village than Madison Street.

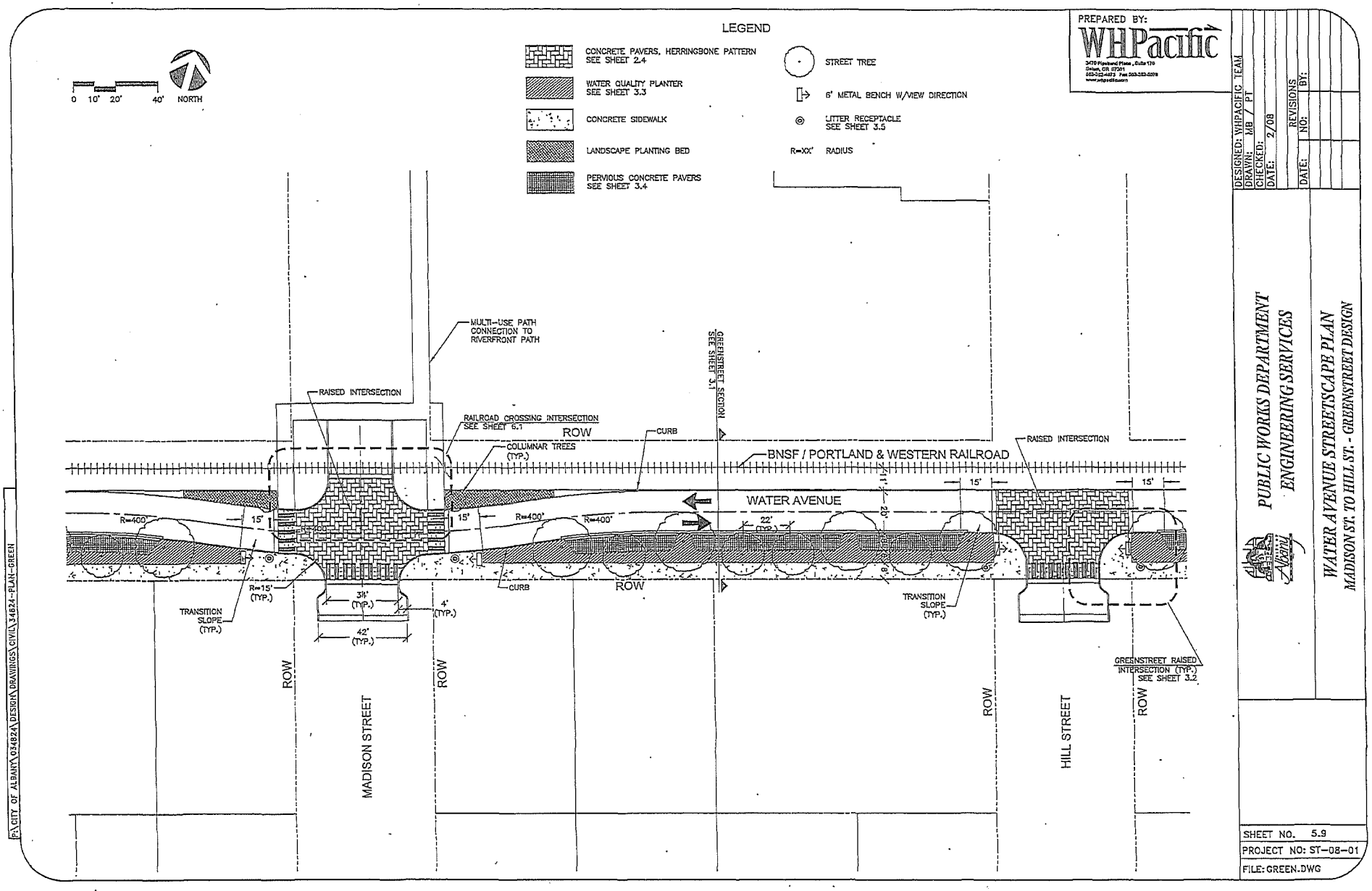
Having a Hill Street rail crossing also extends the activity corridor currently restricted to the block next to Calapooia Brewing. Our friends at Calapooia have been great supporters of our project. If Hill Street is closed, ODOT Rail would require a barricade that even pedestrians could not cross. There is a potential for future growth of this activity corridor if Hill Street becomes the rail crossing, but it is squelched if Hill Street is barricaded.

The changes to the approved plan are relatively minor but require a second approval by the Planning Commission. We have filed the necessary papers with Planning staff to put the question on the Planning Commission docket. I am asking for the approval of both the City Council and the Planning Commission to make this change to the plan for Edgewater Village.

Please set this request for City Council discussion at your next available meeting. I will be there to answer any questions.

Thank you for your partnership in this project.

George N. Diamond
Edgewater Village LLC



ATTACHMENT 2

RESOLUTION NO._____

RESOLUTION MODIFYING THE WATER AVENUE STREETSCAPE PLAN.

WHEREAS, at the City Council meeting of March 26, 2008, the Albany City Council approved a resolution adopting the Water Avenue Streetscape Plan; and

WHEREAS, the Water Avenue Streetscape Plan consists of a detailed plan for street, intersection, and rail crossing improvements along Water Avenue; and

WHEREAS, the Water Avenue Streetscape Plan calls for the closure of the rail crossing at Hill Street and improvement of the rail crossing at Madison Street ; and

WHEREAS, a specific development proposal has been received for the property on the north side of Water Avenue located between Madison Street and Main Street; and

WHEREAS, the City Council has determined that keeping the Hill Street rail crossing open and closing the crossing at Madison would have more public benefit than the original plan for the crossings and intersections.

NOW, THEREFORE, BE IT RESOLVED the City Council does hereby declare that the Water Avenue Streetscape Plan is amended to open the Hill Street rail crossing and intersection with Water Avenue, and that the Madison Street rail crossing and intersection with Water Avenue be closed.

DATED AND EFFECTIVE THIS 9th DAY OF APRIL 2014.

_____
Mayor

ATTEST:

_____
City Clerk