

**DRAFT**



**CITY OF ALBANY  
PLANNING COMMISSION  
City Hall Council Chambers, 333 Broadalbin Street  
Monday, July 23, 2007  
5:15 p.m.**

**MINUTES**

Planning Commissioners present: Paul Davis, C. Jeffery Evans, David Faller, Anne Peltier, Cordell Post, Wayne Rackham, Dala Rouse, Mark Spence, and Michael Styler

Planning Commissioners absent: None

Staff present: City Forester Craig Carnagey, Planning Manager Don Donovan, Infrastructure Analyst Mike Leopard, CARA Administrator Kate Porsche, Community Development Director Helen Burns Sharp, and Administrative Assistant I Tracy Swett

Others present: Approximately 100 people were in the audience, including the applicant and consultants.

**CALL TO ORDER**

Chair Cordell Post called the meeting to order at 5:16 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**QUASI-JUDICIAL PUBLIC HEARING, Case File Number CU-04-07 (53rd Avenue Park)**

Post called to order a public hearing on Planning file CU-04-07, a Conditional Use to construct a 1.8-acre neighborhood park. The location is north of 53rd Avenue, south of Black Bear Avenue, and between Antelope Circle and Deer Run Street. The applicant is the City of Albany Parks and Recreation Department.

Declarations:

Commissioner C. Jeffery Evans declared he lives in the neighborhood, but did not feel his decision would be affected.

Staff Report:

Infrastructure Analyst Mike Leopard summarized the staff report. Showed an aerial photograph of the subject property and surrounding area on the overhead projector (Exhibit A, in agenda file). A public park is a conditional use in single-family zoning districts for which six review criteria must be met in order for the application to be approved. The City may require additional conditions of approval to ensure the criteria are met.

The first criterion addresses that the proposed use is consistent with the intended character of the base zone and neighborhood. The neighborhood is in a RS-6.5 zone, which is intended for single-family development. The City's Park Master Plan describes a "neighborhood park" as those that will provide close-to-home recreational activities. The Plan also says that users of neighborhood parks typically come from within ½ mile of the park, usually arrive on foot or bike, and stay for short-term durations. Staff found criterion one was met without conditions.

The second criterion requires the proposed use be compatible with the surrounding neighborhood in terms of size, building scale, setbacks, etc. Leopard showed the most recent site plan for the proposed park on the overhead projector (Exhibit B, in agenda file). He said this park would have no buildings. Public streets surround the park on all four sides. The proposed basketball courts and play equipment area on the southern side are at least 90 feet from any homes. All other activities on the site will be further than 90 feet from any residences. In order to lessen the impacts on the neighborhood, landscaping is required on the street frontages of the park property. Leopard said the site plan had a conceptual landscaping plan consisting of trees and berms to decrease the visual and noise impacts coming from the park.

Criterion three considers that the transportation system be capable of supporting the proposed use in addition to existing uses in the area. Leopard said a traffic study was not required for the application. Engineering staff estimated the park will generate three vehicle trips on an average weekday and up to 29 trips on an average weekend day. Most of the trips are expected to come from within a ½ mile radius from the park. Due to the existing public streets on all four sides, approximately 36 parking spaces are available on the park side of the surrounding streets which would be sufficient to support the use. The site plan for the park showed concrete sidewalks around the perimeter of the park. Each corner will have standard American Disability Act (ADA) handicapped ramps and wheelchair accessible paths to each play area.

The fourth criterion analyzes the ability of public facilities to support the proposed use, including water, storm sewer, sanitary sewer, police and fire. Leopard said public water is available for the proposed irrigation and drinking fountains. No restrooms are proposed for the site. Emergency services already serve the neighborhood so the park could be easily serviced.

The fifth criterion requires that the proposed use would not have significant impacts with regard to noise, glare, odor, privacy, etc. He said some of the activities like the basketball courts will produce some noise. These areas are located over 90 feet and the noise will be lessened by the proposed landscaping. No lighting was proposed so no impacts from glare are expected. The operational hours of the park will be from dawn to dusk. No unusual odors are expected. Park staff would monitor trash and litter onsite. Staff anticipates the privacy of surrounding homes will not be compromised by the proposed park.

Leopard said the sixth criterion requires the applicant to show that any special features of the site have been adequately considered. Special features may consist of slopes, vegetation, wetlands, etc. Leopard said this site does have wetlands. A previous wetland review of the site in November 2000 stated no jurisdictional wetlands existed on the site. Since that time, the Oregon Department of State Lands (DSL) changed its processes and located jurisdictional wetlands on the east side of the subject site. The park site plan was redesigned to avoid the majority of the wetlands, however a small percentage would have to be mitigated off-site. The Parks Department was working on the state with that issue.

Evans asked if the existence of the wetlands affect the use of the park in any way. Leopard said not to his knowledge, but the application could speak to that issue.

Applicant Testimony:

Planning Commission  
Monday, July 23, 2007

Parks and Facilities Maintenance Manager Craig Carnagey, PO Box 490, said the wetlands would not affect the park use. He said it was a relatively low grade which would be seeded with native grass seed, irrigated, and mowed. Evans asked if there would be no limitations. Carnagey said Evans was correct, it would be considered passive recreational space. Evans asked if there would be disabled parking along the street given the ADA ramps at all four corners of the street. Carnagey said no disabled parking was planned. Evans said the City would then be in violation of the ADA. Carnagey said his understanding was if no off-street parking was provided, no ADA-compliant spaces would be required. He said the department would be open to considering one ADA space on the southern end of the park if the Commission desired it.

Commissioner Paul Davis asked why a bathroom was not included in the plan. Carnagey said during the design process with the neighborhood, the neighbors indicated they did not want a bathroom facility at this location. Commissioner Michael Styler said he had the same question. Post asked if the concern was that a bathroom would be an attractive nuisance. Carnagey said Post was correct.

#### Public Testimony

Larry Martin, 2135 Salmon Court SW, was the current president of the homeowners' association for the surrounding neighborhood and was involved in the initial meetings regarding the park's design. He said the neighbors did request restrooms during the early design meetings. The initial plans showed a port-a-potty location on the south end of the park. In addition, ornamental lighting would be located along the pathway throughout the park. Both the absence of restroom facilities and lighting was a concern.

Diana Edward, 1849 Antelope Circle SW, was in favor of the park, but had questions regarding the wetlands, use of the northwest basketball court after dusk, lack of restrooms, and the type of cement used in the walkways. She said usually wetland grasses are not good play areas for children since they are uncomfortable and tear up easily. She wondered how the area would be watered. The basketball court on the northwest side was directly across from her residence. A street lamp was there that could encourage the court's use after dusk. She asked if there would be a curfew for the park's use. Lack of a restroom facility was a concern. In addition, her mother is disabled and she wondered the type of cement that would be installed around the park and if there would be an area for wheelchairs adjacent to the play area.

#### Applicant Rebuttal:

Carnagey was in extensive communication with the neighborhood from the onset of the project. Several meetings were held and a survey was done to request prioritized amenities within the park. Since putting together the conceptual plan the neighborhood has been kept aware of the progress by posting information on the City Web site, email and phone communications. Carnagey has not heard any opposition via email or phone calls.

Going through the list, the neighbors did not want to see a restroom structure. Discussion did occur regarding temporary toilets, and several neighbors indicated they wanted them to be camouflaged very well. He said if the Commission felt strongly that restrooms should be included, a temporary facility and vegetation could easily be incorporated back into the plan.

Lighting was shown on the initial plans for the park. When the department researched cost estimates, lighting was eliminated due to the project budget. Carnagey said adequate lighting existed from the street lamps on the park's perimeter that would allow people to walk the paths in the evening. He said lighting could be installed at a later date if funding was identified.

Planning Commission  
Monday, July 23, 2007

The wetland grasses and irrigation will be managed in the best way to keep it seeded and mowed. The area is raised up above the grade of the street due to storage of materials, fill, and vehicles during construction of the subdivision. It would be an adequate play area for Frisbee, football, soccer, and the like.

Carnagey said with regard to the basketball courts and a park curfew, the department was sensitive to neighbors' concerns about after-hours usage. The curfew in the park would be around 10 p.m. Any activity could be addressed with a curfew as was done with other City parks.

He said the Parks Department has never had a complaint due to the type of concrete used in any of the parks. There would be a light broom texture for winter weather, but generally speaking the concrete used is adequate for access. He would be willing to discuss with the Edward directly.

Styler asked when the neighborhood survey done. Carnagey said it was completed approximately one year ago. The majority of the surveys returned indicated no bathroom structure was desired. Styler said how many people responded to the survey. Carnagey said approximately 75 surveys were returned. Styler said he did not think anyone with young children would be against restroom facilities within the park. Carnagey said some of the other parks have temporary restrooms during the summer. If the Commission wished the department to do that, some sort of structure would need to be installed to lessen the visibility of the temporary restroom.

Styler asked if the wetlands could be restored. Carnagey said the department was waiting to hear back from DSL regarding the wetland. He said restoration would be unlikely due to the hydrology of the site which has been filled above grade and is unconnected to other wetlands in the area. The state would take the lead on final determination of the wetlands, however the neighbors expressed the preference for the space to be usable rather than restored as well.

Commissioner David Faller asked Carnagey for a cost estimate for the lighting. Carnagey said between \$15,000 and \$20,000. Faller asked if a cost estimate was done for a permanent restroom facility. Carnagey said no, but other facilities in other parks have run well over \$20,000. Post asked if the new restrooms at Timber-Linn Park were around \$185,000. Carnagey said yes, but those restrooms were quite a bit larger than the facility that would be considered for this site.

Evans asked if the portable restroom could be handicapped accessible. Carnagey said if an ADA parking space was required by the Commission and a curb break was cut for loading and unloading, a similar area could be constructed to make the temporary bathroom handicapped accessible. Post asked if the temporary restroom would be managed similar to what has been done with Gibson Hill Park. Carnagey said yes, the program has been used at several parks during the summertime.

Rackham asked if the basketball courts would have automatic timers to shut off the lights. Carnagey said the closest lighting would be on the north side of Black Bear Avenue. No lighting would be installed in the park. Rackham asked with the amount of Parks System Development Charges (SDCs) collected, lighting could not be funded. Carnagey said construction costs rose since the park was originally budgeted. Rackham asked the response from the Parks Department should the Commission deny the application based on lack of lighting, restrooms, and other issues that had been identified. Carnagey said the park plan was very nice and satisfied a number of the community's needs. A couple of issues have been identified that the Commission may want to condition based on public testimony. He said should the Commission denied the application, the Parks Department would have to re-examine the project. The park would serve the needs of the community, especially the play areas. Certain elements could be installed over time as money becomes available. The neighborhood has indicated a desire to be involved and were interested in raising funds to install some of the amenities were scaled back due to budget constraints.

Planning Commission  
Monday, July 23, 2007

Commissioner Mark Spence asked if the northwest street light mentioned by Edward could be mitigated by bulbs or a shade to keep the light from spilling onto the basketball court after hours. Carnagey said yes, many options existed to retrofit the lamp.

Styler asked if a sign was posted in the area with contact information. Carnagey said yes, a sign would be posted on the site upon approval by the Commission. It would include the Web site address as well. Styler said he would like to see something posted before the public hearing to have allowed the public an opportunity to communicate with the department. Community Development Director Helen Burns Sharp said notice of the public hearing was mailed out and signs were posted in two different locations on the site about a week before, including a number to call and a copy of the site plan.

Staff response: None.

Post closed the public hearing at 5:53 p.m.

Commission Discussion:

Evans asked how a condition could be amended. Rackham said at the time a motion was made.

Post said he would like to see at least a temporary restroom facility. He said there seemed to be consensus on the need for ADA parking.

Commissioner Anne Peltier said the plan seemed very similar to a park in North Albany which was delightful and had plenty of options for interaction. She agreed on the need for a port-a-potty.

Evans said the port-a-potty that is handicapped accessible. He disagreed with staff and felt an ADA-compliant parking space was required. He was willing to approve with condition 3.2 reworded to read as “the park shall comply with 28CFR Part 36 Version 1 July 1994 of the ADA” to ensure the park complied with all ADA requirements. Davis asked Evans to read the requirements to the Commission. Evans did not have a copy. Davis said ADA compliance was a role of the Building Division during its permit process. Discussion followed. Spence said if the City did not meet the ADA requirements, it would be liable. He was agreeable to a modified condition that required two ADA spaces with in-cut curbs for loading and unloading and a port-a-potty that was ADA accessible. Discussion followed.

Rackham said agreement could be made, but wondered permanent restrooms given the unlikelihood of vagrants at this location. He thought the budget could be amended to include permanent restrooms and lighting. Spence said the temporary restrooms at Central Park in Corvallis are well-screened and practically invisible.

Post said he would support a motion for two ADA compliant parking spaces and restroom accessibility.

Faller would like the Parks and Recreation Department to revisit lighting with timers in the park.

Commissioner Dala Rouse suggested approving the application with modified conditions to include the ADA parking spaces and port-a-potties, and direct the Parks Department to consider lighting and permanent restroom facilities in the park upon availability of funding. Rackham agreed with Rouse’s suggestion.

Commission Action:

Planning Commission  
Monday, July 23, 2007

Rouse moved that the Planning Commission approve with conditions as modified the Conditional Use application to construct a 1.8-acre neighborhood park (File CU-04-07). The modified conditions include the addition of two handicapped parking spaces, provision of temporary restrooms, and direction to the Parks Department that other amenities be considered and added as funds become available. Davis seconded. Rackham asked if the restrooms would be screened. Rouse said yes, she amended her motion to include that the temporary restrooms be screened. Davis agreed to the amendment. A vote was called and the motion passed 8:1, with Evans opposed.

Planning Director Don Donovan added that vandalism to permanent restrooms can be a factor which would be expensive to remove.

### **OAK CREEK URBAN RENEWAL PUBLIC HEARING**

Post opened the public hearing at 6:06 p.m.

#### Staff Report:

Sharp said the Planning Commission was being asked to consider recommending to the City Council the adoption of findings that the Oak Creek Urban Renewal Plan and Report meet the criteria set forth in the Comprehensive Plan. The focus of the discussion should focus on the whether the Plan and Report meet the goals and policies of the Comprehensive Plan.

Sharp said the Council has been working on the possibility of forming an urban renewal district to facilitate the development of industrial land south of Oak Creek and east of Highway 99. A map of the area showing the proposed boundary was shown on the overhead projector (Page 27 of agenda packet). Generally speaking, the area would be bisected currently by Ellingson Road with an at-grade railroad crossing. The plan calls for an overpass at the "Piano" property, which ties in with an existing traffic signal at 53rd Avenue SW.

Urban renewal experts are available. Albany has used this tool in the past. The downtown area and along the waterfront make up an existing urban renewal district called CARA, which has helped fund revitalization in Albany's core. An urban renewal district was established around 1982 which funded infrastructure for such areas as Heritage Mall, Pacific/9th couplet, and extension of facilities to the Target Distribution Center. Urban renewal does not levy another tax, but affects how tax dollars are allocated.

Sharp said the district would include the "piano" property, the neighborhood commercial properties to the south, a portion of the property just north of Ellingson Road, a portion of the property further north, south of Ellingson Road is the property purchased by SVC, also known as the PepsiCo site.

This particular area east of the railroad tracks has been in the city since 1981. It is currently being farmed and likely to remain farmland unless infrastructure improvements were made.

The staff report included Comprehensive Plan policies staff believed supported the formation of the district. She requested testimony focus on the policies and goals of the Comprehensive Plan. Council would hold another hearing, as well as hearings on the possibility of forming a local improvement district (LID).

Rouse asked why lot lines were not followed on the proposed northern boundary. Sharp said the general intent was that the properties included be commercial or industrial. Planning staff might be recommended that the shaded portion south of Ellingson Road be re-designated from residential to industrial. Rouse asked if by drawing the boundary as proposed would create the need to divide the lots to better determine

Planning Commission  
Monday, July 23, 2007

distribution of taxes if the district were formed. Sharp said staff was envisioning the road as the separation between residential uses and commercial uses. The consultants could answer the tax questions.

Styler asked if the wetlands portion would be involved in the topic tonight. He said the existing area is one of the few natural areas that have not been destroyed and part of it will be put into commercial use. Sharp said 40 to 50 percent of the area contains wetlands. Only one significant wetland has been identified by the City's local wetland inventory, which is on the PepsiCo site. PepsiCo. has agreed to avoid encroachment into the wetland entirely. The area closer to Oak Creek would be discussed at a later date.

Spence said the area consists of approximately 458 acres of commercial-industrial lands. He asked how many acres would be designated for neighborhood commercial and residential use. Sharp said the Oak Creek Refinement Plan goes all the way over to I-5 on the east, north of Oak Creek including Mennonite Village. Staff may recommend location of a neighborhood commercial center to the east between Lochner Road and Columbus. Staff will recommend a mixture of housing types and lot sizes, a parkway leading to a greenway, and some other creative things. This area would be the only commercial-industrial area within the larger vicinity.

Styler asked if the decision would affect the overpass installation. Sharp said the overpass is a complex funding package. The formation of the urban renewal district will be one type of mechanisms to pay for the overpass. Styler asked if the formation would trigger the beginning of construction. Sharp said no.

Rouse said page 26 of the agenda has objective 5A supports mitigation of wetlands, but Rouse asked if preservation of wetlands was also an objective. Sharp said this section discusses ways urban renewal dollars could be spent. Wetlands mitigation was added to the list of projects so that the urban renewal monies could be used for that purpose. Rouse said the objective was written in a way that only mitigation would be considered, not preservation. Sharp said in most cases preservation is less costly than mitigation, but she would prefer the consultants to answer the question.

Rackham asked if the Commission's action would obligate the formation of a LID. Sharp said the creation of an urban renewal district and the formation of a LID are separate actions. Concerns regarding LIDs center on whether a property will be within a LID, how many properties will be in a LID, the methodology to determine benefit, city participation, etc. The Commission's action was solely focused on the creation of an urban renewal district.

Evans asked if this was triggered by PepsiCo. Sharp said it was the catalyst, but the area had been in city limits for 26 years and would not likely develop as designated without costly infrastructure improvements. There was precedence in Albany for using urban renewal districts to fund needed improvements to spur development. Evans asked what would happen if the PepsiCo. project did not move forward as planned. Sharp said if PepsiCo. would not happen, the plan would be to continue with forming the urban renewal district.

Post asked if someone would discuss tax increment financing. Sharp said consultant Jeff Tashman would do so.

Rouse said most of south Albany developed due to tax increment financing. She outlined the infrastructure that was built using urban renewal funds. She said whether PepsiCo. moves forward or not, the infrastructure would open the area to development that would likely not occur otherwise.

Urban Renewal District Coordinator Kate Porsche introduced herself and introduced the consultants Jeff Tashman and Elaine Howard.

Planning Commission  
Monday, July 23, 2007

Jeff Tashman, 6585 SW Parkhill Drive (Portland), is a principle consultant with Tashman-Johnson LLC which specializes in public-private partnerships. He reported several projects that he has consulted on in both Oregon and Washington.

He said when the Council considers the adoption of the urban renewal plan, they required by state law to adopt findings. One of the criteria would be that the urban renewal plan conforms to the City's Comprehensive Plan's goals and policies. Typically, the traditional contribution from Planning Commission's in the process has been consideration and recommendation on that issue.

The urban renewal plan is a legally-binding document and the report is a technical appendix which provides analysis and detail. The report is meant to provide information on which the Commission and Council may base its decision. The plan contains the boundary, authorized projects, a financial limit on the use of tax increment financing, procedures by which the plan could be changed in the future, and detailed information on how the Plan meets the Comprehensive Plan and other land use policies.

Tashman said the area defined in an urban renewal plan needs to have private investment for the area to develop according to the public's goals for the area. The cost of public investments necessary in that area can be paid by tax increment financing which is only available under urban renewal plans. When a plan is adopted, the county assessor calculates the assessed value of properties within the urban renewal area as of the date the plan was adopted. The total value is known as the frozen base. The increased taxes for the time the urban renewal plan is in effect will be directed to the urban renewal agency. Those revenues are used to make payments on debt incurred by projects within the urban renewal plan.

The Plan establishes the district boundaries and the authorized projects. In this case the primary project would be the 53<sup>rd</sup> Avenue overpass. The legal limit within this plan is \$16 million. Procedures for amending the plan are also included. If there is a desire to finance projects greater than \$16 million, a substantial amendment would be required. If there is a desire to increase the area of the district by more than one percent, that would also be a substantial amendment. Substantial amendments require repetition of the process used to adopt the original plan.

Tashman acknowledged the context has been the PepsiCo., but said the development of this area would not be possible without extremely expensive infrastructure improvements. The cost of those improvements would effectively stop the area from developing according to the Comprehensive Plan and zoning ordinances.

He said the financing of the Plan is a package of funding sources. The Report shows how the tax increment money would be used to pay for projects, but also identifies the other sources and how they will be used. The other sources include grants from the county, state, an anticipated LID, and anticipated contributions from revenues gained by the City's system development charges (SDCs). The total adds up to \$21.6 million in revenue and expenditures.

Tashman said properties bisected by the boundary would not require a partition. He said the formation of an urban renewal district would be transparent to any property owners. The burden would be on the county tax assessor to create separate tax accounts for any properties affected as such.

The question about whether it would be appropriate to add preservation as well as mitigation would be at the discretion of the Commission and Council. Currently, the Plan is primarily directed toward mitigation, but language could be broadened to include preservation activities.

A question was asked whether the formation of the district would trigger the overpass project. The construction of the overpass is a separate project which has been in the City's Transportation System Plan

Planning Commission  
Monday, July 23, 2007

(TSP). The district contributes toward the funding for the project, but would not have a direct impact on its schedule.

Davis asked if the frozen base was the assessed value at the beginning of the project. Tashman said it was the property values at the time an urban renewal plan is adopted. An in

Davis, frozen base – assessed value at the beginning of the project. Property value – expect in increased value would be about \$19 million? Tashman, changes made but overall revenue is expected to bring about \$28 million – including payment of amount borrowed and interest accrued. Over life of the plan would take about \$28.

Can't find \$16 million. Exhibit X, in agenda file – Pages 37 & 38 – very last line at bottom – change made on exhibit – change due to development agreement whereby PepsiCo makes a payment to the city – fee was specific that shouldn't be counted on – financing could easily be changed – Will allow agency to use tax increment financing due to change in the package giving the agency flexibility.

Peltier, where does City get \$ to pay the loan before the tax increment financing. Tashman, explained the repayment schedule and funding mechanisms. Peltier, interest only until... Tashman, correct.

Rouse, potential risks? Tashman, generally speaking risks include not being able to start projects in a timely manner vs. ability to pay back. In this particular case, the development and investments are proceeding according to the development agreement with PepsiCo. Another agreement would be drawn up with the user of the site if PepsiCo doesn't go through. Rouse, are we going to proceed even if PepsiCo doesn't? Tashman, the UR plan will set the finance method in place. Absent development in the area, there would be no revenue to spend. Rouse, some revenue given

Evans, financing in place and properties in the zone start development. What impacts on property values and tax increases to surrounding properties. Tashman, anticipate real market value would increase. Due to Measure 50, impact to property taxes can only increase by 3% per year. If as a result a person decides to subdivide or develop, the assessed value could go up to reflect the development. Evans, as value goes up, increased pressures to attempt to maximize to convert to industrial/urban uses. Likely result? Tashman, difficult to say in the case of Albany – undeniably would increase development – creation of jobs, related jobs (businesses that service other businesses).

Elaine Howard, 705 Terrace Drive (Lake Oswego), summarized the goals & objectives for the area with the Comp Plan and Comp Plan designation. Economy – diversify economic base; land use – adequate supply; traffic and transportation – public utilities – adequately served; wetlands, support with wetlands mitigation. Projects include – transportation projects road up and through railroad crossing – influenced the boundary to go along the road alignment. Ellingson Road crossing (above grade); construction in water mains in Ellingson between railroad tracks & Columbus street. Sanitary sewer – storm drainage and wetland mitigation; LID program (not yet determined/defined).

Relationship of projects in the area to the Comp Plan – most pertinent is concerning Eco Devo. 3.5 statewide planning goal 9 – based on inventories. Industrial employment – disperse employment centers to areas with access. New industrial can be adequately served.

Rouse, half the water line is outside the UGB. Why not extending the UR Plan boundary? Tashman, generally speaking focusing on areas that could be overcome. Expansion to capture that is a judgement call to focus on the main properties that would benefit from the improvements. Wes Hare, properties outside the boundaries are residentially or farm use zoned. Increase due to development is less.

Planning Commission  
Monday, July 23, 2007

Evans, plan diversifies the economic base? How does this diversify the economic base? Tashman, the basis of that policy was due to Albany being timber dependent. This was strictly meant to develop jobs that weren't timber dependent. While mindful of food processing jobs in Albany, the development would contribute

Hare, these jobs in order to qualify must pay 150% of the median family wage (Linn County). The best of anyone's knowledge there has been no project that has created 200 jobs at that rate.

Rouse, asked why stopping at railroad tracks. Tashman, main exists. Rouse, going up old Ellingson

Diane Taniguchi-Dennis, main following Ellingson Road corridor – master plan, rest will infill with local mains. Rouse, someone else will pay for installation. TD, yes.

Evans, envision any non-financial limits? Tashman, feasibility study due to the real project of PepsiCo. There are no issues of design, source, or fatal flaws to this project.

Styler, since overpass is large expense, alternative? Hare, no alternative due to ODOT's access permit to allow access to Highway 99.

Rouse, sanitary sewer in page 29 – area mean eastern edge of the Urban Renewal or to Columbus.  
Tashman, area boundary.

A 5 minute recess was taken. The meeting resumed at 7:30 p.m.

Public Testimony:

John Paul Williams, 12770 SW Foothill, on behalf of Workers for a Livable Oregon, entered transportation study into the record (Exhibit X, in agenda file). Development agreement legally obligates a Urban and LID to generate revenue to pay back the city's debts incurred on behalf of Pepsi. Misleading to assert the two are different.

Objects to UR Plan – due to  
Payment structure not adequately serviced  
Transportation  
Accurate costs not known

Traffic study – Greenlight engineering – Phase I & Phase II. TIA did not look at Phase 2 of the project (bottling plant) – could increase traffic flow by as much as 33%. Highlighted several flaws, including peak traffic in the AM hours, did not look 5 years beyond build out, did not verify historic traffic road values, did not look at affected intersections,

Asked where are these improvements going to be paid by. Even given assumptions of existing traffic study, mitigation will be needed which has no identified funding source.

200 workers – DA says up to 250 workers. Should have an accurate plan with costs.

Tax increment financing – devoted to UR district. Normally goes to service districts. Lose income. Report did not look at all the service districts. By 2038, the school districts will regain the funds lost during the tax increment financing. By the time they come on the tax rolls, the projects will be severely depreciated due to the enterprise zone \$240 million untaxed. Only tax increment realized on the land value, not improvements.

Planning Commission  
Monday, July 23, 2007

Williams stated when comparing the report tonight to documents received during the May open house there are several discrepancies. He highlighted several, including a \$15.2 million loan from the state that is listed in the DA as \$14.2 million. \$2.7 million in improvements to Beta Drive are no longer listed. The City is legally obligated to construct a water basin - \$1.5 million in May docs – not listed now. Requested a deferment of a decision on the district.

Chris Gorsuch, 250 Church Street (Salem), representing Larry Epping a property owner (Piano property), generally in support of the UR District, but some concerns. From testimony of Mr. Williams, the DA has already been signed which backdoored these other processes.

Does this UR District trigger the overpass – it clearly does since the funding comes from this district. Could be a good thing, if portion is

LID – absolutely, differential between TIF and financing is along the backs of the property owners. \$871,000 per year. This isn't a separate process – plan is dependent on an LID being formed.

Rouse, main road in South Albany were paid by TIF funds – the improvements being paid are those generated by Pepsi – born by other businesses. Pepsi getting a free ride.

Cost of projects keeps the area from developing. Piano doesn't need access from an overpass since it already has access to Highway 99. This plan states the LID will be formed. Has to be formed to work.

De-facto land uses – oak creek plan not adopted, land still zoned residential.

Epping wishes to be treated fairly. All infrastructure goes to support Pepsi - \$35 billion net revenue, but all SDC charges paid by UR and they're fair share of infrastructure is paid by this plan leaving no money for other benefiting parties. How is the kicker money going to be used.

Pepsi's share paid due to jobs. Jobs will also be created on the Epping – Jobs don't have to be created to get a benefit from an UR District.

Numbers don't add up. Staff report numbers are different – page 2 table 4 \$21 million. Plan, said max indebtedness is \$10, now \$16. TIF revenue \$17, then \$19. If not fair, the parties are treated fairly they won't develop.

Table 5, background report – revenue shown is \$66-67 million – expenses \$37 million – why is there a difference and what is it used for?

Somehow, the tables need to be explained for better understanding.

Prepared testimony (Exhibit X, in agenda file). More analysis needs to be done. Should do something for everyone, not just one owner.

Enlarge UR boundary to allow for more funding and encompass all the benefiting properties.

Consequences of unfair plan, properties don't develop, inability to pay debt, litigation with the state (given it's loan), etc.

Planning Commission  
Monday, July 23, 2007

Rackham, was client's property inclusion in UR boundary voluntary. Gorsuch, known for some time about inclusion, but did not promote. Not a problem to go in the UR – key to TIF because the Epping piece pays taxes. Rackham, if LID formed, could property be compelled to participate.

Rouse, clarification – assessed for overpass? Gorsuch – yes; how much? Gorsuch, unknown. Payments from others – is \$871,000 per year. That's not just him. Cannot determine how the amount is determined. Rouse, in past UR Districts – major lines and streets. No LIDs for property owners on those major streets or if we did, less amount (like \$10 per foot). Treated like a normal UR district, benefits would be shared equally and the remainder of the funding  
Epping own more than Piano, Gorsuch – highlighted the different parcels owned by Epping.

Diane Hunsaker, 1565 Waverly Drive SE, concerned whether UR will be able to do everything it promises to do. Tied heavily to Pepsi. Outlined all the obligations and improvements. Agreed with other speakers that the cart is before the horse. Urged the Commission to against recommendation.

David Bash, 8315 NW Oxbow Drive, water line outside UR Boundary and wondered who would pay for that. The median wage for the area – 150% would like to know what the median wage for this area is. 200 jobs, 400,000 manhours per year. How much is Pepsi really giving to the community? What's the return on investment.

Rouse< clarification \_ work for advantage sales & MARKETING WHO DOES WORK FOR GATORADE & OTHERS. Post recognized a potential conflict of interest.

Davis, appointed members by Council.

Mike Bradbury, 1214 (Springfield), reiterated everyone else's testimony. DA obligates URD. No blighted run down structures, roads, etc. hinging on 250 jobs. Questioned why the City should pay for Pepsi. Wondered if the plant and water source could facilitate this.

Styler, did not believe the PC was involved in the drafting and signing of the DA.

Patrick Smith 51315 (Eugene), 25-year construction worker submitted (Exhibit X, in agenda file). Being a construction worker, what was their promise for the construction phase of the project. Tired of corps locate into enterprise zones and ignore the construction workers within the community. Return to the community should begin with the construction phase.

Lou Christian, 80767 Turkey Run Rd (Creswell), represents X. Pepsi doesn't have a good track record. Just built one of these plants in OK. Pepsi went in, courted local services for pre-construction services, then brought in national construction firms.  
Complete disregard for wages and benefits paid in the areas. Public notice

New information for written testimony given new evidence.

DA final version or still in development.

Recess was called. Resumed at 8:27 p.m.

21 day keep the record open or continue the hearing to a date certain. Best to allow staff to continue the eharing until next Monday.

Planning Commission  
Monday, July 23, 2007

Hare, revenue that came from Pepsi purchase would go into the URD. The tax roll happens in October. Tashman, End of August, beginning of September.

City Attorney not required to make a decision – legislative. Hare, this is not the last bite at the apple. City council will go through it’s only process two weeks from tonight, additionally a modification to the DA will be before the Council. Bear in mind, property zoned Industrial without

Styler, Piano is zoned residential. Piano would have through a zoning process

Spence, UR is a misnomer – not a troubled area that needs renewal. As far as can tell not ultimately about Pepsi and renewal – about opening up Oak Creek. Uncomfortable with that project being dependent on this project.

Mitigation – sections of the Comp Plan also discuss enhancing, preserving wetlands, not just mitigation.

Enhancing about the economic structure of Albany – not convinced this is an enhancement of the local economy.

Rouse moved to continue the hearing. Spence, second. 8:1, Rackham opposed.

Staff Response:

Post closed the public hearing at **TIME** p.m.

Commission Action:

**ACTIVITY UPDATE:**

**NEXT MEETING DATE:** The next meeting of the Planning Commission is a joint work session with the City Council, scheduled for Monday, August 6, 2007, at 4:00 p.m. A public hearing is scheduled before the Commission at 6:00 p.m. on the same date.

**ADJOURNMENT**

Hearing no further business, Chair Post adjourned the meeting at .

Submitted by

Reviewed by

Tracy Swett  
Administrative Assistant I

Helen Burns Sharp  
Community Development Director