



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
 Council Chambers
 333 Broadalbin Street SW
 Wednesday, July 8, 2015
 7:15 p.m.

OUR MISSION IS

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

OUR VISION IS

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

Revised

AGENDA

Rules of Conduct for Public Meetings

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

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. SCHEDULED BUSINESS

a. Communication

- 1) Accepting resignation from Debbie Berg from the Human Relations Commission. [Page 3]

Action: _____

b. Quasi-Judicial Public Hearing

- 1) CP-01-14 and ZC-100-14, amending Ordinance No. 4447, which adopted the City of Albany Comprehensive Plan Map; and amending Ordinance No. 4441, which adopted the City of Albany Zoning Map; adopting findings for property located at 241 Waverly Street SE; Linn County Assessor's Map No. 11S-3W-05DD, Tax Lot 400; and declaring an emergency. [Pages 4-71]

Action: _____ ORD. NO. _____

c. Business from the Public

d. First Reading of Ordinance

- 1) Amending Albany Municipal Code (AMC) Chapter 3.04, Privilege Tax – Electrical Power and Light Business; granting an electric utility franchise and general utility easement to PacifiCorp; and declaring an emergency. [Pages 72-84]

Action: _____ ORD. NO. _____

e. Adoption of Resolution

- 1) Approving the vehicle lease contracts with Wire Works, LLC. [Pages 85-86]

Action: _____ RES. NO. _____

f. Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) May 27, 2015, City Council Regular Session. [Pages 87-91]
- 2) Approving the limited off-premises sales, change of ownership liquor license application for Arsh, Inc., d/b/a Tri Valley Food Mart, located at 628 Ellsworth Street SW. [Page 92]
- 3) Approving annual liquor license renewals. [Page 93]

Action: _____

g. Approval of Agreement

- 1) Approving an Intergovernmental Agreement with Linn County for transient lodging tax funds to be used to assist with the costs related to a new outside sales contractor for the Linn County Fair and Expo Center. [Pages 94-107]

Action: _____

h. Appointments

- 1) Appointing Kim Brown and Anne Taleff to the Library Board. [Pages 108-112]

Action: _____

i. Report

- 1) Initiating street vacation proceedings for a portion of Sixth Avenue SE for the proposed fire station and a portion of Willetta Street SW for the proposed police station. [Pages 113-116]

Action: _____

5. BUSINESS FROM THE COUNCIL

6. NEXT MEETING DATE: Work Session: July 20, 2015
Regular Session: July 22, 2015

7. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net

Hyde, Laura

From: Debbie Berg [DebbieBerg@eaglehm.com]
Sent: Thursday, June 25, 2015 9:50 AM
To: Javi Cervantes; 'HRC - Tina Dodge Vera'; Burrese, Gina; g.kislingbury@comcast.net; EXTERNAL - Equinoa, Chris; HRC - Debbie Berg; HRC - Nancy A Greenman; EXTERNAL - Sluiter, Jay; HRC Kim Whitley; Hyde, Laura; Smith, Marilyn; Tina Dodge Vera; Hare, Wes
Subject: Re: Albany HR Commission
Attachments: 20150624_170358.jpg

I apologize to the Commission that I was absent from the meeting on Tuesday. Unfortunately, an early arrival came about.

The birth of my grandson, Lennon Thomas Berg, entered this world weighing 6 lbs 12 oz and 20 inches long. He came three weeks early.

At this time, I also need to submit my resignation from the Commission due to personal and health issues. I enjoyed my time on the counsel and wish each and every one of you continued success. I know that with all of you, our community will continue to be vital and strong.

Thank you and God Bless All of You,
Debbie Berg



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TO: Albany City Council
VIA: Wes Hare, City Manager
Jeff Blaine, P.E., Interim Public Works Engineering and Community Development Director *JB*
FROM: Bob Richardson, Planning Manager *BR*
David Martineau, Project Planner *DM*
DATE: June 29, 2015 for the July 8, 2015, City Council Meeting
SUBJECT: Public Hearing (Planning Files CP-01-14 and ZC-100-14)

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Staff recommends that Council conduct a public hearing, hear testimony, deliberate, and make a decision on the land use application to amend the Comprehensive Plan Map and Zoning Map affecting property located at 241 Waverly Drive SE.

Discussion:

The subject property is located at 241 Waverly Drive SE, as shown in Ordinance Exhibit A. The applicant intends to develop the site with a multifamily residential use. In support of their development plan, the applicant has requested to change the Comprehensive Plan (Plan) designation of 1.37 acres of the 1.38-acre parcel from Low Density Residential (LDR) to Medium Density Residential (MDR), and 0.01 acre (650 square feet) from General Commercial (GC) to MDR. This application includes a concurrent Zoning Map Amendment that would change 1.37 acres from Residential Single Family (RS-6.5) to Residential Medium Density Attached (RMA), and 0.01 acre from Community Commercial (CC) to RMA, as shown in Ordinance Exhibit B. The criteria for amending the comprehensive plan map are found in Albany Development Code (ADC) 2.220(3); and the criteria for amending the zoning map are found in ADC 2.740. These criteria are addressed in detail in the staff report, which is included as an attachment.

The Planning Commission held a public hearing regarding the proposal on April 20, 2015. The Planning Commission found that the proposed comprehensive plan map and zoning map amendments are consistent with the City's Comprehensive Plan policies, and the Albany Development Code review criteria. Based on these findings, the Planning Commission voted 6-2 to recommend that the City Council approve the proposed comprehensive plan map and zoning map amendment. The City Council considered the proposed amendment during a May 27, 2015, public hearing; however, there were not enough votes to make a decision on the draft ordinance that would approve the amendment. The ordinance was presented again for Council consideration during the June 10, 2015 regular meeting. Prior to taking action on the draft ordinance, a member of the public requested that City Council reopen the public hearing to consider new testimony prior to making a final decision. The City Council granted this request; therefore, staff is presenting the draft ordinance for your consideration.

Recommendation:

Approve the proposed comprehensive plan map and zoning map amendments as presented in the attached Ordinance.

Budget Impact:

None

DM:rk
Attachments (2)

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP; AND AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS FOR PROPERTY LOCATED AT 241 WAVERLY STREET SE; LINN COUNTY ASSESSOR'S MAP NO. 11S-3W-05DD, TAX LOT 400; AND DECLARING AN EMERGENCY.

WHEREAS, the Albany Planning Commission held a public hearing on April 20, 2015, on the proposed map amendment and, after considering testimony from the public, recommended approval based on evidence provided in the staff report as presented at the public hearing for City of Albany Planning Files CP-01-14 and ZC-100-14; and

WHEREAS, the Comprehensive Plan Map designation, Zoning Map designation, and a copy of the recorded survey for the subject property are provided as Ordinance Exhibits A, B, & C respectively; and

WHEREAS, the Albany City Council held public hearings on the same application on May 27, 2015, and July 8, 2015, and reviewed the findings of fact and testimony presented at the public hearing and then deliberated.

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

Section 1: The Findings of Fact and Conclusions included in the Staff Report are hereby adopted in support of this decision.

Section 2: The Albany Comprehensive Plan Map designation of the property described in Ordinance Exhibit A is hereby amended from Low Density Residential, LDR, and General Commercial, GC, to Medium Density Residential, MDR.

Section 3: The Zoning Map designation of the property described in Ordinance Exhibit B is hereby amended from Residential Single Family, RS-6.5, and Community Commercial, CC, to Residential Medium Density Attached, RMA.

Section 4: A copy of the map showing the amendments to the Comprehensive Plan Map and Zoning Map shall be filed in the Office of the City Clerk of the City of Albany and the changes shall be made on the official City of Albany Zoning Map.

Section 5: A copy of the recorded survey of the affected property, attached as Ordinance Exhibit C, shall be submitted to the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

Section 6: In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: _____

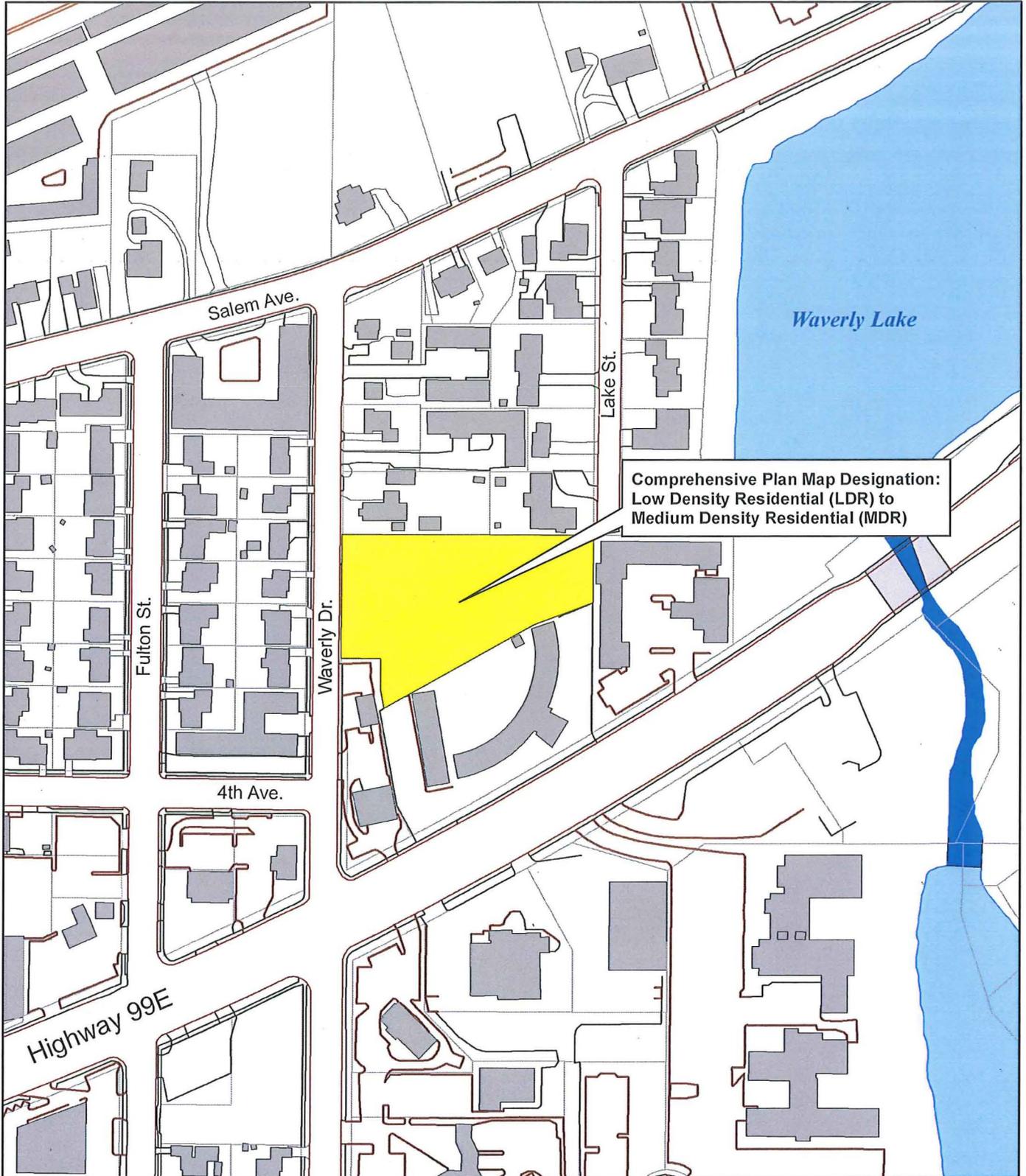
Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

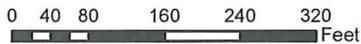
City Clerk



Current and Proposed Comprehensive Plan Designation: 241 Waverly Drive SE



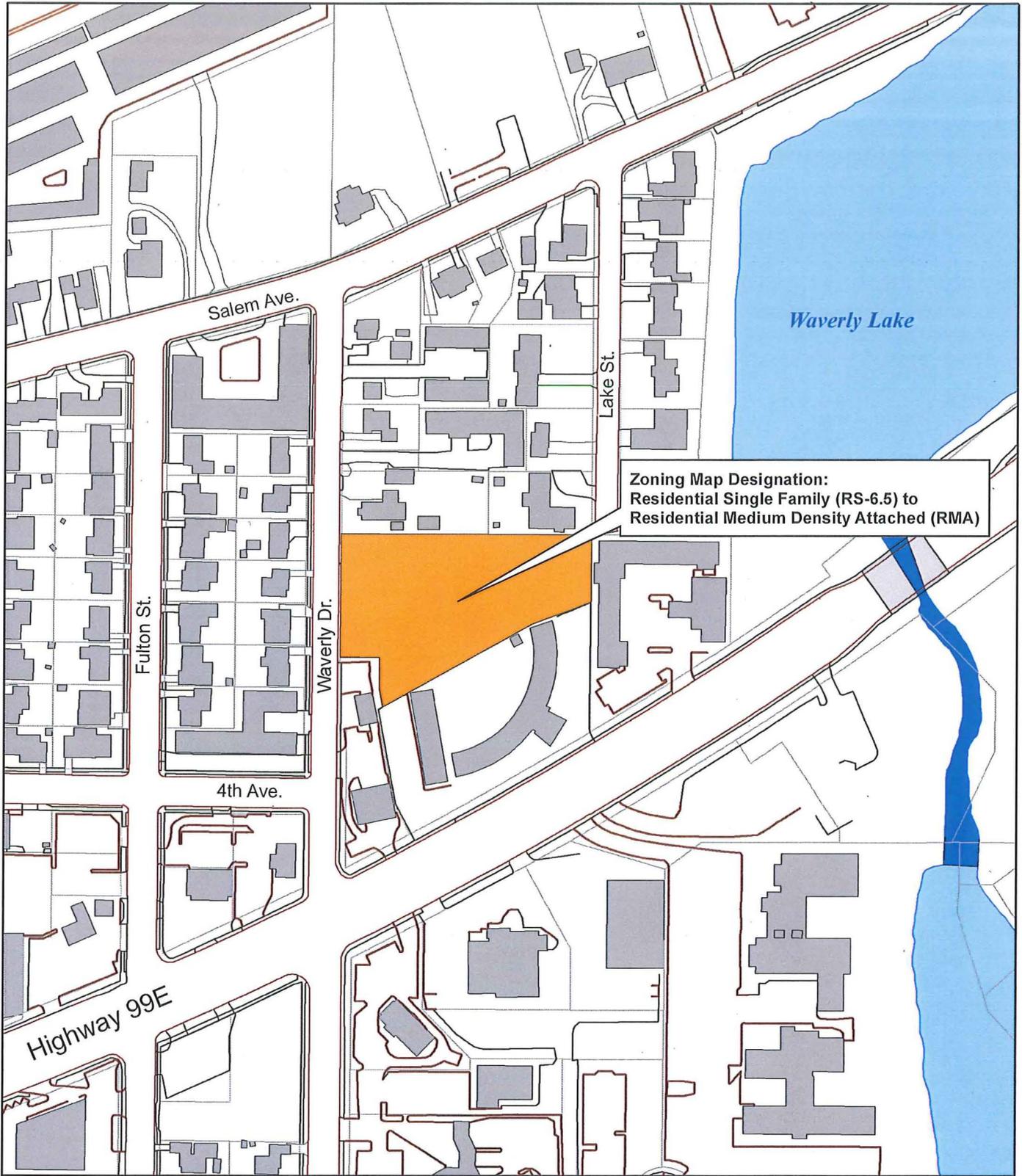
The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect, thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently field verify the



May 14, 2015

Planning Division

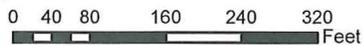
City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550



Current and Proposed Zoning Designation: 241 Waverly Drive SE



The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect, thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently verify the



May 14, 2015

Planning Division

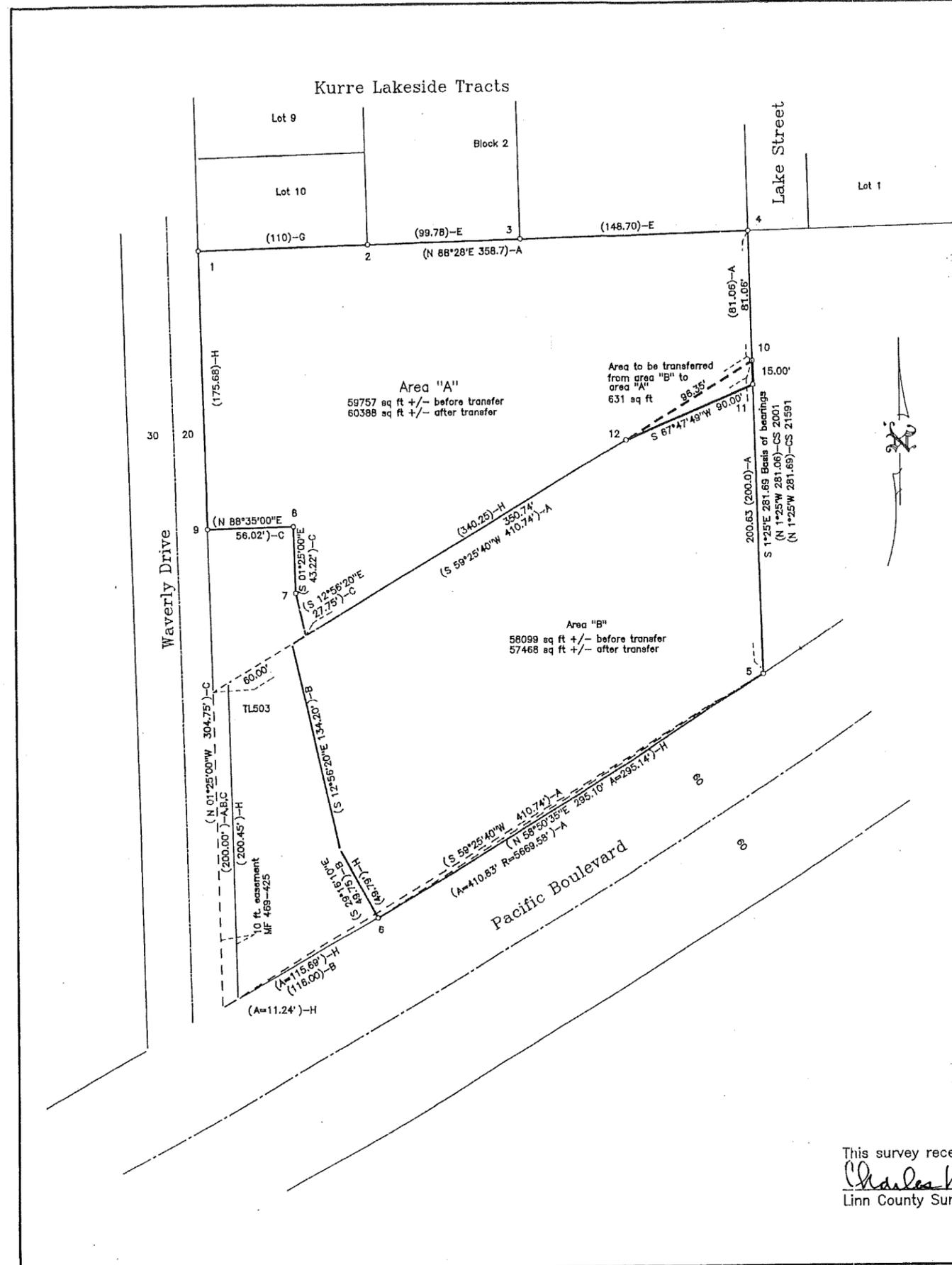
City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550

C.S. 25098

Property Line Adjustment
for

R. J. Aldritt
in the

Southeast Quarter of Section 5,
in the Anderson Cox
Donation Land Claim No. 49,
Township 11 South, Range 3 West
Willamette Base and Meridian
Albany, Linn County, Oregon
Scale: 1" = 50' August 19, 2009



Narrative: The purpose of this survey is to fulfill the survey requirements to transfer the small parcel at the northeast corner of Area "B" from Area "B" to Area "A". We measured 0.63 long from point 4 to 5, but used the distance of 281.06 as shown on CS 3580 from points 4 to 5 for acreage computations.

Monument Information: Pipe sizes noted are inside diameter.

- 1) Found 1 1/8" iron bar, origin unknown. Did not tie in.
- 2) Found 3/4" iron pipe, origin unknown, possibly Kurre Lakeside Tracts. Did not tie in.
- 3) Found 5/8" iron rod, CS 20186. Did not tie in.
- 4) Found 3/4" iron pipe, origin unknown, possibly Kurre Lakeside Tracts.
- 5) Found 5/8" iron rod with yellow plastic cap marked K&D Engr 14" below surface east of retaining wall and 0.4 ft. south of angle in wall, CS 21591, formerly referred to as "Fd. 3/4" Bolt (C.S. 2001) in CS 4379, also shown as 3/4" bolt in CS 3580, and shown as 3/4" bolt in CS 2001.
- 6) Found 5/8" iron rod, shown as set in CS 14750. Did not tie in.
- 7), 8) and 9) Found 1/2" rebar, origin unknown. Did not tie in.
- 10) Set 5/8" iron rod with yellow plastic cap marked Moore Surveying, did not find the 1/2" iron rod shown as set in CS 4379.
- 11 and 12) Set 5/8" iron rod with yellow plastic cap marked Moore Surveying.

Information in parentheses is from source noted.

- A CS 4379
- B CS 14750
- C CS 20103
- D CS 1526
- E CS 20186
- F CS 3580
- G Kurre Lakeside Tracts - CS 1526
- H Computed from surveys and deeds

Approval: Planning file LA-03-09

Verle C. Moore 9-1-2009
Community Development Director, City of Albany, Date

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Verle C. Moore
OREGON
MAY 13, 1980
VERLE C. MOORE
501

expires 12/31/2010

JOB NAME: Aldritt, R. J.	SCREEN: 090304
COORDINATE: 090304	ACTIVE LAYERS: 1,21-21,38-41
PLOT TIME: 8/19/2009 10:30 am JOB #: 090304	

Moore Surveying
424 2nd Ave SE Albany, OR 97321
phone: 541-928-3878

This survey received and filed this 2nd day of September, 2009.

Charles W. Aldritt
Linn County Surveyor



Community Development Department

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

Phone: 541-917-7550 Facsimile: 541-917-7598
www.cityofalbany.net

STAFF REPORT

Comprehensive Plan Map and Zoning Map Amendments (CP-01-14 & ZC-100-14) RJ Alldritt, Tyre & Sidon LLC

<u>HEARING BODY</u>	CITY COUNCIL
<u>HEARING DATE</u>	Wednesday, July 8, 2015
<u>HEARING TIME</u>	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

EXECUTIVE SUMMARY

RJ Alldritt, represented by Rich Catlin of Reece and Associates, is applying to change the Comprehensive Plan (Plan) designation of 1.37 acres of a 1.38-acre parcel from Low Density Residential (LDR) to Medium Density Residential (MDR), and 0.01 acre (650 square feet) from General Commercial (GC) to MDR. This application includes a concurrent Zoning Map Amendment that would change 1.37 acres from Residential Single Family (RS-6.5) to Residential Medium Density Attached (RMA), and 0.01 acre from Community Commercial (CC) to RMA.

The property is located at 241 Waverly Drive SE (Attachment A). It is bordered by single family and duplex dwelling units to the north, a motel to the east and south, an auto lube service center to the south, and a car wash to the southwest, with single family residences further west across Waverly Drive. The site is in close proximity to Waverly Elementary School to the west and Waverly Park to the east.

Due to its irregular shape and relatively small size, the property has modest single family residential development potential, according to the applicant. He contends that increased flexibility of multifamily design can result in a more efficient development for a lot that serves as a transition between commercial businesses to the south with neighborhood residential uses to the north.

The applicant further justifies the request by noting a deficiency of medium density housing in the City's housing needs analysis. The need for medium density housing can be met by rezoning lower density land in places where it makes sense and services are readily available.

The staff analysis concluded the following:

- The proposal to change the Plan designation to MDR with the concurrent zone change to RMA will have little effect on the neighborhood since residential areas are already characterized by a range of dwelling types and existing development to the south is commercial.
- The requested Plan designation is consistent with the Comprehensive Plan map patterns reflecting a transition between higher intensity and lower intensity land uses.
- On balance, the evidence supports changing the designation of the subject property from LDR and GC to MDR, and the zoning from RS-6.5 and CC to RMA.

The Albany Planning Commission held a public hearing regarding this proposal on April 20, 2015, and recommended, by a vote of 6-2, that the City Council approve it. The City Council considered the proposed amendment during a May

27, 2015, public hearing; however there were not enough votes to make a decision on the draft ordinance that would approve the amendment. The ordinance was presented again for Council consideration during the June 10, 2015 regular meeting. Prior to taking action on the draft ordinance, a member of the public requested that City Council reopen the public hearing to consider new testimony prior to making a final decision. The City Council granted this request, and will conduct a public hearing on July 8, 2015.

GENERAL INFORMATION

DATE OF REPORT: June 22, 2015

FILES: CP-01-14 and ZC-100-14

TYPE OF APPLICATIONS: (1) Quasi-judicial Comprehensive Plan Map amendment to change 1.37 acres from LDR (Low Density Residential) to MDR (Medium Density Residential); and 0.01 acre (650 square feet) from GC (General Commercial) to MDR.

(2) Quasi-judicial Zoning Map amendment to change 1.37 acres from RS-6.5 (Residential Single Family) to RMA (Residential Medium Density Attached; and 0.01 acre (650 square feet) from CC (Community Commercial) to RMA.

REVIEW BODY: Planning Commission and City Council

STAFF REPORT PREPARED BY: David Martineau, Project Planner

PROPERTY OWNER/APPLICANT: Tyre & Sidon LLC; c/o RJ Alldritt; 19460 Tam Lake Ct; Bend, OR 97702

APPLICANT REPRESENTATIVE: Rich Catlin, Reece & Associates; 321 1st Avenue E, Suite 3A; Albany, OR 97321; 541-926-2428; rich@r-aengineering.com

ADDRESS/LOCATION: 241 Waverly Drive SE

MAP/TAX LOT: Linn County Assessor's Map No. 11S-03W-05DD; Tax Lot 400

CURRENT ZONING: RS-6.5 (Single Family Residential) District (1.37 acres); CC (Community Commercial) District (0.01 acre)

COMP PLAN DESIGNATION: LDR (Low Density Residential); GC (General Commercial)

EXISTING LAND USE: Single family residence

SURROUNDING ZONING: North: RS-6.5
South: CC
East: CC
West: CC and RS-6.5

SURROUNDING USES: North: Single family and duplex dwelling units
South: Motel and auto lube service center
East: Motel
West: Car wash; single family residences west of Waverly Drive

PRIOR HISTORY: A Comprehensive Plan Map amendment and zone change application was filed in 1989 (files CP-02-89 & ZC-04-89) to change the Comprehensive Plan designation from Low Density Residential (LDR) to General Commercial (GC), with a concurrent zone change from R-1 (Single Family Residential) to C-2 (Community Commercial) to accommodate a proposed car wash. The amendment request was for a portion of 241 Waverly Drive that was subsequently combined with an existing commercial lot to the south. The amendments were approved by City

Council on June 14, 1989.

In 1997, the applicant (RJ Alldritt) sought to change the Comprehensive Plan designation from Low Density Residential (LDR) to High Density Residential (HDR), with a concurrent zone change from RS-6.5 to RM-3 (CP-07-97, ZC-09-97 and SP-69-97). The request was denied by the Planning Commission on March 16, 1998. The City was undergoing Periodic Review at this time which involved reviewing demand and supply for all types of land. However, the Planning Commission found that the applicant did not provide sufficient evidence that there was not an adequate supply of high density residential land. They also found that the request was not consistent with the Comprehensive Plan Map pattern nor did the applicant provide enough evidence to show that the proposed change was consistent with Goal 10 (Housing: To provide for the housing needs of citizens of the state).

A Property Line Adjustment was approved in 2009 that transferred about 650 square feet from Tax Lot 500 to Tax Lot 400 (LA-03-09).

NOTICE INFORMATION

A Notice of Public Hearing was mailed to property owners located within 300 feet of the subject property on April 8, 2015 (Attachment B). The Notice of Public Hearing was posted on the subject property at one location on April 13, 2015. The Comprehensive Plan and Zoning Map Amendment draft staff report was posted on the City's website April 13, 2015. At the time this staff report was completed, no comments had been received.

APPEALS

Within five days of the City Council's final action on these applications, the Community Development Director will provide written notice of the decisions to the applicant and any other parties entitled to notice. A City Council decision can be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal within 21 days of the date the decision is reduced to writing and bears the necessary signatures of the decision makers.

STAFF ANALYSIS - COMPREHENSIVE PLAN MAP AMENDMENT (FILE CP-01-14)

Section 2.220(3) of the Albany Development Code (ADC) includes the following review criteria that must be met for this quasi-judicial map amendment to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

- (1) *The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation.*

FINDINGS OF FACT

- 1.1 **Current Plan Designation:** The current Comprehensive Plan Map designation of the property is Low Density Residential-LDR (Attachment C). The LDR designation "identifies areas predominantly suited or used for detached single-family development on lot sizes ranging from 5,000 to 10,000 square feet," (Albany Comprehensive Plan, page 9-9). The property also contains 0.01 acre of land designated as General Commercial (GC). The GC designation "identifies areas from community services to regional commercial establishments, suitable for a wide range of retail sales and service establishments," (Albany Comprehensive Plan, page 9-10).

1.2 Requested Designation: The request is to designate 1.37 acres of LDR and 0.01 acre of GC to Medium Density Residential-MDR (Attachment D). The MDR Plan designation “identifies areas suitable for multiple-family and attached single-family development at densities up to 35 units per acre,” (Albany Comprehensive Plan, page 9-9).

1.3 The Comprehensive Plan defines a goal as, “a general statement indicating a desired end, or the direction the City will follow to achieve that end.”

The Comprehensive Plan describes the City’s obligation in regard to goals as follows: “The City cannot take action which opposes a goal statement unless: 1) It is taking action which clearly supports another goal, 2) There are findings indicating the goal being supported takes precedence (in the particular case) over the goal being opposed,” (Comprehensive Plan, page ii).

1.4 The Comprehensive Plan (page 2) defines a policy as, “a statement identifying a course of action or City position.”

The Comprehensive Plan describes the City’s obligation in regard to policies as follows: “The City must follow relevant policy statements in making a land use decision . . . [I]n the instance where specific Plan policies appear to be conflicting, then the City shall seek solutions which maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with the statewide goals. In balancing and weighing those statements, the City can refer to general categories of policies and does not have to respond to each applicable policy. Also, in this weighing process, the City shall consider whether the policy contains mandatory language (e.g., shall, require) or more discretionary language (e.g., may, encourage),” (Comprehensive Plan, page iii).

Relevant Plan Goals and Policies

1.5 The proposed Plan map amendment to change land from LDR and GC to MDR must satisfy long-range interests of the general public as outlined in the Comprehensive Plan’s goals and policies.

The following Comprehensive Plan goals and policies are relevant in considering whether the proposed MDR designation is more supportive of the Comprehensive Plan, on balance, than the current LDR and GC designation. The relevant goals and policies are listed under the relevant Statewide Planning Goals and are shown in *bold italic* print followed by findings of fact and conclusions.

GOAL 2: LAND USE PLANNING (Chapter 9 – Land Use Planning)

Goal: Undertake Periodic Review and Update of the Albany Comprehensive Plan to ensure the Plan:

- 1. Remains current and responsive to community needs*
- 2. Retains long-range reliability*
- 3. Incorporates the most recent and reliable information*
- 4. Remains consistent with state laws and administrative rules*

Policy 2: Base approval of Comprehensive Plan amendments upon consideration of the following:

(a) Conformance with goals and policies of the Plan

1.6 How this application conforms to the goals and policies of the Comprehensive Plan is the subject of the discussion under this review criterion.

(b) Citizen review and comment

1.7 This Comprehensive Plan Map and Zoning Map Amendment application is processed as a Type IV quasi-judicial land use decision. The City's Development Code requires notification to surrounding property owners that this Comprehensive Plan Map Amendment Application has been received and that there will be public hearings on the application. Signs advertising the public hearing must also be posted on the property [ADC 1.400 and 1.410]. A Notice of Public Hearing was mailed to affected and surrounding property owners and the property was posted with the required signs.

(c) Applicable Statewide Planning Goals

1.8 How the proposed changes comply with the Statewide Planning Goals is the subject of this section of the report.

(d) Input from affected governmental units and other agencies

1.9 ORS 197.610 requires the City to notify the Oregon Department of Land Conservation and Development (DLCD) of any proposed changes to the Comprehensive Plan Map and/or Zoning Map. Notice was provided to DLCD on February 27, 2015. Oregon Department of Transportation (ODOT) and the Greater Albany Public Schools are affected governmental units within the subject area. They have been notified of the proposed amendments.

(e) Short - and long-term impacts of the proposed change

(f) Demonstration of public need for the change

(g) Demonstration that the proposed amendment will best meet the identified public need versus other available alternatives

(h) Any additional information as required by the Planning Commission and City Council

1.10 The short-term and long-term impacts of the proposed change, the public need for the change, and other available alternatives are discussed in the findings below.

GOAL 10: HOUSING (Chapter 4 – Housing)

Goal 1: Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.

Goal 2: Create a city of diverse neighborhoods where residents can find and afford the values they seek.

Policy 1: Ensure that there is an adequate supply of residentially zoned land in areas accessible to employment and public services.

Policy 2: Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.

Policy 6: Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided.

1.11 The most recent update of the City's 2005 to 2025 Housing Needs Analysis occurred in 2007 to stay current with population trends, income and land availability. The applicant notes that "Table 4-17 indicates that 4,303 new housing units would be needed by 2025. Based on population forecasts and income distributions, 727 units would be needed in RMA and RM-3¹ for households seeking that type of housing," (see Page 3 of Attachment E).

1.12 The applicant adds that within the Urban Growth Boundary, only 17 buildable acres were specifically zoned RMA or RM-3, as identified by City staff (see Table 5-4 on Page 3 of Attachment E). These 17 buildable

¹ The zoning designations of RM-3 (Residential Multiple Family), and RM-5 (Residential Limited Multiple Family), were combined into the new RM (Residential Medium Density) zoning designation on June 27, 2007.

acres translate to 231 potential units, assuming a projected gross density of about 15 units per acre (see Table 5-8 on Page 4 of Attachment E).

- 1.13 The City's Housing Needs Analysis shows that there is a projected shortage of land zoned for medium density residential uses. At the time the Housing Needs Analysis was updated, there was a net need of 44.1 acres to accommodate RMA and RM-3 housing needs by 2025, and a surplus of land totaling 321 acres zoned RS-6.5 (see Table 5-9 on Page 4 of Attachment E).
- 1.14 The applicant concludes that, "according to the population forecast and estimated incomes in the Albany economy in 2025, there is a shortage of land zoned RMA and RM-3 and a surplus of land zoned RS-6.5. To meet housing needs, some land zoned RS-6.5 should be rezoned to RMA or RM-3. The proposed map amendment would accomplish this precisely. The proposed map designation of MDR would establish the correct Comprehensive Plan Map designation to enable the needed zoning. These facts and analysis demonstrate that Comprehensive Plan policies are more supportive of RMA than RS-6.5 in compliance with this criterion," (Page 5 of Attachment E).

GOAL 12: TRANSPORTATION (Chapter 5 – Transportation)

Goal 1: Provide an efficient transportation system that provides for the local and regional movement of people and goods.

Goal 2: Provide a safe transportation system.

- 1.15 Transportation findings are fully addressed in findings under Criterion 2 of Zoning Map Amendment ZC-100-14, later in this staff report. In summary, the trip generation analysis completed by Ferguson & Associates, Inc. concluded that there would be a small increase in traffic generation from RS-6.5 to RMA zoning as defined by ODOT. The proposed amendments will not significantly affect an existing or planned transportation facility and no further analysis is warranted under the Transportation Planning Rule, according to the applicant. Staff concurs with this determination.

GOAL 14: URBANIZATION (Chapter 8 – Urbanization)

Goal: Achieve stable land use growth which results in a desirable and efficient land use pattern.

Policy 13: Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood.

Implementation Strategy 8: Provide for medium- or high-density development adjacent to streets designated and designed as arterials and collectors or, if compatible, adjacent to major employment centers and ensure that traffic does not negatively impact the surrounding area.

- 1.16 The subject property is 1.38 acres. The applicant points out that the transition from rural land to urban land is complete in the vicinity of the subject property. Surrounding uses have already been developed with commercial uses south of the site and urban residential uses north and west of the site.
- 1.17 According to the applicant, "This neighborhood provides a variety of housing types and sizes. Within a 300-foot radius of the subject property, there are 21 detached homes on individual lots, a duplex, two fourplexes, and two apartment buildings containing 21 units. There are also two motels, a restaurant, car wash, and auto lube shop within the same distance." The applicant contends that this residentially diverse area is well-suited for proposed medium density housing.
- 1.18 The subject property is located within walking distance of Waverly Elementary School and Waverly Park. The applicant adds that it is located close to public transit that serves nearby grocery stores with access to daily

goods and services. Livability in the neighborhood would be enhanced by onsite open space and recreational amenities, as outlined in the design standards of the Albany Development Code.

CONCLUSIONS (CRITERION 1, PLAN GOALS AND POLICIES)

Findings and conclusions of the evaluation of the Plan goals and policies relevant to this request are summarized below.

- 1.1 Goal 2, Land Use Planning. Notification was sent to all affected and surrounding property owners and agencies with jurisdiction. Two public hearings have been scheduled to consider the proposed comprehensive plan and zoning map amendments.
- 1.2 Goal 10, Housing. If the proposed map amendments are approved, 1.38 acres of land currently developed with a single family residential use will be added in the MDR area, and 1.37 acres of LDR land will be removed from the single family inventory.
- 1.3 Goal 12, Transportation. The TPR requires that zone changes be evaluated to determine if the vehicle trip generation that could occur under the new zone designation is more than could have occurred under current designation, and if so, if the additional trips would result in a "significant affect." Based on ODOT Development Review Guidelines, the proposed amendments will not significantly affect an existing or planned transportation facility and no further analysis is warranted under the Transportation Planning Rule.
- 1.4 Goal 14, Urbanization. The conversion of rural to urban land is complete in the vicinity of the subject property. The property lies between existing commercial uses and residential uses that have been built at a variety of urban residential densities. Allowing higher density development near schools, parks and grocery stores may encourage alternative modes of transportation.
- 1.5 On balance, the evidence supports changing the designation of the subject property from LDR and GC to MDR, and the zoning from RS-6.5 and CC to RMA.

(2) *The requested designation is consistent with any relevant area plans adopted by the City Council.*

FINDING OF FACT

- 2.1 "Relevant area plans" as used here means land use plans. For example, the City has relevant area plans for areas such as East I-5 and South Albany. There are no relevant area plans for the area where the subject property is located.

CONCLUSION

- 2.1 This review criterion is not applicable because there are no relevant area plans for the area where the property is located.

(3) *The requested designation is consistent with the Comprehensive Plan Map pattern.*

FINDINGS OF FACT

- 3.1 The Comprehensive Plan does not, in broad terms, describe ideal land use or map patterns. Typically, it is good practice to locate uses with negative off-site impacts away from residential areas, avoid "spot zoning," provide a transition from higher intensity land uses to less intense residential uses, encourage compatible infill, and discourage low-density sprawl.

Particular Comprehensive Plan goals and/or policies provide guidance about what kind of uses and land patterns are desirable. For example, Goal 14 (Urbanization), Policy 13, says, "Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood," (Comprehensive Plan, page 8-3).

- 3.2 Currently, the land south and east of the subject property has a Comprehensive Plan designation of General Commercial (GC), which is shown in red on the Plan map that follows (see Figure 1 below). Properties to the north and west are designated Low Density Residential (LDR), and are shown as light yellow. The subject property can serve as a transitional buffer between these two designations. The proposed Plan map amendment would change the designation of 1.38 acres from LDR and GC to Medium Density Residential (MDR).

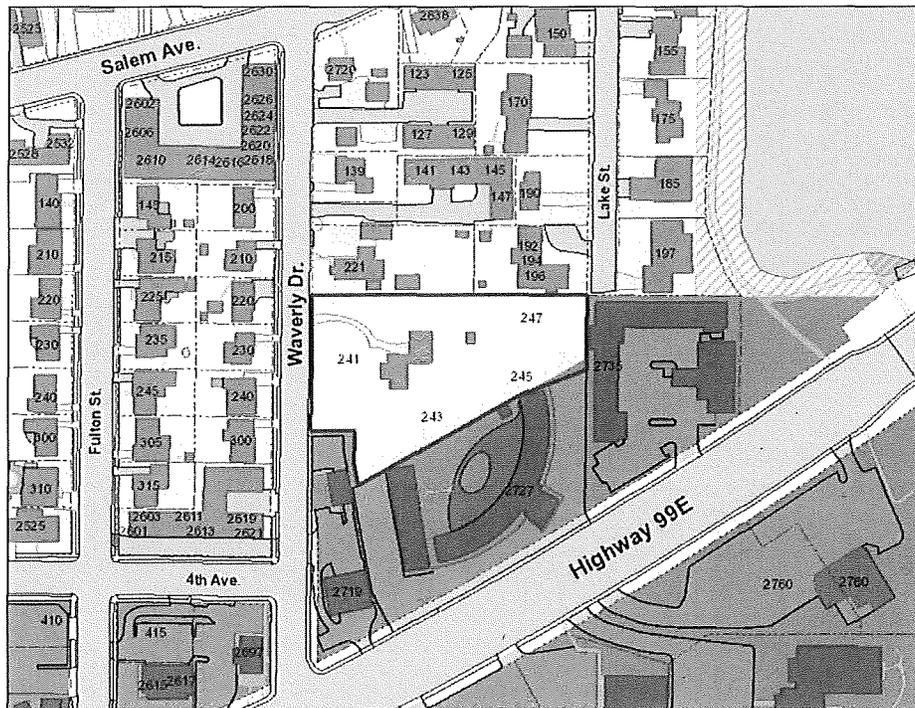


Figure 1: Subject property is identified as "Low Density Residential" in the Comprehensive Plan. Properties to the south and east are designated "General Commercial; north and west are designated "Low Density Residential."

- 3.3 As stated in Finding 1.1 above, the LDR designation "identifies areas predominantly suited or used for detached single-family development on lot sizes ranging from 5,000 to 10,000 square feet," (Albany Comprehensive Plan, page 9-9). The property also contains 0.01 acre of land designated as General Commercial (GC). The GC designation "identifies areas from community services to regional commercial establishments, suitable for a wide range of retail sales and service establishments," (Albany Comprehensive Plan, page 9-10).

The MDR designation "identifies areas suitable for multiple-family and attached single-family development at densities up to 35 units per acre," (Albany Comprehensive Plan, page 9-9).

- 3.4 Due to a variety of factors including changing development patterns, business concepts, and community needs, and other factors that cannot be specifically anticipated, the zoning patterns within areas of a community cannot always remain static.

- 3.5 Land uses on the property designated “General Commercial” that abuts the site include motels and an automobile service center. These uses typify uses that are allowed on commercially-zoned property in the General Commercial-designated areas. The applicant points out that residential uses to the north and west that are designated “Low Density Residential” in the Comprehensive Plan exhibit a mixture of different housing types and densities. Housing types include single family, duplexes and multi-family dwellings that lie within the RS-6.5 zoning district. According to the applicant, “Approximately one-half of the homes in this area are congregated in multi-dwelling structures such as fourplexes and apartments. There is no predominant housing type in this area. It is an inclusive, heterogeneous neighborhood.”
- 3.6 The proposed Comprehensive Plan Map amendment and zone change from Residential Single Family (RS-6.5) to Residential Medium Density Attached (RMA) would reflect the transitional aspect between the higher commercial land uses to the south and east and the less intensive residential neighborhood to the north and west.
- 3.7 There are numerous areas on the Comprehensive Plan Map that already reflect a transitional, or stepped-down land use from areas with higher intensity land uses to lower intensity land uses (see Figure 2 below). In this way, there is a degree of separation between commercial and single family land uses.

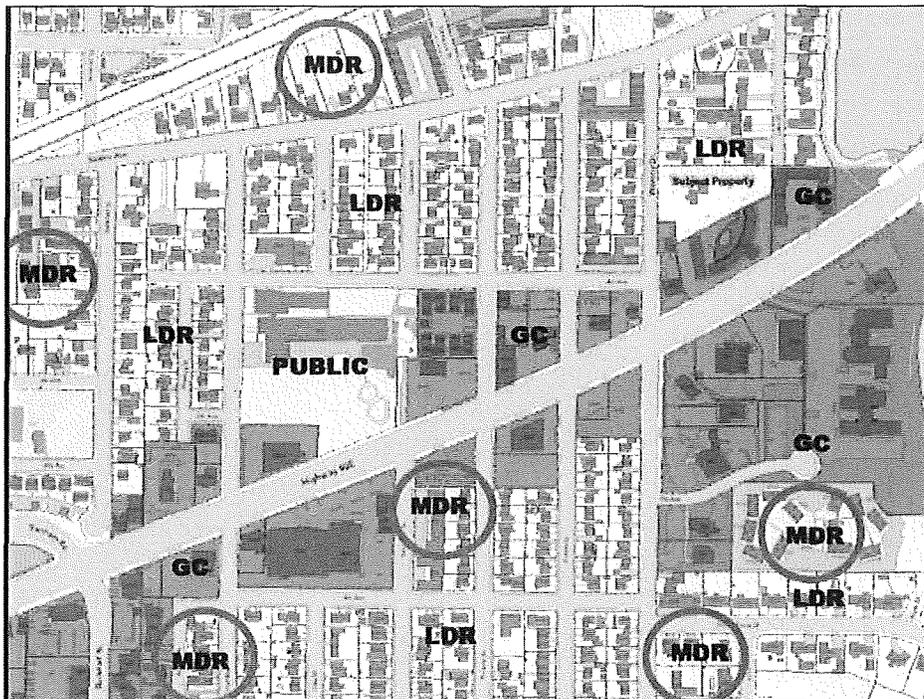


Figure 2: Examples of transitional or stepped-down land use intensities designated as Medium Density Residential (MDR). The subject property is located at the upper right corner of the map.

CONCLUSIONS

- 3.1 There is no specific formula for an appropriate Comprehensive Plan map pattern.
- 3.2 The predominant map pattern for this location is LDR and GC (see Figure 1).
- 3.3 The proposal to change the Plan designation to MDR with the concurrent zone change to RMA is expected to result in development compatible with surrounding uses, since those uses in the RS-6.5 zone are already primarily developed with uses that could also be developed under the proposed RMA zone. Additionally, the

types of uses that could be developed under the RMA zone, are considered as compatible with the adjacent commercial uses, as uses permitted in the current low density zone.

3.4 The requested Plan designation is consistent with the Comprehensive Plan map patterns reflecting a transition between high intensity and low intensity land uses.

3.5 This review criterion is met.

(4) *The requested designation is consistent with the statewide planning goals.*

FINDING OF FACT

4.1 Oregon's 19 Statewide Planning Goals constitute the framework for a statewide program of land use planning. The Statewide Goals are achieved through local comprehensive planning. The Albany Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in 1982 as being in compliance with the Statewide Planning Goals. The Statewide Planning Goals were evaluated under the Comprehensive Goals and Policies in Review Criterion (1) above. The Findings of Fact and Conclusions are hereby included by reference.

CONCLUSIONS

4.1 The requested MDR designation for this site is consistent with the Statewide Planning Goals.

4.2 This criterion is met.

STAFF ANALYSIS - ZONING MAP AMENDMENT (FILE ZC-100-14)

The Albany Development Code (ADC) includes the following review criteria which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

(1) *The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for (ADC 2.740 (1)).*

FINDINGS OF FACT

1.1 The applicant proposes to change the zoning of 1.37 acres from Residential Single Family (RS-6.5) and 0.01 acre of Community Commercial (CC) to Residential Medium Density Attached (RMA) district.

1.2 The current Comprehensive Plan map designation of the subject site is Low Density Residential (LDR) and General Commercial (GC). The proposed RMA zoning is not consistent with the Low Density Residential (LDR) Plan designation of the site.

1.3 The applicant has applied to change the Comprehensive Plan Map designation from LDR and GC to MDR.

1.4 The proposed zone change to RMA is consistent with the concurrent proposed MDR designation of the property.

CONCLUSIONS

1.1 The applicant has applied for a concurrent Comprehensive Plan Map amendment to MDR. The proposed RMA zoning is consistent with the MDR designation.

1.2 This criterion is satisfied, provided that the amendment to the Comprehensive Plan Map is approved.

(2) *Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation (ADC 2.740 (2)).*

FINDINGS OF FACT

2.1 The site is located on the east side of Waverly Drive about 330 feet north of Pacific Boulevard. The zone change would change the designation of 1.38 acre parcel of property from RS-6.5 to RMA.

2.2 Albany's Transportation System Plan (TSP) includes improvements necessary to accommodate anticipated development through the year 2030. The TSP does include an intersection capacity project (# 124) just south of this site at the Pacific Boulevard/Waverly Drive intersection. That intersection is part of the state highway system and under ODOT jurisdiction.

2.3 Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule holds that a "significant effect" occurs and must be mitigated if a proposed zone change would result in an existing or planned transportation facility either failing to meet an adopted performance standard or degrading the performance of an already failing facility.

2.4 The subject application included a Trip Generation study and TPR Assessment. The analysis was performed by Ferguson & Associates and is dated October 7, 2014. The analysis compared the number of average daily and peak hour vehicle trips that could be generated by development of the site under the current RS-6.5 zone designation with the trips that could result from development under the requested RMA designation.

2.5 The trip generation estimate developed for the existing RS-6.5 zone designation used ITE code 210, "Single Family Homes" and was based on a development potential of 6 possible lots. The trip generation estimate was for 57 average daily trips, with 6 of those occurring during the PM peak traffic hour.

2.6 The trip generation estimate for the proposed RMA zone designation used ITE code 220, "Apartment" and was based on a development potential of 35 units. The trip generation estimate was for 233 average daily trips with 22 of those occurring during the PM peak traffic hour.

2.7 Based on the study results, development of the site under the requested RMA zone designation would result in 176 more average daily trips and 16 more PM peak hour trips than would development under the existing zone designation.

2.8 The Ferguson study included the following analysis in regard to the site's trip generation and the TPR:

"As the land use authority, the City of Albany determines the extent of a study for a TPR assessment. This is echoed in the ODOT Development Review Guidelines, Section 3.3.02:

Applications for plan and zoning amendments that create a "significant effect" under TPR section 0060 must provide information that is best discovered in traffic impact analysis, but it is up to the local government to request or require it."

Most importantly, Chapter 3.2 of the ODOT Development Review Guidelines (p. 33) excludes amendments generating less than 400 ADT:

"If an amendment subject to TPR Section 0060 increases the volume to capacity ratio further, or degrades the performance of a facility so that it does not meet an adopted mobility target at the

planning horizon, it will significantly affect the facility unless the change in trips falls below the thresholds listed:

“The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:

Any proposed amendment that does not increase the average daily trips by more than 400.”

CONCLUSIONS

- 2.1 The proposed zone change would change the designation of 1.38 acre parcel from RS-6.5 to RMA.
 - 2.2 Albany’s Transportation System Plan includes improvements necessary to accommodate anticipated development through the year 2030. The TSP does include an intersection capacity project (# I24) just south of this site at the Pacific Boulevard/Waverly Drive intersection.
 - 2.3 The TPR requires that zone changes be evaluated to see if the vehicle trip generation that could occur under the new zone designation is more than could have occurred under current designation, and if so, if the additional trips would result in a “significant effect.”
 - 2.4 An analysis submitted by the applicant estimated that a reasonable worst case development under the requested zone designation would, at most, generate up to 176 more daily, and 16 more PM peak hour trips, than would development under the current zone designation.
 - 2.5 The proposed zone change does have the potential to add some trips to the Pacific Boulevard/Waverly Drive intersection. That intersection is on the state highway system and under the jurisdiction of ODOT. Based on ODOT Development Review Guidelines, the potential increase in trips related to the zone is below the 400 ADT threshold for determination of a “small increase” and as a result is not subject to TPR Section 0060.
 - 2.6 The ODOT Review Development Guidelines are based on and mirror the TPR review standards contained in Oregon Highway Plan Action 1F.5.
 - 2.7 This review criterion is met without conditions.
- (3) *Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area (ADC 2.740 (3)).*

Sanitary Sewer.

- 3.1 City utility maps show an 8-inch public sanitary sewer main along the subject property’s east boundary. The City’s Wastewater Facility Plan does not show any system deficiencies downstream of the subject property.

Water.

- 3.2 City utility maps show a 12-inch public water main in Waverly Drive that is looped to a 12-inch main in 4th Avenue and a 20-inch main in Salem Avenue. The City’s Water Facility Plan does not show any system deficiencies in this area.

Storm Drainage.

- 3.3 City utility maps show an 8-inch public storm drainage main in Waverly Drive. This main runs to the north where it discharges to a 36-inch main in Salem Avenue. The 36-inch main discharges to Waverly Lake approximately 650 feet east of Waverly Drive.
- 3.4 The 8-inch main in Waverly Drive is undersized and will likely require most any development on the property to provide on-site storm water detention. This detention requirement would likely be a condition of approval for any development regardless of the zoning of the property. Property zoned for higher density development may find that more land area would be needed to provide the detention facilities than for a lower density development.

Schools.

- 3.5 Children living in future residential development on the property would attend Waverly Elementary School, located about five blocks to the west of the development, Memorial Middle School, or West Albany High School. According to the Greater Albany Public School District, these schools are expected to reach capacity by 2018. The Greater Albany Public School system began collecting a school construction excise tax in 2009. The tax equals \$1.00 per square foot for all residential building permits. The funds will be used to partially offset the cost of constructing additional school facilities to accommodate future growth in the student population.

Police and Fire Protection.

- 3.6 The City of Albany provides police and fire protection to this area. There are no adverse impacts on the affected service area that are anticipated with this map amendment request.

CONCLUSIONS

- 3.1 The existing public sanitary sewer facilities in this area are capable of accommodating the existing development as well as future development allowed in the proposed zone.
- 3.2 The existing public water facilities in this area are capable of accommodating the existing development as well as future development allowed in the proposed zone.
- 3.3 The existing public storm drainage facilities in this area are capable of accommodating most residential development that could occur in the proposed zone. Any development that may occur which may produce higher levels of storm water runoff would likely be required to provide on-site storm water detention to protect the public system from overloading.
- 3.4 The Greater Albany Public Schools District forecasts schools serving this area to reach capacity by 2018. In anticipation, the District collects a school construction excise tax for all residential building permits that will be used to construct future additional school facilities.
- 3.5 The site is served by police and fire protection provided by the City of Albany.
- 3.6 This review criterion is met without conditions.
- (4) *The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan (ADC 2.740 (4)).*

FINDINGS OF FACT

- 4.1 The current zoning designation of the property where the Zoning Map amendment is proposed is Residential single Family (RS-6.5) and Community Commercial (CC). The proposed zoning is Residential Medium Density Attached (RMA).
- 4.2 Prior to being zoned RS-6.5, the subject property was zoned R-1 (Low Density Urban Residential District) from 1977 to 1996, and R-2 (Low Density Multiple Family Residential District) prior to 1977. In 1980, the Comprehensive Plan designation was changed to low density residential. The R-2 zoning designation allowed single family outright, duplexes and multifamily either outright or through Site Plan Review according to development codes in effect at the time. However, the R-1 district allowed mainly single-family dwellings, consistent with the present-day RS-6.5 zoning.

Zoning District Purposes

- 4.3 According to Section 3.020(3) of the Albany Development Code, the RS-6.5 (Residential Single Family District) zoning district is "intended primarily for low-density urban single-family residential development. The average minimum lot size is 6,500 square feet." Multiple family dwelling units on one property are not permitted in the RS-6.5 district.
- 4.4 Allowable uses that are permitted outright in the RS-6.5 district include single family detached residences, duplexes in limited circumstances, child or adult care homes, group care homes with five or fewer residents, accessory buildings not greater than 750 square feet with walls not higher than 11 feet, home businesses that meet standards, and agricultural crop production. Uses allowed through conditional use approval include bed and breakfasts, basic utilities, community services, schools, religious institutions, parks, and entertainment and recreational uses.
- 4.5 According to Section 4.020(3) of the Albany Development Code, the CC (Community Commercial District), "recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas."
- 4.6 The subject property has 650 square feet of land zoned CC. It is located on the southeast corner of the property and has no road access or any other characteristics that would make it feasible to develop with a commercial use.
- 4.7 According to the Section 3.020(6), "The RMA District is intended primarily for medium- to high-density urban residential development. All units, whether single- or multiple-family, shall be attached. New RMA districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 35 units per gross acre." Waverly Drive is a minor arterial street.
- 4.8 Allowable uses that are permitted outright in the RMA district include attached single family and two family dwelling units, child or adult care homes, group care homes with five or fewer residents, and agricultural crop production. Multiple family units, day cares, boarding houses and manufactured home parks are permitted through an approved site plan review. Basic utilities, hospitals, community services, schools, religious institutions, parks, and entertainment and recreational uses are permitted through conditional use approval.
- 4.9 Regarding the proposed RMA zoning district best satisfying the goals and policies of the Comprehensive Plan, the Findings and Conclusions under Review Criterion (1) of the concurrent Comprehensive Plan Map amendment are included here by reference. In summary, those findings found that the proposed map amendments on the subject property were, on balance, more supportive of listed Plan policies. The City's Housing Needs Analysis shows that there is a projected shortage of land zoned for medium density uses; there is a surplus of land designated for lower density single family uses; the proposed amendments will not

significantly affect an existing or planned transportation facility; and the neighborhood is already characterized by a variety of housing types and sizes.

CONCLUSIONS

4.1 The RMA zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan.

4.2 This criterion has been met.

(5) *The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study (ADC 2.740 (5)).*

FINDINGS OF FACT

5.1 Albany's Transportation System Plan includes improvements necessary to accommodate anticipated development through the year 2030. The TSP includes an intersection capacity project (# 124) just south of this site at the Pacific Boulevard/Waverly Drive intersection.

5.2 The TSP does not identify any other capacity or level of service problems associated with the proposed Zoning Map amendment.

5.3 There are no other applicable City-contracted or funded land use or transportation plan or study that applies to the subject area.

CONCLUSIONS

5.1 The proposal will not conflict with the transportation system as shown in TSP.

5.2 The proposal is in accordance with the transportation pattern as shown in the TSP.

5.3 This criterion is met.

SUMMARY

The property at 241 Waverly Drive SE has an irregular shape and a relatively small size to develop single family homes together with providing necessary infrastructure and access. In addition, the character of the surrounding neighborhood is one that provides a wide variety of housing types and sizes built over the years, ranging from single family detached homes on single lots to apartment buildings containing multiple units. The subject property serves as a transition between commercial businesses to the south with neighborhood residential uses to the north. Waverly Drive is a minor arterial street, and public transportation that provides access to schools, parks and shopping is available nearby. On balance, the evidence supports changing the Comprehensive Plan map designation to Medium Density Residential and the zoning to Residential Medium Density Attached.

With respect to the proposed Plan and Zoning map amendment, the Planning Commission has two options:

Option 1: Recommend that the City Council approve the Plan amendment request; or

Option 2: Deny the Plan amendment request.

Based on the analysis in this report, staff recommends that the Planning Commission recommend that the City Council approve the Plan amendment request.

Similarly, the Planning Commission has two options with respect to the proposed Zoning Map amendment request:

Option 1: Recommend that the City Council approve the Zoning Map amendment request; or

Option 2: Deny the Zoning Map amendment request.

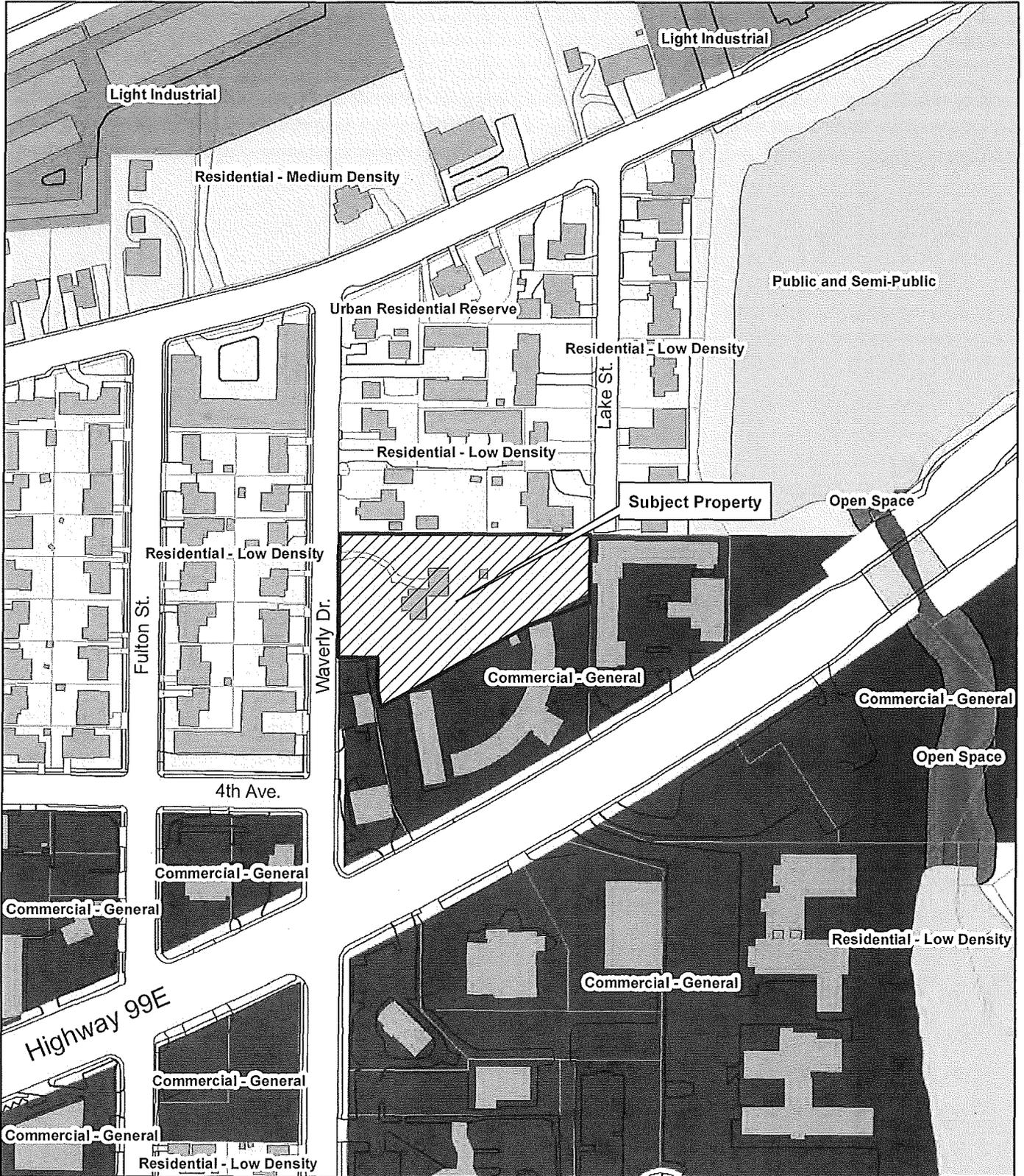
Based on the analysis in this report, staff recommends that the Planning Commission recommend that the City Council approve the Zoning Map amendment request.

ATTACHMENTS

- A Location Map
- B Notice of Public Hearing
- C Current Comprehensive Plan & Zoning Designation
- D Proposed Comprehensive Plan & Zoning Designation
- E Application and Narrative from the Applicant
- Appendix A: Trip Generation Report
- Appendix B: Legal Description (place-holder)

ACRONYMS

AASHTO	American Association of State Highway and Transportation Officials
ADC	Albany Development Code
ADT	Average Daily Traffic
AMC	Albany Municipal Code
CC	Community Commercial Zoning District
DLCD	Oregon Department of Land Conservation and Development
GC	General Commercial Comprehensive Plan Designation
HDR	High Density Residential Comprehensive Plan Designation
ITE	Institute of Transportation Engineers
LDR	Low Density Residential Comprehensive Plan Designation
LI	Light Industrial Zoning District
LOS	Level of Service
LUBA	Oregon Land Use Board of Appeals
MDR	Medium Density Residential Comprehensive Plan Designation
ODOT	Oregon Department of Transportation
R-1	Low Density Urban Residential District (no longer used)
R-2	Low Density Multiple Family Residential District (no longer used)
RM	Residential Medium Density Zoning District
RM-3	Residential Multiple Family Zoning District (combined with RM in 2007)
RM-5	Residential Limited Multiple Family Zoning District (combined with RM in 2007)
RMA	Residential Medium Density Attached Zoning District
ROW	Right of Way
RS-6.5	Residential Single Family District (minimum average lot size of 6,500 square feet)
TPR	Transportation Planning Rule
TSP	Transportation Systems Plan
V/C	Volume to Capacity



Location Map: 241 Waverly Drive SE, with Comprehensive Plan Designations



The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect, thus its accuracy is not warranted. Prior to making any property purchase or other investments based in full or in part upon the material provided, it is specifically advised that you independently verify the



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July 17, 2014

Planning Division

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



COMMUNITY DEVELOPMENT DEPARTMENT

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

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

NOTICE OF PUBLIC HEARING

<u>HEARING BODY</u>	PLANNING COMMISSION	CITY COUNCIL
<u>HEARING DATE</u>	Monday, April 20, 2015	Wednesday, May 27, 2015
<u>HEARING TIME</u>	5:15 p.m.	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

GENERAL INFORMATION

DATE OF NOTICE:	April 8, 2015
FILES:	CP-01-14 and ZC-100-14
TYPE OF APPLICATION:	Quasi-Judicial Comprehensive Plan Map Amendment from Low Density Residential and General Commercial to Medium Density Residential, and Zoning Map Amendment from RS-6.5 and CC to RMA, a Type IV process
REVIEW BODIES:	Planning Commission and City Council
PROPERTY OWNER/ APPLICANT:	Tyre & Sidon LLC; c/o RJ Alldritt; 19460 Tam Lake Ct; Bend, OR 97702
APPLICANT REPRESENTATIVE:	Rich Catlin, Reece & Associates; 321 1 st Avenue E, Suite 3A; Albany, OR 97321; 541-926-2428; rich@r-aengineering.com
ADDRESS/LOCATION:	241 Waverly Drive SE
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-03W-05DD; Tax Lot 400
ZONING:	RS-6.5 (Single Family Residential) District; CC (Community Commercial) District
CP DESIGNATION:	LDR (Low-Density Residential); GC (General Commercial)
EXISTING LAND USE:	Single family residence
SURROUNDING ZONING:	North: RS-6.5 South: CC East: CC West: CC and RS-6.5
SURROUNDING USES:	North: Single family and duplex dwelling units South: Motel and auto lube service center East: Motel West: Car wash; single family residences west of Waverly Drive

The Planning Division has received the Comprehensive Plan Map and Zoning Map Amendment (zone change) applications referenced above and has scheduled a Public Hearing before the Planning Commission and City Council. We are mailing notice of this public hearing to property owners within 300 feet of the property where the map amendments are proposed. We invite your comments, either in writing prior to the day of the public

hearing or in person at the hearing. Comments will be taken into account when the Planning Commission and City Council make decisions on these applications.

We have attached location maps that show the current and proposed property zoning designations. All documents and evidence submitted by or on behalf of the applicant, and applicable criteria, are available for inspection at no cost at the Albany Community Development Department, Planning Division. The Staff Report will be available by 5:00 p.m. on April 13, 2015. A copy will be available at the City's web site at the following link: <http://www.cityofalbany.net/departments/community-development/planning/all-projects>, or at the Planning Division located in City Hall. All of this information is available for inspection at no cost, and copies will be provided upon request at a reasonable cost. For more information, please contact Project Planner David Martineau at 541-917-7550. Submit any written comments to the Planning Division, P.O. Box 490, Albany OR 97321. Any person who submits written comments or testifies at a public hearing will receive a copy of the Notice of Decision.

If additional documents or evidence are provided by any party, the City may allow a continuance, or leave the record open, to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time limitations of ORS 227.178.

YOUR COMMENTS

All testimony and evidence must be directed toward the approval standards for the application listed in this notice. Failure to raise an issue by letter, or in person, before the close of the record or the final evidentiary hearing, or failure to provide statements or evidence with sufficient detail to allow the Planning Commission and City Council an adequate opportunity to respond to each issue raised, precludes an appeal based on that issue.

PUBLIC HEARING PROCEDURE

The Public Hearing will begin with a declaration of any *ex parte* contacts (contacts which occurred outside of the public hearing) or any conflict of interest by the decision-makers. This will be followed by the staff report from the Planning staff. Then the applicant will testify, followed by testimony by other people in support of the application. After the people who are in favor of the application are finished, testimony from opponents will begin. This will be followed by testimony from people who neither favor nor oppose the application. The applicant will then be given the opportunity for rebuttal. The decision-makers are free to ask questions of any person who has testified, or of staff, at any point during the hearing.

If the hearing is continued or the record is left open, the chairperson will announce the date, time, and place for resumption of the hearing, and/or what limitations exist on further testimony or submittal of written materials. If the hearing and record are closed, the decision-makers will begin deliberations and/or will announce the time, date, and place when the decision will be made.

APPROVAL STANDARDS FOR THIS REQUEST

The Albany Development Code contains the following review criteria that must be met for this application to be approved:

QUASI-JUDICIAL COMPREHENSIVE PLAN MAP AMENDMENT [ADC 2.220(3)]

- (3) The requested designation for a quasi-judicial map amendment meets all of the following tests:
 - (a) The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation.

- (b) The requested designation is consistent with any relevant area plans adopted by the City Council.
- (c) The requested designation is consistent with the Comprehensive Plan Map pattern.
- (d) The requested designation is consistent with the Statewide Planning Goals.

QUASI-JUDICIAL ZONING MAP AMENDMENT (ADC 2.740)

- (1) The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for.
- (2) Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.
- (3) Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area.
- (4) The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.
- (5) The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.

The following Comprehensive Plan goals and policies are relevant to the Comprehensive Plan and Zoning Map amendment.

Goal 2: Land Use Planning-Land Use Designations (Chapter 9)

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 10: Housing (Chapter 4)

To provide for the housing needs of citizens of the state.

Policy 1: Ensure an adequate supply of residentially-zoned land in areas accessible to employment and public services.

Policy 2: Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.

Policy 6: Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided.

Goal 12: Transportation (Chapter 5)

Goal 1: Provide an efficient transportation system that provides for the local and regional movement of people and goods.

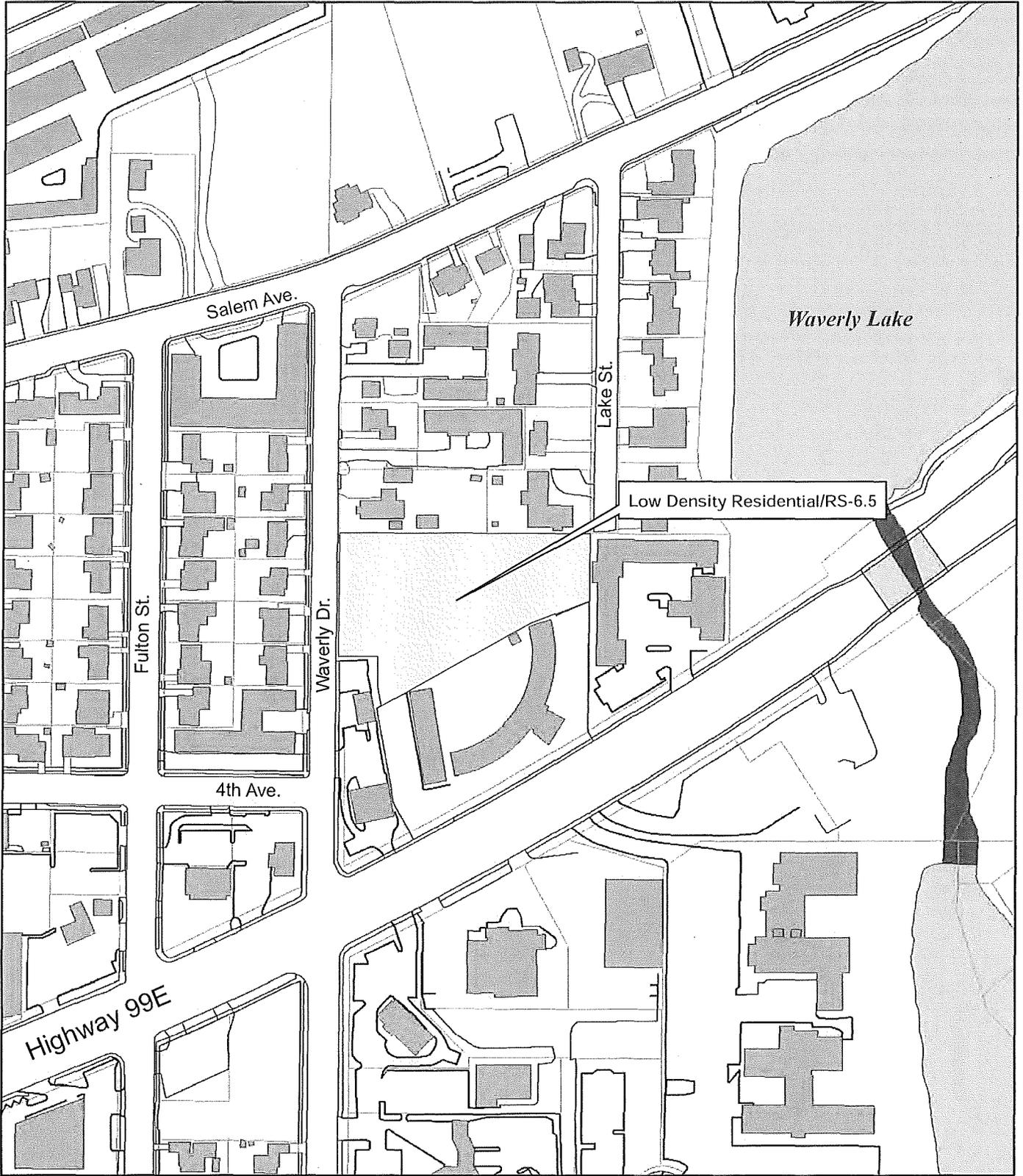
Goal 14: Urbanization (Chapter 8)

Goal 1: Achieve stable land use growth which results in a desirable and efficient land use pattern.

Policy 13: Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood.

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling 541-917-7501.

Attachments: Location Maps showing Current and Proposed Zoning Designation



Current Comprehensive Plan and Zoning Designation: 241 Waverly Drive SE



The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect, thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently field verify the

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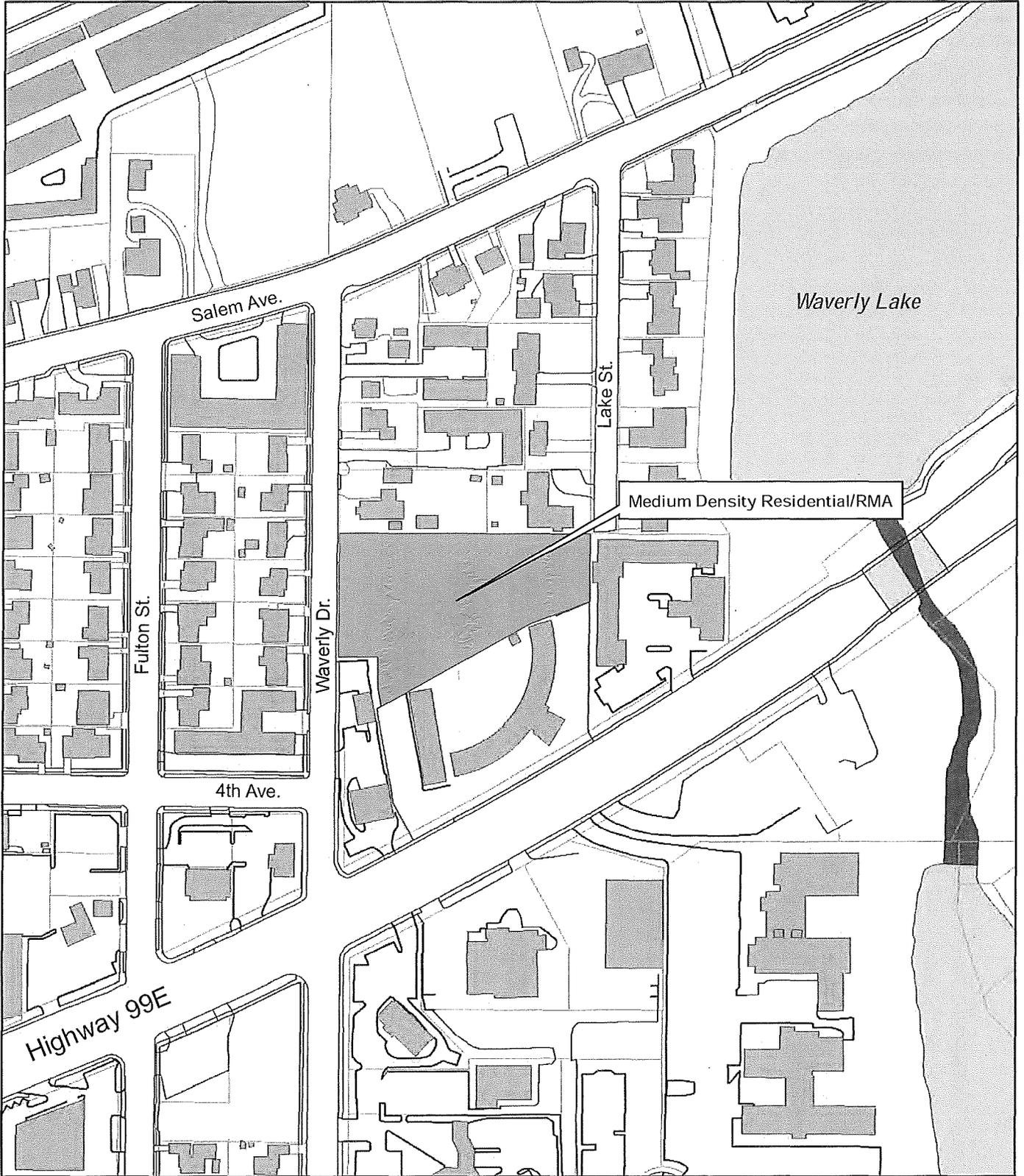


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February 27, 2015

Planning Division

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



Proposed Comprehensive Plan and Zoning Designation: 241 Waverly Drive SE



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NARRATIVE

Comprehensive Plan Map Amendment and Zone Change 241 Waverly Drive SE

Introduction

RJ Alldritt is the owner of 1.38 acres at 241 Waverly Drive SE. The property is bounded by two residential parcels to the north, a motel to the east, another motel to the south, and a car wash on the southwest corner. Waverly Elementary School is a few blocks to the west. Waverly Park is around the corner to the east.

The property is in a neighborhood just off Pacific Boulevard. Waverly Drive is a busy street in the block south of Pacific, but north of Pacific where the Alldritt property lies, Waverly Drive is a low volume street that passes through to Salem Road to the north. Between Pacific Boulevard and Salem Road this residential neighborhood exhibits a mixed character. Small post-World War II homes on small lots line the internal streets such as Fulton Street and Waverly Drive, while larger homes, dating to the latter half of the Twentieth Century are typical along Lake Street. Tenant housing in small to modest clusters are occupied by one-half of the households in the vicinity of this property.

Given the relatively small size, the Alldritt property has a modest redevelopment potential. The property is unusually deep and has an irregular boundary that defies efforts to efficiently lay out a subdivision. The site is more amenable to flexible design components of multi-dwelling development. As an infill project, services are already available to the site. The density and type of housing are compatible with tenant housing already present in the neighborhood. This would be a reasonable transitional land use between commercial businesses and the neighborhood.

A deficient of medium density housing is forecast by the City's housing needs analysis. When coupled with a forecast surplus of low density residential land, the redevelopment potential of the Alldritt property comes into focus. The need for medium density land can be met by rezoning low density land, services are readily available, and the site does not lend itself to efficient layout for detached homes. This application for map amendments ensues.

The proposed map amendments would change the existing Comprehensive Plan Map designation from Low Density Residential to Medium Density Residential with a concurrent zone change from RS-6.5 to RMA.

The proposed map amendments would also realign the zoning boundary to follow property lines. As currently shown on city maps, the zoning boundary departs from the property lines near the southeast corner of the subject property, resulting in split-zoned land. While the subject property appears to be entirely zoned RS-6.5, in fact a 0.01-acre triangle is zoned Community Commercial. A similar condition occurs on the Comprehensive Plan map. The proposed map amendments would restore these land use boundaries to the property lines.

Alldritt Map Amendments

COMPREHENSIVE PLAN MAP AMENDMENT

The decision criteria for a Comprehensive Plan map amendment are set forth in ADC 2.220. These criteria are addressed in the following sections. The criteria appear in *italics*, the response in plain text.

2.220 Review Criteria. Amendments to the Comprehensive Plan will be approved if the Council finds that the application meets the following applicable criteria:

- (1) A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.*
- (2) A legislative amendment is needed to meet changing conditions or new laws.*

These criteria do not apply because the proposed map amendment is a quasi-judicial request that affects one discrete property.

(3) The requested designation for a quasi-judicial map amendment meets all of the following tests:

- (a) The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance is more supportive of the Comprehensive Plan as a whole than the old designation.*

The housing policies of the Albany Comprehensive Plan are relevant to this request. The relevant policies are:

1. Ensure an adequate supply of residentially-zoned land in areas accessible to employment and public services.
2. Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.
6. Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided

These policies were updated in 2007 to stay current with population forecasts, income, and land availability set forth in "Albany Housing Needs Analysis 2005 to 2025"¹. Table 4-17² indicates that 4,303 new housing units would be needed by 2025. Based on population

¹ Prepared by the Albany Community Development Depart, adopted in 2007 as a background report to the Albany Comprehensive Plan.

² Ibid page 50.

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forecasts and income distributions, 727 units would be needed in RMA and RM-3 for households seeking that type of housing.

Table 4-17. Projected New Housing Units Needed by Type and Zoning District, 2025

	RM-3/ RMA	RM-5/ RM	RS-5	RS- 6.5	RS-10, RR	URR	HM, MUR	WF, HD	MUC, Other	Total
Single Family Units	65 3.2%	233 11.5%	520 25.6%	695 34.3%	200 9.9%	0 0.0%	53 2.6%	164 8.1%	99 4.9%	2,029
Manufactured Dwelling Park Units	0 0.0%	47 24.8%	18 9.5%	126 65.7%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	191
Duplexes	184 19.9%	238 25.4%	172 22.4%	142 21.9%	69 8.4%	0 0.0%	8 1.0%	0 0.0%	8 1.0%	821
3 or 4 Units per lot	21 42.3%	14 29.1%	4 8.5%	3 5.7%	3 5.8%	0 0.0%	2 4.5%	0 0.3%	2 3.8%	49
Multiple Family 5+ Units per lot	478 39.4%	455 37.5%	10 0.9%	10 0.9%	0 0.0%	0 0.0%	0 0.0%	83 6.8%	177 14.5%	1,213
Total Units Needed	727	959	736	1,014	271	0	63	247	286	4,303

Staff compiled an inventory of buildable land within the urban growth boundary. Table 5-4³ indicates that only 17 acres were zoned as RMA and RM-3.

Table 5-4. Developable Vacant and Partially Developed Residential Land by Size, September 2005

Comp Plan Designation	Zoning District	Developable Area \geq 1 acre			Developable Area $<$ 1 acre			TOTAL Buildable Acres
		Vacant Acres	Part-Devel Acres	\geq 1 Acre Total	Vacant Acres	Part-Devel Acres	$<$ 1 Acre total	
LDR	RR	187.5	181.6	369.1	55	53.9	108.9	478
LDR	RS-10	89.9	55.6	145.5	21.1	44.2	65.3	211
LDR	RS-6.5	262.3	213	475.3	66.7	32.7	99.4	575
LDR/MDR	RS-5	280.2	7	287.2	8.1	0.9	9	296
VC	HM/MUR	0	0	0	2.3	0	2.3	2
MDR/VC	RM-5/RM	63.5	24.6	88.1	21.5	15.2	36.7	123
MDR	RM-3/RMA	6.2	0	6.2	8.5	2.5	11	17
VC	WF	3.3	0	3.3	3.9	2.4	6.3	10
City Totals		893	482	1,375	187	152	339	1,714
URR		596	503.6	1,099.6	23.2	31.9	55.1	1,155
UGB Totals		1,489	985	2,474	210	184	394	2,868

³ Ibid page 54.

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Table 5-8⁴ demonstrates that those 17 acres of buildable land compute to 231 potential units.

Table 5-8. Projected Density by Zone and Build-Out Capacity of Developable Land

Comp Plan Designation	Zoning District	Projected Gross Density Per Acre	Net Developable Acres	Potential Units* at Build-Out
LDR	RR	3	478	1,446
LDR	RS-10	3	211	670
LDR	RS-6.5	4	575	2,202
LDR/MDR	RS-5	5.5	296	1,806
VC	IIM	5.5	1.3	10
VC	MUR	8	1	8
MDR	RM-5/RM*	12	125	1,509
MDR	RM-3//RMA	15	17	231
VC	WF	15	10	135
VC/GC	MUC, HD, CB & Redevel.	12	27 Est.	324
Total - City			1,741	8,141
URR	Outside City	4.5	1,155	5,198
Total UGB			2,910	13,454

*Figures don't equal density per acre x total developable acres because capacity was calculated on a lot by lot basis. When actual density was known, it was used. Lots less than the average minimum lot size for single-family units were allotted one unit.

Table 5-9⁵ calls out the need for an additional 44.1 acres of RMA and RM-3 to meet housing needs by 2025. By comparison, there would be a surplus of RS-6.5 land (321.1 acres).

Table 5-9. Projected Land Need (Surplus) by Zoning District to 2025

	RM-3/ RMA~	RM-5/ RM~	RS-5	RS-6.5	RS-10, RR	URR	HM, MUR	WF	HD, CB MUC, Other*	Total
Projected Units Needed by Zone	747	988	724	976	310	0	63	209	286	4,018
Estimate Density/Acre	15	12	5.5	4	3	4.5	7	15	12	n/a
Acres Needed	48.5	79.9	133.8	253.5	90.5	0.0	9.0	16.5	23.8	656
Available Land~	4.1~	66.0~	296.2	574.6	689.0	1,155	2.3	9.6	27.0	2,824
Net Acres Needed	44.1	13.9	(162.4)	(321.1)	(598.5)	(1,155)	6.7	6.9	(3.2)	(2,168)

*The HD (Historic Downtown), CB (Central Business), MUC (Mixed Use Commercial), Other category estimates the number of acres that might be redeveloped in these zones or other commercial zones.

~Developable areas less than one acre in the RM-3 and RM-5 zones were excluded from the Available Land

⁴ Ibid, page 56.

⁵ Ibid, page 56.

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total because these properties will likely develop or already have developed as single-family lots.

The report draws the following conclusions from these data⁶:

“Assuming staff estimates for the distribution of housing by type and price, and projected density trends are reasonable, the City needs more medium-density land, but overall there is a surplus of land to accommodate projected growth to 2025. Some of the surplus in the RS-5, RS-6.5 and RS-10 zones and land in the UGB designated URR can be rezoned to meet projected housing needs to 2025 by housing type and affordability and for public facilities.”

“In order to meet housing needs to 2025, there will be demand for at least 50 acres of land zoned to allow medium-density housing to include multiple-family and attached single-family units (shown above in the RM-3/RMA and RM-5/RM zones). If the City averages higher densities than projected, such as 20 units an acre in the RM-3/RMA zone instead of 15 units an acre, 12 fewer acres would be needed to 2025.”

“Land needs to be designated for multiple-family and medium-density development and policies adopted to provide land for multi-family development in order to reach projected 2025 needs.”

According to the population forecast and estimated incomes in the Albany economy in 2025, there is a shortage of land zoned RMA and RM-3 and a surplus of land zoned RS-6.5. To meet housing needs, some land zoned RS-6.5 should be rezoned to RMA or RM-3. The proposed map amendment would accomplish this precisely. The proposed map designation of MDR would establish the correct Comprehensive Plan Map designation to enable the needed zoning. These facts and analysis demonstrate that Comprehensive Plan policies are more supportive of RMA than RS-6.5 in compliance with this criterion.

(b) The requested designation is consistent with any relevant area plans adopted by the City Council.

This criterion does not apply because the subject property is not located within the boundaries of any area plan adopted by the City Council.

(c) The requested designation is consistent with the Comprehensive Plan Map pattern.

⁶ Ibid page 57.

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The subject property is situated in a neighborhood designated as Low Density Residential on the Comprehensive Plan map. The southern property boundary shares a map boundary with land designated General Commercial to the south. To the north nearby land is designated Medium Density Residential.

The Map pattern itself does not tell the whole story. The neighborhood in which the subject property is located exhibits a mix of housing types and densities. Approximately one-half of the homes in this area are congregated in multi-dwelling structures such as fourplexes and apartments. There is no predominant housing type in this area. It is an inclusive, heterogeneous neighborhood.

To the south is a more intensive land use along Pacific Boulevard. The proposed Medium Density Residential designation would be a transition or step down from a higher intensity land use (General Commercial) along Pacific Boulevard to the south to the less intensive residential neighborhood to the north.

For these reasons, the proposed map amendment would be consistent with the Comprehensive Plan map pattern.

(d) The requested designation is consistent with the statewide planning goals.

The Land Conservation and Development Commission acknowledged the Albany Comprehensive Plan and implementing ordinances as being in compliance with the Statewide Planning Goals. Subsequent post-acknowledgement plan amendments must also comply with the goals.

Goal 1, Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Opportunities for citizen involvement occurred during the formulation and adoption of the Albany Comprehensive Plan and Development Code. The Oregon Land Conservation and Development Commission acknowledged the Comprehensive Plan and Development Code as being in compliance with Goal 1.

In quasi-judicial proceedings conducted for map amendments as proposed by the applicant, the Development Code sets forth the acknowledged provisions for citizen involvement at public hearings before the Planning Commission and City Council. Based on these provisions, citizens would have ample opportunity to review and comment on the proposed map amendments.

For these reasons, the proposed map amendment complies with Goal 1.

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Goal 2, Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The Development Code sets forth the planning process for reviewing quasi-judicial proceedings conducted for map amendments as proposed by the applicant. The Albany Comprehensive Plan provides the policy framework for making such decisions. The Oregon Land Conservation and Development Commission acknowledged the Comprehensive Plan and Development Code as being in compliance with Goal 2. The applicant has submitted adequate factual information in support of the proposed map amendment.

For these reasons, the proposed map amendment complies with Goal 2.

Goal 3, Agricultural Lands: To preserve and maintain agricultural lands.

Goal 3 does not apply because there are no Goal 3 protected agricultural lands in or within the vicinity of the subject property.

Goal 4, Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Goal 4 does not apply because there are no Goal 3 protected forest lands in or within the vicinity of the subject property.

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.

The aim of Goal 5 is to protect a broad range of resources. According to , the following Goal 5 resources must be inventoried:

- a. Riparian corridors, including water and riparian areas and fish habitat;
- b. Wetlands;
- c. Wildlife Habitat;
- d. Federal Wild and Scenic Rivers;
- e. Oregon Scenic Waterways;
- f. Groundwater Resources;
- g. Approved Oregon Recreation Trails;

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- h. Natural Areas;
- i. Wilderness Areas;
- j. Mineral and Aggregate Resources;
- k. Energy sources.

Local governments are also encouraged to inventory the following resources:

- a. Historic Resources;
- b. Open Space;
- c. Scenic Views and Sites.

Adopted Albany Goal 5 inventories do not show significant resources on the subject property. The National Wetlands Inventory shows no wetlands mapped on the subject property. No other Goal 5 resources are mapped in the vicinity of the subject property. The proposed map amendment would not impact significant Goal 5 resources. Therefore the proposed map amendment complies with Goal 5.

Goal 6, Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Planning Guideline 4 indicates that plans should be based on the "carrying capacity of the air, land and water resources of the planning area." According to the Oregon Department of Environmental Quality, there are no air or water quality issues associated with the subject property or nearby lands. Site development would rely on municipal systems for water supply and wastewater disposal. Development Code standards emphasize the need to provide, enhance and maintain open spaces for the benefit of groundwater, air quality, and the natural environment in compliance with Goal 6.

Goal 7, Areas Subject to Natural Hazards: To protect people and property from natural hazards.

Planning for Natural Hazards: Oregon Technical Resource Guide (Community Planning Workshop for the Oregon Department of Land Conservation and Development, 2000) identifies five natural hazards to be considered in a comprehensive plan: flood, landslide, coastal, wildfire and seismic.

Regional All Hazard Mitigation Master Plan for Benton, Lane, Lincoln and Linn Counties, Phase One (Goettel & Associates Inc. for Oregon Cascades West Council of Governments, 1998) addressed three natural hazards that afflict Linn County: floods, winter storms and landslides.

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The subject property is not located in a mapped floodplain or landslide prone area. Albany is susceptible to the effects of winter storms such as ice, snow and high winds. Seismic activity is intermittent but the exposure is significant. Current building codes integrate risk reduction strategies for all new construction to minimize the impact of ice, snow, high winds, and earthquake.

For these reasons, the proposed map amendment is consistent with Goal 7.

Goal 8, Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 8 does not apply because the proposed map amendment is not intended to satisfy public recreational needs.

Goal 9, Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 9 does not apply because the proposed map amendment is not intended primarily for economic development purposes. However there may be incidental economic benefits in the form of telecommuting and home-based business.

Goal 10, Housing: To provide for the housing needs of citizens of the state.

Goal 10 directs cities to inventory lands suitable for residential use and to designate a sufficient amount of land in proportion to the financial capabilities of Oregon households. Albany completed such an update in 2006.⁷ That study forecasted a surplus in 2025 of land zoned RS-6.5 (the current zoning of the subject property) and a deficit of land zoned RMA or RM-3 (the proposed zoning district for the subject property). A more detailed discussion of the manner in which the proposed map amendments address the expected housing shortfall can be found under Comprehensive Plan amendment criterion (3)(a) earlier in this narrative. Those findings and conclusions are incorporated here by reference in compliance with Goal 10.

Goal 10 does not prescribe the composition or spatial distribution of residential zones. Instead Goal 10 allows for flexibility of housing location, type, and density. These factors are addressed under Goal 14 (Urbanization) on following pages.

⁷ Albany Housing Needs Analysis 2005 to 2025 (Albany Community Development staff, 2006).

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Goal 11, Public Facilities and Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

This would be an infill project because the surrounding lands are fully developed. Public facilities and services already available to the subject property include fire suppression, law enforcement, and public schools. Water supply and drainage collection mains are in Waverly Drive and a wastewater collection main crosses the eastern edge of the subject property. There are no known capacity issues in these mains. A more detailed discussion of these services can be found under criterion 3 for the proposed zone change. Those findings and conclusions are incorporated here by reference.

Therefore the proposed map amendment is consistent with Goal 11.

Goal 12, Transportation: To provide and encourage a safe, convenient and economic transportation system.

The measure of compliance with Goal 12 is the Transportation Planning Rule. [OAR 660-012-0060(1)] To maintain compliance with Goal 12, the proposed comprehensive plan amendment must address this criterion:

Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:*
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

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- (B) *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*
- (C) *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

The subject property has frontage on and physical access to Waverly Drive, a two lane paved street with bike lanes in both directions and parking on the west side only. It is located between the stop controlled intersection at Salem Avenue and the signalized intersection at Pacific Boulevard.

Ferguson & Associates, Inc. conducted a trip generation analysis, comparing the number of trips expected for reasonable worst case scenarios under the existing and proposed zoning districts. Ferguson found that more vehicle trips could be expected if the subject property were developed for 35 apartments under RMA zoning than for 13 detached homes developed under RS-6.5 zoning. However, the relatively small project size means that the incremental increase in traffic generation from RS-6.5 to RMA is so small (13 AM peak hour trips, 16 PM peak hour trips, 176 daily trips) that it qualifies as a "small increase" as defined by ODOT. Therefore the proposed map amendment would not "significantly affect" an existing or planned transportation facility and no further analysis is warranted under the Transportation Planning Rule. The full report from Ferguson & Associates, Inc. is attached to this application.

For these reasons, the proposed map amendment is consistent with Goal 12 and the Transportation Planning Rule.

Goal 13, Energy Conservation: To conserve energy.

Homes built under current energy codes are far more energy efficient than homes built only a decade ago. Therefore the proposed map amendment would provide a choice for energy efficient housing for urban residents. Potential building sites on the subject property afford the opportunity to employ solar gain in house design. Access to transit affords the opportunity for vehicle energy savings.

For these reasons, the proposed map amendment complies with Goal 13.

Goal 14, Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

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In the vicinity of the subject property, the transition from rural to urban land is complete. This would be an urban infill project because the surrounding lands have already fully developed for urban residential and commercial uses.

This neighborhood provides a variety of housing types and size. Within a 300-foot radius of the subject property, there are 21 detached homes on individual lots, a duplex, two fourplexes, and two apartment buildings containing 21 units. There are also two motels, a restaurant, car wash, and auto lube shop within the same distance. This is a heterogeneous area that is well-suited for the proposed medium density housing.

The subject property is located close to two transit corridors along Waverly Drive and Salem Road. An increase in density would support ridership in this area.

The site is within walking distance of Waverly Elementary and Waverly Park. It is on a transit route to grocery stores with access to daily goods and services. The livability of the neighborhood would be enhanced by on-site open space and recreation amenities incorporated into the development per Development Code design standards.

For these reasons, the proposed map amendment complies with Goal 14.

Goal 15, Willamette River Greenway: To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Goal 15 does not apply because the Willamette River Greenway is not present on the subject property.

Goal 16. Estuarine Resources: To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

Goal 16 does not apply because no estuarine resources are present on the subject property.

Goal 17, Coastal Shorelands: To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce

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the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

Goal 17 does not apply because no coastal shorelands are present on the subject property.

Goal 18, Beaches and Dunes: To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Goal 18 does not apply because no beaches or dunes are present on the subject property.

Goal 19, Ocean Resources: To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

Goal 19 does not apply because no ocean resources are present on the subject property.

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ZONING MAP AMENDMENT

A Zoning Map amendment is proposed to change the zoning district for the subject property from RS-6.5 to RMA. The decision criteria for a Zoning Map amendment are set forth in ADC 2.740. The applicable criterion is addressed as follows.

2.740 Review Criteria. Zoning Map amendments will be approved if the Council finds that the applicant has shown that all of the following criteria are met:

- (1) The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for.*

The proposed zone change to RMA will be consistent with the Comprehensive Plan map designation if the concurrent Plan map amendment to Medium Density Residential is approved. RMA is a compatible zoning district for the Comprehensive Plan Designation of Medium Density Residential according to the Plan Designation Zoning Matrix in ADC 2.760, abbreviated as follows:

PLAN DESIGNATION ZONING MATRIX

Comprehensive Plan Designation	Compatible Zoning Districts
Medium Density Residential	Residential Single Family (RS-5), Residential Medium Density (RM), Residential Medium Density Attached (RMA), Mixed Use Residential (MUR), Office Professional (OP), Neighborhood Commercial (NC)

- (2) Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation.*

The subject property has frontage on and physical access to Waverly Drive, a two lane paved street with bike lanes in both directions and parking on the west side only. It is located between the stop controlled intersection at Salem Avenue and the signalized intersection at Pacific Boulevard.

The measure of compliance with this criterion is the Transportation Planning Rule. [OAR 660-012-0060(1)] Findings and conclusions addressing the TPR as it pertains to Statewide Planning Goal 12 elsewhere in this narrative are applicable here; those findings and conclusions are incorporated by reference to demonstrate compliance with this criterion.

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- (3) *Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.*

Water. The City of Albany municipal water system supplies this area. There is a 12-inch water main on the west side of Waverly Drive that is adequate to serve future development allowed in the RMA zoning district. One water service to the existing house would be up-sized to serve future development of the subject property. A water system development charge would be collected with building permits to partially fund long term improvements to the City's water system.

Wastewater. The City of Albany municipal wastewater system serves this area. There is an 8-inch wastewater main on the east side of the subject property that has adequate capacity to serve future development allowed in the RMA zoning district. A wastewater system development charge would be collected with building permits to partially fund long term improvements to the City's wastewater system.

Drainage. The City of Albany stormwater system collects runoff in this area. There is a 8-inch storm drain on the east side of Waverly Drive. The adequacy of this storm drain would be analyzed in a drainage study at the time of site plan review. Detention and water quality features would be required.

Schools. Children residing in a future residential development on the subject property would attend the following schools in the Greater Albany Public School District system: Waverly Elementary School (a 10-minute walk to the west), Memorial Middle School, and West Albany High School. By 2018, these schools are expected to reach capacity.^B In 2009, the District began to collect the Albany School Construction Excise Tax at a rate of \$1.00 per square foot for all residential building permits to partially offset the cost of additional facilities to accommodate the growth in the student population.

Police. The City of Albany police department provides law enforcement in this area.

Fire. The City of Albany Fire Department provides emergency response and fire suppression services from East End Station 13 to this area.

- (4) *The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.*

^B 2009-2018 Facility Plan (Greater Albany Public Schools Staff, 2009).

Alldritt Map Amendments

The purpose of the RMA zoning district is described in ADC 3.020(6):

The RMA District is intended primarily for medium- to high-density urban residential development. All units, whether single- or multiple-family, shall be attached. New RMA districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 35 units per gross acre.

A discussion of the applicable goals and policies of the Comprehensive Plan is addressed under the review criteria for Comprehensive Plan map amendment discussed earlier in this narrative. Those findings and conclusions are incorporated here by reference to demonstrate that RMA best satisfies the goals and policies of the Comprehensive Plan.

(5) The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.

The subject property is located in the service area for the following plans or studies adopted by the City of Albany:

Albany Transportation System Plan (Kittelson & Associates, 2010). This Plan makes no recommendations that affect the land use of the subject property. No new street corridor is planned through the subject property. Waverly Drive is a fully improved minor arterial, lacking only a frontage sidewalk. That sidewalk would be constructed with site improvements. No operational or safety deficiencies have been identified for the segment of Waverly Drive between Pacific Boulevard and Salem Avenue which operates within an acceptable Demand to Capacity ratio of less than 0.40. However the segment south of Pacific Boulevard operates at 1.09, in part due to intersection deficiencies at Pacific Boulevard and Santiam Highway. The Trip Generation analysis prepared by Ferguson & Associates, Inc. determined that the incremental increase in traffic generated by the proposed zone change is considered a "small increase" as defined by ODOT, leading to a conclusion that the proposed zone change would not "significantly affect an existing or planned transportation facility" as that term is used in the Transportation Planning Rule. Therefore the proposed zone change is consistent with the Albany Transportation System Plan.

Albany Public Transit Plan (Kittelson & Associates, 2010). This Plan makes no recommendations that would influence the development of the site. There is a transit stop for ATS Route 1 at the southwest corner of Waverly Drive and Pacific Boulevard, a five minute walk from the subject

Alldritt Map Amendments

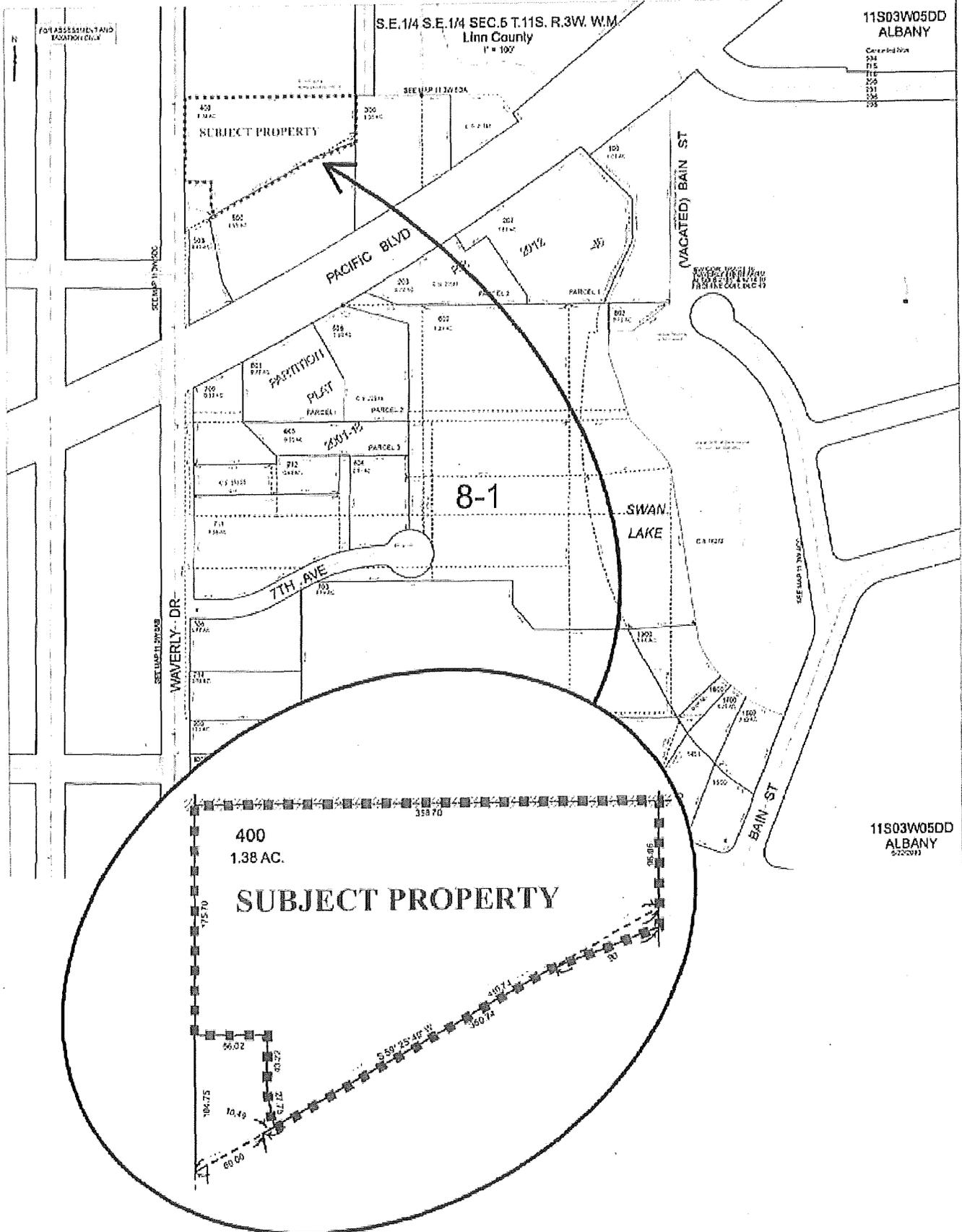
property. There is also a transit stop for ATS Routes 1 and 2 at the southwest corner of Salem Avenue and Waverly Drive, a ten minute walk from the subject property.

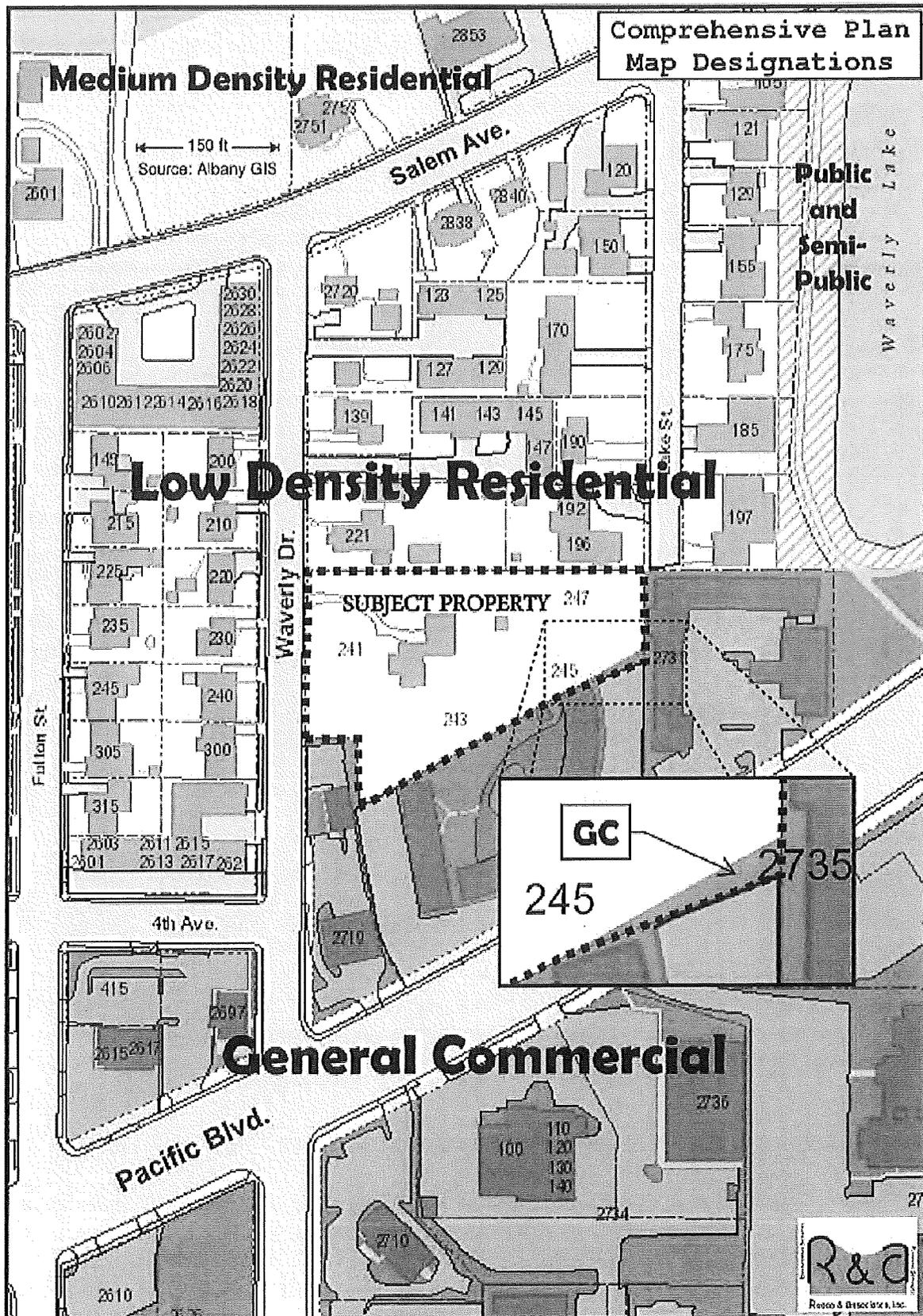
Albany Municipal Airport Plan (Century West, 2002). The subject property is located under the Horizontal Surface for the Albany Municipal Airport which extends 5,000 feet from the centerline of Runway 16-34 at the Albany Municipal Airport. The building height restrictions of the RMA would prevent encroachment of the Horizontal Surface which, at elevation 372 feet, is approximately 150 feet above the existing grade. Any potential hazards to airport operations such as glare and bird strike would be evaluated during development review. The standards of the Airport Approach district would apply to the subject property irrespective of the zoning.

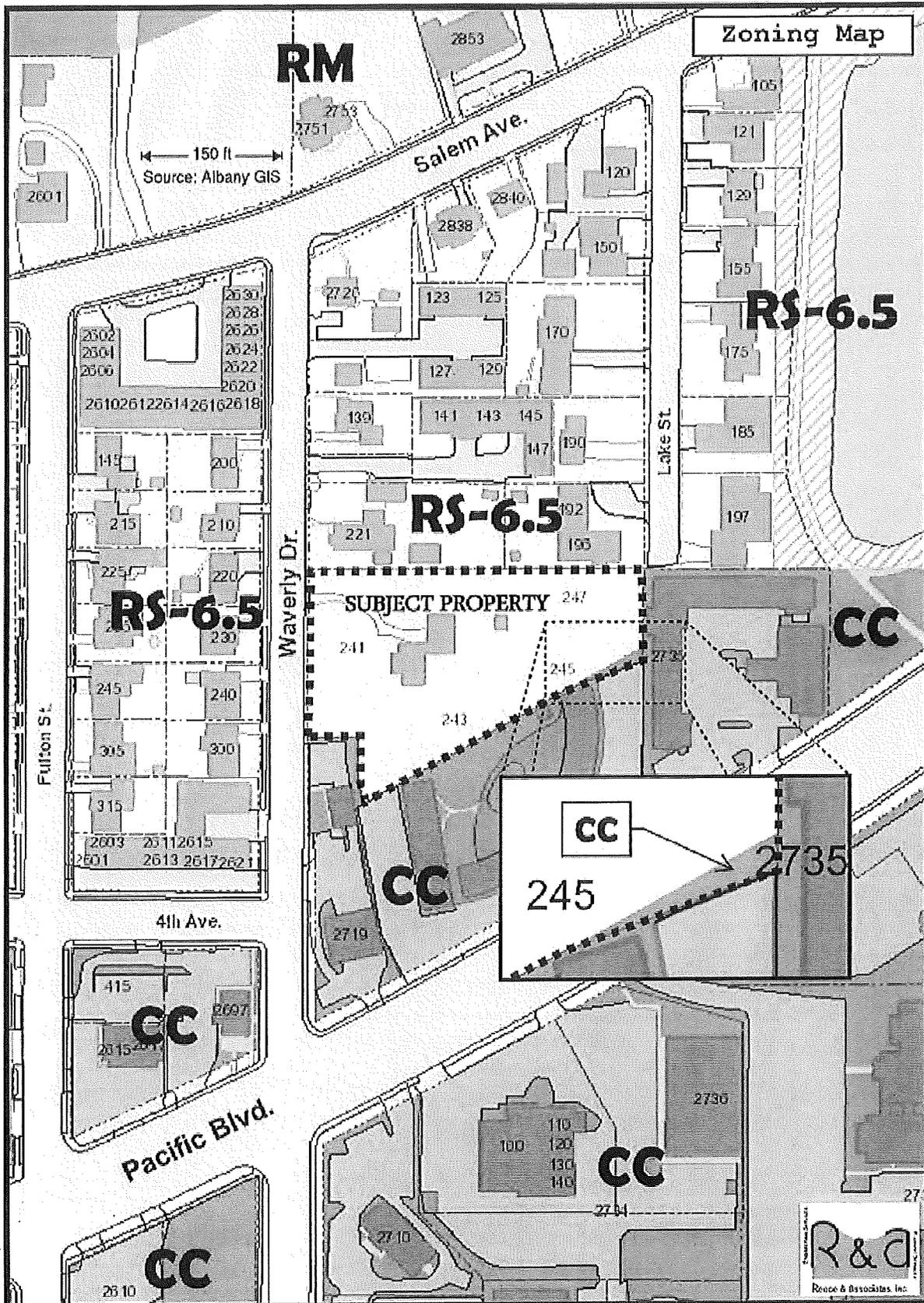
The subject property is situated outside the study area for the area refinement plans funded by the City.

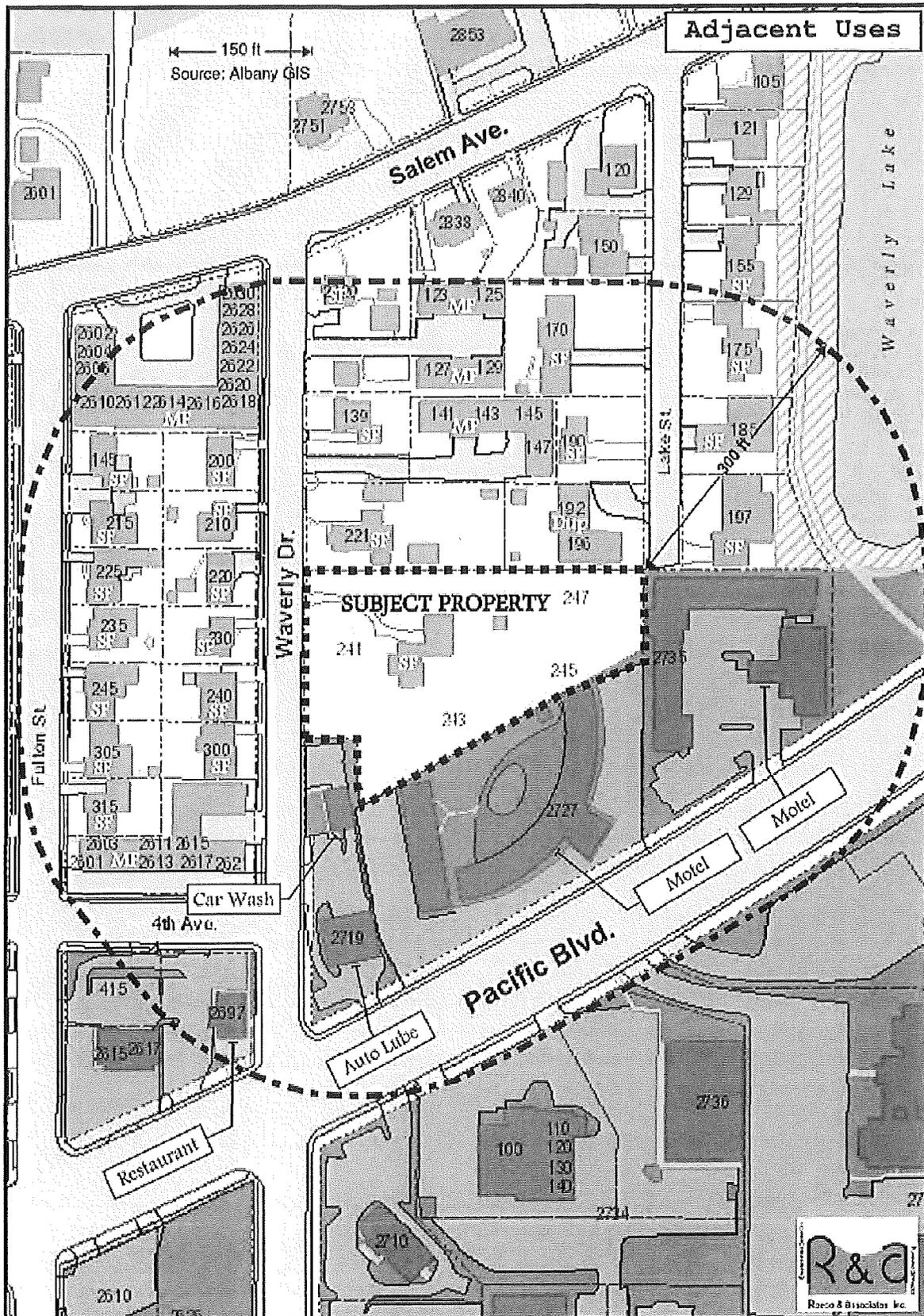
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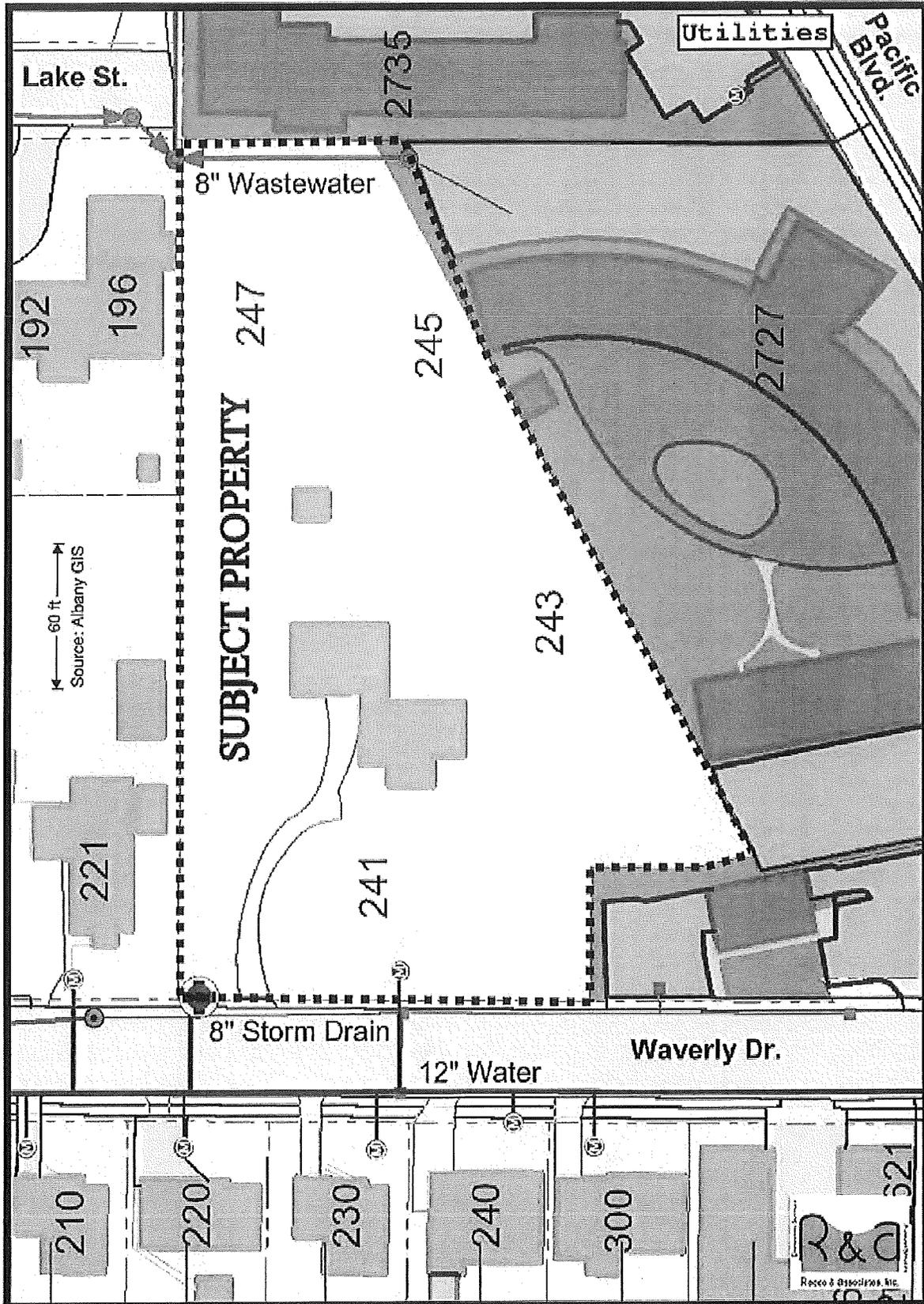
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October 7, 2014
#01409

RJ Alldritt
19460 Tam Lake Ct
Bend, OR 9770
541-848-9128
rjalldritt@bendcable.com

re: Trip Generation Letter for Residential Rezone - Albany, OR

INTRODUCTION AND SUMMARY OF FINDINGS

As requested, we have evaluated TPR compliance for a proposed zone change and comprehensive plan amendment, submitted concurrently with a site plan application. The project would be located at 241 SE Waverly Drive, in Albany, Oregon. The rezone involves changing the zoning from RS6.5 to RMA. Under the current zoning, the 1.5 acre parcel would be allowed to develop 6 single family homes. The proposed plan is to build a 35 unit apartment complex under the RMA zone.

The purpose of this letter-report is to demonstrate that the requirements of OAR 660-012, the Transportation Planning Rule (TPR) are met. The TPR is invoked because there is a proposed change in zoning and the comprehensive plan.

The proposed project was forecast to generate 18 a.m. peak hour trips, 22 p.m. peak hour trips and 233 daily trips on the average weekday. When comparing what would be allowed by an outright permitted use under the current zoning to the proposed development, this reflects an incremental increase of 13 a.m. peak hour trips, 16 p.m. peak hour trips and 176 daily trips. As shown herein, this increase in traffic is not large enough to require any additional analysis beyond this trip generation letter. It was found that the proposed amendments would meet the requirements of the TPR.

PROJECT DESCRIPTION

The site is located off SE Waverly Drive as shown in Figure 1. The site currently has one single family home located on it. The application includes a rezone and a comprehensive map change, as well as a concurrent site plan application for the development of 35 apartment dwellings. The requested zone change is from an RS 6.5 to a zone that would allow the construction of 35 apartments (RMA). A preliminary site plan is shown in Figure 2.

- 8 vehicles per hour during the a.m. peak hour;
- 9 vehicles per hour during the p.m. peak hour; and,
- 106 vehicles per day.

TRANSPORTATION PLANNING RULE ASSESSMENT

The question has been raised as to whether the nearby intersection of Waverly Drive and Highway 99E is required to be examined in a traffic impact analysis in order to satisfy the requirements of the TPR. This question was looked from a number of different perspectives and was discussed with City of Albany staff and with ODOT staff and it was determined that the intersection does not need to be assessed. The following analysis supports that conclusion.

ODOT's Development Review Guidelines 2013 provides guidance on traffic impact studies. Chapter 3.2, Transportation Planning Rule (TPR) Reviews provides guidance on how to evaluate traffic impacts in a TPR review. Chapter 3.3, Traffic Impact Analysis (updated August 7, 2014) provides guidance on how to prepare a traffic impact analysis.

In chapter 3.3, Table 3.3.1, TIA Thresholds and Analysis Areas (p. 6) in the second column discusses the analysis area for a TRP.

"The analysis area is the area significantly affected (i.e. affected intersections), within reason. For example, in rural areas without street networks, a measurable effect can be felt far beyond the local area."

This guidance does not define the level of trips impacting an intersection. The language "within reason" appears to allow for discretion. Under the 3rd column, the study area includes all intersections impacted by 50 peak hour trips or 300 daily trips or an increase of 10 percent of the total entering volume of traffic (TEV). In the table, it was noted that this threshold is not regulatory, but is based on what ODOT considers to be the "best practice."

Since the project was forecast to generate an incremental increase of 13 a.m. peak hour trips, 16 p.m. peak hour trips, and 176 daily trips, no ODOT intersection would be impacted by more than 50 peak hour trips or 300 daily trips. (And by inspection, the 10 percent increase is not met.) Since this threshold is considered to be a reasonable threshold when looking at ODOT access permits, and has previously been considered the threshold for any ODOT traffic impact study, this threshold would not meet the "within reason" criterion for a TPR assessment.

The City's threshold is also 50 p.m. peak hour trips. Under this threshold, staff has the discretion to request an analysis. It was forecast that 9 peak hour trips would be added to this intersection during the p.m. peak hour. This is

TRIP GENERATION

The proposed development would consist of a 35 unit Apartment Complex. Future trips generated by the project were forecast using trip generation rates found in the 9th Edition of *Trip Generation* (ITE, 2013). Land use code 220, Apartment, was used to calculate the proposed projects trip generation. Table 1 displays the rates used for the forecast. For the purposes of a TPR assessment, we are interested in the difference between what is allowed under the current zoning as an outright permitted use and the proposed development. Under the current zoning, 6 single family homes would be allowed.

TABLE 1 – TRIP GENERATION RATES

ITE LAND USE CODE	LAND USE	DAILY	TRIP ENDS RATE		IN/OUT SPLIT (PERCENT)	
			PM PEAK HOUR	AM PEAK HOUR	PM PEAK HOUR	AM PEAK HOUR
210	Single Family Homes	9.52	1.00	0.75	63/37	25/75
220	Apartment	6.65	0.62	0.51	65/35	20/80

Notes: *Source: *Trip Generation* (ITE, 9th Edition, 2013), land use code 210, Single Family Home & 220, Apartment.

The proposed project was forecast to generate 18 a.m. peak hour trips, 22 p.m. peak hour trips and 233 daily trips on the average weekday. This reflects an incremental increase of 13 a.m. peak hour trips, 16 p.m. peak hour trips and 176 daily trips as shown in Table 2, for the purposes of the TPR analysis.

TABLE 2 – TRIP GENERATION FORECAST

ITE LAND USE	SIZE (DU)	AM PEAK HOUR TRIP ENDS			PM PEAK HOUR TRIP ENDS			DAILY
		IN	OUT	TOTAL	IN	OUT	TOTAL	
210 Single Family Homes	6	1	4	5	4	2	6	57
220 Apartment	35	4	14	18	14	8	22	233
Incremental Increase	29	3	10	13	10	6	16	176

TRIP DISTRIBUTION

ODOT requested that both a.m. and p.m. peak hour traffic assignments be prepared, so that they can judge the impact on the system. AM Peak hour traffic was assigned to the network as illustrated in Figure 3. PM peak hour traffic is illustrated in Figure 4. Daily traffic was also assigned to the network for the other purposes, as discussed below. Daily traffic is shown in Figure 5. The total entering traffic volume at the intersection of Highway 99E and Waverly Drive was:

significantly less than the threshold of 50 peak hour trips. Staff has determined that other than a trip generation study, as presented herein, no additional analysis would be required.

As the land use authority, the City of Albany determines the extent of a study for a TPR assessment. This is echoed in the ODOT development review guidelines, section 3.3.02:

"Applications for plan and zoning amendments that create a "significant effect" under TPR section 0060 must provide information that is best discovered in traffic impact analysis, but it is up to the local government to request or require it."

Most importantly, Chapter 3.2 of the ODOT Development Review Guidelines (p. 33) excludes amendments generating less than 400 ADT:

"If an amendment subject to TPR Section 0060 increases the volume to capacity ratio further, or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless the change in trips falls below the thresholds listed:

"The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:

- Any proposed amendment that does not increase the average daily trips by more than 400."*

Staff at both agency's agree with this conclusion: since the proposed zone change/comprehensive plan amendment would result in an incremental increase of less than 400 daily trips and the intersection of Waverley Drive and Highway 99E would otherwise fail to meet ODOT mobility standards in the future, the change in trip generation can be considered to be a "small increase" and as such the amendment would not "significantly affect" an existing or planned transportation facility, as per Chapter 3.2 of the ODOT Development Review Guidelines.

Moreover, the proposed amendment is supportive of the State's goal of providing compact urban development forms. From a planning perspective, the site is better suited for apartments than single family homes.

SUMMARY AND CONCLUSIONS

The proposed 1.5 acre project was forecast to generate 18 a.m. peak hour trips, 22 p.m. peak hour trips and 223 daily trips, with an incremental increase of 13 a.m. peak hour trips, 16 p.m. peak hour trips and 176 daily trips. As shown in this letter report, the proposed amendment would meet the requirements of the Transportation Planning Rule (TPR).

RJ Aldritt: Residential Rezone

October 7, 2014

* * * * *

It is trusted that the above analysis adequately addresses the City of Albany requirements for a trip generation letter. Please feel free to contact us at your convenience if you would like to discuss any element of this letter-report.

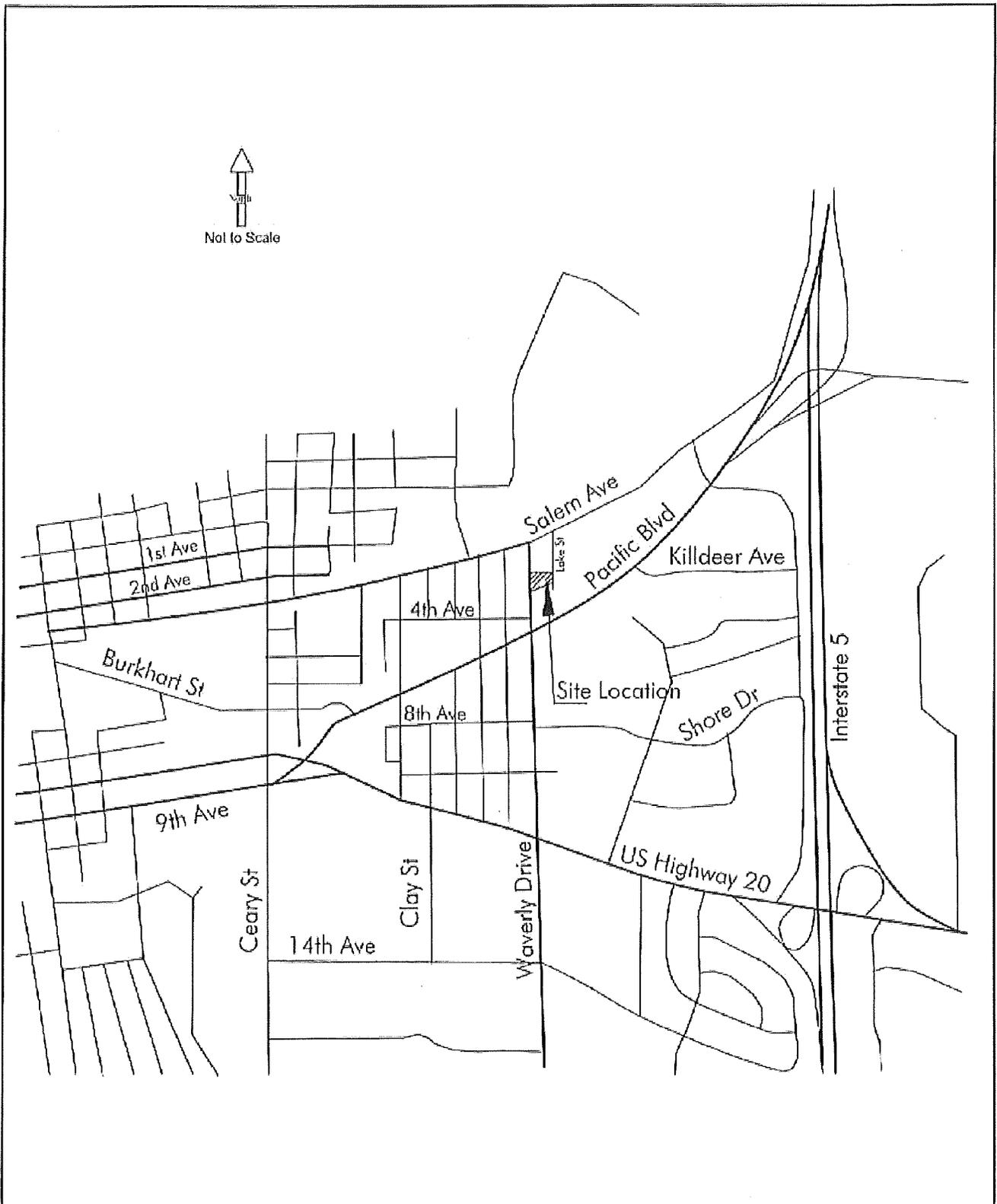
Very truly yours,
FERGUSON & ASSOCIATES, INC.

Scott Ferguson, PE



Attachments:
Figures 1 -5
Correspondence with City of Albany and ODOT staff

EXPIRATION DATE 12/31/15



Site Location

241 Waverly Dr -Albany, Oregon

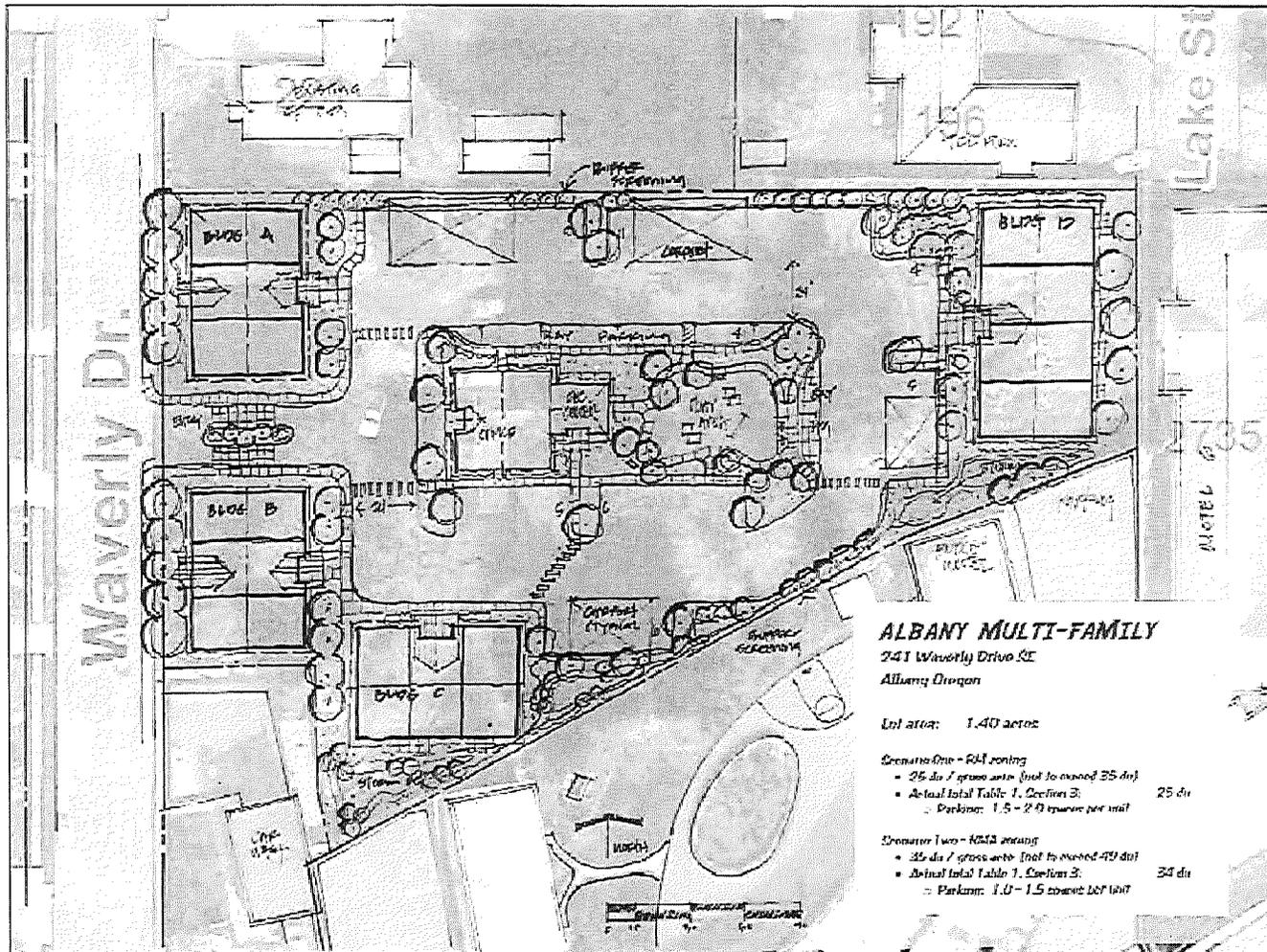
Figure 1

Ferguson & Associates, Inc.

#01409
October 6, 2014



Not to Scale



Site Plan

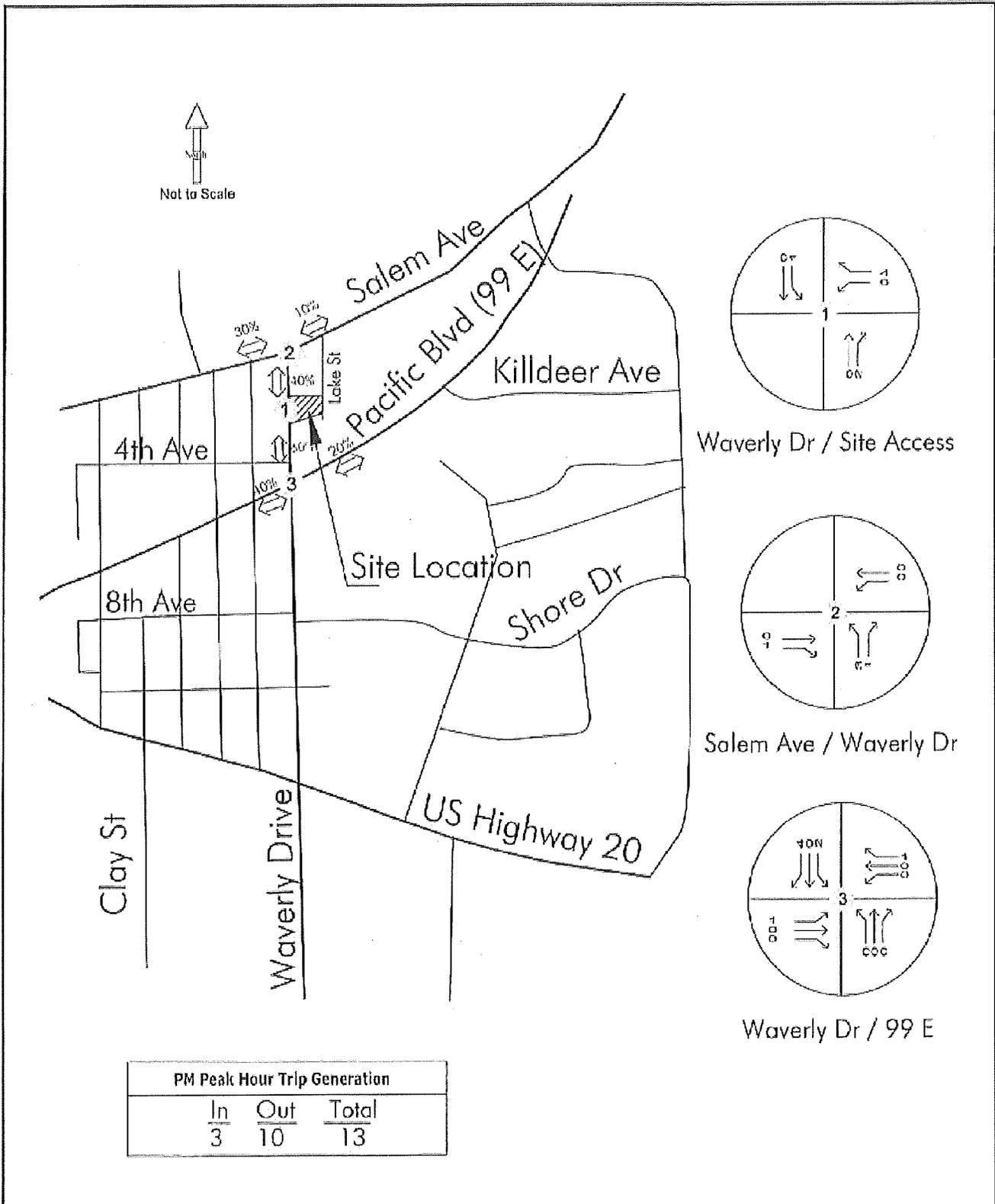
241 Waverly Dr - Albany, Oregon

#01409
October 6, 2014

Figure 2

Ferguson & Associates, Inc.

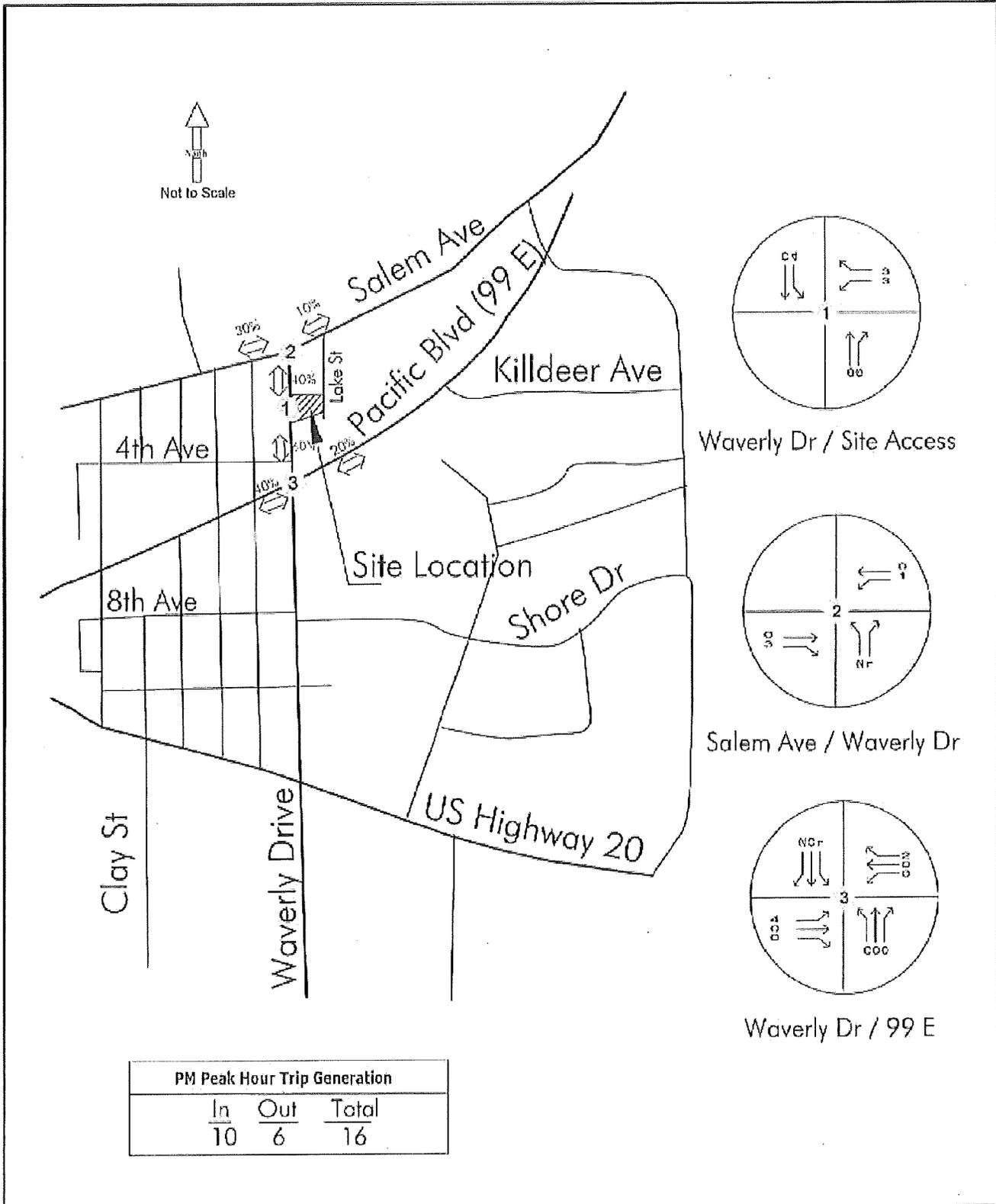
ATTACHMENT E



AM Peak Hour Distribution & Assignment
241 Waverly Dr - Albany, Oregon

Figure 3
Ferguson & Associates, Inc.

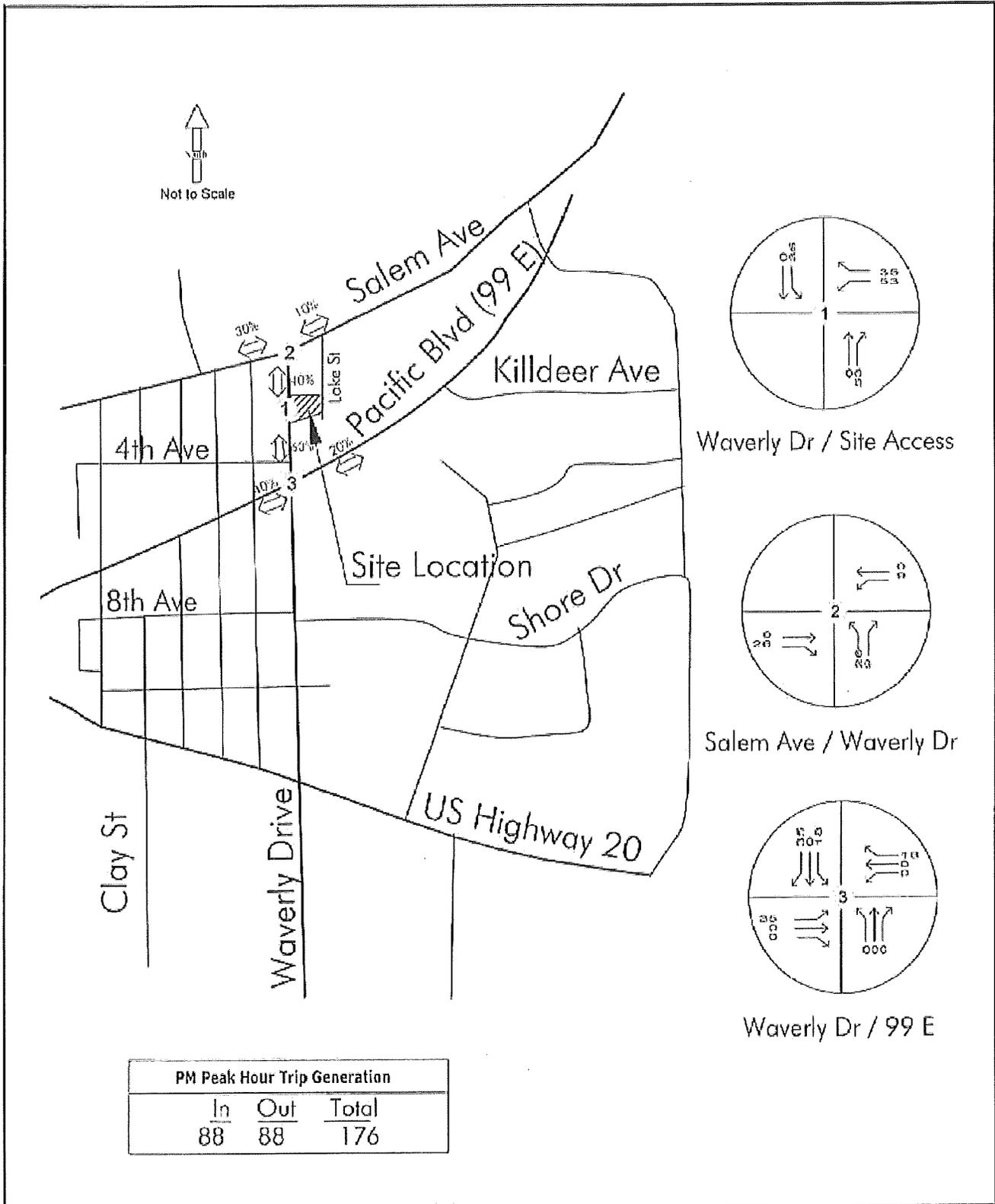
#01409
October 6, 2014



PM Peak Hour Distribution & Assignment
241 Waverly Dr - Albany, Oregon

Figure 4
Ferguson & Associates, Inc.

#01409
October 6, 2014



PM Peak Hour Trip Generation		
In	Out	Total
88	88	176

Daily Distribution & Assignment
 241 Waverly Dr - Albany, Oregon

Figure 5
 Ferguson & Associates, Inc.

#01409
 October 6, 2014

Approved: June 15, 2015

CITY OF ALBANY
 PLANNING COMMISSION
 City Council Chambers, 333 Broadalbin Street SW
 Monday, April 20, 2015
 5:15 p.m.

MINUTES

Planning Commissioners present: Wendy Ezell, Sue Goodman (arrived at 5:54 p.m.), Roger Phillips, Cordell Post, Kristin Richardson, Dala Rouse, Daniel Sullivan, Larry Tomlin

Planning Commissioners absent: Linsey Godwin (excused)

Staff present: David Martineau, Planner III; Melissa Anderson, Planner II; Mark Shepard, Public Works and Community Development Director and Assistant City Manager; Sean Kidd, Deputy City Attorney; Mike Trabue, Fire Marshal; Ron Irish, Transportation Analyst; Rachel Kutschera, Administrative Assistant

CALL TO ORDER

Chair Tomlin called the meeting to order at 5:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

COMMENTS FROM THE PUBLIC

None

PROPOSED STREET NAME CHANGE

Request to change the name of Bartley Street SE to Bartley Place SE. Planner Martineau summarized the history of the proposed change. The Planning Commission will make a recommendation to the City Council on this matter. Fire Marshal Trabue provided additional information regarding the matter, specifically that feedback had been received from residents in protest after the original change was approved, and subsequently the Fire Department has decided to revert the street name back to its original state.

MOTION: Commissioner Post moved to recommend the proposed street name change to City Council. Commissioner Rouse seconded. The motion passed 7-0.

City Council will hold a public hearing on this proposal on Wednesday, April 22, 2015, at 7:15 p.m.

QUASI-JUDICIAL PUBLIC HEARINGS

The first public hearing is regarding case CP-01-14 & ZC-100-14, a request for a comprehensive plan map amendment to change the designation of one parcel from the Low Density Residential (LDR) and General Commercial (GC) to the Medium Density Residential (MDR) designation, and change the zoning from Single Family Residential (RS-6.5) and Community Commercial (CC) to the Residential Medium Density Attached (RMA) district. The applicant is RJ Alldritt, represented by Rich Catlin with Reece & Associates. The location of the proposed zone change is 241 Waverly Drive SE.

Chair Tomlin opened the public hearing at 5:22 p.m.

Declarations by the Commission:

Conflicts of Interest: none

Ex Parte Contact: none

Site Visits: Chair Tomlin drove by several times, as have Commissioners Post and Rouse.

Abstain: none

Hearing Procedures:

Challenges from the public: none

Staff Report:

Staff member David Martineau presented information regarding the case (see staff report and presentation slides in agenda packet).

Questions from the Commission:

Commissioner Rouse asked that if current zoning is adhered to, apartments wouldn't be allowed today? Planner Martineau confirmed that is the case. Duplexes would depend on when they were proposed, the size, and lot location. Commissioner Phillips asked if the owner indicated what they would do with the property, if apartments, and how high? Planner Martineau said it appears that apartments are the plan, and in an RMA zone the height is 60 ft.; however, this property would be constrained due to setbacks and the small size of property. Commissioner Phillips asked if public space and parking for two cars is required. Planner Martineau said yes, a common open space feature is required and parking for one or more cars off the street. Commissioner Phillips commented that after all those requirements there would not be much room for development. Planner Martineau said there could be apartments but limits and densities would be lower than what the zone would ultimately allow.

Commissioner Rouse asked to compare density to apartments on Salem Avenue, would it be the same? Planner Martineau said there are two density standards: the RMA zone allows 35 units per acre, but densities are also determined by how many bedrooms per unit. One bedroom units equal 1500 square feet; if two bedroom, then 1800 square feet. Factoring in parking, setbacks, and open space also limit development. Further discussion ensued between Commissioner Rouse and Planner Martineau regarding current documents used for analysis, and Planner Martineau confirmed that the most current documents are being used.

Testimony in Favor of the Changes:

Mr. Rich Catlin, a land use planner with Reece and Associates, spoke as a representative of the applicant. He pointed out that when you look at the mix of development in the proposed neighborhood, there is no equivalent in terms of developed space or potential in the City where everything conforms. There are some non-conforming uses, but the mix seems to work where many people are living close together. The notification map shows properties within 300 feet of the site shows about nine units per acre, lower than high density and higher than medium density. Mr. Catlin provided a set of handouts labeled 1, 2, and 3, to support his testimony (see agenda packet). He then commented that there is a shortfall of 44 acres in the proposed zoning and housing density in the City, and the proposed change would meet that need.

He also discussed a prior application on this site in 2007 for a similar rezone and map amendment that was denied by the Commission, but this application is not for the same density and the City had not completed their Housing

Needs Analysis. Residents of any development would have access to schools, shopping, and transit. However, no site plan for development has been prepared at this point. The traffic study used a hypothetical situation to show the highest density that might be used. Another element is that there are large trees on the property that might affect development of the site. All other requirements taken into consideration, only about 25% of the site would likely be developed.

Commissioner Goodman arrived at 5:54 p.m.

Testimony in Opposition to the Changes:

Katherine (Kasey) Tegner, 221 Waverly Drive SE (provided a picture showing her property as well as the subject property; see agenda packet). She lives on the north boundary line to the proposed site, having bought her house in 1990 and lived there since. She explained that there were mostly owner occupied homes when she first moved in, but now are mostly rentals. The “feel” from the street is that the neighborhood is small and any commercial uses face other streets. When the local streets were improved, 5 to 6 feet of the properties were turned into a curb. All multi-family dwellings are single story and blend into the area. She feels like the neighborhood is growing up around her and the property owner of the proposed site is not vested in what becomes of the land, and any development will overwhelm the neighborhood. There could be 35 apartments on the site, which represents only one acre out of 44. Mrs. Tegner thinks the change is a bad idea and has been since the other similar application years before. Development would put up to three times more cars on Old Salem Road, which could result in a traffic light at some point, and she would like to keep the traffic down.

Commissioner Sullivan asked if she has any type of fence or barrier between her and the subject property. She has a split rail with sheep fencing currently and has tried to work with the property owner to build a fence, but phone calls were not returned. Commissioner Sullivan asked if anything would mitigate the livability for her, if the rezoning was approved. She responded that she does understand why the proposal was made, but in this area anything over a single story would be overwhelming. She added that zero lot line homes, duplexes, or triplexes would probably work. She commented that there is also an enormous elm tree that adds to the neighborhood, as well as trees from all over the world that the previous occupant planted. She would like to see those trees protected. This is a very personal, emotional issue for her.

Neutral Testimony: none

Staff Response: none

Procedural Questions: none

Applicant Rebuttal:

Mr. Catlin provided a response to the spoken and written testimony in opposition. He acknowledged that development of neighboring property is always difficult to residents and he doesn't want to downplay that. They did look at scenarios for single-family development, but the challenge is that the amount of area for building is greatly reduced by requirements for single-family development. Due to the small size and configuration of the lot in question, a higher-density is the best potential. He reminded the audience and Commission that no specific development has been proposed at this time and would be subject to all codes and requirements when it is.

Commissioner Sullivan asked about the nature of the trees on the site. Mr. Catlin doesn't know what specific type of trees, but they are large with large root systems that would add to the value of the development if they were retained. Commissioner Goodman asked if Mr. Catlin knew how many trees would be removed. He hasn't done a layout, but first an arborist would look at the site and determine where the root systems are, then look at how much land could be developed afterwards. Many of them are located in the center of the site where things like

parking and housing would normally go, which is a factor. Chair Tomlin reminded the Commission that trees are not part of the proposed application.

Commissioner Rouse asked Planner Martineau and Mr. Catlin to address the applicability of an existing City ordinance regarding infill in current neighborhoods. Planner Martineau said yes, as well as multi-family design issues, standards, heights, and setbacks. She then asked Mr. Catlin to address the concern regarding buffering between properties and if 35 apartments could potentially be built. Mr. Catlin said there are a number of tools in the existing Development Code that address this issue and it's conjecture at this point to assume 35 apartments would be built. One way to look at development would be to stack it near the commercial sites and not the residential.

Procedural questions: none

Chair Tomlin closed the public hearing at 6:16 p.m.

Discussion and Decision:

Commissioner Sullivan asked what would happen if the zone change is approved and someone wanted to put a park on the site. Planner Martineau responded that in the RMA and RS 6.5 zones, a park could be allowed through the Conditional Use process. Commissioner Phillips asked for clarification on what types of uses were actually being allowed by this change. Planner Martineau listed a variety of potential uses, and Director Shepard clarified that the zone change was the question to be voted on.

MOTION: Commissioner Post moved that the Commission recommend that City Council approve the proposed Comprehensive Plan Map and Zoning Map amendment. Commissioner Richardson seconded. There was no discussion and the motion passed 6-2 (Commissioners Ezell and Phillips opposed).

City Council will hold a public hearing on this proposal on Wednesday May 27, 2015, at 7:15 p.m.

QUASI-JUDICIAL PUBLIC HEARING

The second public hearing is regarding case ZC-01-15, a request for a zoning map amendment to change one parcel from the Office Professional (OP) district to the Residential Medium Density (RM) district. The applicant is Kenneth Marshall, represented by Brian Vandetta with Udell Engineering. The location of the proposed zone change is an unaddressed property, east of 1655 Geary St. SE.

Chair Tomlin opened the public hearing at 6:21 p.m.

Declarations by the Commission:

Conflicts of Interest: none

Ex Parte Contact: none

Site Visits: none

Abstain: none

Hearing Procedures:

Challenges from the public: none

Staff Report:

Staff member Melissa Anderson presented information regarding the case (see staff report and presentation slides in agenda packet).

Questions from the Commission: none

Testimony in Favor of the Changes:

Mr. Brian Vandetta, Civil Engineer at Udell Engineering, provided testimony as a representative of the applicant. Mr. Vandetta has worked with Mr. Ken Marshall for almost five years and attempted several layouts for use of the property but none have worked. Since selling the property to the new owner, Ms. Patricia Neal, a residential development appears to be the best use on the land. Ms. Neal offered to provide information on her plans to develop the property but Chair Tomlin responded that was not relevant to the case currently being heard.

Testimony in Opposition to the Changes: none

Neutral Testimony: none

Staff Response: none

Procedural Questions: none

Chair Tomlin closed the public hearing at 6:32 p.m.

Discussion and Decision: none

MOTION: Commissioner Post moved that the Commission recommend City Council approve the proposed zone change. Commissioner Rouse seconded. There was no discussion and the motion passed 8-0.

City Council will hold a public hearing on this proposal on Wednesday May 27, 2015, at 7:15 p.m.

APPROVAL OF MINUTES

November 17, 2014

MOTION: Commissioner Post moved to approve the November 17, 2014 as stated. Commissioner Rouse seconded. The motion passed 8-0.

February 2, 2015

Commissioner Rouse commented that she would like to see what the corrections are in the minutes that were approved in prior meetings.

MOTION: Commissioner Post moved to approve the February 2, 2015 minutes as stated. Commissioner Rouse seconded. The motion passed 8-0.

ACTIVITY UPDATE

Director Shepard explained that Lowe's is in the final stages of getting approval for building permits and the warranty deed, likely within a week.

Tonight's meeting is the last for Director Shepard who is taking a job in Corvallis as the City Manager.

NEXT PLANNING COMMISSION MEETING DATE

Monday, April 27, 2015, regarding a Conditional Use case for a youth shelter and an 82-lot subdivision proposal.

ADJOURN

Hearing no further business, Chair Tomlin adjourned the meeting at 6:39 p.m.

Respectfully submitted,

Rachel Kutschera
Administrative Assistant

Reviewed by,

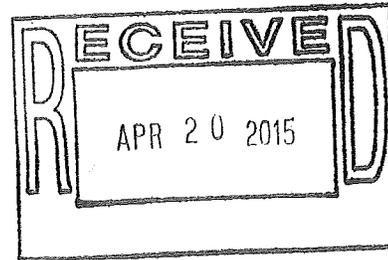
David Martineau
Planner III

April 16, 2015

Planning Division

P.O. Box 490

Albany, Oregon 97321



To Whom It May Concern:

Subject: Proposed Comprehensive Plan Map and Zoning Map Amendment

We are Wade and Charleen Spurlin, long-time Albany residents. We have owned property in this area for 43 years. Here are some of our thoughts concerning the above proposed changes from LDR/CR to MDR in our area:

- 1) We don't feel this new zoning is compatible with the existing neighborhood. It appears to us to be a classic example of spot zoning.
- 2) Is the information gathered in 2005 and published in 2007 (10 years old) concerning Albany's housing needs through 2025 still accurate? It appears to us that there have been a lot of large multiple-use housing units built since 2007, and quite a few are presently under construction now.

In conclusion, at this point in time we are against the recommended Comprehensive Plan Map and Zoning Amendments concerning the address at 241 Waverly Dr. SE, Albany, Oregon.

Thank you.

Wade Spurlin
Charleen Spurlin
Wade and Charleen Spurlin

1792 NW Cascade Hts. Dr.

Albany, Oregon 97321



TO: Albany City Council
 VIA: Wes Hare, City Manager
 FROM: Stewart Taylor, Finance Director
 DATE: July 1, 2015, for the July 8, 2015, City Council Meeting
 SUBJECT: Grant of Electric Utility Franchise and General Utility Easement

- RELATES TO STRATEGIC PLAN THEME: ● Effective Government
- Safe Neighborhoods

Action Requested:

By ordinance, replace Albany Municipal Code Chapter 3.04, Privilege Tax – Electrical Power and Light Business, with the proposed ordinance and increase the electric franchise fee from 5% to 7%.

Background:

On June 10, 2015 the City Council adopted the budget for 2015-2016. The budget included an increase in the electric franchise fee from 5% to 7%. The increase was recommended by the Budget Officer and approved by the Budget Committee to offset property tax lost to compression.

The current ordinance providing for the grant of electric utility franchise and general utility easement to Pacific Power and Light (PP&L) needs to be updated. The proposed ordinance includes conditions for use of the city’s right-of-way by PP&L and identifies the rights and privileges granted.

Electric Power and Light Franchise Fee:

The electric franchise fee is the second largest revenue source in the General Fund. The rate was last increased from 3% to the 5% in June 1991. Thirty-four percent of the cities served by Pacific Power & Light have franchise fees above 5%. Twenty-nine percent have rates at 7% or higher. Most of the recent changes in electric franchise fees have been a change from 5% to 7%.

The proposed 2% increase would cost a residential customer an average of \$1.84 per month. The cost to different categories of customers is presented in the table below:

Electricity Franchise Fee & Privilege Tax

November 2013-October 2014

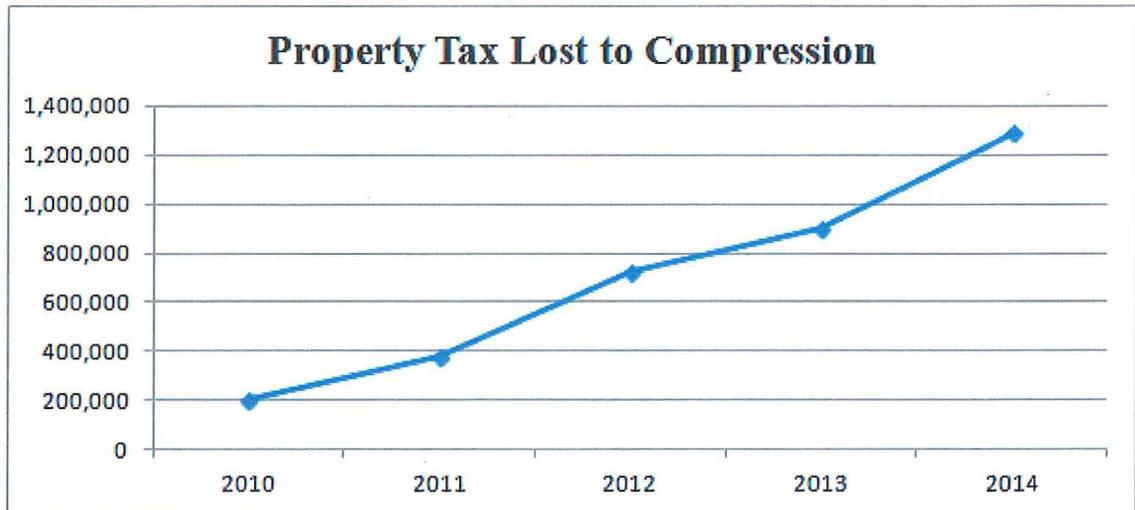
Combined City of Albany						
	Revenue	Ave # Customers	Ave Monthly Bill	Incr 2%	Increased Revenue	
					Per Month	Per Year
Commercial	14,954,101.19	2,016.00	618.14	12.36	24,923.50	299,082.02
Industrial	8,892,575.80	47.00	15,766.98	315.34	14,820.96	177,851.52
Irrigation	22,033.19	10.00	183.61	3.67	36.72	440.66
Residential	21,768,137.89	19,702.00	92.07	1.84	36,280.23	435,362.76
Total	45,636,848.07	21,775.00			76,061.41	912,736.96

Compression:

Oregon's current property tax system is shaped by two constitutional amendments passed in the 1990's: Measures 5 and 50. Measure 5 set limits on the amount of tax that could be levied per \$1,000 of a property's real market value. Measure 50 separated property tax from real market value and applied permanent rates to a newly created assessed value.

To determine a property's tax obligation, both the assessed value, created by Measure 50, and the real market value tax limits, created by Measure 5, are calculated. When a property's assessed value tax exceeds the Measure 5 limits, the tax obligation is reduced or "compressed" to the Measure 5 limit.

Local option levies, such as the public safety local option levy approved by Albany voters in 2012, are most impacted by compression. In the City of Albany, property taxes from the local option levy are transferred to the General Fund in direct support of police, fire, and ambulance services. The following chart shows the local option property tax revenue lost to compression over the past five years.



Compression is expected to continue to grow but the rate of growth will slow as market values increase.

Budget Impact:

The change in the franchise fee is included in the 2015-2016 Adopted Budget.

ST

Attachment: Ordinance

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) CHAPTER 3.04, PRIVILEGE TAX – ELECTRICAL POWER AND LIGHT BUSINESS; GRANTING AN ELECTRIC UTILITY FRANCHISE AND GENERAL UTILITY EASEMENT TO PACIFICORP; AND DECLARING AN EMERGENCY.

WHEREAS, PacifiCorp d/b/a Pacific Power (“PacifiCorp” or “Company” or “Grantee”), is a regulated public utility that provides electric power and energy to the citizens of the City of Albany (the “City” or “Grantor”) and other surrounding areas; and

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the City; and

WHEREAS, the City and PacifiCorp wish to agree to the terms and conditions by which PacifiCorp will use the public ways of the City.

NOW, THEREFORE, be it ordained by the City:

SECTION 1. Grant of Franchise and General Utility Easement. The City hereby grants to PacifiCorp the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as “Electric Facilities”) in, under, along, over and across the present and future streets, alleys, public ways and public places (collectively referred to herein as “Public Ways”) within the City, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the City and persons and corporations beyond the limits of the City. Notwithstanding the foregoing, the City shall have the authority to prescribe which Public Ways will be used and the location of Electric Facilities within the Public Ways as may be reasonably necessary to minimize public inconvenience.

SECTION 2. Term. The term of this Franchise and General Utility Easement is for ten (10) years commencing on the date of acceptance by the Company as set forth in Section 3 below.

SECTION 3. Acceptance by PacifiCorp. Within sixty (60) days after the passage of this ordinance by the City, PacifiCorp shall file an unqualified written acceptance thereof, with the City Recorder, otherwise the ordinance and the rights granted herein shall be null and void.

SECTION 4. Non-Exclusive Franchise. The right to use and occupy the Public Ways of the City are nonexclusive and the City reserves the right to use the Public Ways for itself or any other entity that provides service to City residences; provided, however, that such use will not unreasonably interfere with PacifiCorp’s Electric Facilities or PacifiCorp’s rights granted herein.

SECTION 5. City Regulatory Authority. In addition to this Franchise, the City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or

exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Oregon, the laws of Oregon or City Ordinances.

SECTION 6. Indemnification.

The City will in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by PacifiCorp of its Electric Facilities. PacifiCorp will indemnify, defend and hold the City harmless from and against claims, demands, liens and all liability or damage of whatsoever kind arising out of or in connection with PacifiCorp's use of the Public Ways within the City, and will pay the costs of defense plus reasonable attorneys' fees for any such claim, demand or lien. The City will: (a) give prompt written notice to PacifiCorp of any claim, demand or lien with respect to which the City seeks indemnification hereunder; and (b) unless in the City's judgment a conflict of interest exists between the City and PacifiCorp with respect to such claim, demand or lien, allow PacifiCorp to assume the defense of such claim, demand, or lien. PacifiCorp will notify City of its intent to assume defense of any claim, demand or lien within ten (10) business days upon receipt of same. If such defense is not assumed by PacifiCorp due to any action or inaction by City, PacifiCorp will not be subject to liability for any settlement made without its consent. If PacifiCorp elects not to assume defense of the demand, claim or lien, PacifiCorp will be subject to liability for any settlement made. Notwithstanding any provision to the contrary, PacifiCorp will not indemnify, defend or hold the City harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the City or any of its officers or employees.

SECTION 7. Annexation.

7.1 Extension of City Limits. Upon the annexation of any territory to the City, the rights granted under this Franchise will extend to the annexed territory to the extent the City has such authority. All Electrical Facilities owned, maintained, or operated by PacifiCorp located within any public ways of the annexed territory will then be subject to this Franchise.

7.2 Annexation. When any territory is approved for annexation to the City, the City will, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to PacifiCorp: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the City's ordinance approving the proposed annexation. The notice will be mailed to:

PacifiCorp Customer Contact Center
P.O. Box 400
Portland, Oregon 97202-0400

With a copy to:
PacifiCorp
Attn: Office of the General Counsel
825 N.E. Multnomah, Suite 2000
Portland, Oregon 97232

Additional or increased fees or taxes, other than ad valorem taxes, imposed on PacifiCorp as a result of an annexation of territory to the City will become effective on the effective date of the annexation provided notice is given to PacifiCorp in accordance with ORS 222.005, as amended from time to time.

SECTION 8. Construction, Maintenance, and Relocation

All Electric Facilities will be located so as to cause minimum interference with the Public Ways and be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances, and regulations.

8.1 Permits.

- (A) Subject to applicable regulations of the City, Grantee may perform all necessary construction to construct, operate and maintain its Electric Facilities. All construction and maintenance of any and all Electric Facilities within or on the Public Ways shall, regardless of who performs installation and/or construction, be and remain the responsibility of Grantee. Grantee shall apply for and obtain all permits necessary for installation, maintenance, and/or construction of any such Facilities, and for excavation and installation of any Electric Facilities within the Public Ways, which permits shall not be unreasonably withheld, conditioned, or delayed. Grantee shall pay all applicable fees due for City construction permits.
- (B) Grantee may make excavations in the Public Ways needed for the construction, maintenance, and operation of Grantee's Electric Facilities, subject to obtaining permits from the City. Prior to doing such work, Grantee must apply for, and obtain, appropriate permits from the City.
- (C) In the event that emergency repairs are necessary for its Electric Facilities in the Public Ways, Grantee shall immediately notify the City of the need for such repairs. Grantee may immediately initiate such emergency repairs, and shall apply for appropriate permits as soon as possible, not to exceed five (5) business days following discovery of the emergency. Grantee must comply with all ordinance provisions relating to such excavations or construction, including the payment of permits or license fees and compliance with permit conditions.
- (D) The City shall have the right to observe and inspect all construction or installation of Grantee's Electric Facilities subject to the provisions of this ordinance and to make such inspections as it shall find necessary to ensure compliance with governing laws, rules, and regulations. Grantee is responsible for all work performed, by or for Grantee or its agents.

~~8.2~~ **Locates.** Grantee shall comply with the most current requirements of ORS 757.542-757.562 and ORS 757.993, and the rules and regulations promulgated thereunder in OAR Chapter 952. On any City project, if the Grantee fails to properly identify the location of its Electric Facilities which results in time delays or additional costs on the project, the City reserves the right to remedy the situation and the Grantee shall pay the full costs of such remedy.

8.3 Relocation.

(A) Pursuant to a reasonable relocation schedule, mutually agreed to by Grantee and City or as otherwise established by the City as described in Section 8.3B, the City shall have the right to require Grantee to relocate its Electric Facilities within the Public Ways when the public convenience requires such change and the expense thereof shall be paid by Grantee. (However payment by Grantee shall in no way limit Grantee's right, if any, to seek reimbursement for such costs from any third party, provided that should any third party use such reimbursement as a basis for a claim of any kind against the City, Grantee must defend and fully indemnify the City for all direct and/or indirect costs related to such a claim except to the extent the claim is based on the negligent or willful misconduct of the City or

a contractual obligation between the City and such third party that specifically states that the City is responsible for Electric Facility relocation costs). If in requiring relocation, the City imposes additional specifications regarding materials or design for Grantee's Electric Facilities, the additional marginal increase shall not be considered relocation costs that are the Grantee's responsibility. Should Grantee fail to relocate any such Electric Facilities by the date established by the relocation schedule, the City may cause and/or effect such relocation by Qualified Workers and the reasonable expense thereof shall be paid by Grantee, including all direct, indirect and/or consequential costs and expenses incurred by the City due to Grantee's delay (However, payment by Grantee shall in no way limit Grantee's right, if any, to seek reimbursement for such costs from any third party, provided that should any third party use such reimbursement as a basis for a claim of any kind against the City, Grantee must defend and fully indemnify the City for all direct and/or indirect costs related to such a claim except to the extent the claim is based on the negligent or willful misconduct of the City or a contractual obligation between the City and such third party that specifically states that the City is responsible for Electric Facility relocation costs). Improvements for the public convenience may eliminate space available for Grantee's existing Electric Facilities within the Public Ways. If space is eliminated, the City will work with the Grantee to identify an alternate location.

(B) During the planning and design phase of a City project, the Grantor will coordinate with the Grantee to review project scope and schedule. The Grantor and the Grantee agree to work together in an attempt to establish a mutually acceptable relocation schedule for Electric Facilities. Failure of the Grantee to respond to, or participate in, the coordination effort does not affect the ability of the Grantor to proceed with design and construction of the project. In the event that the parties are unable to reach agreement regarding a relocation schedule for Electric Facilities, the Grantor will establish the schedule. Emergency relocations (including isolation of a work area), temporary or permanent, will require an immediate response or relocation by Grantee. As used in this section, emergency relocations include circumstances where Electric Facilities are encountered within the work zone while responding to an emergency involving other public utilities including, but not limited to, water, wastewater, and stormwater infrastructure.

8.4 Maintenance of System.

(A) Grantee's Electric Facilities shall be constructed, maintained and repaired in such manner as not to interfere with sewers, storm drains, water pipes, or any other property of the City, or with other facilities that may have been laid in the Public Ways by or under the City's authority. The Electric Facilities constructed, owned or controlled by Grantee shall be of good quality and workmanship and shall be maintained in good repair and efficiency.

(B) The Grantee shall maintain emergency repair service locally on a 24-hours-per-day, seven-days-a-week basis. Such emergency service shall be easily reached by phone during normal business hours and through answering service at all other times.

8.5 Underground Conversion. As permitted by state statute, administrative rule, or regulation, the City may require Grantee to remove any overhead Electric Facilities and replace those Facilities with underground Facilities at the same or different locations subject to Grantee's engineering and safety standards. The expense of such a conversion shall be paid by Grantee, but Grantee may recover its costs from its customers in accordance with state statute, administrative rule or regulation, including but not limited to OAR 860-022-0046 (as may change from time-to-time). Nothing in this paragraph shall prevent the City and Grantee from agreeing on a case-by-case basis to a different form of cost

recovery or another mechanism for funding an underground project that is consistent with state statutes, administrative rules or regulations.

8.6 Underground Extension.

- (A) In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, Grantee's Electrical Facilities will be placed underground in accordance with the Albany Development Code, or other applicable City Ordinance.
- (B) Electrical Facilities shall be located in dedicated utility easements, and installed in conjunction with other utilities, as required by City code, standard, or regulation.
- (C) In cases of new construction or property development where Electric Facilities are to be placed underground, Grantee will coordinate with developers or property owners to perform joint trenching where applicable and install Electric Facilities in a timely manner.
- (D) Costs of trenching, right-of-ways, and easements required to bring service to the development shall be borne by the developer or property owner.

8.7 Pole Vacation or Abandonment Coordination

In the event Grantee vacates or abandons a pole, Grantee shall provide written notification at least thirty (30) business days prior to vacation or abandonment of the pole to the City, and all other utilities sharing the pole through a joint use agreement. Grantee agrees to promptly notify other utilities when Grantee's attachments have been removed or relocated and other utilities shall remove or relocate their attachments. The Grantee also agrees to require through its joint use agreements that other utilities remove or relocate their attachments within thirty (30) business days following notice by the Grantee that said attachments shall be moved.

8.8 Rearrangement of Facilities to Permit Moving of Buildings and Other Objects

- (A) Upon notice in writing from any person desiring to move a building or other object, Grantee shall respond within five business days to establish a mutually agreed upon schedule to temporarily raise, lower or remove its Electric Facilities upon any street, bridge, or Public Ways within the City, when necessary to permit the person to move the building or other object across or along such street, bridge or Public Way. The raising, lowering, or removal of the Electric Facilities of the Grantee shall be in accordance with all applicable ordinances and regulations of the City.
- (B) The notice required by subsection (A) of this section shall bear the approval of the City of Albany, shall detail the route of movement of the building or other object and shall provide that the actual expense incurred by the Grantee in making the temporary rearrangement of its facilities, including the cost to the Grantee of any interruption of service to its customers caused thereby, will be borne by the person giving the notice. It shall further provide that the person giving said notice will indemnify and save said Grantee harmless from any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such temporary rearrangement of Grantee's facilities.

(C) Grantee, before making the temporary rearrangement of its facilities, may require the person desiring the temporary rearrangement to deposit cash or adequate security, at the option of the person, to secure payment of the costs of rearrangement as estimated by the Grantee.

8.9 Maps. Grantee shall provide the City, upon written request of the City, copies of maps showing the general location of Grantee's Electric Facilities within the Public Ways in the service area not more than twenty (20) days after a request for the same. The level of detail in maps provided by Grantee shall be limited to that which is needed for the City's administration of the Public Ways and to protect Grantee's confidential business information and the security of Grantee's Electric Energy System.

8.10 Annual Report. Grantee will provide an annual report to the City regarding all new services created within the City boundaries during the term of this Franchise. The City will be given the opportunity to provide written confirmation of the accuracy of the report and/or any corrections thereto to Grantee within a reasonable time following receipt of the report.

SECTION 9. Restoration of Public Ways.

9.1 Public Rights of Way Repairs. Work within Public Ways requires permits as outlined in Section 8. Whenever Grantee disturbs the surface of any Public Ways for any purpose, Grantee shall promptly restore the Public Ways to a condition consistent with the most recent version of the City's Standard Construction Specifications. Where no standard exists, it shall be restored to at least a condition comparable to that which existed before the work commenced, to the satisfaction of the City. Where pedestrian facilities are within the disturbed area, the facilities shall be restored consistent with the current Americans with Disabilities Act standards. When any opening is made by Grantee in a hard surface pavement in any Public Ways, Grantee shall promptly refill the opening and restore the surface to a condition satisfactory to the City.

If, during the course of work on its Electric Facilities, Grantee causes damage to or alters the Public Ways or public property, Grantee shall (at its own cost and expense and in a manner approved by the City) promptly replace and restore it to a condition consistent with the most recent version of the City's Standard Construction Specifications. Where no standard exists, it shall be restored to at least a condition comparable to that which existed before the work commenced, to the satisfaction of the City. Where pedestrian facilities are within the disturbed area, the facilities shall be restored consistent with the current Americans with Disabilities Act standards.

9.2 Excavation Repairs. If Grantee excavates the surface of any Public Ways, Grantee shall be responsible for prompt restoration of the Public Way and its surface within the area affected by the excavation. If Grantee fails to do so, the City may, after providing notice and reasonable opportunity to cure to Grantee, refill and/or repave any opening made by Grantee in the Public Ways, and the expense thereof shall be paid by Grantee. The City reserves the right, after providing notice and reasonable opportunity to cure to Grantee, to remove and/or repair any work done by Grantee which does not conform to the requirements of this Section 9. The City also reserves the right, if the restoration is not made promptly, to restore the area affected by the excavation. The cost thereof, including the cost of inspection and supervision, shall be paid by the Grantee. All excavations made by Grantee in the Public Ways shall be properly safeguarded for the prevention of accidents. All of Grantee's work shall be done in strict compliance with all applicable rules, regulations and ordinances of the City. Grantee's responsibility for maintaining repairs to any surface areas disturbed by Grantee's work shall end upon completion of standard warranty periods as defined in the City's Standard Construction Specifications.

SECTION 10. Reservation of City Public Ways.

10.1 Nothing in this Franchise shall be construed to prevent the City from constructing, grading, paving, repairing and/or altering any Public Ways; laying down, repairing or removing water, storm drain, or sewer pipes; or constructing or establishing any other public work or improvement. All such work shall be done, insofar as practicable, so as not to injure or prevent the unrestricted use and operation of the Grantee's Electric Facilities under this Franchise. In the event any works performed by the City causes damage to Grantee's Electric Facilities, City shall reimburse Grantee the reasonable costs to perform necessary repairs, except to the extent such damage is the result of PacifiCorp, or its designee or assigns, improperly locating such facilities. If the construction or repair of any Public Ways or public improvement, including construction, repair or removal of a sewer, storm drain, or water main, is expected to interfere with any portion of the Grantee's Electric Facilities, the City may direct Grantee to relocate as provided in Section 8.3 of this Franchise.

10.2 Whenever the City shall excavate or perform any work in any of the present and future Public Ways, or shall contract or issue permits for such excavation or work where such excavation or work may disturb Grantee's underground Electric Facilities, the City will notify Grantee in writing sufficiently in advance of such contemplated excavation or work to enable Grantee to take such measures as may be deemed necessary to protect such underground Electric Facilities from damage and possible inconvenience to the public.

10.3 City will construct and authorize the construction of any structures, buildings or signs in Public Ways for erection below and near PacifiCorp's facilities only in a manner that is consistent with all applicable federal and state laws and regulations. Without limiting the foregoing and for City's convenience only, at each anniversary of this Franchise, Grantee will notify City of the clearance requirements Grantee deems applicable to construction below or near Grantee's facilities located in Public Ways. The City may direct Grantee to relocate as provided in Section 8.3 of this Franchise in order to gain compliance with said laws and regulations.

SECTION 11. Use of Grantee's Facilities By City.

The City may without cost use Grantee poles within Public Ways for City-owned attachments used in connection with its fire alarms, police signal systems, or other communication lines used for governmental purposes; provided, however, any such uses must be for activities owned, operated or used by the City for a public purpose and must not include the provision of CATV, internet, or similar services to the public. PacifiCorp assumes no liability nor will it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles by the City will be in such a manner as to prevent safety hazards or interferences with PacifiCorp's use of same. Nothing in this Franchise will be construed to require PacifiCorp to increase pole size, or alter the manner in which PacifiCorp attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. City attachments must be installed and maintained in accordance with the reasonable requirements of PacifiCorp and the current edition of the National Electrical Safety Code pertaining to such construction. Further, City attachments may only be attached or installed after written approval by PacifiCorp.

SECTION 12. Vacation of Public Ways.

Upon receipt of any request for vacation of any Public Ways or portion thereof used by Grantee, the City shall provide the Grantee with the standard notice provided for Public Ways vacations. If any

Public Ways or portion thereof used by Grantee is vacated by the City during the term of this Franchise, unless the City Council specifically reserves to Grantee the right to continue its installation in the vacated Public Ways area or Grantee secures such right from the third party that will have title to the area in which Grantee has its Electric Facilities, Grantee shall, without expense to the City, remove its Facilities from such Public Ways, restore, repair or reconstruct the Public Ways area where such removal has occurred, and place the Public Ways area in such a condition which shall be no worse than the condition of such Public Ways immediately prior to removal. In the event of failure, neglect or refusal of Grantee, after thirty (30) days notice by City, to repair, improve or maintain such Public Ways portions, the City may do such work or cause it to be done, and the cost thereof, shall be paid by the Grantee.

Notwithstanding the foregoing, for facilities that require relocation, the terms of Section 8.3 apply.

SECTION 13. Subdivision/Partition Plat Application Notification. The City will notify PacifiCorp of new Subdivision and Partition applications received by the City. Notification of such application will be mailed to PacifiCorp:

Pacific Power
Attn: Estimating Department
P. O. Box 248
Albany, OR 97321

Mutually agreed upon alternative methods of notification, such as via e-mail, are acceptable.

SECTION 14. Vegetation Management.

14.1 When Permits Needed. Upon obtaining a written permit from the City Urban Forester, Grantee may prune or cause to be pruned, using proper utility arboricultural practices and in accordance with such permit, any tree in or overhanging the Public Ways which interferes with Grantee's Facilities. Such pruning shall comply with the *American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for publicly owned trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section will prevent PacifiCorp, when necessary and with the approval of the owner of the property on which they may be located and in compliance with Albany Municipal Code and Albany Development Code, from cutting down and removing any trees which overhang streets.

Except in emergencies or by special written permission of the City Urban Forester, Grantee may not prune trees until ten (10) days after written notice has been given to the owner or occupant of the premises abutting the Public Rights of Way in or over which the tree is growing. The owner or occupant shall have one week from receipt of notice to have such trees pruned by a qualified line clearance arborist at his or her own expense in accordance with Grantee's standards for reliable utility service, provided that the owner or occupant agrees to use tree pruning personnel that are qualified to work in close proximity to power lines. If the owner or occupant fails to do so in compliance with the notice, Grantee may prune such tree at its expense.

14.2 Blanket Permits. The City Urban Forester may, at the City Urban Forester's discretion, waive the notification and single tree permit process and issue a blanket tree pruning permit if Grantee adequately demonstrates to the City Urban Forester's satisfaction the ability to consistently apply

proper utility arboricultural practices to the pruning of trees. Before any blanket permit may be issued, any contractor of Grantee shall be subject to the approval of the City Urban Forester. The City Urban Forester shall have discretion to cancel the blanket permit, notification and single tree permit process if, at any time, the Grantee or its agents fail to either use proper utility arboricultural practices or to properly notify the public as specified in Section 14.1.

14.3 Emergencies. Notwithstanding the permit and notice requirements of Section 14, in the event of an emergency, Grantee may prune a tree or trees as necessary to abate the emergency. For purposes of this Section 14, emergencies exist when it is necessary to prune a tree or trees in order to restore electrical services, or to protect the public from imminent danger, or to prevent the imminent destruction of property.

SECTION 15. Compensation.

15.1 In consideration of the rights, privileges, and franchise hereby granted, PacifiCorp will pay to the City from and after the effective date of the acceptance of this franchise, seven percent (7%) of its gross revenues derived from within the corporate limits of City. "Gross revenue" means any revenue of PacifiCorp derived from the retail sale and use of electric power and energy within the municipal boundaries of the City after adjustment for the net write-off of uncollectible accounts and corrections of rendered bills. All amounts paid under this Section 15 will be subject to review by the City; provided that only payments that occurred during a period of thirty-six (36) months before the date the City notifies PacifiCorp of its intent to conduct a review may be subject to such review. Notwithstanding any provision to the contrary, at any time during the term of this Franchise, the City may opt to increase the franchise fee amount as may then be allowed by state law. The City will provide PacifiCorp with prior written notice of such increase following adoption of the change in percentage by the City. The increase may be effective no earlier than sixty (60) days after City has provided such written notice to PacifiCorp.

15.2 The franchise fee is not in addition to any other license, occupation, franchise or excise taxes or charges that might otherwise be levied or collected by the City from PacifiCorp with respect to PacifiCorp's electric business or the exercise of this Franchise within the corporate limits of the City and the amount due to the City under any such other license, occupation, franchise or excise taxes or other charges for corresponding periods will be reduced by deducting there from the amount of said franchise fee paid hereunder.

SECTION 16. Renewal. At least 120 days before the expiration of this Franchise, PacifiCorp and the City will agree to either extend the term of this Franchise for a mutually acceptable period of time or use best faith efforts to renegotiate a replacement Franchise. PacifiCorp may continue to use the Public Ways of the City under the same terms and conditions in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise as long as PacifiCorp and City are continuing to negotiate an extension or new franchise. Either party may declare that negotiations have ended by giving written notice ("Negotiation Termination Notice") to the other party. The parties will operate under the most recent Franchise for a period of twenty-four (24) months from the date of the Negotiation Termination Notice. The Franchise will then terminate upon the expiration of the twenty-four month period.

SECTION 17. No Waiver. Neither the City nor PacifiCorp will be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers,

employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

SECTION 18. Transfer of Franchise. PacifiCorp will not transfer or assign any rights under this Franchise to another entity, except transfers and assignments by operation of law, unless the City first gives its approval in writing, which approval will not be unreasonably withheld; provided, however, inclusion of this Franchise as property subject to the lien of PacifiCorp's mortgage(s) does not constitute a transfer or assignment.

SECTION 19. Amendment. At any time during the term of this Franchise, the City, through its City Council, or PacifiCorp may propose amendments to this Franchise by giving thirty (30) days written notice to the other of the proposed amendment(s), and both parties, through their designated representatives, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment(s) to this Franchise will be effective until mutually agreed upon by the City and PacifiCorp and formally adopted as an ordinance amendment.

SECTION 20. Non-Contestability--Breach of Contract.

20.1 Neither the City nor PacifiCorp will take any action for the purpose of securing modification of this Franchise before either the Oregon Public Utility Commission or any court of competent jurisdiction; provided, however, that neither will be precluded from taking any action it deems necessary to resolve difference in interpretation of the Franchise nor will PacifiCorp be precluded from seeking relief from the courts in the event Oregon Public Utility Commission orders, rules or regulations conflict with or make performance under the Franchise illegal.

20.2 In the event PacifiCorp or the City fails to fulfill any of their respective obligations under this Franchise, the City or PacifiCorp will have a breach of contract claim and remedy against the other in addition to any other remedy provided by law, provided that no remedy that would have the effect of amending the specific provisions of this Franchise will become effective without such action that would be necessary to formally amend the Franchise.

SECTION 21. Notices. Unless otherwise specified herein, all notices from PacifiCorp to the City under or concerning this Franchise will be delivered to the City Recorder's Office. Unless otherwise specified herein, all notices from the City to PacifiCorp under or concerning this Franchise will be delivered to the Customer and Community Affairs Vice President, Pacific Power, 825 NE Multnomah, Lloyd Center Tower Suite 2000, Portland, Oregon 97232, and such other office as PacifiCorp may advise the City of by written notice.

SECTION 22. Severability. If any section, sentence, paragraph, term or provision of this Franchise is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination will have no effect on the validity of any other section, sentence, paragraph, term or provision, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

SECTION 23. Waiver of Jury Trial. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any

action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

SECTION 24. Emergency Clause. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Mario Lattanzio, Chief of Police *ML*
DATE: June 24, 2015, for the July 8, 2015, City Council Meeting
SUBJECT: Approval of the Vehicle Lease Contracts with Wire Works, LLC
RELATES TO STRATEGIC PLAN THEME ● An Effective Government

Action Requested:

Staff is asking the Council to authorize the Chief of Police to sign ongoing police vehicle capital lease contracts with Wire Works, LLC, located at 4775 Portland Road NE, #200, Salem, Oregon, 97305; Auto Leasing Specialists, LLC, 6696 E. Millstone Street, Highlands Ranch, Colorado, 80130; Ford Motor Credit Company, P.O. Box 670000, Detroit, Michigan, 48267; Government Leasing Company, 830 Tenderfoot Hill Road, Suite 301, Colorado Springs, Colorado, 80906; and/or any other legal vendor that Wire Works utilizes for vehicle leasing.

Discussion:

At the December 15, 2004, City Council meeting, the Police Department received approval to initiate a lease program for police vehicles. At the November 5, 2007, City Council meeting, the Police Department received approval for the Chief of Police to sign police vehicles lease agreements with Auto Additions, Inc., and Auto Leasing Specialists, LLC. On March 14, 2012, after a competitive bid process, the City Council authorized the Chief of Police to sign a contract with Wire Works, LLC, to lease police vehicles, upfit, and maintain vehicle equipment through April 1, 2014, with the option to extend for three additional one-year terms through April 1, 2017. This will be the second of three one-year extensions.

Wire Works has developed leasing programs tailored to individual law enforcement agency needs. Wire Works has been awarded our contract for building and leasing vehicles. They select and determine the most economical lease companies to use, which may include but are not limited to: Government Leasing Company, Ford Motor Credit Company, and Auto Leasing Specialists, LLC. Lease companies require annual written confirmation via copies of City Council minutes that the Chief of Police has the authority to sign the lease contracts.

Leasing police vehicles makes financial and operational sense which is the reason many police agencies are adopting this option instead of purchasing vehicles. Wire Works provides this service in the Pacific Northwest and is used by many agencies in Oregon. Wire Works qualifies as our contract vendor and was approved by City Council on March 14, 2012, by Resolution No. 6090.

Funds for police vehicle leasing are in the approved FY2015-16 Police budget and will be used from the Equipment Replacement Fund, Leased Vehicles. The appropriate funds will be included in each annual budget request for the ongoing vehicle lease program.

Budget Impact:

Costs are supported by the approved FY2015-16 Police budget in the Equipment Replacement Fund, Leased Vehicles.

ML:de

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE CHIEF OF POLICE TO SIGN ONGOING POLICE VEHICLE LEASE CONTRACTS BETWEEN THE CITY OF ALBANY AND WIRE WORKS, LLC; AUTO LEASING SPECIALISTS, LLC; FORD MOTOR CREDIT COMPANY; GOVERNMENT LEASING COMPANY; AND/OR ANY OTHER LEGAL VENDOR WIRE WORKS, LLC, UTILIZES.

WHEREAS, the City of Albany Police Department has been leasing police vehicles since 2004; and

WHEREAS, Wire Works, LLC, was determined to best meet the requirements of the Request for Proposals and the needs of the City; and

WHEREAS, Wire Works, LLC, qualifies as our contract vendor and was approved by Council on March 14, 2012, by Resolution Number 6090; and

WHEREAS, Wire Works, LLC selects and determines the most economical lease companies to utilize, including but not limited to: Government Leasing Company, Ford Motor Credit Company, and Auto Leasing Specialists, LLC; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chief of Police is hereby authorized to sign contracts between the City of Albany and Wire Works LLC; Auto Leasing Specialists, LLC; Ford Motor Credit Company; Government Leasing Company; and/or any other legal vendor Wire Works, LLC, utilizes.

DATED AND EFFECTIVE THIS 8TH DAY OF JULY 2015.

Mayor

ATTEST:

City Clerk

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Councilors Present: Councilors Bessie Johnson, Rich Kellum, Ray Kopczynski, Dick Olsen

Councilors Absent: Councilors Bill Coburn (excused), Floyd Collins (excused)

SCHEDULED BUSINESS

Quasi-Judicial Public Hearings

CP-01-14 and ZC-100-14, amending Ordinance No. 4447, which adopted the City of Albany Comprehensive Plan Map; and amending Ordinance No. 4441, which adopted the City of Albany Zoning Map; adopting findings for property located at 241 Waverly Street SE, Linn County Assessor's Map No. 11S-3W-05DD, Tax Lot 400; and declaring an emergency.

Konopa said this is a request for a comprehensive plan map amendment to change the designation of one parcel from the Residential Low Density and General Commercial to the Residential Medium (RM) Density designation, and change zoning from Single Family Residential (RS-6.5) and Community Commercial to the Residential Medium Density Attached (RMA). Applicant RJ Alldritt is represented by Rich Catlin with Reece & Associates.

Open: Konopa opened the public hearing at 7:17 p.m.

There were no conflicts of interest or ex parte contact declared.

Councilor Dick Olsen said he drove by the site.

There were no abstentions and no procedural objections

Konopa reviewed the hearing procedures and called for a staff report.

David Martineau, Planner III, reviewed the request as detailed in the written staff report. He reviewed current designations and uses on the site and surrounding properties, noting that land uses abutting the site to the south would be characteristic in a General Commercial designated area, and that existing residential uses to the north and west of the property reflect a mix of housing types with no dominant housing type. The proposed zone change has the potential to add some trips to the Pacific Boulevard and Waverly Drive intersection; however, the City's transportation system plan identifies an improvement project at that intersection prior to 2030, and that intersection is under the jurisdiction of ODOT. Public utilities in the area are capable of accommodating future development allowed in the proposed zone. The existing public storm drainage facilities are capable of accommodating most development that could occur in the proposed zone; however, any site development would likely need to add on-site storm water detention.

Martineau said the subject property is relatively small and somewhat irregularly shaped; therefore, it would be difficult to develop single family detached homes together with the necessary infrastructure and access. The character of the surrounding neighborhood includes a wide variety of housing types and sizes built over the years. The subject property serves as a transition between commercial business to the south and neighborhood residential uses to the north. Waverly is an arterial street and public transportation is available nearby. Staff, together with the Planning Commission by a vote of 6-2, recommends approval of the proposed Comprehensive Plan and Zoning Map amendments.

In response to a question from Olsen, Martineau reviewed allowed uses in the RM and RMA zones. He said the range of residential uses in the RMA zone is more restrictive while the RM zone allows for a variety of uses, even mobile home parks. Olsen asked if the RMA zone is essentially an apartment zone. Martineau said yes, it is a zone for single family attached apartments or condominiums.

Councilor Bessie Johnson asked for the reasoning behind the Planning Commission's two no votes. Martineau said the Planning Commission received testimony expressing concerns that the requested zoning was not compatible with the existing neighborhood in general, and also questioning the accuracy of the City's Housing Needs Analysis which was last updated in 2007. A person who lives directly north of the property stated that most of the properties had been owner occupied and the increase in rental units since 1990 has made the neighborhood

feel different. He noted that while the proposed zone would allow for apartments or condos, no development plan has been submitted.

Councilor Rich Kellum asked how much parking is required in the RMA zone. Martineau said off-street parking standards are based on the number of bedrooms with each 1-bedroom unit requiring one space, each 2-bedroom unit requiring 1.5 spaces, and each 3-4 bedroom unit requiring two spaces. For every four required spaces, one visitor space is also required.

Councilor Ray Kopczynski asked what is making the transfer of the small sliver of land necessary. Martineau said the 650 square foot piece on the southeast corner of the property is the result of a property line adjustment about six years ago that would be cleaned up in this request.

Konopa called for the applicant's presentation.

Rich Catlin, Reece & Associates, 321 First Avenue E, is a land use planner representing the owner, RJ Alldritt. He distributed and reviewed three aerial photos of properties northeast, northwest, and southwest of the Alldritt property (see agenda file). He said the subject site is located in a mixed residential area and there is no zone that is appropriate for the mix of housing in the area. In looking at properties within 300 feet of the subject site, there are 59 units on 6.5 acres, an average density of nine units per acre. This is a relatively small, irregularly shaped property. The RMA zone will provide a more efficient way to develop and use the land as well as a better transition between commercial zoned property and residential uses. The proposal would be a step in fulfilling the need perceived in the Housing Needs Analysis which indicates that Albany is short of RMA and has a surplus of RS 6.5.

Catlin said the Traffic Impact Analysis (TIA) is required by state law and is based on the reasonable worst case scenario of 35 dwelling units. That is not a specific proposal but rather the maximum number that could be developed on this site. The TIA concluded that the impact falls below the threshold for additional analysis. The staff report mentions a 2007 application for the site which, he said, was different in that the Housing Needs Analysis was not yet complete, the 2007 application was for high density residential, and RJ Alldritt was the contract seller at the time and not representing the applicant. The applicant feels the current proposal is a better fit for how the property can be developed. It provides for a more efficient use of the land and is somewhat compatible with aspects of the neighborhood. The RMA is a transition zone between the commercial and low density residential and the site is close to schools, shopping and transit. This is a mixed character area with no one housing type. He believes the proposed changes could result in a project that fits.

Konopa referred to the sign-up sheet (see agenda file). Konopa called for public testimony.

Kasey Tegner, 221 Waverly Drive, said she lives directly to the north of the subject site and her windows look onto the property. This is a small, quiet neighborhood and the houses are mostly WWII era cinder block houses. She put 25 years into a house that was falling down when she bought it. She is invested in the neighborhood and she is concerned about her property value. The plan attached to the staff report shows 35 two-story units. Once the designation is changed, the developers can do whatever they want up to the limits of the zoning, and that is scary for her. She said the change would have a minimal impact on the City's need for RMA, and there are more appropriate places. This would not be a good transition area as stated, but would just overwhelm and completely change the neighborhood.

Konopa asked if the applicant would like to rebut.

Catlin said the City needs this type of development and the subject site is an appropriate location for this type of use. He said there is no specific development proposal and the plan referred to in testimony was a hypothetical worst-case analysis for the TIA.

Konopa asked if there were questions for staff.

In response to an inquiry from Kellum, Martineau reviewed the applicable setback requirements which call for one foot of setback for each foot of wall height, and step back provisions which call for single-story structures on the edges of a site that is adjacent to single family residential. He noted there are other design standards related to open space, recreation areas, and parking requirements, all of which will go into determining the number of units that would be allowed on the property.

In response to a question from Konopa, Martineau said the development proposal would be a site plan review and would not go to the Planning Commission.

Konopa offered an opportunity for rebuttal, and there was none.

Closed: The public hearing was closed at 7:53 p.m.

Olsen said he wonders what value zoning is if an apartment zone can be placed right next to single family.

Johnson said this is really more of a mixed-use area, with the car wash and other commercial uses directly to the south. Her concerns are around the setback and the number of apartments that could be allowed since the development won't be coming to a public hearing. She noted that parking is an issue in that area.

Kellum said he has a concern about the number of people. With 30 apartments, there are likely to be 50 or more people. Apartments are generally not quiet places, and he is concerned about the quietness of the neighborhood. He is also concerned that where there is now an open field next to someone's home, there would be a second story looking into their back window.

Olsen agreed with Kellum. He said it would be one thing if there was just one two-story house going in, but a whole line of apartment windows would negate the use of that side of their house.

City Attorney Jim Delapoe read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP; AND AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS FOR PROPERTY LOCATED AT 241 WAVERLY STREET SE; LINN COUNTY ASSESSOR'S MAP NO. 11S-3W-05DD, TAX LOT 400; AND DECLARING AN EMERGENCY.

MOTION: Kopczynski moved to read the ordinance a second time in title only and Johnson seconded the motion. The motion failed 2-2, with Kellum and Olsen voting no. It takes a unanimous vote of Council for a second reading in the same meeting. The item will come back at the next meeting.

ZC-01-15, amending Ordinance No. 4441, which adopted the City of Albany Zoning Map; adopting findings for property located at an unaddressed property east of 1655 Geary Street SE; Linn County Assessor's Map No. 11S-3W-08CA, Tax Lot 2201; and declaring an emergency.

Konopa read the request for a zoning map amendment to change one parcel from the Office Professional (OP) district to the Residential Medium Density (RM) district. The applicant and previous owner is Kenneth Marshall, and the current owner is Patricia Neal.

Open: Konopa opened the public hearing at 8:00 p.m.

There were no conflicts of interest or ex parte contact declared.

Johnson said she has driven by the site.

Konopa reviewed the hearing procedures and called for the staff report.

Planner Melissa Anderson reviewed the site and surrounding uses. She briefly reviewed the decision-making criteria, the public noticing, and the process to date. The Planning Commission had a public hearing and recommended that the City Council approve the request. She reviewed each of the applicable criteria as follows:

- Consistent with Comprehensive Plan Map designation: The 5,000 square foot lot is adjacent to properties zoned RM, there is no Comprehensive Plan Map change, and the RM zone is consistent with the RM density Comprehensive Plan Map designation.
- Transportation facilities adequate to serve allowed uses in the RM zone: This is an urbanized area with an existing transportation system, and the requested rezone results in reduced possible density and traffic volumes. There is no significant effect on the transportation system.
- Public utilities and services can accommodate development: There are existing wastewater, water, and storm water facilities, and the urban area is served by Police and Fire.
- Proposed zoning district satisfies goals and policies of the Comprehensive Plan: Public participation has been solicited through the process, the Housing Needs Analysis concludes a need for RM zoned land, and the change from OP to RM is equally consistent with the Comprehensive Plan land use designation.
- Land use and transportation pattern consistent with City plans: There is no proposed change in existing transportation pattern or plan.

Anderson said, in conclusion, all of the applicable criteria are met and staff recommends approval of the request.

Konopa called for the applicant's presentation.

Brian Vandetta, 63 E. Ash Street, Lebanon, was representing the applicant who is the previous property owner. He said the owner has tried to find an OP use that would fit on the property; however, they had difficulty in trying to balance the building size and parking requirements. He agreed with the information provided by staff and offered to answer questions.

Olsen asked if there is a plan for the site. Vandetta said he understands the current owner plans to build a single-story duplex on the property.

Konopa referred to the signup sheet (see agenda file). There was no public testimony.

Closed: Konopa closed the public hearing at 8:10 p.m.

Delapoer read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS FOR PROPERTY LOCATED AT AN UNADDRESSED PROPERTY EAST OF 1655 GEARY STREET SE; LINN COUNTY ASSESSOR'S MAP NO. 11S-3W-08CA, TAX LOT 2201; AND DECLARING AN EMERGENCY.

MOTION: Johnson moved that the ordinance be read a second time in title only. Kopczynski seconded the motion and it passed 4-0.

Delapoer read the ordinance a second time in title only.

MOTION: Johnson moved to adopt the ordinance. Kopczynski seconded. The motion passed 4-0, and was designated Ordinance No. 5854.

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

Business from the Public

There was no business from the public.

Adoption of Resolution

Revising the project list for the Transportation System Development Charges (SDC), reaffirming the base fee and the appeal fee, and repealing Resolution No. 6335

Transportation Systems Analyst Ron Irish said this resolution shifts Transportation SDC funding between three projects, as detailed in the written staff report. This was discussed in a previous work session.

MOTION: Kopczynski moved to adopt the resolution and Johnson seconded it. The motion passed 4-0, and was designated as Resolution No. 6417.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) April 2, 2015, Capital Improvement Program Joint Work Session
 - b) April 8, 2015, City Council Regular Session
- 2) Approving a liquor license renewals
- 3) Accepting an easement from Central Willamette Community Credit Union. RES. NO. 6418

MOTION: Kopczynski moved to adopt the Consent Calendar. Kellum seconded the motion and it passed 4-0.

Appointment

Appointing Stephen Van Buskirk to the Bicycle and Pedestrian Advisory Commission

MOTION: Johnson moved to approve the appointment. Kellum seconded the motion and it passed 4-0.

Report

Vacation of First Avenue Street SW

Planning Manager Bob Richardson said the Albany Carousel and Museum has submitted a site plan review application in which the proposed building would go approximately 1,075 square feet into the right-of-way. For the application to be deemed complete, either the City Council must initiate a street vacation or the applicant would need to apply for a street vacation. Staff is recommending the City Council initiate the vacation request as this would assist the applicant in meeting the 180-day deadline for application completeness, avoid the need for the applicant to resubmit and pay additional application fees, avoid the need for the applicant to obtain signatures from the railroad and post office which would likely be difficult within the timeframe, and continue facilitating progress with the application. If Council approves, staff will prepare the application and bring it forward for consideration concurrent with the site plan review application.

Kellum asked if the request will include an explanation of the traffic plan. Richardson said that traffic impacts could be provided with the vacation application.

MOTION: Johnson moved to initiate the street vacation. Kopczynski seconded the motion and it passed 4-0.

BUSINESS FROM THE COUNCIL

Kellum said the Kiwanis will hold a Sawing for Schools demonstration at his private business next Tuesday.

Kopczynski said he has a proposal pursuant to the bond issue that just passed.

MOTION: Kopczynski moved that any funds received from the sale or transfer of the existing Jackson Street Police facility shall be held in an account until completion of both the facilities authorized in the May 19, 2015, election. The net proceeds shall only be used to cover any project costs which exceed the proposed budget of \$24.4 million or in the alternative shall be applied to the general obligation bond debt repayment schedule. Kellum seconded the motion.

Kellum suggested the motion be revised to be less specific. He would prefer to say that any funds received would be applied to lower the costs of the projects and omit references to holding funds or covering project overruns.

City Manager Wes Hare said the action in the motion is really a statement of intent which could be changed by Council in the future. He noted the property may not sell before the project accounting is complete. He recalled a similar situation when the old library building sold and those funds were used to buy down the cost of the new building. Any project overruns would be discussed with Council at the time they occur.

Kopczynski said he doesn't want to leave it open as suggested by Kellum; he wants it on the record that the intent is to use those funds to pay down the debt or cover unforeseen circumstances that may come up.

Konopa noted the building is still being used and probably won't sell until the new one is built.

Olsen asked if the building is worth anything. Hare said the building no longer fits the City's needs but it has value, and there is interest from both public and private sources. Olsen said he doesn't want to paint Council into a corner.

Johnson said she supports the motion to show to the voters the intent is to have that money in a designated fund.

Kellum said he will support the motion which goes to the idea that funds from the sale of the building will reduce the debt.

VOTE: The motion failed 3-1 with Olsen voting no. It takes four votes of the Council to take action. This item will come back to a future meeting.

Interim Public Works Engineering and Community Development Director Jeff Blaine said there will be a discussion about sewer rates in June. He asked if Council would like staff to follow the approach that has been taken with rate discussions the past couple of years, where the Council hears a condensed version of the report at the Work Session, followed by a more detailed report at the Regular Session. There was general agreement with that approach.

Blaine said he met with the Thornton Lake citizen group and he believes all of their concerns were satisfied related to the North Albany Road project, storm water treatment, and impacts on the lake.

RECESS TO EXECUTIVE SESSION TO DISCUSS CURRENT LITIGATION OR LITIGATION LIKELY TO BE FILED AND TO DISCUSS REAL PROPERTY TRANSACTIONS IN ACCORDANCE WITH ORS 192.660(2)(h)

The Regular Session recessed to Executive Session at 8:34 p.m.

RECONVENE

The Regular Session reconvened at 9:07 p.m.

MOTION: Kopczynski moved to authorize the City Manager to modify the intergovernmental agreement with Lebanon to substitute mediation instead of arbitration if that's acceptable to the City of Lebanon. Kellum seconded the motion and it passed 4-0.

MOTION: Kellum moved to authorize purchase from Davenport with the modifications discussed in the Executive Session. Kopczynski seconded the motion and it passed 4-0.

NEXT MEETING DATE: Work Session: June 8, 2015 and Regular Session: June 10, 2015

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Wes Hare
City Manager



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Mario Lattanzio, Chief of Police

A handwritten signature in black ink, appearing to be 'ML', written over the name 'Mario Lattanzio'.

DATE: June 29, 2015, for July 8, 2015, City Council Meeting

SUBJECT: Limited Off-Premises Sales, Change Ownership Liquor License Application for Arsh, Inc., dba Tri Valley Food Mart, located at 628 SW Ellsworth Street.

Action Requested:

I recommend the Limited Off-Premises Sales, Change Ownership Liquor License Application for Arsh, Inc., dba Tri Valley Food Mart, located at 628 SW Ellsworth Street, be approved.

Discussion:

Ravinder Kumar Ratanpal, on behalf of Arsh, Inc., has applied for a Limited Off-Premises Sales, Change Ownership, liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicant has no criminal record.

Budget Impact:

None.

MSR



TO: Albany City Council
VIA: Stewart Taylor, Finance Director
FROM: Kandice Easdale, Parks & Recreation Clerk II
DATE: June 29, 2015, for the June 10, 2015 City Council Meeting
SUBJECT: Annual Liquor License Renewals
RELATES TO STRATEGIC PLAN THEME: ● A Safe City

Action Requested:

Council approval for these annual liquor license renewals

Discussion:

Following is a list of businesses that have submitted an application for liquor license renewal. These businesses have paid their fees.

Yellow Flamingo #3	Southern Oregon Elmers LLC	1119-1123 Santiam Hwy SE
Elmer's Restaurant	Southern Oregon Elmers LLC	2802 Santiam Hwy SE
Deluxe Brewing Comp / Sinister Distilling Comp	Albany Steamworks LLC	635 NE Water Ave Suite B&D
La Roca Mexican Restaurant	La Roca Mexican Restaurant LLC	1727 Hill St.

Budget Impact:

Revenue of \$140.

ke



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Kate Porsche, Economic Development & Urban Renewal Director
DATE: July 1, 2015, for the July 8, 2015, City Council Meeting
SUBJECT: Linn County Expo Center Contractor Funding

RELATES TO STRATEGIC PLAN THEME: • A Healthy Economy

Action Requested:

Please review the attached Intergovernmental Agreement (IGA). Provide direction regarding the execution of the agreement to the City Manager.

Background:

During the Transient Lodging Tax (TLT) discussion at the November 17, 2014, Council Work Session, Council directed staff to work with Linn County to draft a proposal to outline details for the funding of a new contract position to focus on the marketing of the Linn County Expo Center.

The attached IGA seeks to outline the details of the funding to be provided by the City to Linn County for the new contractor. The IGA was drafted by City staff and incorporates many of the suggestions made by Council at previous meetings. It has been reviewed by the City Manager, City Attorney, and Linn County's Administrative Officer.

We believe it appropriately outlines the specifics of the funding agreement including amounts, how the funds will be disbursed, and a process for review of future funding.

Staff recommends Council direct the City Manager to execute the agreement.

Budget Impact:

Approval of the IGA will mean a City contribution of \$40,020 for the first twelve months of the contract as compensation for the Contractor. An additional amount of up to \$50,000 for the first twelve months is available for earned commissions as well.

The IGA indicates that, "Funding for additional years of the Contract shall be contingent on the adequate success of the Contractor. The City shall review and make their final determination at the nine-month mark so that the County will have three months' notice of their decision prior to the end of the 12-month funding period."

The TLT Ad-Hoc Committee suggested that the \$40,020 come from the Collaborative Tourism line item in the Economic Development budget (211-11-1101-61307) and that commission funding, if needed this year, come from a transfer out and reduction of the reserve line item in this fund (211-11-1101-69020). Should the City continue to fund the position, future years' funding of the commissions component will need to be reviewed and a funding source in the ED budget will need to be identified.

KP:hr
Attachment

G:\Economic Development\TLT\Linn Co Expo Position\Staff Report Expo Center Contract.docx

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is entered into this _____ day of July 2015 by and between the CITY OF ALBANY, OREGON, hereinafter referred to as "City," and Linn County, OREGON hereinafter referred to as "County," the promises of each being given in consideration of the promises of the other.

WHEREAS, the County is the operator of the Linn County Fair and Expo Center (Expo), which provides economic benefit, increased lodging stays, and revenue for the City's hotels and business and is an excellent resource for the City and the County; and

WHEREAS, the Expo now has more competition than in the past; and

WHEREAS, the Albany City Council voted to support the recommendation of the ad-hoc Transient Lodging Tax (TLT) committee comprised of hoteliers, City staff representatives, and representatives of the Expo, Albany Visitors Association, and Albany Downtown Association that TLT funds be used to assist with the costs related to a new outside sales contractor (Contractor) for the Expo; and

WHEREAS, the City desires to provide financial assistance to the County for the creation of the new contract.

NOW, THEREFORE, PURSUANT TO THE AUTHORITY GRANTED BY ORS CHAPTER 180, the parties agree as follows:

1. Contractor Status. Contractor (Global Qualitative Group, LLC) has been engaged and will be supervised by County. City shall have no direct contracting role in engagement of Contractor.
2. City Contribution. The City hereby agrees to contribute \$40,020 for first twelve months of the contract as compensation for the Contractor. An additional amount of up to \$50,000 for the first twelve months is available for earned commissions for the Contractor, once hired.
3. Contract Terms. The contract is shown at Exhibit 1.
4. County Contribution to Expo. County's contributions to the Expo shall not be reduced from the current budgeted amount.
5. Term. The period of this Agreement is from May 19, 2015, through one full year from hire date of Contractor. City shall not, by this agreement, have any further responsibilities or commitments concerning Contractor's engagement or work beyond the one-year term unless this agreement is modified or superseded to extend the City's obligations.
6. Reporting. The County shall provide City with quarterly reports, beginning six months after the hiring of the Contractor with a written breakdown of work performed by Contractor and bookings received. Quarterly reporting will also be made in-person by County or Expo representative at City Council meetings and shall include information related to any repairs or capital improvements needed for the success of marketing the Expo.
7. City Payments. County shall provide City with written invoice on a monthly basis outlining hours worked, compensation, and commission due—monthly contract compensation amount is not to exceed \$3,350. Commission amounts shall be paid on a monthly basis based on the contract. County shall be solely obligated to compensate for any commissions in excess of \$50,000 during the one-year term of this agreement. City shall pay the County for appropriately invoiced sums within 30 days of

receiving the invoice. City's funds shall only be used for payment for the Contractor and may not be used for other expenses related to the Expo. City shall not be obligated to pay any sum other than direct Contract compensation. City shall not be obligated to pay any additional amounts for any costs or expenses incurred by or for the Contractor.

8. Review and Future Funding. Funding for additional years of the Contract shall be contingent on the adequate success of the Contractor. The City shall review and make their final determination at the nine-month mark so that the County will have three months' notice of their decision prior to the end of the 12-month funding period. City staff shall conduct the review and analysis and may receive feedback and input from the Ad-Hoc TLT Committee and shall provide the City Council with the appropriate information. City Council shall have the final say in any future funding.
9. Funding. The City shall use TLT funds for the purpose of this agreement. Funds may come from the Collaborative Tourism Promotion or Reserve line items.
10. Approval. By signing below, City and County acknowledge that their respective policymakers have voted on an approved the terms outlined in this agreement.
11. The County shall indemnify and hold harmless the City from any suits, claims, or damages stemming from engagement of the Contractor for which the City is providing financial assistance. The hiring and management of the Contractor shall be handled by the County. While the City is providing funding for the Contractor, no supervisory, agency, or employment relationship shall be created between City and Contractor.
12. The parties shall not discriminate on the basis of race, religion, sex, color, age, source of income, sexual orientation, or national origin in the performance of this contract.

In witness whereof the parties hereto affix their signatures below.

LINN COUNTY

CITY OF ALBANY, OREGON

Ralph Wyatt
Administrative Officer

Wes Hare
City Manager

Date

Date

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

IN THE MATTER OF A PERSONAL SERVICES
CONTRACT BETWEEN GLOBAL
QUALITATIVE GROUP, LLC and LINN
COUNTY

RESOLUTION &
ORDER NO. 2015-173
(Contract Execution)

COMES NOW, Randy Porter, in a regularly scheduled and duly advertised meeting on _____
May 19, 2015, and respectfully requests that the Board of County Commissioners for Linn
County (Board) enter into a personal services contract in the form found in Exhibit 1, attached hereto,

WHEREAS, The Board having considered the contract, and being fully advised by staff, and finding
that pursuant to ORS 279A.055 and LCPR 137-047-0915 to 137-047-0925, said contract is exempted from
the Public Contracting Code; and, now, therefore, be it

RESOLVED, That the contract as set forth in Exhibit 1 with Global Qualitative Group, LLC, be
approved; and

ORDERED, That duplicate originals conforming to Exhibit 1 be executed this day, that the originals
bear this order number, and that fully-executed originals be distributed as follows:

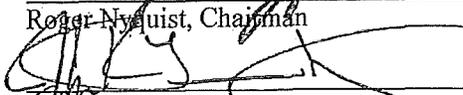
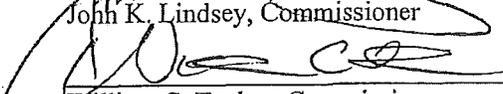
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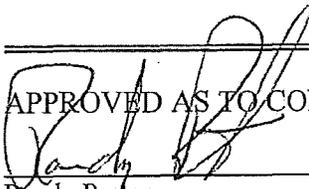
- 1 (1) one original to Randy Porter, for signature; with
- 2 (2) one original to be returned to the Linn County Board of Commissioners for filing.

3 Dated this 19th day of May, 2015.

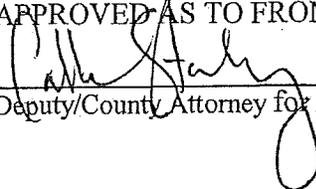
BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

	AYE	NO
 Roger Nyquist, Chairman	X	
 John K. Lindsey, Commissioner	X	
 William C. Tucker, Commissioner	X	

11 APPROVED AS TO CONTENT:


Randy Porter
Linn County Fair & Expo Center, Manager

11 APPROVED AS TO FROM:


Deputy/County Attorney for Linn County



CONTRACT FOR SALES SERVICES
(Resolution & Order No. 2015-173)

THIS CONTRACT is made and entered into by and between the following parties:

LINN COUNTY, a political subdivision of the State of Oregon, (County), of P.O. Box 100, Albany, Oregon, 97321, and
GLOBAL QUALITATIVE GROUP, LLC; DBA GQG, of 345 Westfield St., Silverton, OR 97381 (Contractor).

PROGRAM ABSTRACT: Expo Outside Sales Services

TOTAL CONTRACT SUM: See Section 2 "Consideration"

WHEREAS, The County requires the work and services described herein, and the Contractor is willing, skilled and agrees to perform all the work and services described herein, now, therefore, IT IS AGREED:

1. **Term of contract:** The initial term of this Contract shall be for the term three (3) years. This Contract may be extended three (3) additional one (1) year terms upon the mutual written agreement of both parties.
2. **Consideration:**
 - a. As consideration for the performance of all terms and conditions set forth in this Contract, the County will pay Contractor \$3,335 per month, for a total amount, including costs and expenses, not to exceed \$40,020 per year ("Base Amount"). Monthly payment shall be made upon receipt of invoice and as part of County's Account Payable process.
 - b. In addition to this Base Amount, County shall pay Contractor the following additional percentage of new gross revenue for any new bookings directly attributable to Contractor. The amount of new gross revenue for new bookings directly attributable to Contractor shall be calculated by the County. For the purpose of this Section 2, "new booking" means the acquisition directly attributable to Contractor of a new contract with a new customer for the use of the Linn County Fair and Expo Center.
 - i. 15% of non-refundable deposit for any new booking, to be paid to Contractor at time completed event contract and non-refundable deposit is returned to County, and an additional payment, at the time the event is completed, such that the non-refundable deposit and this additional payment total 15% of the total gross revenue the County received from the completed event; and
 - ii. 5% of the non-refundable deposit for each new booking that returns to the Linn County Expo Center for a consecutive two (2) years after the first year, and an additional payment, at the time the event is completed, such that the non-refundable deposit and this additional payment total 5% of the total gross revenue the County received from the completed event; and
 - iii. 5% of the non-refundable deposit for each new booking that returns to the Linn County Expo Center for a consecutive three (3) years after the first and second year, and an additional payment, at the time the event is completed, such that the non-refundable deposit and this additional payment total 5% of the total gross revenue the County received from the completed event; and
 - c. Any and all payment from County to Contractor of additional percentage of gross revenue, as described in subsection (b), is dependent on the completion of the event and full payment of event fees.
 - d. In the event a new booking is cancelled, Contractor shall only receive the percentage of the non-refundable deposit, as provided in section 2(b)(i)(ii) and (iii).

- e. County shall not pay Contractor any additional amount for costs incurred by Contractor in the performance of the services described in Attachment A and Attachment B. At the discretion, and subject to the approval of, the Fair & Expo Manager, the County will provide marketing and sales collateral and tools to Contractor.

3. **Contractor services:** Contractor agrees to perform the following services to the satisfaction of the County:

- a. Scope of Work attached hereto as Attachment A; and
- b. Phases and Activities attached hereto as Attachment B.

4. **Declaration of the nature of the contractual relationship:**

- a. Contractor is an independent Contractor and not an employee of or agent of the County. County shall not be responsible for any claims, demands or causes of action of any kind or character arising in favor of any person, on account of personal injuries, or death, or damage to property occurring, growing out of, incident to, or resulting directly or indirectly from the operations or activities of the Contractor.
- b. Although County will not be responsible for directing and overseeing the Contractor's day to day performance, Contractor shall perform all services under the general direction of the Linn County Fair & Expo Manager.

5. **Noncompetition:** Contractor agrees that for a period of two (2) years from the date of termination of this Contract, Contractor will not engage, directly or indirectly, in the same or similar activities as were performed for County with any business within a fifty (50) mile radius of the County.

6. **Workers' Compensation provisions:**

- a. Contractor may employ workers, and if Contractor employs workers, Contractor shall obtain and at all-time keep in effect Workers' Compensation insurance. Contractor represents to the County that it presently maintains coverage sufficient to meet the requirements of Oregon law by: _____, Policy No. _____.
- b. Contractor may retain independent contractors to assist with the performance of services under this Contract. Any and all independent contractors retained by Contractor are subject to the terms and conditions of this Contract. Contractor shall be solely responsible for insuring that any and all independent contractors are in compliance with Section 7 of this Contract.
- c. The parties hereto specifically agree that this Contract will render Contractor and Contractor's employees, if any, ineligible for benefits under ORS 656.029 and that the County shall not be liable for, responsible for, or in any way or manner be required to provide Workers' Compensation benefits for Contractor or Contractor's employees.
- d. Contractor knowingly waives any rights, as against Linn County, under the Workers' Compensation Law.
- e. Contractor agrees that all employers, working under this Contract, including but not limited to Contractor, are "subject employers" as defined in ORS 656.005, that will comply with ORS 656.017.
- f. Contractors who are not subject workers under ORS 656.027 who will provide services under this Contract agree to either elect workers' compensation coverage under ORS 656.128 or specifically release County of any and all claims that would be covered by the workers' compensation laws of the State of Oregon if Contractor was a subject worker under ORS 656.027.

7. Indemnification and Insurance:

- a. **Indemnification:** To the fullest extent permitted by law, and in accordance with Article XI, Section 10, of the Oregon Constitution and the Oregon Tort Claims Act, each party to this Contract shall indemnify, defend, save, and hold harmless the other party and its officers, employees and agents from and against all claims, actions, liabilities, damages, losses, or expenses, arising from:
- i. Injury to any person or damage to property caused by the negligence or other wrongful acts or omissions of the party, its officers, employees or agents; or
 - ii. Failure or refusal of one party to perform or fulfill its responsibilities under this Contract or any law, through no fault of the other party. The obligations or rights under this section may not be delegated or assigned without the express consent of the County.

Neither Contractor nor any attorney engaged by Contractor shall defend the claim in the name of County or any department or office of County, nor purport to act as legal representative of County or any of its departments or offices without first receiving from the County's legal counsel authority to act as legal counsel for County, nor shall Contractor settle any claim on behalf of County without the approval of the County's legal counsel. County may, at its election and expense, assume its own defense and settlement.

b. Insurance.

- i. **General Liability.** Contractor shall obtain and at all times keep in effect commercial general liability insurance covering activities and operations of the Contractor. Commercial general liability shall cover bodily injury, death, and property damage, and shall include personal injury liability, products and completed operation insurance. Such liability insurance, whatever the form, shall carry at least liability coverage sufficient to meet the requirements set forth in the Oregon Tort Claims Act as codified in ORS 30.260 to 30.300 which includes the following minimum limits:
 - (1) \$109,400 to any single claimant, and \$546,800 to all claimants, for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence and annually thereafter in the amount established, and effective July 1, by the office of the State Court Administrator pursuant to ORS 30.273(3);
 - (2) \$666,700 beginning July 1, 2014, and annually thereafter in the amount established by ORS 30.272, for any single claimant for all claims arising out of a single accident or occurrence; and
 - (3) \$1,333,300 beginning July 1, 2014, and annually thereafter in the amount established by ORS 30.272, for any number of claims arising out of a single accident or occurrence.
- ii. **Automobile Insurance.** Contractor shall maintain Automobile Liability Insurance Covering all owned, non-owned and hired vehicles used in the performance of services under this Contract. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for "Commercial General Liability" and "Automobile Liability"). Automobile Liability Insurance shall include the following minimum limits: \$1,000,000 beginning July 1, 2014 (for all claimants for claims arising out of a single accident or Occurrence) for all Bodily Injury, Death, and Property Damage.
- iii. **Professional Liability.** Contractor shall obtain and at all times keep in effect, any professional liability insurance required by law, or, if not required by law, any professional liability insurance Contractor holds at the time of execution of this Contract. [/, which is _____, Policy No. _____.] (if County knows Contractor has/needs prof liability insurance)
- iv. All insurance policies shall be written on an occurrence basis and be in effect for the term of this Contract. Written authorization from County is required for any insurance policy written on a claims made basis. Any insurance policy authorized to be written on a claims made basis shall be in effect for the term of this Contract plus for three (3) years after the termination of this Contract.
- v. Insurance coverage shall apply on a primary and non-contributory basis.
- vi. Prior to commencing services, Contractor shall furnish current Certificate(s) of Insurance for all required insurance to County. The insurance must be provided by an insurance company or entity that is authorized to transact the business of insurance and issue coverage in the State of Oregon. The Certificate shall provide, by policy endorsement, if necessary, that County, its officers, employees,

agents, and volunteers are additional insureds with respect to Contractor's services provided under this Contract and that there shall be no cancellation, termination, non-renewal, material change to, potential exhaustion of aggregate limits, or reduction of limits of the required insurance without at least 30 days written notice from the Contractor or its insurer to County. If requested, Contractor shall provide complete copies of insurance policies to County.

vii. Contractor has obtained insurance required by this section through Policy No. _____, written by _____.

- c. **Policy Changes.** In the event of unilateral cancellation by the insurance company of an insurance policy referred to in this paragraph, the Contractor shall immediately notify County orally and in writing within three (3) business days.

8. Other contractor duties: Contractor further agrees to:

- a. Comply with all applicable Federal and State statutes, rules and regulations, executive orders and ordinances applicable to the Contract or delivery of services hereunder. Without limiting the generality of the foregoing, Contractor expressly agrees to comply with the following provisions of the Oregon Revised Statutes ("Public Contracts and Purchasing") which are incorporated by this reference in this Contract: ORS 279B.220, 279B.230, and 279B.235.
- b. Not delegate the responsibility for providing services hereunder to any other individual or agency except as may be provided for above; and
- c. Provide County with periodic reports to County at the frequency and with the information prescribed to be reported by County.

9. **Nondiscrimination:** Contractor agrees that no person shall, on the grounds of race, color, creed, national origin, sex, marital status, or age, suffer discrimination in the performance of this agreement when employed by Contractor. Contractor agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations.

10. Termination; for cause, non-funding, convenience:

- a. **For Convenience.** Either party may terminate this Contract without specifying any reason for termination by giving written notice of intent to terminate, in writing, mailed at least thirty (30) days before the intended termination date to the party at the party's address given above. Such termination shall be without liability or penalty. No such termination shall prejudice any obligations or liabilities of either party already accrued prior to the effective date of termination.
- b. **For Cause.** It is further agreed that the County may immediately terminate this Contract without liability or penalty for either of the following causes by the mailing of written notice to the Contractor at Contractor's address given above, specifying the cause:
- i. Unsatisfactory performance or nonperformance. The Linn County Board of Commissioners is the sole judge of Contractor's unsatisfactory performance or nonperformance; or
 - ii. Loss of available funding.

11. **Waiver:** The failure of either party to enforce any provision of this Contract shall not constitute a waiver by that party of that or any other provision of this Contract, or the waiver by that party of the ability to enforce that or any other provision in the event of any subsequent breach.

12. **Conflicting Work:** It is understood that Contractor is simultaneously making its marketing and sales services available to others. Should Contractor become aware of any potential conflicts of interest between

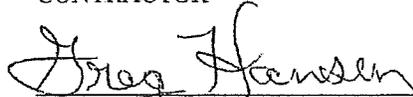
any of its clients and County, Contractor shall immediately inform County. Any remedy to the potential conflict of interest shall be negotiated between Contractor and the County.

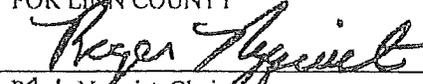
13. **Confidentiality:** Contractor shall not use, other than in the course of this agreement, or disclose to third parties, any confidential information, knowledge, or property of County which is furnished or acquired by Contractor in the course of services required under this agreement.
14. **Records Maintenance; Access:** Contractor shall maintain all fiscal records relating to this Contract in accordance with generally accepted accounting principles. In addition, Contractor shall maintain any other records pertinent to this Contract in such a manner as to clearly document Contractor's performance hereunder. Contractor acknowledges and agrees that County shall have access to such fiscal records and all other documents that are pertinent to this contract for the purpose of performing audits and examinations and making transcripts and excerpts. All such fiscal records and documents shall be retained by Contractor for a minimum of three (3) years (except as required longer by law) following final payment and termination of this Contract, or until the conclusion of any audit, controversy or litigation arising out of or related to this Contract, whichever date is later.
15. **Assignment:** The Contractor shall not assign this Contract in whole or in part for any purpose without the express written consent from the County.
16. **Severability:** If any provision of this Contract shall be held invalid or unenforceable by any court or tribunal of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision and obligations of the parties shall be construed and enforced as if the Contract did not contain the particular term or provision held to be invalid.
17. **Entire agreement:** This Contract constitutes the entire agreement between the parties on the subject matter hereof. No waiver, consent, modification or change of terms or provisions of this Contract shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Contract.
18. **Governing law, venue, attorney fees:** This Contract shall be governed and construed in accordance with the laws of the State of Oregon. Any claim, action, suit, or proceeding that arises from or relates to this Contract shall be brought in and conducted solely and exclusively within the circuit court of Linn County for the State of Oregon. Provided, however, if a claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively with the United States District Court for the State of Oregon. Each party shall be responsible for the party's attorney fees, costs and disbursements at all times including appeals.
19. **Notices:** Any notice or other communication required or permitted to be given under this Contract shall be in writing and shall be mailed by certified mail, return receipt requested, postage prepaid, addressed to the parties at the addresses first set forth above. Any notice or other communication shall be deemed to be given at the expiration of forty-eight (48) hours after the deposit in the United States mail. The addresses to which notices or other communications shall be mailed may be changed from time to time by giving written notice to the other party as provided in this section.
20. **Amendment:** This Contract may be amended if mutually agreed to in writing by both parties.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in duplicate by the duly authorized persons whose signature appear below. Each party, by the signature below of its authorized representative, hereby acknowledges that it has read this Contract, understands it, and agrees to be bound by its terms and conditions. Each person signing this Contract represents and warrants to have the authority to execute this Contract.

CONTRACTOR

BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

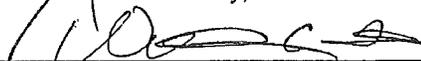

Signature


Roger Nyquist, Chairman

Greg Hansen
Name, Typed or Printed


John K. Lindsey, Commissioner

Principal
Title

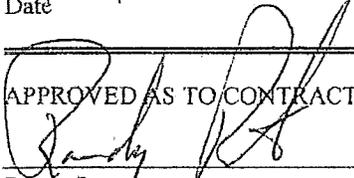

William C. Tucker, Commissioner

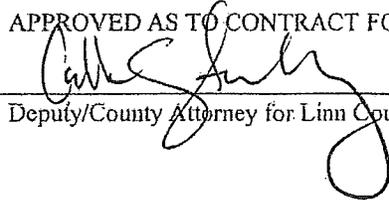
5/18/15
Date

5-19-2015
Date

APPROVED AS TO CONTRACT TERMS:

APPROVED AS TO CONTRACT FORM:


Randy Porter
Linn County Fair and Expo Center, General Manager


Deputy/County Attorney for Linn County

ATTACHMENT A**SCOPE OF WORK****1. Contractor shall perform the following services:**

- a. Work to increase the net revenue of the Linn County Fair and Expo Center ("Expo Center") through new customer sales and events, with a focus on increasing multiple day events, thereby generating greater business for local lodging establishments;
- b. Develop, implement and manage Expo Center outside sales strategies;
- c. Develop, implement and manage the outside sales and sales of special events and activities held at the Expo Center;
- d. Develop and submit the Expo Center outside sales budget to Randy Porter, General Manager of the Linn County Fair and Expo Center;
- e. Locate and initiate contact with potential customers at all levels (i.e., local, state, national and international) to maximize Expo Center sales and net revenue;
- f. Research market trends and develop and implement sales strategies to attract customers from national and international associations and organizations;
- g. Work with local and state promotional agencies to increase sales;
- h. Provide advice to the Fair Expo General Manager regarding publicity and advertising for promotion of the Expo Center and related activities. Such consultation may include advice on the development and placement of graphics and advertising, media coverage, and informational publications;
- i. Receive supervision and direction from, and direct all inquiries regarding this Contract to, the Fair Expo Center General Manager;
- j. Remain accessible and provide prompt responses to any and all inquiries from the County;
- k. Provide quarterly presentations on current outside sales activities to the Linn County Board of Commissioners during a regularly scheduled Board Meeting;
- l. Suggest market driven needs for new services and/or improvements to the current Expo Center, and quantify the market possibilities that the new and/or improved services will offer;
- m. Additional marketing services as negotiated for by both parties, and incorporated into this Contract by amendment.

2. County shall perform the following services:

- a. Provide Contractor with access to County Facilities deemed necessary for the performance of outside sales services.

ATTACHMENT B
PHASES AND ACTIVITIES

Contractor shall perform the following:

1. Phase 1 - Understand Linn County Fair and Expo Center in regional competitive marketplace:
 - a. Review 2-5 years of historical data, including types of clients and participants.
 - b. Identify and review competing venues in Oregon and Washington, including facilities, services, and prices.
 - c. Conduct visits to 3-5 top competitors to learn how they market and sell their facilities to groups.
 - d. Perform an objective and comprehensive assessment of Linn County Fair and Expo Center.
 - e. Invite 20-40 event planners from local, state, regional, national, and global organizations to participate in 2-4 focus groups (i.e., tour facilities, learn about services, and provide candid feedback about ways to make Linn County Fair and Expo Center more attractive and competitive for their events).
 - f. Gauge unaided and aided awareness from secondary research.
 - g. Identify current and former target industries, sectors, and organizations.
 - h. Review present event contract, including facilities and services rental rates.
 - i. Determine available dates in 2015, 2016, 2017, and 2018.
2. Phase 2 - Craft overall marketing strategy and sales plan:
 - a. Review current business plan.
 - b. Review present marketing plan, including positioning, branding, advertising, and messaging.
 - c. Identify target audiences (e.g., industries, sectors, and organizations).
 - d. Recommend improvements to facilities and services.
 - e. Determine revenue goals.
 - f. Modify event facility rental and services rates, including deposits and refunds.
 - g. Revise event contract.
 - h. Craft event scheduling strategy (e.g., weekend buy-out events).
 - i. Develop marketing and sales plan.
3. Phase 3 - Execute marketing and sales plan:
 - a. Focus on agreed upon target audiences.
 - b. Use a mix of proactive methods, proven vehicles, and effective tools to attract their attention, generate interest, create desire, and motivate them to take action (i.e., sign a contract to schedule their event at Linn County Fair & Expo Center).

- c. Collaborate with Albany Visitors Association, Willamette Valley Visitors Association, and Travel Oregon, among others, to promote Linn County Fair & Expo Center.
- d. Obtain feedback from organizations' primary points of contact as well as participants at their events about their overall experience with Linn County Fair & Expo Center, including ideas and requests for improvements.
- e. Monitor and report results by collecting data about number of prospective private, public, and nonprofit organizations along with special interest groups who are contacted along with corresponding data about the status of their decisions.



TO: Albany City Council
FROM: Sharon Konopa, Mayor *Sharon*
DATE: July 1, 2015, for July 8, 2015, City Council Meeting
SUBJECT: Appointments to the Library Board

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council approval of the following appointments:

Library Board

Kim Brown	(Reappointment)
Anne Taleff	(Reappointment)

Discussion:

Kim's first 4-year term expired June 30, 2015. Anne was appointed in May 2014 to fill a vacant position that expired June 30, 2015. I'm recommending their reappointment.

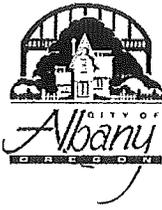
Budget Impact:

None.

SK:ldh

c: Ed Gallagher, Library Director
Sheena Dickerman, Administrative Assistant I

*G:\Administrative Services\City Manager's Office\Boards-Commissions\2015 Recruitment\^2015 Library Board appointments-
msk.doc*



BOARD, COMMISSION, AND COMMITTEE APPLICATION

(Please print legibly or type)

RECEIVED
MAY 27 2015
City of Albany
City Manager's Office

CITY HALL
333 Broadalbin Street SW
P.O. Box 490
Albany, OR 97321-0144
www.cityofalbany.net
(541) 917-7500

Board, Commission, and/or Committee Preference:
Library advisory board
(list all for which you are applying)

Name: Kimberly Brown Preferred First Name: Kim

Residential Information:

Home Address: Albany, OR 97321 Phone: (541) 791-6277
 Cellular: Same
 E-mail: kimbrown22@gmail.com Fax: _____
(Optional)

Employment Information:

Employer's Name: Paventy & Brown Orthodontics Phone: (541) 926-4010
 Work Address: 1040 SW 29th Ave Cellular: _____
Albany, OR
 E-mail: _____ Fax: (541) 926-4148
(Optional)

Please provide information as requested below to describe your qualifications to serve on this City of Albany Board, Commission, or Committee. Feel free to provide additional information that you may wish to share with the City.

- List current or most recent occupation, business, trade, or profession: I work part time as a book keeper for Paventy & Brown Orthodontics. Mostly I am at home with my children who are all voracious readers!

For City use only: Ward: (I) II III or Lives Outside City Limits *(Circle One)*
 If lives outside city limits, does applicant meet special definition for the specific b/c/e for which applying?
 Yes No If yes, how? _____



- List community/civic activities. Indicate activities in which you are or have been active:

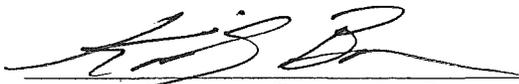
Cub Master for Packs 365 + 333

- Indicate why you are interested in serving on this board, commission, or committee and what other qualifications apply to this position.

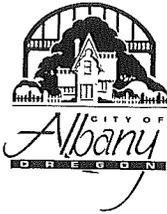
I have enjoyed my first term as a member of the library board so much and would love to continue for another 4 years!

- What contributions do you hope to make?

I hope to continue to give a voice to the children in our community as they find a love for reading and for the library.

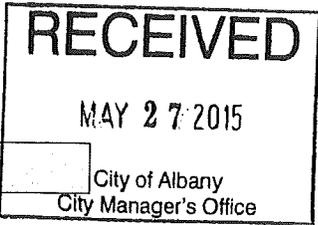

Signature of Applicant

5/12/15
Date



BOARD, COMMISSION, AND COMMITTEE APPLICATION

(Please print legibly or type)



CITY HALL
333 Broadalbin Street SW
P.O. Box 490
Albany, OR 97321-0144
www.cityofalbany.net

(541) 917-7500

Board, Commission, and/or Committee Preference:

Library Board

(list all for which you are applying)

Name: Anne Taleff Preferred First Name: _____

Residential Information:

Home Address: Albany 97321 Phone: 541-928-3220

Cellular: _____

E-mail: annetaleff@hotmail.com Fax: _____ (Optional)

Employment Information:

Employer's Name: Retired

Work Address: _____ Phone: _____

Cellular: _____

E-mail: _____ Fax: _____ (Optional)

Please provide information as requested below to describe your qualifications to serve on this City of Albany Board, Commission, or Committee. Feel free to provide additional information that you may wish to share with the City.

- List current or most recent occupation, business, trade, or profession: I have been an elementary and middle school counselor.

For City use only: Ward I II III or Lives Outside City Limits (Circle One)

If lives outside city limits, does applicant meet special definition for the specific b/c/c for which applying?

Yes No If yes, how? _____



BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM

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- List community/civic activities. Indicate activities in which you are or have been active:

Tree Commission
Traffic Safety Commission
Recycling Block Captain (through Corvallis Sustainability)
tutoring
City Clean Ups Helping 4th + 5th graders
Book Club with math

- Indicate why you are interested in serving on this board, commission, or committee and what other qualifications apply to this position.

I strongly believe in libraries and have enjoyed using them all my life. Ed Gallagher has wonderful ideas for the future and I'd like to do what I can to help reach goals.

- What contributions do you hope to make?

I will volunteer whenever needed, attend meetings, and provide input.

Janne Talgef
Signature of Applicant

5-21-15
Date



TO: Albany City Council

VIA: Wes Hare, City Manager
Jeff Blaine, Interim Community Development and Public Works Director *JB*

FROM: Bob Richardson, Planning Division Manager *BAR*

DATE: June 29, 2015, for the July 8, 2015, City Council Meeting

SUBJECT: Vacate a portion of 6th Avenue SE and Willetta Street SW

RELATES TO STRATEGIC PLAN THEME:

- Great Neighborhoods
- Healthy Economy

RELATES TO: Albany Police & Fire Stations (Applications Pending)

Action Requested:

Staff recommends that the City Council initiate street vacation proceedings and direct staff to prepare street vacation applications for 1) a portion of Willetta Street SW for the proposed police station, and 2) a portion of 6th Street SE for the proposed fire station.

Discussion:

Development of the new police and fire stations will require street vacations for both projects. The first vacation for the fire station pertains to an approximately 12,750 square-foot portion of 6th Avenue SE, between Baker Street SE and Lyon Street SE, as shown in Attachment A. The second vacation for the police station pertains to an undeveloped portion of Willetta Street SW, consisting of a 50-foot right-of-way from a point beginning about 100 feet north of the end of pavement to the northerly property line, measuring about 14,000 square feet, as shown in Attachment B.

State law provides two methods to vacate streets: the applicant may file a petition to vacate the street, or the City Council may initiate vacation proceedings. Under both methods, a public hearing before the City Council is required. A key difference between the two methods is that if the applicant submits the street vacation application, state law requires them to obtain the "consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby" (ORS 271.080). Alternatively, "the city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners" (ORS 271.130).

Staff recommends that the City Council initiate street vacation proceedings for both the police and fire station projects and direct staff to prepare the street vacation applications. Initiating these street vacations facilitates coordination of the street vacation applications together with the conditional use applications for the police and the fire stations. Initiating these street vacations is not a decision on the future street vacation application, or the police and fire conditional use applications. However, it is recommended that any future decision to approve a street vacation also be contingent upon approval of the Conditional Use applications.

Budget Impact:

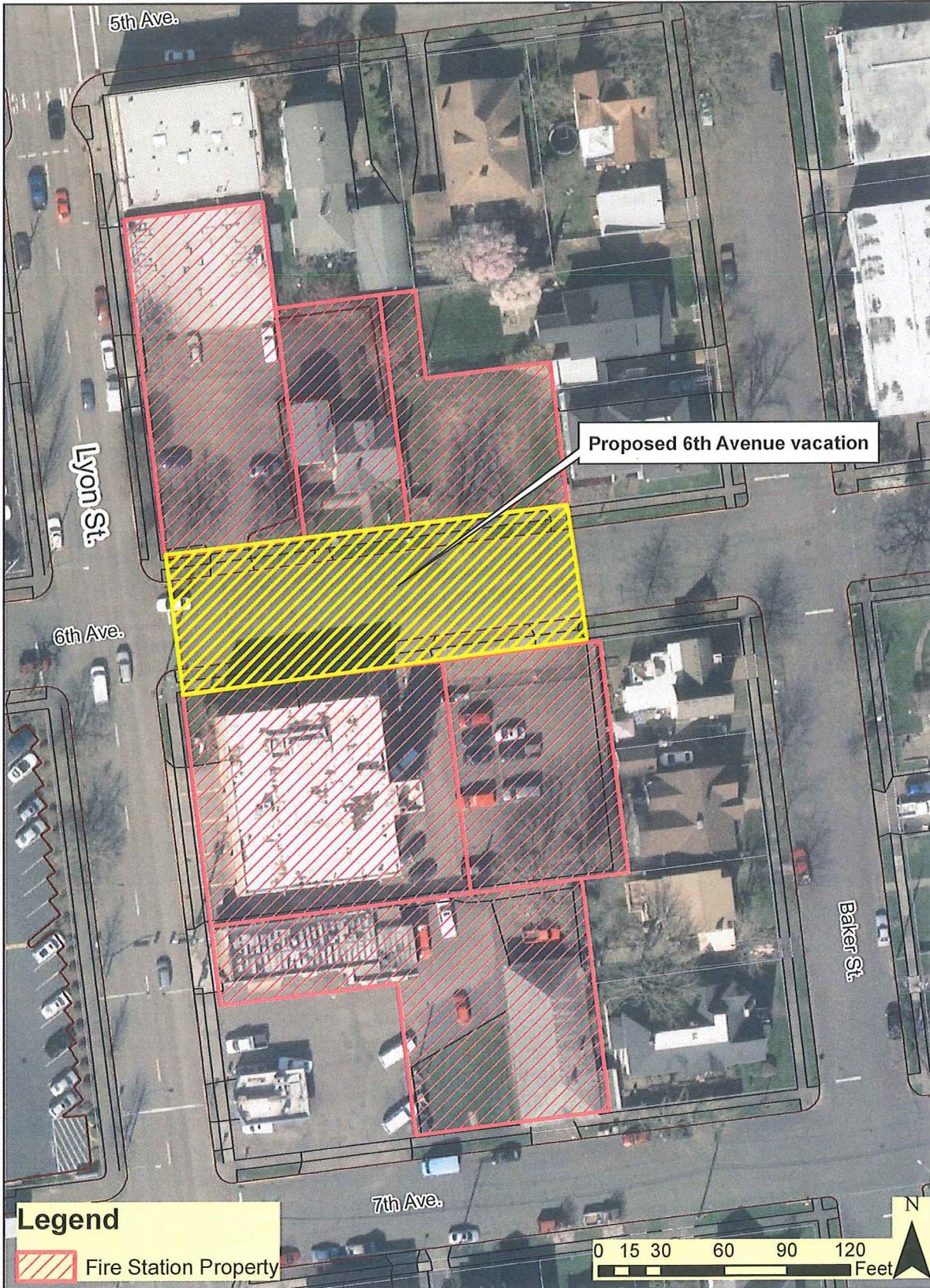
There would not be a significant budget impact, although staff time would be used to develop the street vacation applications.

City Council
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June 29, 2015

DM:MA:rk
Attachments(2)

- c: John Bradner, Albany Fire Chief
- Mario Lattanzio, Albany Police Chief
- Staci Belcastro, City Engineer
- Gordon Steffensmeier, Civil Engineer III
- Ron Irish, Transportation Systems Analyst
- Caitlin Cranley, Mackenzie (Project Design Team Representative)
- Lorraine Jack, Mackenzie (Project Design Team Representative)

Albany Fire Department - 6th Avenue Vacation



Albany Police Department - Willetta Street Vacation

