

ALBANY CITY COUNCIL
REGULAR SESSION

March 12, 1980

The Albany City Council met in regular session on Wednesday, March 12, 1980, in the City Hall Council Chambers. Following the Pledge of Allegiance, Chaplain David Wuth, Albany General Hospital, gave the prayer. Mayor Olsen called the meeting to order at 7:15 p.m. Those present were Councilors Jean, Rouse, Maddy, Saxton, Fairchild, and Greene.

Mr. Jean moved for the approval of the February 27 minutes; Mrs. Fairchild seconded the motion. The motion passed unanimously.

Mr. Saxton asked to be recognized at this time. "Mr. Mayor---I ask for the privilege, at this time in our agenda, to present two motions. I realize that the Rules of Procedure of this Council provide for Councilors to present their concerns under the item of Business from the Council, which is at the end of our agenda. However, because these motions deal with tonight's agenda item, it is appropriate to present them now. Motion #1---I move that no new items or issues can be considered by this Council after the hour of 11:00 PM at any regular, special or executive session of the Council without a majority affirmative vote of the Council members present for an agreed upon extension of adjournment time."

Mr. Jean seconded the motion. He said, "I mentioned the other night that we had two long meetings that carried on into midnight. I do not feel people that work all day and gobble dinner down can make rational decisions at that hour. I am wondering if cutting it off at 11 p.m. is what we want. Perhaps we should have an understood policy that about that time of the night we wind down. We have people that come in for an item and sit all night and then we decide not to have any further business. Maybe we ought to sound out the agenda time wise." Mr. Olsen said, "I think that is a good point. I have been in favor of cutting meetings off that go late. The only objection to the motion as it stands is that this Council is peculiar in that in order for a motion to pass it takes four votes. We might suffer from the minority if someone is absent. The only change I suggest is that Council consider adjourning at 11 p.m. and vote accordingly to adjourn." Mr. Saxton said that his motion states that there be four "yes" votes of the members present. Mr. Long said that to take affirmative action Council could by resolution or simple motion establish that all meetings of the Council will adjourn at 11 p.m. At any time Council could suspend the rules by motion to go beyond that hour. Mrs. Rouse said that she liked the idea of considering whether or not to adjourn. Mrs. Fairchild said that when she was on the Planning Commission and agendas were long a special meeting was held. Mr. Jean said that if the agendas are becoming so "heavy" that perhaps Council should consider having a third meeting. Mr. Bryant said that the County Commissioners have testimony at one meeting and then make a decision at the next meeting.

Mrs. Rouse moved to amend the motion so that at 11 p.m. Council would consider a motion to recess the meeting; Mrs. Fairchild seconded the motion. Mr. Jean said, "If we realize by doing that and see that we are becoming backlogged, we should consider a third meeting." Mr. Saxton called for the question on the amendment. The amendment passed unanimously. The question was called on the amended motion. The amended motion passed unanimously.

Mr. Saxton said, "Motion #2---I move that the presentation time for the public utility district versus private utility issue, as listed on tonight's agenda as Item B, be limited to a maximum of ten minutes for each side of this issue." Mr. Greene seconded the motion.

March 12, 1980

opposed to having groups come to city council meetings with matters that are really of public interest. As a citizen I would avail myself to another forum." Mr. Olsen said, "I appreciate that. My feeling is that the City is vitally interested in providing power; but it is a good point. We can be more careful in the future of the types of discussion we have." Mrs. Rouse said that as a citizen it is very irritating to be restricted to an amount of time in which to speak. Mr. Jean said that when people become repetitive it is time to stop. Mrs. Fairchild said that whenever city business is considered we should be careful about limitations. Mr. Saxton said, "I am not taking a stand on a private utility versus public utility. It is not the issue. I feel very kindly to PUD's. The question is whether the Council should become a battlefield for various issues that come up in the city. The timing is poor."

Mrs. Rouse amended the motion so that the time limit will be 15 minutes; Mr. Maddy seconded the motion. The amendment passed 5-1 with Mr. Jean voting "no." The question upon the amended motion passed 5-1 with Mr. Jean voting "no."

Mr. Olsen said that he hoped that this does not become a regular policy.

PUBLIC HEARINGS

South Albany Master Street Plan

Steve Bryant, Planning Director, gave the following staff report:

Staff proposes a network of collector and arterial streets to serve the area between Interstate 5 and Highway 99, 34th Avenue and Beta (Clark Moreland) Road.

BACKGROUND INFORMATION

HISTORICAL PERSPECTIVE

Since the early 1940s the City has adopted a number of street plans. These plans have been designed to assure continued safe and convenient access between the City's residential neighborhoods, commercial centers, and industrial areas, and to provide convenient routes for traffic moving through the City to and from other cities and states.

Most recently, on June 23, 1971 (Resolution 1329), when the current "Albany Comprehensive Plan" was adopted, an "Interim Highway Plan" (Attachment A) was also adopted showing the arterial and collector street system proposed to serve the Urban Growth Area. Since that time, the Interim Street Plan has been amended twice, on December 28, 1977 (Resolution 1930) the City Council adopted the "Conceptual Master Street Plan for Southeast Albany" (covering the area between Waverly and I-5, Grand Prairie and Santiam Highway), and on August 7, 1978, the Planning Commission approved the final plat for the Deerfield Subdivision showing Waverly Drive joining Columbus Avenue north of Oak Creek instead of south of the eastward extension of Allen Lane.

In addition to the previously adopted Master Street Plan, on January 24, 1979, the City Council approved a "Roadway and Traffic Safety Program." That Report included a chapter on a 'Street Planning Program' and a draft Street Network showing possible arterial and collector streets in the Urban Growth Area.

Staff is in the process of analyzing the various existing and proposed street plans and will be proposing a Master Street Plan for the entire Urban Growth Area as a part of the Comprehensive Plan Project. This project, however, will not be completed until June of this year and in order to allow the Marion Industrial Park Subdivision development to begin during this summer's construction season, the developer must obtain earlier approval of his subdivision plans. Neither the staff nor the Planning Commission could adequately evaluate the proposed subdivision without reference to a master street plan at least for the South Albany area (Attachment C) and for that reason this master street plan is being presented to the Planning Commission at this time instead of being submitted first to the Comprehensive Plan Review Committee (CPRC) for review and recommendation as would normally be done. The Marion Industrial Park Subdivision occupies approximately 110 acres at the south end of

Marion Street which will be considered by the City Council for annexation and M-2 (Light Industrial) zoning on February 13.

STREET PLANNING CONCEPTS

CONDITIONS

It should be understood that the traffic corridors indicated on the attached proposed "South Albany Master Street Plan" are conceptual in that they indicate generally where links in the street networks will be made and where the street routes will be located. The precise alignment of each of the recommended links in the system will be determined when the detailed engineering studies on the properties involved are completed as those properties develop.

PLANNING COMMISSION ACTION

At its March 3, 1980 meeting, the Planning Commission moved to recommend to the City Council approval of the proposed Master Street Plan for South Albany based on the background information, including the condition noted in the staff report that the traffic corridors indicated on the map labeled "1980 Proposed Master Street Plan" are conceptual only. The motion carried unanimously.

Mr. Bryant said that there are no state funds available for interchanges off a freeway such as one off I-5 to go over to LBCC along Allen Lane; however, this future interchange should be designated as a potential interchange for long-range planning purposes recognizing that there are no funds.

Mr. Bryant said that there has not been any citizen input from residents along Hill Street. He said that PUC will have to make a decision on the three railroad crossings.

Mrs. Rouse asked if the section of Ellingson Road west of 99E that enters into the College could be routed northward and connect with Belmont Avenue rather than have it continue to empty onto 99E. Mr. Bryant said that was discussed. Mrs. Rouse said that the City has had to build its streets around development. That is why street development should be done before other development occurs. Mrs. Rouse said that she was also concerned about the intersection of the extension of Waverly Drive into Columbus. Anytime there are curves, there are problems. Mr. Bryant said that access onto big streets should have limited access and there should be more frontage roads. Mrs. Rouse said, "I am concerned about truck traffic. I like four corners rather than curves." Mr. Greene agreed. There was also discussion about the location of where Waverly should intersect Columbus. Mrs. Rouse also suggested that the curves on Marion Street, before it intersects with Lochner Road, be right angles. She also thought that a street should be extended west to 99E from Marion Street or from the proposed cul-de-sac in the proposed subdivision (110.85 acres under consideration for annexation).

Mrs. Rouse said that the City should establish a street plan for development and tell people that is the way it is going to be rather than asking them whether they are willing to pay for it.

Mr. Olsen opened the public hearing and asked if there was anyone who wished to speak in favor of the request.

Bill Coburn, 6317 Chapman Court SW, proposed that stop signs be erected at the proposed intersection of Looney Lane and Belmont and of Allen Lane and Looney Lane. The signs would help control the traffic and speed.

There being no one else to speak in favor, Mr. Olsen asked if there was anyone who wished to speak in opposition. No one spoke.

Mrs. Rouse asked Chief Pepper what he thought about the street plan. Chief Pepper said that odd angles at intersections and sweeping curves are our

March 12, 1980

Mr. Jean said that he had a different viewpoint of the Columbus/Waverly intersection. "I have always seen Waverly and Columbus becoming one street." Bringing Waverly at a right angle into Columbus with Columbus being designated as an arterial would not give the smooth traffic flow. Mrs. Rouse said, "You should also have conditions for different streets intersecting." Mr. Bryant said that this intersection will be a design problem.

Mr. Olsen asked staff to study Council's suggestions and make changes reflecting them on the street plan and reevaluate the plan at the next meeting.

Mr. Bryant said that he does have problem with the preliminary plat approval given to the developer by the Planning Commission. The proposed change of extending a street west from Marion will change the subdivision totally. Mrs. Rouse said that she did not care whether the street went through the subdivision. Mr. Bryant said that staff would prefer the street to be on the north property line of the subdivision.

Howard Kraus, Kraus & Dalke, representative of the petitioners of the 110.85 acres annexation, said that the continuation of a street over to 99E was not considered during the subdivision approval. There was not enough need to justify that extension. There would also be a railroad crossing. Mrs. Rouse said that with the requirement of a stub at the end of the cul-de-sac in the subdivision should have been an indication that a street would be extended to 99E at some time. "I believe a street should go in that direction."

Mr. Olsen also said that the County's concerns should be taken into consideration: 1) Columbus Street north of the railroad, as previously agreed, would turn east and connect with the new location of Waverly Drive. This eliminates the existing crossing on Columbus Street and moves crossing and accessories southeast to the new location proposed for Waverly. Linn County still supports this as previously agreed upon by the City prior to signing off on the FAU Priority Listing; and 2) Collector proposed between South Columbus and Lochner: Linn County supports extension west to Highway 99E, just north of flood hazard area.

Mr. Long said that Mr. Bryant has a problem since preliminary plat approval has been given. Mr. Bryant said that the preliminary approval was subject to Council adopting the street plan and annexing the property.

Mr. Olsen continued the hearing until March 26.

March 12, 1980

Comprehensive Plan amendment/zone change from R-3 to RP for 2 acres on the south side of 14th Street

Mr. Bryant gave the following staff report:

REQUEST SUMMARY

Applicant proposes to build an office building on approximately 2 acres currently designated on the Comprehensive Plan as Urban Residential and zoned R-3 (Multiple Family Residential).

BACKGROUND INFORMATION

This property is located on the south side of 14th Avenue, across from the Waverly Branch Library, new motion picture theater, and Fried Meyer complex. Half of the original five acre parcel that was annexed in 1977 is developed as Millwood Manor residential development for the elderly; the property to the south, was designated as the Linnwood Manor Planned Unit Development and is vacant. The entire area between 14th and Queen Avenues is designated for multiple family residential development, and about half of that is vacant at this time. North of 14th to Santiam Highway is virtually all zoned C-2 (Community Commercial) and much of what has not yet been developed in that area is property that has been "optioned" to the Hahn Corporation for development of a regional shopping center.

The applicant is proposing to change the Comprehensive Plan designation of the area from "Urban Residential" to "Commercial," then to change the zoning from R-3 (Multiple Family Residential) to RP (Residential Professional). The purpose of the RP zone is to provide a "buffer zone between residential districts and more intense commercial or industrial districts." The RP zone allows offices and some single and multiple family uses.

The proposed change would occur in the Santiam neighborhood. The Santiam neighborhood has a higher percentage of land zoned for multiple family dwelling (34 percent) than any other neighborhood in the Urban Growth Boundary, except Willamette (61 percent), it also has only 2 percent of its area designated for residential-professional uses.

FINDINGS REQUIRED

State Law requires that Comprehensive Plan changes and zone changes made in jurisdictions without State "acknowledged" Comprehensive Plans, such as Albany, must be made with findings that indicate that the changes are consistent with the Oregon Land Conservation and Development Commission (LLDC) Goals and Guidelines. In addition, the City's Zoning Ordinance requires that changes in zoning must be made on the basis of a finding of "public need for a change in the kind in question," and a finding that "the need will best be served by changing the classification of the particular property in question as compared to other available property."

FINDINGS IN FAVOR

The applicant's findings in favor of the proposed changes are attached and appear to be adequate.

FINDINGS OPPOSED

Approval of this request could result in additional automobile traffic in the area of the site which is already one area that can be expected to experience considerable traffic

CONDITIONS

That development of the property be subject to site plan review approval in order to diminish the impact of additional traffic generation in the area especially along 14th Avenue.

PLANNING COMMISSION ACTION

At its March 7, 1980 meeting, the Planning Commission voted to recommend to the City Council

PROPOSED STREET PLAN

In order to attempt to avoid confusion in the following discussion of alternative proposals in the three different street plans, abbreviations will be used as follows

1971 Interim Highway Plan	---P1971
1979 Street Network Plan	---P1979
1980 Proposed Master Street Plan	---P1980

The freeway is shown on all these plans as it currently exists, except that P1971 and P1980 show a proposed interchange with the eastward extension of Allen Lane.

Highway 99 is shown on all three plans as it currently exists.

Columbus and Waverly

All three plans show Waverly as an arterial street connecting with Columbus north of the Oak Creek flood plain. P1971 and P1979 show Columbus north of its intersection with Waverly as an arterial; P1980 recommends diminishing the status of that street to a collector in that area based on the assumption that Waverly will be the primary north/south traffic carrier from the Seven Mile Lane area north to Santiam Highway

Allen/Beta/Looney/Belmont Avenues

P1971 and P1980 show the eastward extension of Allen Lane as an arterial. P1980 shows it as an optional alignment depending upon the land uses that develop in the 300+ acre industrial park across from Linn Benton Community College, and other uses in the area. P1980 shows Beta (Clark Moreland) Road as a collector serving the industrial park and linking with Ellingson to the north. P1980 also shows Allen Lane serving as a collector west of Highway 99 connecting to Route 34, as it currently does, after turning onto Looney Lane. P1980 also shows Looney Lane connecting northward to Belmont which in turn is designated as a collector providing complete circumferential access to Linn Benton Community College and including a small collector link southward into the college from Belmont to allow college traffic easy access to the signaled intersection of Belmont and Pacific. P1980 eliminates the Looney Lane link northward to 53rd Avenue because of the difficult terrain in that area and the lack of need for a collector link in that area.

53rd Avenue/Ellingson (Henshaw) Road

P1971 did not show any east/west arterials or collectors between 34th Avenue and Allen Lane. As development patterns for the area encompassed by those two streets becomes more evident, it is apparent that even if Allen Lane is extended east to an interchange with the freeway, at least one other arterial and/or collector street will be required to serve that area. Ellingson (Henshaw) Road as it now exists can be expected to serve the area for the next several years. However, because of the proximity of the Belmont intersection with Highway 99, some time in the future it would be advantageous to re-align Ellingson to the north to make a direct intersection with Belmont and Highway 99. In that way there would only be a need for one traffic turning movements in the area could be reduced. Should that re-alignment of Ellingson take place, the old right-of-way, at least between Highway 99 and the railroad could possibly be vacated. At the east end of Ellingson it would be preferable some day to continue the road straight, instead of jogging northward, to intersect with Seven Mile Lane just before the freeway interchange

P1980 proposes another east/west collector along the south side of the Oak Creek flood plain, generally paralleling Ellingson Road and intersecting with Highway 99 across from the existing intersection of 53rd Avenue with Highway 99.

Marion/Lochner Road

P1971 showed Hill Street as an "arterial or collector" connecting into Lochner slightly south of the Lebanon Branch of the SPRR. P1979 showed Marion as the principal collector for that area and connected it into Lochner Road. P1980 shows Marion/Lochner as the principal arterial street serving north/south traffic needs between Columbus Avenue and Highway 99. In order to bring that arterial away from the railroad tracks, it is proposed that Marion be linked with Lochner approximately 1500 feet south of the tracks. Furthermore, P1980 recommends that instead of linking the two streets (Marion and Lochner) at angular intersections, which could cause traffic congestion at those points, the link be accomplished with two broad (450' minimum radius) curves. The curve radii that are proposed are similar to those used to connect Henshaw and Ellingson Roads approximately 6 tenths of a mile east of Highway 99. That type of a curve would encourage traffic to continue through in the arterial, rather than cutting over to Hill or continuing ahead to the railroad tracks on Lochner. (For comparison, the curve radii used on Queen Avenue between Ferry and Marion Streets are approximately 300 feet). Using this concept it is possible that all or part of Lochner Road north of where it curves west to meet Marion, could be vacated.

Hill Street, by the 1980 plan would be reduced to collector status and would not tie directly through to any north/south arterial. Moraga would tie into Hill from the east; and an east/west collector along the north side of the Oak Creek flood plain would link the Marion/Lochner arterial with Columbus/Waverly arterial.

March 12, 1980

Mr. Bryant said that there was no opposition to this request at the Planning Commission hearing.

Mr. Saxton said that his son's in-laws are the Harpoles', but "I do not consider this a conflict of interest and intend to participate."

Mr. Olsen opened the public hearing and asked if there was anyone who wished to speak in favor of the request.

Wendell Langman, Vice President-General Manager of Forest Industries Insurance Exchange, asked that Council approve the request; the findings of fact supporting the zone change have been submitted. "We have been searching for a year for a new office site."

There being no one else to speak in favor, Mr. Olsen asked if there was anyone who wished to speak in opposition. There was no one to speak.

Mr. Olsen closed the public hearing.

Mrs. Fairchild said, "I might have a conflict of interest, but I will vote."

Mr. Long gave the first reading of the ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE #4030, WHICH ADOPTED THE CITY OF ALBANY'S COMPREHENSIVE DEVELOPMENT PLAN, TO PROVIDE FOR THE RECLASSIFICATION OF URBAN RESIDENTIAL LANDS TO COMMERCIAL FOR APPROXIMATELY 2 ACRES ON THE SOUTH SIDE OF 14TH AVENUE BETWEEN DAVIDSON AND WAVERLY DRIVE." Mr. Jean moved for the second reading in title only; Mrs. Rouse seconded the motion. The motion passed unanimously. Mr. Long gave the second reading in title only.

Mrs. Rouse moved to adopt the findings of fact for the Comprehensive Plan amendment and the zone change amendment; Mr. Maddy seconded the motion. The motion passed unanimously.

Upon the question of the adoption of the ordinance, the ordinance was adopted unanimously and designated as Ordinance #4348.

Mr. Long gave the first reading of the ordinance entitled, "ZONE CHANGE AMENDMENT NO. 148, UNDER ORDINANCE NO. 4273 REZONING APPROXIMATELY TWO ACRES ON THE SOUTH SIDE OF 14TH AVENUE BETWEEN DAVIDSON AND WAVERLY DRIVE FROM AN R-3 MULTIPLE FAMILY RESIDENTIAL ZONE TO AN RP RESIDENTIAL PROFESSIONAL ZONE." Mr. Saxton moved for the second reading in title only; Mrs. Rouse seconded the motion. The motion passed unanimously. Mr. Long gave the second reading in title only. Upon the question, the ordinance was adopted unanimously and designated as Ordinance #4349.

PRESENTATION BY THE LINN-BENTON PUBLIC POWER COMMITTEE

Mr. Olsen stated that presentations would be limited to 15 minutes.

Richard Stach, a spokesman for the Linn-Benton Power Committee, 1425 2nd SE, said that his group would like to give PP&L the opportunity to speak first. The PP&L representative declined the opportunity.

Mr. Stach reported that this Committee had formed three months ago; the proposed public utility district would just serve areas in Linn and Benton Counties that are not already served by a utility. A public utility district has an elected 5-member board of directors which sets policy; this board appoints a manager to run the day-to-day activities; the meetings are open to the public and press. We have 50 people working in the two counties

March 12, 1980

Mr. Stach said that there are two other representatives to speak: John Bartels, board member of the Eugene Water and Electric Board, and Ed Wempel, board member of the Emerald Empire People's Utility District.

Doug Simmons, PP&L representative, said that PP&L has no special arguments with private utilities; however, PP&L has a power supply and we do know what it costs us.

Ed Wemple, Emerald Empire People's Utility District, said that there are three important factors that need to be known with regard to a utility district: 1) the district's costs for power; 2) the cost of the system; and 3) what does it mean in terms of rates. He said that he would like to take Council up on its suggestion of a work session. With regard to power sources, there are a number of ways: 1) Bonneville; 2) search for renewable sources of energy with set goals and programs; and 3) PP&L (under recent anti-trust case law there was a ruling that will allow a public utility to buy power from PP&L on a continuing bases at a wholesale rate). He said that as an incorporated city, the City of Albany has the right to opt out of the public system; also, the City of Albany has the option of forming its own municipal PUD.

Mr. Wemple said that consumers must pay rate hikes ranging from 7-15% a year to investor-owned companies; so it is unwise not to form a public utility district. Every 7-10 years a person buys the system through rate increases; but one does not obtain the equity; one remains as a renter.

Doug Simmons, PP&L, said that PP&L is searching for renewable sources of energy; PP&L has some very extensive conservation and weatherization programs. PP&L is spending between \$2.5-\$3.5 million looking for new and alternate sources of energy. "I do not know of anybody else that is doing that. We are looking into solar energy. We are looking for additional sources." With regard to the case law of PP&L selling power, that is only one case which was in New York.

John Bartel, EWEB board member, criticized the private companies and the northwest power bill now in Congress. He said investor-owned utilities are making it clear they do not want to bring any energy supplies on board that they cannot control. He said that the regional power bill would create an energy czar with powers to send the Northwest's federally controlled hydro-electric energy out of the region in times of emergency. He said that our Constitution has two provisions: 1) one allows people to enter the monopoly section of the power world and 2) Article 11-D creates the Oregon Energy Commission in order to implement the Governor's resource inventory. These two rights are ones that we should look to and keep track of as elected officials.

Mr. Simmons said that EWEB is a very well run PUD. He said that it would be difficult for new PUD's to obtain power supplies because adequate energy sources are not guaranteed. With regard to regional power, there are many of us who are trying to keep our power in this region and not let it be sent out. He also said if rates are the real problem, there is no relief.

Mrs. Rouse asked if PP&L pays the same rate to Bonneville for electricity as would a public PUD. Mr. Simmons said that PP&L does not buy power from Bonneville.

All the representatives thanked Council for allowing them to come and speak tonight.

SECOND READINGS

March 12, 1980

Mr. Banta asked where the north side of 21st off of Waverly would drain. Mr. Olsen said that there will not be the main flooding when the proposed improvements are made because the main water flow will be cut off. Mr. Jean said that the surface drainage will be handled in three ways: 1) the northern end will drain into an existing storm drain line; 2) the main section will go into a 60-inch storm drain line that is on Waverly; 3) the southern part will be drain southward to an existing storm drain line. Mr. Banta asked if these improvements would handle all the drainage. Mr. Rankin said, "No; that one line was not designed for that." Mr. Olsen said that is why Council asked the property owners to propose specific solutions to handle the drainage.

Mrs. Fairchild noted that the conditions in the proposed ordinance do not say the applicants are going to do the improvements within 90 days. Mr. Bryant said that they have only to submit the petitions to start the hearings.

Mr. Banta asked about the 1,000 feet of sewer line through the private property. Messrs. Bryant and Olsen said that the City could use its power of condemnation to obtain the right-of-way. Mr. Bryant said that Mr. Banta's property along 21st would be assessed for an 8-inch line, but he would be given a credit for 150 feet off of Waverly.

Mrs. Fairchild felt that the third part of Mr. Wightman's proposal should be included in the ordinance since the other two were ("Existing drainage patterns along the northern and western boundaries of Exhibit A would be altered by ditching (after crops are removed in 1980 season) so that all surface water within proposed drainage area would be rerouted to inlet of 60-inch storm drainage extension). Mr. Jean said that it was implied that approval of this ordinance would include the ditching. Mrs. Fairchild said that she realized it was implied, but it was not specifically put into the ordinance as the other two were. Mr. Long said that adding the third point was no problem. The 3rd condition was added to the ordinance.

Mr. Maddy asked if the Engineering Department has any questions or problems with the proposed drainage solutions. Mr. Rankin said that it did not. Everything proposed except for the ditching was part of the KCM Study.

Mrs. Rouse said that she talked to Chief Pepper about the impact of this annexation on the Police Department and asked him to comment. Chief Pepper said that the biggest problem in that area now are dogs chasing sheep. Two percent of the Department's activity is within the area bounded by Geary, Queen, Grand Prairie, and Waverly Drive; the addition of this land would double the area size. It will be adding an increase onto the total amount of activity the Department has now.

Mr. Jean moved to adopt all the findings of fact in favor of this annexation; Mr. Saxton seconded the motion. The motion passed unanimously.

Mr. Long gave the second reading of the ordinance entitled, "AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 266 ACRES OF PROPERTY LOCATED SOUTH OF LEHIGH ACRES, EAST OF WAVERLY DRIVE, NORTH OF GRAND PRAIRIE ROAD, AND WEST OF INTERSTATE 5 AS R-1(8) INTERIM ZONING AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT," Upon the question, the ordinance was adopted 5-1 with Mrs. Rouse voting "no" and was designated as Ordinance #4350.

Ordinance annexing/zoning 110.85 acres located south of the Albany-Santiam Canal and west of Lochner Road

March 12, 1980

Mr. Jean felt it would be appropriate to delay action on this annexation until the Council adopts the Master Street Plan. Council had no objections.

DISCUSSION OF LINN COUNTY INITIATED ZONE CHANGE ON HIGHWAY 20

Mr. Bryant said that the parcel has 17 acres along Highway 20 on the eastern edge of the City's Urban Growth Boundary. There was considerable pressure from the 3-4 property owners to include this land within the UGB. The City's Comprehensive Plan Review Committee and Planning Commission both recommend against the County amending its comprehensive plan and rezoning this parcel; they are amending the plan on a temporary basis. Everything within the UGB is under the City's jurisdiction; the County is planning outside its boundary. The property owners are not going to develop the land. Mr. Bryant made reference to his February 6 letter to the County Commissioners outlining the reasons the City is opposed to this request (copy is attached to the minutes) as well as his March 4 letter to the Linn County Commissioners (copy is attached to the minutes). The County Commissioners have responded to the Council that it is inappropriate for them to respond due to the pending public hearing of this case on March 19 before them (copy is attached to the minutes).

Mr. Bryant said that his recommendation to the Council is that it designate a city representative to attend the public hearing before the County Commissioners and make a presentation. If the County changes the zoning, a work session between the two bodies will be required. However, the County can override the City's concerns. The Council could then choose to appeal the decision to the Land Use Board of Appeals.

Mr. Jean asked what the vote was of the Linn County Planning Commission regarding this issue. Mr. Bryant said that it was 7-0 in favor. Mr. Jean asked if a unanimous vote is usual. Mr. Bryant said, "No."

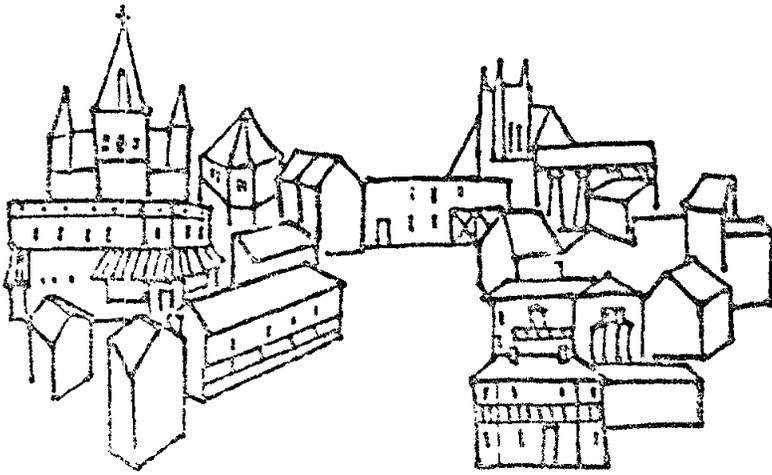
Mr. Bryant said that the City could also choose to exclude this area from the UGB and let Linn County have it.

Mr. Olsen commented that commercial zoning seems to be a logical choice. Mr. Bryant said that Highway 20 is 4 feet higher than the property. Mr. Rankin said that providing sanitary sewer to this area will be very difficult.

Mr. Greene felt it would be better to offer a compromise to the County. Mr. Bryant said that a compromise is to rezone the two existing uses as commercial or light industrial. Mr. Jean asked what would be gained by doing that. Mr. Bryant said, "You prevent additional access every 50 feet off of Highway 20. County staff has suggested that the City offer a compromise." Mr. Jean said that it seems like it is going to happen even though we do not approve of it nor do we think it is good planning. Mr. Bryant said that the other alternative is to exclude the property from the City's UGB. Then the property would be county commercial rather than city commercial. Mrs. Fairchild asked if county commercial would limit the size and access. Mr. Bryant said that it would. Mr. Saxton asked what the advantages are of excluding it from the UGB. Mr. Bryant said that it would reduce the City's UGB area and the City cannot provide sanitary sewer service to this area within the next 10 years.

Mr. Greene moved that the City offer to the County Commissioners a compromise of rezoning only the two existing developed areas within the property lines as commercial and that Mr. Bryant make this presentation; Mr. Saxton seconded the motion.

Mr. Jean asked that if Mr. Bryant sees that he is not having any success with



City of Albany

PLANNING DEPARTMENT

February 6, 1980

Linn County Board of Commissioners
Linn County Planning Commission
c/o Dave Schmidt, Planning Department
P.O. Box 100
Albany, OR 97321

Dear Commission Members:

The City of Albany has reviewed the proposed Comprehensive Plan Amendment and Zone Change initiated by the County along Highway 20 east of the present City limits. The City wishes to go on record as being opposed to this request at the present time for the reasons which follow:

1. The Planning Agreement established in May, 1978, between the City of Albany and Linn County for purposes of coordinating planning within the Preliminary Urban Growth Boundary, contains provisions for determining the process for review and action on this type of proposal. It is our opinion that a land use change initiated by the County within the Urban Growth Boundary is inconsistent with this Agreement which calls for the City to prepare the land use plan, including land use designations in appropriate locations and amounts consistent with the Statewide Goals for the entire area within the Urban Growth Boundary. Secondly, this Agreement provides that the City will seek the "advice and assistance" of the County in preparation of the plan as initiated by the City. This proposal has reversed that previously agreed upon process.
2. The request is premature. It is our understanding that this item was initiated by the Board of Commissioners at the request of the property owners. These same property owners have approached the City on several previous occasions regarding a possible comprehensive plan change. In each instance our response was the same, our plan is in the final stages of preparation and we will be receiving input from the citizens and property owners on proposed land use designations. Since there is no immediate proposal to develop this land, their input should be given to the City during the many public hearings which will be held in the next few months. Individual Comprehensive Plan Amendment requests are placing an unwarranted burden on both the City and County at a time when our energies must be directed toward

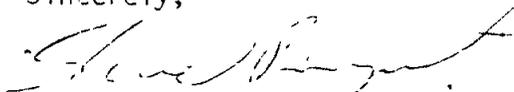
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development of a plan for the whole area giving equal consideration to all properties.

3. Even if the County Comprehensive Plan is amended and the zone change is granted, this would have no effect on the City's Comprehensive Plan for this area. A separate request to the City must also be made to guarantee protection of the area for commercial use in the future. After acknowledgement, the City's Plan will be the only Plan for the Urban Growth Area. However, we recognize that the County must also approve that Plan.
4. The City has no immediate plans to extend sewer or other services to this site; however, provisions will be made to service this area within the 20 year planning period. The City feels that it would be inappropriate to create commercial service areas within the Urban Growth Boundary which do not have urban services available to them. Our present concept for areas such as this is to create an urban reserve designation on the plan which will allow for future establishment of commercial sites when urban services can be provided and the territories annexed or delayed annexations can be worked out.
5. The City wishes to avoid further strip commercial development along Highway 20. Existing strip commercial development combined with inadequate access control by both the City and State Highway Department has greatly reduced the efficiency of Highway 20 and results in an unusually high accident rate along this corridor. The City will be seeking to identify areas suitable for shopping clusters with a minimum of frontage and access along highways and arterial streets. It is probable that at least one such shopping cluster will eventually be located in this vicinity of Highway 20, but only after other concerns listed above have been addressed.

If we can be of further assistance to the County or property owners in this matter, please do not hesitate to contact us.

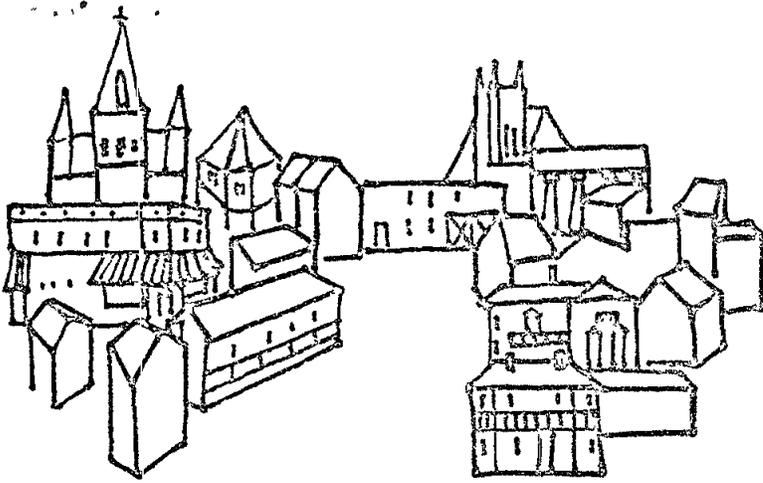
Sincerely,



Steve Bryant
Planning Director

kja

cc: Greg Wolfe
Craig Greenleaf
Albany Planning Commission



City of Albany

Mayor's Office

March 4, 1980

Linn County Board of Commissioners
P.O. Box 100
Albany, OR 97321

Dear Commission Members:

The Albany City Council has scheduled a review of the County initiated Comprehensive Plan and Zone Amendment request along the south side of Highway 20 east of the City limits. Since the County is the applicant in this case, we would appreciate a presentation of the proposal by a County representative. The review is scheduled during the March 12, 1980 regular City Council meeting which begins at 7:15 p.m. in the City Council Chambers.

As you are probably aware, the Albany Urban Growth Area Comprehensive Plan Review Committee and the Albany Planning Commission have recommended against the proposed change for reasons outlined in earlier correspondence from the City and statements made at the County Planning Commission hearing. We would be specifically interested in your response to the following issues: 1) Seventeen acres of "strip commercial" zoning will impede traffic flow and create safety hazards along a maximum speed highway. Albany's present efforts to reduce the negative aspects of existing strip commercial areas will be negated by County actions to encourage its continuance. 2) If the change is approved, the City and County Comprehensive Plans will be in conflict. It was our understanding in establishing an urban growth area planning agreement that the City would propose the Comprehensive Plan for the Urban Growth Boundary and that the County would not maintain separate plan designations inside of urban growth boundaries. 3) The westerly half of this 17 acre area is identified by HUD as being within the 100 year flood plain and is thus subject to development restrictions.

Linn County Board of Commissioners
Page Two
March 4, 1980

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We have other questions and concerns in addition to these major issues which we would like to discuss with the County. We would hope that any final decision on the request would be the result of efforts toward consensus as required by our joint planning agreement. If you have any comments on this matter prior to our review, please do not hesitate to call me or our planning staff.

Sincerely,

Richard S. Olsen
Mayor

SB/js

cc: Dave Schmidt, Linn County Planning Director
Craig Greenleaf
Greg Wolfe

38



LINN COUNTY
BOARD OF COMMISSIONERS

P.O. Box 100, Albany, Oregon 97321
Telephone 967-3825

COMMISSIONERS

VERNON SCHROCK
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JOEL D. FOSDICK, JR.

ADMINISTRATIVE
OFFICER

WILLIAM L. OFFUTT

March 11, 1980

The Honorable Richard S. Olsen
Mayor, City of Albany
P.O. Box 490
Albany, OR 97321

Dear Mayor Olsen:

The Board of Commissioners has considered your request for a county representative to make a presentation on a county initiated Comprehensive Plan and Zone Amendment request along the south side of Highway 20, east of the Albany City Limits. The Board feels that it is inappropriate at this time for the county to make any statements pertaining to the case due to the pending public hearing of this case on March 19, 1980.

The Board encourages the City to present written and oral testimony at the March 19th public hearing at which the Board will consider all testimony and render a decision of approval or denial.

Enclosed please find a copy of the applications for a Comprehensive Plan Map Amendment and Zone Amendment. This should provide you with the appropriate information justifying the reasons for application. The County felt that the landowners had been frustrated in their efforts for due process, and therefore initiated the appropriate action.

If there is any further information you need, feel free to contact us.

Sincerely,

LINN COUNTY BOARD OF COMMISSIONERS

Mary Keenan
Mary Keenan, Chairman

Vernon Schrock
Vernon Schrock, Commissioner

Joel D. Fosdick, Jr.
Joel D. Fosdick, Jr., Commissioner

DES/lq

Enclosure - CP-4-79/80 applications

March 12, 1980

FIRST READINGS

Ordinance setting a public hearing for the annexation/zoning of approximately 20 acres north of 34th Avenue, west of Ferry Street as M-3

Mr. Olsen said that it has been suggested that it is difficult to interact with LCDC regarding annexations and comprehensive plan amendments until the Comprehensive Plan is adopted. LCDC has suggested that we do not have any more annexations or amendments until that Plan is adopted.

Mr. Bryant said that if the City does annex land, it must show that the land has a demonstrated need for urban development. "We have a real problem with our staff is not being able to work on the Comprehensive Plan." Mr. Olsen suggested a moratorium until the Comprehensive Plan is adopted. Mr. Bryant said that a resolution could be developed declaring a moratorium on annexations and comprehensive plan amendments. Mr. Olsen said that his main objective is to cooperate with LCDC. Mr. Jean said that another sound reason is to wait until the results of the tax base election in May. "If the tax base proposal does not pass, continued annexations will hurt us. We are short of staff in the Planning Department to prepare the Comprehensive Plan. This would give us a chance in planning to concentrate all efforts on that."

Mr. Bryant said that he could write a resolution and present it to Council at the end of the meeting tonight.

Mr. Long gave the first reading of the ordinance entitled, "AN ORDINANCE PROVIDING FOR THE ANNEXATION AND ZONING OF CERTAIN TERRITORY, WITHDRAWING THE SAME FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT, DISPENSING WITH A CITY ELECTION ON THE QUESTION OF ANNEXATION, FIXING A DAY FOR THE PUBLIC HEARING ON THE ANNEXATION AND WITHDRAWAL FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT, DIRECTING THAT NOTICES BE PUBLISHED, AND DECLARING AN EMERGENCY. (FOR APPROXIMATELY 20 ACRES NORTH OF 34TH AVENUE, WEST OF FERRY STREET AS M-3 HEAVY INDUSTRIAL.)" Mr. Saxton moved for the second reading in title only; Mr. Jean seconded the motion. The motion passed unanimously. Mr. Long gave the second reading in title only. Upon the question, the ordinance was adopted unanimously and designated as Ordinance #4351.

Ordinance amending the AMC by adding Section 19.20.080

Mr. Jean said, "I cannot see how building codes are to cover the health and safety of people living within dwellings. If people do not want to insulate homes, I do not see how we can say that. We are dictating something to people." Mrs. Rouse said, "I think it (the ordinance) is a good idea. We have to look to the future to preserve the resources."

Mr. Long gave the first reading of the ordinance entitled, "AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE BY ADDING SECTION 19.20.080."

Mr. Olsen said that there is the question about the person who buys your house. It is a consumer protection thing.

Jack Mayer, City Manager Pro Tem, said this ordinance is primarily for rental properties. Homeowners do want to insulate and are. We felt it was a reasonable request that these type of structures be insulated to protect those that do rent.

Mr. Jean said that he read recently that people are insulating their homes so tight that there are problems with formaldehyde poisoning. Mr. Olsen said that is from the "foam" insulation.

March 12, 1980

ADOPTION OF RESOLUTIONS

Resolution for Mutual Assistance Agreement

Mr. Saxton moved for the adoption of this resolution as written; Mrs. Rouse seconded the motion. The resolution was adopted unanimously and designated as Resolution #2155.

Resolution accepting the responsibilities under the Emergency Conflagration Act

Mrs. Fairchild moved for the adoption of this resolution as written; Mrs. Rouse seconded the motion. The resolution was adopted unanimously and designated as Resolution #2156.

Resolution revising fees for fire protection for those that do not contribute either by contract with the City or through payment of municipal taxes

Mr. Jean moved for the adoption of this resolution as written; Mrs. Rouse seconded the motion. The resolution was adopted unanimously and designated as Resolution #2157.

Resolution authorizing the execution of a Supplemental Agreement for the Albany Transit System

Mr. Olsen said that this resolution is to accept the monies turned over to the City by the County to operate the city buses. Mr. Long said that it is just a renewal and there is nothing wrong.

Mr. Jean moved for the adoption of the resolution; Mr. Saxton seconded the motion. The resolution was adopted unanimously and designated as Resolution #2158.

AWARD OF BIDS

Cyclone fencing for the Fire Substation on 34th Avenue

Mrs. Rouse said that some time ago the Property & Right-of-Way Committee had a meeting; Mr. Hickey informed the Committee that property along Salem and Main was for sale and the City was in the process of buying it for right-of-way. The Committee agreed to let the city property near the Fire Substation be put for sale and that money be used to buy the property along Salem and Main for right-of-way. Now, we are using the money for other uses. She said that she spoke with Mr. Hickey and he remembers it that way.

Mr. Olsen said that this fencing project has been planned for some time. He said that the piece of city ground of which she spoke has been sold and that it is a different piece of property than the one behind the Fire Substation. Mr. Holliday said that the City has received the money for the sale of the other piece west of the Substation.

Mrs. Rouse said that payment of the bid advertising for the sales will be from ARA funds. Mr. Holliday said that was correct. Mrs. Rouse asked if the sale proceeds should not go back into the ARA fund. Mr. Holliday said that they could but it was not required. Mrs. Rouse asked if the City could investigate buying the right-of-way along Salem and Main now that the piece of property has been sold. Mr. Holliday said that it should be referred to the Property & Right-of-Way Committee first. Mr. Holliday said that the City sold this piece of property along 34th west of the Substation for \$40,000 with the condition

March 12, 1980

As it was 11 p.m., Mrs. Fairchild moved that Council finish tonight's agenda;
Mr. Saxton seconded the motion. The motion passed unanimously.

SELECTION OF CONSULTANTS FOR SALEM AVENUE IMPROVEMENTS

Mr. Rankin reported that in compliance with the federal guidelines for the selection of engineering consultants, the Engineering Department has advertised for proposals and the Public Works Committee has interviewed all of the consultants that responded to the City's request. On March 4, the Public Works Committee, Mike Corso, Jack Mayer, and Mr. Rankin interviewed the following engineering firms: HGE, Inc., of Albany-Coos Bay; Regional Consultants of Corvallis; and Kraus and Dalke of Albany. It is recommended to the City Council that the preliminary and construction engineering services required for the improvement of Salem Avenue be awarded to HGE, Inc.

Mr. Greene, Chairman of the Public Works Committee, reported that the Committee interviewed these three firms from 6:30-9:30 p.m. As Chairman, "I asked the Committee to give due consideration to this selection. After considerable evaluation, the Committee and staff selected HGE. Their well prepared presentation and previous sidewalk projects and their getting citizen input led the Committee to believe that this firm was not only highly qualified and have a local office, they also obtain citizen input. They have ready personnel to do the project. It was a unanimous decision. I so move that HGE, Inc. be selected as the engineering firm for Salem Avenue improvements."

Mrs. Fairchild seconded the motion.

Mr. Jean said that there was a reflection in the report that HGE would have better citizen input. "I question that. The engineering firm will be working with specifications laid out by our engineers. I do not see any reason having to deal with citizen input on this project."

Mr. Greene said, "I did not say better input. In other projects of the same type as this project, they had to deal with individual citizen groups. They explained to these groups what would happen during the project. They said that they would be willing to approach our citizen group for this project. It was just a plus factor."

Mr. Jean said, "There would have to be a great deal of difference in the qualifications of the firms. I want to be very certain that HGE is that far superior."

Mr. Greene said, "That is why it was brought before the Public Works Committee. The pluses involved and HGE's presentation were so much better. We felt they would do the City a fine job."

Mr. Saxton said that there seems to be considerable interest in this project. The day after the Committee's interviews, "I received many phone calls; much pressure in behalf of Kraus and Dalke. Then tonight I received a phone call from a Salem firm that said they had just found out about this project and by mistake they were not aware of it. I came somewhat prepared tonight to reconsider. I talked with Messrs. Greene and Rankin and am satisfied that all advertisements were done legally and we were within our rights."

Mr. Jean said, "I, too, have been getting pressure. I got threats that they

March 12, 1980

BUSINESS FROM THE COUNCIL

Mr. Saxton said, "I think the Council should recognize two people in our city government that received awards for distinguished service: Dala Rouse and Dave Clark." He said that he would like unanimous recognition so stated in the minutes.

Mrs. Fairchild said, "I thought the letter in the newspaper (thanking those citizens that submitted surveys) was very well placed; it looked very nice; I appreciate it."

Mr. Jean said that at the last meeting he asked about stop signs at the railroad crossings on Lafayette at 3rd, 4th, and 5th and was told that it was on that night's agenda. He wanted to know what the criteria was for the Traffic Safety Commission not recommending that signs be installed. Mrs. Rouse said that the Commission had four reasons: 1) each crossing is properly marked with railroad crossing signs; 2) accident records do not warrant them; 3) the inconvenience to drivers who will tend to ignore them; and 4) fuel consumption conservation method. Mr. Jean said that he did not agree that there was no merit.

Mr. Saxton said that at the last council meeting the sidewalk in front of the Pontius' house was discussed.

Mr. Mayer said that staff had met with the City Attorney. Mr. Delapoer has advised us that we should cover all the requirements. By direction of the Council, Council could make a motion directing the Acting City Manager to proceed with all necessary methods to get the sidewalk repaired.

Mr. Saxton so moved; Mr. Maddy seconded the motion. The motion passed unanimously.

Mr. Holliday asked that copies of all notices be sent to his department.

Mr. Jean asked about the hole on Oak Street between Front and Water. Mr. Mayer said that a small tree had been removed. It was requested by the Building Department that the hole be repaired. The job was contracted; and they have been "dragging their feet." The owner said it would be done shortly.

Mrs. Rouse asked when 3rd Street would be finished along the Baptist Church. She also asked when work on Lyon Street would be done. Mr. Rankin said that with regard to Lyon Street, it is a matter between PP&L and the State; Lyon Street is a state highway. With regard to 3rd Street, the weather has been the problem in completing the work.

Mrs. Rouse said that she was glad barricades had been put up on 3rd Street.

Mr. Greene noted that his term as ARA Chairman has expired and a new chairman would need to be appointed.

Mr. Saxton moved that Mr. Greene be reappointed; Mrs. Fairchild seconded the motion.

Mr. Jean moved that a unanimous ballot be cast for Mr. Greene; Mrs. Fairchild seconded the motion. This motion passed unanimously.

Mr. Bryant said that he had completed the resolution declaring a moratorium on annexations and comprehensive plan amendments. He read the resolution to the

March 12, 1980

Mr. Olsen said that he has two appointments to the Systems Development Charges Committee: Bill Upton, Homebuilders' Association, and Ken Turner, Board of Realtors. He said that the Committee will also be composed of the Council, the neighborhood CCI chairmen, and a member of the Planning Commission.

Mr. Bryant suggested that rather than having nine or more from the neighborhood groups five members of the CPRC be selected which is a combination of the Planning Commission and the neighborhood groups. Mr. Saxton said that was fine with him. Mrs. Rouse said that it would be fine as long as the five are not all members of the Planning Commission. Council had no objections to the CPRC selecting five members to be part of this Committee.

Mrs. Rouse moved to ratify the appointments of Ken Turner and Bill Upton; Mrs. Fairchild seconded the motion. The motion passed unanimously.

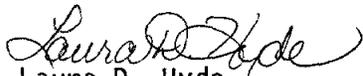
Mrs. Fairchild asked Mr. Rankin to explain his large map. Mr. Rankin said that his map is related to the annexation request south of the Albany-Santiam Canal and west of Lochner Road which will encroach some degree into the Oak Creek Flood Plain. The federal law states that there shall be no filling allowed in the designated floodway. The City is allowed to manage the filling, if any is allowed, in the floodway fringe. The City may elect to allow no filling in the designated floodway fringes in which case the normal level of 100-year storm would not change; or the City may allow the filling of all the fringe areas in which case the level of the floodway would rise no more than one foot.

Flood insurance is required when building within the flood plain. HUD requires that the lowest floor be flood proof above the selected level as set by the City.

Mr. Bryant said that it has been thought that the flood plain is decreasing; but the new study shows that the flood plain is increasing in the Willamette Valley by several feet.

The meeting was adjourned at 11:40 p.m.

Respectfully submitted,


Laura D. Hyde
Admin. Asst. I