

ORDINANCE NO. 5063

TITLE: AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE, TITLE 20, KNOWN AS THE "CITY OF ALBANY DEVELOPMENT CODE," RELATIVE TO PUBLIC IMPROVEMENTS, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY.

WHEREAS, the Albany City Council has directed staff to perform an update of the Albany Development Code; and

WHEREAS, the proposed amendments (Case No. DC-02-92) are a portion of that Development Code and Zoning Map update; and

WHEREAS, the Planning Commission following a public hearing on August 3, 1992, recommended on September 14, 1992 approval of proposed amendments to the Development Code (Case No. DC-02-92) relative to existing Articles 6, 7, 10, 17 and 19; and

WHEREAS, notices of the City Council public hearings have been published and posted and announcements of the public hearings have been sent to individuals and organizations on the Planning Division mailing list; and;

WHEREAS, the Albany City Council held a public hearing on August 26, 1992 and members of the public were given an opportunity to be heard; and

WHEREAS, the Albany City Council continued the public hearing to September 23, 1992, and members of the public were again given the opportunity to be heard; and

WHEREAS, the Albany City Council held a work session on October 12, 1992, and held a joint work session with the Planning Commission on July 14, 1993; and

WHEREAS, the Albany City Council held a public hearing on July 28, 1993 and members of the public were given the opportunity to be heard.

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

Section 1: The Albany Municipal Code, Title 20, known as the "City of Albany Development Code," Articles 6, 7, 10, 17 and 19 are hereby amended as shown on Exhibit "A." The amendments, known as new Article 12, replace portions of existing Articles 6 and 7, and existing Articles 10, 17 and 19 in their entirety.

Section 2: The Findings below are hereby adopted in support of this decision:

- A. The proposed amendments are in compliance with Development Code policies on satisfying federal and state requirements, applying clear and specific standards to development review, and provision of adequate public facilities for development.
- B. The proposed amendments are in compliance with Comprehensive Plan policies regarding transportation, water, sewer, and storm drainage facilities.
- C. The proposed amendments result in a Code structure that is easy to follow and utilize.
- D. The proposed amendments will clarify the text of the Code and improve readability of the regulations.

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

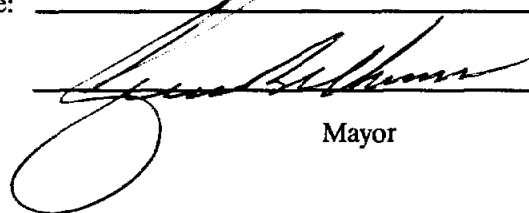
Section 3: A copy of this ordinance will be forwarded to the Department of Land Conservation and Development.

Section 4: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of this city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

Passed by the Council: July 28, 1993

Approved by the Mayor: July 28, 1993

Effective Date: July 28, 1993



Mayor

ATTEST:

Norm C. Withrow
Deputy City Recorder

ARTICLE 12 PUBLIC IMPROVEMENTS

GENERAL COMMENT

The Public Improvements Article is being forwarded to the Council for public hearing and adoption. We have attempted to capture the feedback and direction we received at the July 14 Council/Planning Commission work session. We mailed the new sidewalks and bikeways' sections to the Planning Commission for review and comment. See comment sections under those headings for their responses to the new draft.

12.000 **Overview.** This article contains the city's standards for those public improvements which relate to the development process.

The following is a list of the main headings in this article.

- | | | | |
|---|----------------------|---|----------------------------|
| ■ | General Provisions | ■ | Water |
| ■ | Streets | ■ | Sanitary Sewer |
| ■ | Sidewalks | ■ | Storm Drainage |
| ■ | Bikeways | ■ | Improvement Assurances |
| ■ | Utilities -- General | ■ | Addresses and Street Names |

GENERAL PROVISIONS

12.010 **Purpose.** The provisions in this article for new public improvements are intended to address the city's concerns relative to public health, safety, and welfare.

12.020 **Relationship to Other Local Regulations.** This article is intended to supplement other municipal ordinances. In the event of a conflict between a provision of this article and another city ordinance, that ordinance which most specifically deals with the issue in question shall control. Whenever possible, the two provisions shall be interpreted in a manner which renders the provisions of both ordinances consistent. Only when such interpretation is impossible will one provision be deemed to supersede the other.

12.030 **Relationship to Specialty Codes or State Law.** This article is intended to supplement other existing state and local codes. Examples of these codes include, but are not limited to, the Uniform Building Code, the Uniform Fire Code, and the Uniform Plumbing Code. In the event of a conflict between any provision of this article and a specialty code, the specialty code shall control.

12.040 **Conditions of Approval.** Development approval may be conditioned upon the provision and/or guarantee of public improvements called for in a public facilities master plan or any other public improvements necessitated by the development. Development approval may likewise be conditioned where private facilities are proposed to be shared between two or more lots. The Planning Commission or Director may require off-site improvements to be completed by the developer when necessary to substantially mitigate impacts resulting from the development relating to capacity deficiencies and public safety.

COMMENT

The second sentence would address a subdivision with private improvements. The last sentence would give us the authority to require off-site improvements. An example would be a traffic signal necessitated by a development. Of course, there would have to be findings as to why such exactions are necessary.

12.045 Relationship to Other Development Code Articles. This article provides the public improvements standards to be used in conjunction with the procedural and design requirements contained in the articles on Land Divisions, Site Plan Review, and Manufactured Homes.

12.050 Relationship to Construction Standards. The standard specifications for construction, reconstruction or repair of streets, sidewalks, curbs, gutters and other public improvements within the city are as ~~approved~~ contained in the City's "Standard Construction Specifications." ~~Manual.~~ Unless otherwise provided in the particular specifications for work authorized, public ~~facility work~~ improvements shall be constructed according to the standard specifications. ~~12.030 Specification Adjustment by Engineer.~~ The City Engineer may make changes or supplements to the standard specifications consistent with the application of engineering principles to the conditions in this city Albany. ~~The Engineer shall incorporate amended or new specifications in the "Standard Specifications Manual."~~

STREETS

12.060 General Provisions. No development shall may occur unless the development has frontage on or approved access to a public street currently open to traffic. A currently non-opened public right-of-way may be opened by improving it to city standards.

Streets (including alleys) within ~~a development~~, and streets adjacent to a development shall be improved in accordance with the standards in this Article. In addition, any new street or additional street width planned as a portion of an approved street plan shall be dedicated and improved in accordance with this Article.

Where the City Engineer determines that a required street improvement would not be timely, ~~or where lack of support by the other property owners would prevent a complete street improvement~~, the City Engineer may accept a future improvement guarantee in a form approved by the City Attorney. ~~Petition for Improvement/Waiver of Remonstrance for a future assessment district.~~

12.070 Creation of Streets. Streets ~~shall be~~ are usually created through the approval of a subdivision plat or major partition plat. However, the City Council may also approve the creation of a street by acceptance of a deed, ~~provided that such street is deemed essential by the City Council for the purpose of general traffic circulation. If the partitioning of land is an incidental effect rather than the primary objective of the street creation then the partitioning requirements of this Code need not be complied with, provided that the resulting parcels comply with Code requirements.~~ If the creation of a street unintentionally results in a land partition, the owner is not required to apply for partition approval as long as the resulting parcels comply with Code standards.

Comment

City Attorney suggested the "deemed essential" language be deleted because it grants too much discretion without any criteria for guidelines in making the determination. The added sentence in bold should clarify what the stricken sentence was attempting to say.

~~Such conditions as deemed desirable and which are not at variance with the objectives of this Code, may be required by the City Council prior to the approval of the creation of any street.~~

12.080 **Classification of Streets.** Arterial and collector streets are indicated on the Master Street Plan in the Comprehensive Plan.

12.090 ~~Creation of Access Easements. The Planning Commission may approve an access easement to be established by deed without full comply with this Code provided such an easement is the only reasonable method by which a portion of a lot large enough to warrant further division may be provided with access. Access easements may not serve more than one parcel unless other parcels sharing an access easement have frontage on a public street and such easement is approved by the City Engineer. In general, the creation of access easements between property owners is discouraged. However, there are some instances where an access easement is the only viable method of providing access to a developable lot. The review body will approve an access easement where the applicant has demonstrated that all of the following criteria have been met:~~

- (1) No more than two parcels or uses are to be served by the proposed access easement;
- (2) There is insufficient room for a public right-of-way due to topography, lot configuration, or placement of existing buildings and,
- (3) The City Engineer has determined that there is not a need for a public street in this location.

COMMENT

The new language clarifies our current policy toward access easements and creates clear criteria for obtaining approval of one.

12.100 ~~Accessways to Public Streets. With the exceptions noted in Section 1.070, the location and improvement of an accesswaypoint onto a public street shall be subject to included in the issuance review of a development proposal. permit.~~ In addition, the following specific requirements shall apply to all accessways points, curb cuts, and driveways:

- (1) Approaches and driveways to City streets and alleys shall must be paved and constructed in accordance with City design standards the Standard Construction Specifications.
- ~~(2) All driveways shall be constructed in accordance with the "Standard Specifications manual."~~
- (2) Driveways for single- and two-family dwellings shall must have a minimum width of 12 feet, maximum width of 30 feet (not to exceed the width of the driveway curb cut), and minimum separation of 5 feet. Driveways for all other uses shall must have widths of 12-16 feet for one-lane (one-way) driveways, 24-32 feet for two-lane driveways, 36 feet for three-lane driveways

with designated lanes and turning movements and 24-48 feet for all industrial use driveways. There ~~shall~~ **must** be a minimum separation of 22 feet between all driveways except for single- and two-family dwellings. The width of a driveway ~~shall~~ **will** be determined by measuring at the curb line and ~~shall~~ **will** exclude the transitions which ~~shall~~ **must** conform to standards fixed by the City Engineer.

COMMENT

The change in width is in response to the increasing number of three car garages and/or RV pads requiring wider driveways. Currently we are having to process these requests as variances.

- (3) All driveways ~~shall~~ **must** be located the maximum distance which is practical from a street intersection and in no instance shall the distance from an intersection be closer than the following as measured from the nearest curb return radius:

Arterial Street	40 feet
Collector Street	20 feet
Local Street	10 feet

Where streets of different functional classification intersect, the distance required ~~shall be~~ is that of the ~~higher~~ **higher** classification which requires the greatest distance between the access point and the intersection.

- (4) The location, width, and number of accesses to a public street may be limited for developments which are subject to site plan review provisions of this Code. ~~In addition, any~~ **All** development which proposes access to an arterial street ~~shall be~~ is subject to site plan review procedures and the design requirements of 12.230.
- (5) Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and carrying capacity of the street. Except as further restricted by this Article, **local street access** to properties of less than 100 feet of frontage ~~shall be~~ is limited to 2 access lanes per frontage which may be together or separate and properties exceeding 100 feet of frontage ~~shall be~~ are limited to 2 access lanes per each 100 feet of frontage.
- (6) Properties which have frontage on more than one street may be restricted to access on the streets of a lower classification through site plan, ~~land division, review~~ or other review procedures.
- (7) A common accessways point at a property line ~~shall be~~ is encouraged and, in some instances, may be required in order to reduce the number of access points to streets. Construction of common accessways points ~~shall~~ **must** be preceded by recording of joint access and maintenance easements.
- (8) Access and approach grades ~~shall~~ **must** not exceed 10% slope, **within 20 feet of the public street.**
- (9) Access to designated state highways ~~shall be~~ is subject to the provisions of this Article in addition to requirements of the State Highway Division, State Department of Transportation.

Where regulations of the City and State may conflict, the more restrictive requirements shall apply.

- (10) For developments on parcels of contiguous ownership exceeding five acres in size which front on an arterial street or limited access highway, a frontage road may be required ~~through site plan review procedures in order to provide~~ a single access to a point determined by the review body to be the most appropriate location for safety and convenience. ~~by the reviewing body.~~
- (11) Where access is allowed on an arterial street, efforts shall be made to locate the access adjacent to the interior property line where such access could be shared by the adjacent property.

12.110 Street Location, Width and Grade. The location, width, and grade of all streets shall ~~must~~ conform to any approved **transportation master plan or recorded subdivision plat.** ~~street plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.~~ Where location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the ~~Planning Commission.~~ City to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.

In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.

Street grades shall ~~must~~ be approved by the City Engineer who ~~shall give~~ will consideration to adequate drainage and traffic safety.

12.120 Right-of-Way and Roadway Widths. Unless otherwise indicated on an approved street plan or in Section 12.130, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table. Where a range is indicated, the width shall be determined by the City Engineer. ~~Except by Planned Development or Variance~~ The City shall will not allow ~~street~~ roadway widths less than ~~36~~ 32 feet for streets over 1,000 feet in length, or less than ~~32~~ 28 feet for streets under 1,000 feet in length, ~~except by planned development.~~ The 28 foot standard is only acceptable where it is determined that parking can be prohibited on one side of the street.

<u>Type of Street</u>	<u>Minimum Right-of-Way Width</u>	<u>Minimum Roadway Width</u>
Arterial	(70-120) feet	(40-70) feet
Collector	(60-80) feet	(36-48) feet
Local*	(45 40-55) feet	(32 28-36) feet
Radius for turnaround at end of cul-de-sacs	(43) feet	(36) feet
Alley	(20) feet	(12-20) feet

* Where a street has a right-of-way of less than 60 feet, a seven (7) foot public utility easement must be dedicated on both sides of the right-of-way.

COMMENT

Planning staff may be coming back to you later to make the case for 26' wide streets in certain instances to meet the Council recommended goal of encouraging neo-traditional development.

12.130 **Mini-Subdivision Street and Right-of-Way Standards.** The standards listed in this section are intended for use in developing residential infill parcels. The review body will approve variations to the standards listed in Section 12.120 above, when the following criteria are met:

- (1) The property to be divided is less than 2 acres in size and no more than 8 lots will be created or served by the street and
- (2) The proposed land division, as a whole, meets the standards for lot size and configuration for the zoning district and
- (3) Surrounding parcels are developed or are so physically incapable of being developed that combining the proposed land division with adjoining properties in a conventional land division is not feasible.

The review body may also modify other standards in this Code as indicated below:

<u>Dedication & Maintenance</u>	<u>Paved Width (b) Street/Cul-de-sac</u>	<u>Curbs</u>	<u>On-Street Parking</u>	<u>Sidewalk</u>	<u>Right-of-Way (c) Street/Cul-de-sac</u>
Public (a)	22' / 25'(radius)	yes	no	4' (1 side)	30' / 35' (radius)
Public (a)	28' / NA	yes	one side	4' (1 side)	36' / NA

- (a) A 7-foot public utility easement may be required on each side of the right-of-way.
- (b) Maximum street length is 400 feet.
- (c) A "hammerhead" turnaround may be allowed only if no more than four residential lots are created, and the City Engineer determines that no other options exist and no traffic hazards will be created.

COMMENT

These standards should ease the cost of developing infill parcels. The word "and" has been added to clarify that all three criteria must be met. New wording tightens instances where "hammerheads" are allowed.

- 12.140 **Additional Right-of-Way.** A development project requiring land use approval is required to dedicate additional right-of-way if an existing street abutting or within the development does not meet the widths designated in Section 12.120. This provision does not apply to property line adjustments or historic review. While not required to dedicate additional right-of-way, single and two-family dwellings (and related accessory buildings) are subject to being set back from future street rights-of-way as provided in Section 3.270.

COMMENT

This provision gives us the authority to do what is done through the site plan review and subdivision process. Section 3.270 in the Residential Article can be modified slightly in our final edit to tie into the "clear and objective" street right-of-way minimums listed in Section 12.120. With this change, people will know up front that the minimum right-of-way width for a local street is 40 feet.

- 12.150 **Future Extensions of Streets and Reserve Strips.** Where it is necessary to give access to or permit a ~~satisfactory~~ future division of adjoining land, streets shall be extended to the ~~boundary lines of the adjoining tract. to be developed.~~ A reserve strip across the end of a dedicated street shall be deeded to the City. In addition, a barricade ~~shall be constructed~~ at the end of the street ~~shall be installed and paid for by the property owners. which~~ It shall not be removed until authorized by the City Engineer. ~~the cost of which shall be included in the street construction cost.~~
- 12.160 **Street Alignment.** As far as practical, streets shall be dedicated and constructed in alignment with existing streets by continuing the center lines thereof. In no case shall the staggering of streets making "T" intersections be designed ~~such that~~ where jogs of less than 300 feet ~~on such streets~~ are created, as measured from the center line of ~~such any~~ intersection involving an arterial or collector street.
- 12.170 **Intersections.** Streets ~~shall~~ must be laid out so as to intersect as nearly as possible at right angles. Proposed intersection of two streets at an acute angle of less than 75 degrees is not ~~acceptable~~ allowed. An oblique street should be curved approaching an intersection to provide at least 100 feet of street at right angles with the intersection. Not more than two streets ~~shall~~ may intersect at any one point.
- 12.180 **Clear Vision Area.** A clear vision area ~~shall~~ must be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad. No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of 2-8 feet ~~shall~~ may be established in the clear vision area. Measurements shall be made from the top of the curb or, where no curb exists, from the established street center line grade.

- (1) The preceding provisions ~~shall~~ do not apply to the following:

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- (a) a public utility pole,
- (b) a tree trimmed (to the trunk) to a line at least eight feet above the level of the intersection,
- (c) another plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view,
- (d) a supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective,
- (e) an official warning sign or signal,
- ~~(f) a place where the natural contour of the ground is such that there can be no cross visibility at the intersection, and;~~
- (f) the post section of a pole sign when there are no more than two posts and any post is less than 8 inches in diameter, and
- (g) existing or new buildings within the Central Business District (CBD).

COMMENT

Engineering staff recommends deletion of (f). Natural contours can often be regraded. If not, it may be appropriate to eliminate or relocate an access.

- (2) A clear vision area shall consist of a triangular area, two sides of which are lot lines or a driveway and a lot line for a distance specified in this section, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides (See illustration below). The following measurements shall establish the clear vision areas:

<u>Type of Intersection</u>	<u>Measurement Along Each Lot Line or Drive Edge*</u>
Controlled Intersection (stop sign or signal)	20 feet
Uncontrolled Intersection (60' right-of-way)	30 feet
Uncontrolled Intersection (less than 60' right-of-way)	40 feet 30 feet
Commercial and Industrial District driveways	20 feet
Residential District driveways	15 feet
Alley (less than 25 feet)	20 feet

* *When there is an intersection of two or more streets of different right-of-way width, the distance to be measured along the lot lines shall be the distance specified for each type street.*

COMMENT

Engineering staff believes that the 40 feet vision triangle may not leave room for development on a small lot. Where this occurs a lesser setback or controlled intersection should remain as options.

- 12.190 Cul-de-sacs. A cul-de-sac shall must be as short as possible, ~~and shall have a maximum length of and is not to exceed 400 feet.~~ A cul-de-sac shall must terminate with a circular turnaround, ~~except as provided in 12.130 (3)(c).~~ Dead-end streets longer than 400 feet may be approved by the ~~Approval Authority~~ City Engineer if no other means is available for development of the

property and special provisions are made for public facilities, pedestrian and bicycle circulation, and emergency service access.

~~12.200 Partial Streets. A partial width street, while generally not acceptable, may be approved where reasonably essential to the a development on an existing street, when in conformity with the other requirements of these standards, and when it will be practical to require the dedication of the other portion when the adjoining property is developed. Whenever a partial street is adjacent to a tract to be developed, the other portion of the street shall be provided within such tract. Reserve strips may be required to preserve the objectives of partial width streets.~~

12.200 Street Abutting New Development. Sections of existing streets not meeting city standards which directly abut new development shall be constructed partial width to the appropriate city standard by the developer provided that a partial street improvement is determined by the city engineer to be adequate to handle the projected traffic loadings. The design of the improvement shall consider the ultimate design of the fully widened street. For the purposes of this section, "development" means a land division, new commercial or industrial development, construction of multi-family residential units or a manufactured home or recreational vehicle park.

Where the city engineer determines that the street improvement would not be timely, he may accept a future improvement assurance as described in Section 12.600.

COMMENT

The new wording clarifies that partial street improvements are only allowed on existing streets and under certain conditions.

12.210 Slope and Curves. Slope shall not exceed 6 percent on arterials, 10 percent on collector streets or 12 percent on other streets. Center line radii or curves shall not be less than 400 600 feet on major arterials, 300 400 feet on secondary arterials collectors, or industrial streets, or 100 200 feet on other streets. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, steeper grades and sharper curves may be approved by the Approval Authority review body. In flat areas, allowance shall be made for finished street grades having a minimum slope of at least 0.5 percent, where possible.

COMMENT

Engineering staff suggests raising center line radii or curve standards to 600 feet for arterials and 400 feet for collectors. For example, the change for arterials would allow for a design speed of 37 rather than 30 miles per hour.

12.220 Street Adjacent to Railroad. Wherever a proposed development contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of the railroad right-of-way at a distance suitable for the appropriate use of the land between each street and the railroad. The distance shall be determined with due consideration at each cross street of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way in non-industrial areas.

12.230 Access to Arterials. Where a development abuts or contains an existing or proposed arterial street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design requirements may include any of the following:

- (1) A parallel access street along the arterial.
- (2) Lots of suitable depth abutting the arterial to provide adequate buffering and having with frontage along another street.
- (3) Screen planting at the rear or side property line to be contained in a nonaccess reservation along the arterial.
- (4) Other treatment, as determined by the City Engineer, suitable to meet the objectives of this subsection.

12.240 Property Monuments. Upon completion of a street improvement and prior to acceptance by the City, all property corners and other monuments disturbed or removed by the project shall be re-established and protected by an Oregon licensed surveyor retained by the developer.

12.250 Private Streets. Unless the review body determines that public streets are needed to provide for circulation and/or access to neighboring properties, private streets are permitted within Planned Unit Developments, Mobile Manufactured Home Parks, and singularly owned developments of sufficient size to warrant interior circulation on private streets. Design standards for private streets shall be established by the City Engineer but shall not exceed the requirements for public streets. Plats for developments containing private streets must show that streets are private and upkeep and maintenance the responsibility of the abutting property owners. The Approval Authority review body may require legal assurances for the construction and continued maintenance of private streets.

COMMENT

In allowing private streets, we should be aware that the city will still receive "maintenance" phone calls and that the majority of private streets become public over time. Most jurisdictions do allow private streets.

12.260 Traffic Signals. ~~The location of planned traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved city specifications shall be installed and the cost may be included as a condition of development approval or other equitable means of cost distribution shall be determined by the City Council. Where a single development or concurrent group of developments will create a need for a traffic signal at an intersection, the cost for such installation may be attached as a condition of development approval, if approved by the Approval Authority.~~

12.270 Railroad Crossings. Where an adjacent development results in a need to install or improve a railroad crossing, ~~the cost for such improvements may be a condition of development approval, or other equitable means of cost distribution shall be determined by the City Council.~~

COMMENT

We will address Mail Boxes and Street Naming in the Code update as part of final edit. Our current thinking is that Mail Boxes be part of Article 9 (On Site Improvements) and Street Naming be part of Article 11 (Land Divisions).

- 12.280 Street Signs. The City shall install all street signs, relative to traffic control and street names, as specified by the City Engineer for any development. The cost of signs and installation shall be included in the developer's project costs.
- ~~12.200 Mail Boxes. Joint mail box facilities shall be provided in all residential developments, with each joint mail box serving at least two dwelling units. Joint mail box structure shall be placed adjacent to roadway curbs. Proposed locations of joint mail boxes shall be designated on a copy of the preliminary plat or development plan, and shall be approved by the Director prior to plan approval. In addition, sketch plans for the joint mail box structures to be used shall be submitted and approved by the Director prior to final approval.~~
- ~~12.290 Street Names. The naming of streets shall be in accordance with Article 17.~~

SIDEWALKS

- 12.290 ~~Sidewalks - General Provisions Requirement. Except where exempted by the City Council, sidewalks shall be constructed replaced or repaired to City design standards as set forth in the Standard Specifications Manual and located as follows:~~ All development for which land use applications are required by Section 1.060 must include sidewalks adjacent to public streets. This requirement also applies to new single family houses and duplexes if they are located on arterial or collector streets or on curbed local streets if there is an existing sidewalk within 500 feet on the same side of the street.

In the case of arterial or collector streets, sidewalks shall be built during their construction and considered during their reconstruction. This provision shall also apply to local streets which serve commercial and multi-family development. Except for industrial development on local streets, sidewalks are required on both sides of all streets. Sidewalks are only required on one side of local streets in industrial zones. If an interim street standard is being constructed which does not include bike lanes or sidewalks, interim bikeways or walkways for pedestrians shall be provided through construction of paved roadway shoulders at least 8 feet in width on arterials and 6 feet on other streets. The provision of sidewalks may be waived where the street serves a use or combination of uses which generate fewer than fifty trips a day (based on ITE standards) and cannot be continued or extended to other properties.

COMMENT

This section was reworked after our work session. Rod Brenneman suggested the new wording for curbed local streets to deal with infill situations where there isn't a sidewalk in sight. We incorporated Mel Joy's suggestion that we expand the waiver (last sentence) to include any use or combination of uses generating fewer than 50 trips per day. We haven't yet incorporated Bill MacHugh's suggestion that we increase the trip total because it is based on the maximum number of lots allowed on a cul-de-sac bulb(5) times the average number of residential trips per day (10).

12.300 **Design, Width, and Location.** All sidewalks must be constructed, replaced or repaired in accordance with the Standard Construction Specifications. The required width and location of sidewalks is as follows:

- ~~(1) On both sides of arterial and limited access collector streets to be built at the time of street construction.~~
- ~~(2) On both sides of all other streets and in pedestrian easements and rights of way, except as provided further in this Section, to be constructed along all portions of the property designated for pedestrian ways in conjunction with development of the property.~~
- ~~(3) On one side of any industrial street to be constructed at the time of street construction or after determination of curb cut locations if rolled curbing is not used.~~
- ~~(4) A planter strip separation of at least five feet between curb and sidewalk shall be required in the design of any arterial or collector street where parking is prohibited adjacent to the curb, except where the following conditions exist: inadequate right-of-way; curb side sidewalks already exist on predominant portions of the street; conflict with utilities.~~
- ~~(5) A planter strip separation of at least four feet between curb and sidewalk shall be required in the design of all other streets, excluding the perimeter of cul-de-sacs.~~
- ~~(6) In the Central Business District sidewalks shall be 10 feet in width. Sidewalks adjacent to collector and arterial streets shall be five feet in width. All other sidewalks shall be at least four feet in width. All sidewalks shall provide a continuous unobstructed path except that in the Central Business District planters, garbage and mail receptacles, bus stands, benches, bicycle racks, and public signs may be allowed to encroach. Width of sidewalks shall be measured from the back of the curb.~~

~~Where obstructions exist or are proposed (including but not limited to mail boxes, utility poles, trees, planters, fire hydrants, signs, bus stops, etc.) provisions shall be made to maintain a minimum of four feet of unobstructed width.~~

- ~~(7) Maintenance of sidewalks, curbs and planter strips shall be the continuing obligation of the adjacent property owner.~~
- (1) The required width for a sidewalk on an arterial or collector street is seven (7) feet. This width may be reduced to six (6) feet if the sidewalk is separated from the curb by a landscaped planter strip at least five feet wide. In those instances where there is inadequate right-of-way for additional width and no additional right-of-way can be obtained as a condition of development approval, the sidewalk width may be reduced to five (5) feet. In all cases, any right-of-way remaining outside the sidewalk is to be landscaped and maintained by the adjoining property owner.
- (2) Sidewalks along residential and other local streets must be a minimum of four (4) feet in width. Any remaining portion of the right-of-way must be landscaped and incorporated into the front yard setback of the adjacent property. However, at the property owner's or developer's option, planter strips of at least four feet in width may be installed adjacent to the curb where sufficient right-of-way has been provided.

- (3) In the Central Business District, as defined on the zoning map, sidewalks must be at least ten (10) feet in width and be installed adjacent to the curb.
- (4) Regardless of other provisions contained in this article, any sidewalk project which is less than 200 feet in length and connects on either end to an existing sidewalk may be designed to match the existing pattern with the approval of the City Engineer.
- (5) Where obstructions exist or are proposed (including but not limited to mail boxes, utility poles, trees, planters, fire hydrants, signs, benches, bus stops, etc.), provisions must be made to maintain a minimum of four feet of unobstructed sidewalk width on local streets, five feet on collector and arterial streets, and six feet in the Central Business District.
- (6) Maintenance of sidewalks and planter strips shall be the continuing obligation of the adjacent property owner. Planter strips shall be landscaped and maintained in like manner to the front yard setback requirements of Article 9.
- (7) Sidewalks shall be designed to parallel streets in line and grade and shall avoid unnecessary meandering from the curb line and elevation changes except as necessary to avoid significant trees or traverse topographic barriers.
- (8) Pedestrian accessways not adjacent to a public street shall be a minimum of 10 feet wide.

COMMENT

Much of this "new" language is from Resolution No. 2814, adopted by the Council in 1988. Some of that language has been clarified in this rewrite. Nos. 7 and 8 are inspired by the Transportation Planning Rule.

12.310 Conformance to Street Grades. All sidewalks ~~that may hereafter be~~ constructed adjacent to a street ~~as provided for in this Article, shall~~ must be placed upon the street grade as ~~the same is now established at the time of sidewalk construction, or that may be established from time to time, and shall conform to the official street grades; and the~~ If a space is left between the property line and the sidewalk ~~where such space is left, and/or the space between the sidewalk and the curb, along the same,~~ the space shall be filled and surfaced with earth or other approved material level with the sidewalk.

12.320 Application for Permit and Inspection Timing of Sidewalk Construction. ~~Every person, firm or corporation desiring to construct sidewalks as provided by this Article, shall, before entering upon the work or improvement, apply for a permit to the Building Official to so build or construct.~~ Sidewalk construction may be deferred until the proposed improvement on the property is completed. ~~An~~ No occupancy permit shall ~~not~~ be issued by the Building Official for a development until the provisions of this Article are satisfied.

The City Engineer may ~~issue a permit and certificate allowing authorize temporary non-compliance with the provisions of this section to the owner, builder or contractor a future improvement assurance~~ (as described in Section 12.600) when, in his opinion, the construction of the sidewalk is impractical for one or more of the following reasons:

- (1) Sidewalk grades have not and cannot be established for the property in question within a reasonable length of time,
- (2) Forthcoming installation of public utilities or street paving would be likely to cause severe damage to the new sidewalk,
- (3) Street right-of-way is insufficient to accommodate a sidewalk on one or both sides of the street,
- (4) Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical or economically infeasible.

~~12.310 Inspections. The City Engineer shall inspect the construction of sidewalks for compliance with the provisions of this Article and the "Standard Construction Specifications." Manual."~~

~~12.320 Council Initiation of Construction. In the event one or more of the following situations are found by the Council to exist, the Council may adopt a resolution to initiate construction of a sidewalk in accordance with City Ordinances:~~

- ~~(1) A safety hazard exists for children walking to or from school and sidewalks are necessary to eliminate the hazard;~~
- ~~(2) A safety hazard exists for pedestrians walking to or from a public building, commercial area, place of assembly or other generators of pedestrian traffic, and sidewalks are necessary to eliminate the hazard;~~
- ~~(3) Fifty percent or more of the area in a given block has been improved by the construction of dwellings, multiple dwellings, commercial buildings or public buildings and/or parks;~~
- ~~(4) Vehicular traffic on a given street is made hazardous because of the use of the same street by pedestrians.~~
- ~~(5) A criteria which allowed non-compliance under Section 12.242 no longer exists and a sidewalk could be constructed in conformance with City standards.~~

BIKEWAYS

12.330 Master Bikeways Plan. The City's adopted Master Bikeways Plan is in the Comprehensive Plan.

12.340 Provisions for Bikeways. Developments adjoining or containing proposed bikeways identified on the adopted Master Bikeways Plan shall include provisions for the future extension of such bikeways. through the dedication of easements or rights of way. Development permits-Land use approvals issued for Planned Unit Developments, Greenway Conditional Use Permits, subdivisions and other developments which will principally benefit from such bikeways may be conditioned to include the cost of bikeway improvements.

In the case of arterial or collector streets, bikelanes shall be built during their construction, and considered during their reconstruction. This provision shall also apply to local streets in other than single family residential developments.

COMMENT

The new wording would take us a way towards making us a more bicycle friendly city. It would mean that a "Broadway" type project would have a bikeway. Depending on how you define the improvement we are currently making to 2nd, it could mean a design change on this street and others like it.

- 12.350 **Bikeway Design.** Where possible, bikeways should be separated from other modes of travel, including pedestrian. Minimum width for bikeways shall be ~~4~~ 6 feet per travel lane where adjacent to a curb (one-way) and 10 feet where not on roadway (two-way). A reduction in standards may be allowed where the City Engineer finds that no safety hazard will be created and other special circumstances (such as physical constraints) exist.

COMMENT

Further research and discussion by both planning and engineering staff have lead to the current wording. We are setting a public facilities standard, yet allowing for a reduction where appropriate. The Planning Commission discussed at length and supports proposed wording. Same reasons for proposed change relate to quality of life issues and needs of population, especially children and elderly.

PARKS

~~12.380 Parks Dedication and Payments in Lieu of.~~ The provisions of public open spaces for parks and playground within carefully selected areas of the City is considered essential for the proper development of all residential neighborhoods. Furthermore, it is determined that every type of residential development contributes to the need for open space and by all rights should provide for such. Therefore, it is the intent of this section to ensure that all future residential developments shall, in an equitable manner, provide for the acquisition and development of park lands within their geographic area of the City without creating an undue burden on established taxpayers.

~~12.390 The requirements for park land dedication in all types of residential developments shall be based on the following formula:~~

~~Residential developments shall provide for:~~

- ~~(1) Neighborhood park at one acre per 800 population.~~
- ~~(2) Community park at one acre per 800 population.~~
- ~~(3) Regional park at one acre per 400 population OR; provide total needed four acres per 800 population OR provide need for each person.~~

~~4/800 = .005 acres for each person.~~

Therefore, the land area requirement for all types of dwelling shall be 0.005 acres per bedroom where bedroom is defined as any room designed or intended for sleeping purposes.

~~12.400 Procedures of Land Dedication or Fee Payment. In the case of any proposed residential development, the Approval Authority shall recommend to the developer whether the dedication of land or payment of fees in lieu thereof would be appropriate. The recommendation of the Approval Authority shall be based upon the recommendation of the Parks and Recreation Department in each case and on an appropriate approved public open space plan or Comprehensive Land Use Plan.~~

- ~~(1) In the case of land dedication, the developer shall designate a park site when requesting preliminary development or subdivision approval which shall contain at least the minimum acreage required by this Ordinance. The Parks and Recreation Commission shall review the proposed site together with any other potential sites within the development and shall submit its recommendation to the Approval Authority. Prior to granting preliminary development or subdivision approval, the Approval Authority shall make the final determination as to the location and size of the park within the proposed development.~~
- ~~(2) Where the payment of fees in lieu of land dedication is recommended by the Approval Authority and agrees to by the owner or developer for payment of such fees, they shall be paid prior to issuance of building permits for developments. (Ord. 4528; 10/1/82)~~
- ~~(3) Payments received in lieu of land dedication shall be expended for the acquisition and/or development of public open space within the same neighborhood planning area (as established by the City Council).~~
- ~~(4) No subdivider shall be required to dedicate or make payments in lieu thereof for more than forty percent (40%) of his land for all public purposes including streets, but not including utility easements for drainageways.~~

Comment

The "bedroom" approach to parkland fees or dedication doesn't meet the methodology test found in the state's SDC law. The basis for a parks SDC will be a product of the Parks Master Plan now underway. Procedures for park land dedication will be added to the Land Division article.

UTILITIES -- GENERAL

~~12.360 Utility Easements. A property owner proposing a development~~ The developer shall make arrangements with the City of Albany and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. All utility easements must be public easements.

COMMENT

Public easements are part of the public record. Private utility easements are often overlooked when later development occurs.

12.370 Utility Easement Width. The standard width for public utility easements adjacent to street rights-of-way shall be 7 feet. The minimum width for all other public utility easements shall be 15 feet for water, 20 feet for sewer, and 15 feet for piped storm drainage unless otherwise specified by the utility company or City Engineer. Where feasible, utility easements shall be centered on a lot line.

COMMENT

The increased widths provide a more reasonable area in which crews can work, should the need arise.

12.380 Information on Development Plans. The subdivider/developer shall must show on the development plan or in his explanatory information, easements for all underground utilities facilities. Plans showing the location of all underground facilities utilities as described herein shall be submitted to the City Engineer for review and approval as part of the site plan review or land division process. Care shall be taken in all cases to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic.

12.390 Requirement for Underground Utilities. Except as otherwise provided exempted herein in Section 12.400, all utility lines, cables, or wires (including but not limited to those used for electricity, communication, street lighting, and cable television) constructed upon, adjacent to, or within land subdivided or prepared for development after the effective date of this Code, shall be required to must be placed underground. The intent of the City is that no poles, towers, or other structures associated with utility facilities shall be permitted on any street or lot within such a subdivision or development.

12.400 Exceptions. Overhead facilities shall be are only permitted for in the following uses instances: in which case the above provisions shall not apply:

- (1) Emergency installations, or electric transmission lines, or through feeders operating at distribution voltages which act as a main source of supply to primary laterals and to direct connected distribution transformers and primary loads.

Should it be necessary to increase the capacity of major power transmission facilities for service to the area, such new or revised installations shall be made only on rights-of-way or easements on which existing overhead facilities exist at the time of such capacity increase.

- (2) Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, connection boxes, and the like.
- (3) Structures without overhead wires, used exclusively for fire alarm boxes, street lights, or municipal equipment installed under the supervision and with the approval of the City Engineer.
- (4) Power substations, pumping plants, and similar facilities necessary for transmission or distribution of utility services shall be permitted subject to compliance with all zoning regulations and other applicable land use regulations.

Plans showing landscaping and screening shall be approved by the Director for all such facilities prior to any construction being started.

- (5) Television antennas and satellite dishes [See Section 3.080 (12)].
- (6) Industrial developments, except for those utility lines, cables, and/or wires providing service to an individual lot. Such lines must be placed underground from the nearest power pole to the facility ultimately being operated on the individual lot. Certain industries requiring exceptionally large power supplies may request direct overhead power as a condition of Site Plan approval. Underground utilities may be required in Industrial Park developments and Planned Developments in the Industrial Districts.
- (7) New development on existing individual lots of record in areas where service is currently by overhead utilities.

~~12.410 Future Installations. The owner(s) or contract purchaser(s) of subdivided real property within a subdivision shall, upon conveyance or transfer of any interest including a leasehold interest in or to any lot or parcel of land, provide in the instrument conveying such interest a covenant running with and appurtenant to the land transferred under which grantee(s) or lessee(s), their heirs, successors, or assigns mutually covenant not to erect or allow to be erected upon the property conveyed any overhead utility facilities, including electric, communication, and cable television lines, poles, guys, or related facilities, except such facilities as are exempt from underground installation under this title or are owned or operated by the City. Such covenant shall require grantees to install, maintain, and use underground electric, telephone, cable television, or other utility services used or to be used to serve the premises. A copy of the covenant shall be submitted with the final plats.~~

COMMENT

The city cannot enforce covenants and therefore should not condition a development to record them.

12.405 Property Monuments. Upon completion of a utility project and prior to acceptance by the City, all property corners and other monuments disturbed or removed by the project shall be reestablished and protected by an Oregon licensed surveyor retained by the developer.

WATER

~~12.470 Water System. Each development site shall be provided with potable water, and fire hydrants and mains shall be installed as required by the City Fire Marshal.~~

12.410 When Public Water is Available. All new development, including a single family residence, must extend and connect to the public water system when service is available within 150 feet of the property. Fire hydrants, mains, and related appurtenances shall be installed as required by the City Fire Marshal.

COMMENT

Heretofore single family dwellings have had an option on whether to connect to the public water system. Staff believes a change is appropriate to discourage development on wells. There may be public health problems in the future and we need these folks to be part of the water system. Note that this provision does not address existing single family development nor does it preclude the use of wells for irrigation. The 150 foot standard reflects the Planning Commission's majority view that a lesser distance is acceptable for water than for sewer, given potential impact on neighbors.

- 12.420** When Public Water is Not Available. No new development is allowed on private well systems, except for construction of one single family dwelling on an existing lot of record. Residential lots created by a land partition may be served by private wells if approved by the City and provided the new lots are subject to a Petition for Improvement/Waiver of Remonstrance for a future assessment district for public water. If a second partition plat is filed on the same parcel, the application will be subject to the subdivision requirement that the development be served by public water.

COMMENT

This provision would mean no future large scale developments (such as Barrack Titanium or Babe-the-Blue Ox) where the water infrastructure cannot support. It would also signal a change relative to the small scale incremental development we are currently allowing on Three Lakes Road. The new wording would allow partitions in areas such as Knox Butte Road where public water may be years away.

- 12.430** Extension Along Property Frontage and Within Interior. Water distribution mains must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. Main extensions may be required through the interior or properties when necessary to provide for service to other properties or to provide looping for fire flows.

COMMENT

This proposed section has been modified to address concerns expressed at the Planning Commission meeting that there be some flexibility in instances where lines aren't needed along the entire frontage. We propose the same wording change for sewer. The "interior" concept is from Chapter 11 of the Albany Municipal Code.

- 12.440** Water Plan Approval. All proposed water plans and systems must be approved by the City Engineer as part of the tentative plat or site plan review process.
- 12.450** Design Requirements for New Development. All new development within the City must, where appropriate, make provisions for the continuation or appropriate projection of existing principal water lines serving surrounding areas.
- 12.460** Restriction of Development. The review body may restrict development approvals where a deficiency exists in the water system or portion thereof which cannot be corrected as a part of the development improvements.

SANITARY SEWERS

~~Sanitary Sewers - General Provisions. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions of the "Standard Specifications Manual," Chapter 10 of the Albany Municipal Code and current City policies pertaining to sanitary sewers.~~

- 12.470 **When Public Sewer is Available.** All new development must extend and connect to the public sewer system when service is available within 300 feet of the property.
- 12.480 **When Public Sewer is Not Available.** Where sewer is not available within 300 feet of the property, no development is allowed on private septic systems, except for construction of one single family dwelling on an existing lot of record or on a parcel no smaller than five acres created through the land division process. Any private on-site system allowed by this section must be approved by the county.

COMMENT

Much staff discussion and research (particularly on ground water problems) have lead us to conclude that it would be a mistake to allow further urban development without urban services. This provision has implications for North Albany and for commercial and industrial development east of I-5 such as on Three Lakes Road.

- 12.490 **Extension Along Property Frontage and Within Interior.** Sewer collection mains must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. Where private sanitary sewer services will exceed 100 feet in length, as measured from the public main to the structure, the City Engineer may require extension of public sewers into the interior of the property.

COMMENT

This wording will formalize an existing practice designed to minimize infiltration into the public sewer system. This practice was previously authorized by the Council's Public Works Committee.

- 12.500 **Sewer Plan Approval.** All proposed sewer plans and systems must be approved by the City Engineer as part of the tentative plat or site plan review process.
- 12.510 **Design Requirements for New Developments.** All new development within the City must, where appropriate, make provisions for the continuation or appropriate projection of existing sewer lines serving surrounding areas. Line extensions may be required through the interior of a property to the developed where the City Engineer determines that the extension is needed to provide service to upstream properties.

~~The City Engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development.~~

- 12.520 **Restriction of Development.** The review body may restrict development approvals where a deficiency exists in the sewer system or portion thereof which cannot be corrected as a part of the development improvements.

STORM DRAINAGE

COMMENT

This is an area in which our regulations are evolving. Unlike water and sewer, nothing else in the Municipal Code addresses storm water management. This is emerging as a major issue in North Albany. A storm drainage master plan is needed to determine capacities and needs. In the meantime, on site detention will be our most useful tool.

- 12.530 **Storm Drainage—General Provisions.** ~~The Approval Authority review body shall issue a development permit will approve a development request~~ only where adequate provisions for storm and flood water run-off have been made as determined by the City Engineer. The storm water drainage system ~~shall~~ **must** be separate and independent of any sanitary sewerage system. Where possible, inlets ~~shall~~ **should** be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns ~~and proposed storm drainage must shall~~ be shown on every development proposal plan. ~~All proposed storm sewer plans and systems must be approved by the City Engineer as part of the tentative plat or site plan review process.~~

Ditches are not allowed without specific approval of the City Engineer. Open natural drainageways of sufficient width and capacity to provide for flow and maintenance may be permitted.

- 12.540 **Easements.** Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be provided a **public** storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width as **the City Engineer determines** will be adequate for conveyance and maintenance. **Improvements to the drainageway, or streets or parkways parallel to water courses may be required.**
- 12.550 **Accommodation of Upstream Drainage.** A culvert or other drainage facility shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The City Engineer ~~shall determine~~ **must review and approve** the necessary size of the facility, based on the provisions of the ~~construction standards and specifications~~ **Storm Drainage Master Plan, and sound engineering principles** and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.
- 12.560 **Effect on Downstream Drainage.** Where it is anticipated by the City Engineer that the additional run-off resulting from the development will overload an existing drainage facility, the ~~approval authority review body shall~~ **will** withhold approval of the development until provisions have been made for improvement of said potential condition.
- 12.570 **Drainage Management Practices.** ~~In the absence of a drainage basin master plan, a~~ Development may be required to employ drainage management practices approved by the City

Engineer which minimize the amount and rate of surface water run-off into receiving streams or drainage facilities or onto adjoining properties. Drainage management practices may include, but are not limited to:

- (1) Temporary ponding or detention of water;
- (2) Permanent storage basins;
- (3) Minimization of impervious surfaces;
- (4) Emphasis on ~~zing natural water percolation and~~ natural drainageways;
- (5) Prevention of water flowing from the roadway development in an uncontrolled fashion;
- (6) Stabilization of natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion;
- (7) Runoff from impervious surfaces ~~shall~~ must be collected and transported to a natural drainageway facility with sufficient capacity to accept the discharge; and
- (8) Other practices and facilities designed to improve water quality.

12.580 **Design Requirements for New Development.** All new development within the City must, where appropriate, make provisions for the continuation or appropriate projection of existing storm sewerlines or drainageways serving surrounding areas. Extensions may be required through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide service to upstream properties.

12.585 **DEQ Permit Required.** When a development exceeds five acres in size, a permit issued and monitored by the Oregon Department of Environmental Quality may be required.

IMPROVEMENT ASSURANCES

12.590 **Bond or Cash Deposit Purpose.** The purpose of improvement assurances is to provide the City with a guarantee that the improvements called for in this article will be made. The type of guarantee will be determined by the City. Before issuing or renewing a development permit approval when the applicant has an obligation to design and construct improvements shown on the development plan, the reviewing authority body may require that the applicant acknowledge the obligation.

12.600 **Form and Contents.** The ~~acknowledgement~~ assurance shall contain the time within which ~~it~~ the obligation is to be met. ~~and It may take the form of a surety or performance bond, or cash, or a negotiable security deposit, or written verification from an insured lending institution, a mutual improvement agreement, a monetary contribution to a fund for future improvements if established by a separate city ordinance or other guarantees approved by the Director City Attorney sufficient to cover the cost of the work as estimated by the City. The bond shall be conditioned upon the permittee developer's carrying out the obligation and fulfilling the other requirements of this Title that bear on the approval of the development. The deposit or bond shall be forfeited to the City if the permittee developer does not fulfill the requirements. The~~

bond or deposit shall remain in the custody of the City until the obligation is completed or the bond or deposit is forfeited, or shall be placed in an escrow account subject to City control.

COMMENT

The establishment of this new fund was discussed at the work session. If the procedure is ever established, we would need an ordinance addressing how the fund will be set up, when and where the monies will be spent, etc.

- 12.610 Noncompliance with Provisions Under Obligation. If the Director finds that a **permittee developer** is not fulfilling an obligation, the Director shall, in written notice to the **permittee developer** and the **permittee's developer's** surety, specify the details of noncompliance. Unless the Director allows more time for compliance because of circumstances beyond the **permittee's developer's** control, within 30 days after receiving the notice, the **permittee developer** or the **permittee's developer's** surety shall commence the compliance and proceed diligently to complete fulfillment of the obligation.
- (1) If the **permittee developer** or the **permittee's developer's** surety does not commence the compliance within the 30 days or the additional time allowed by the Director, or has so commenced but fails diligently to complete the compliance, or the compliance is otherwise not completed within the time specified in granting the development **approval permit**, the City may take the following action:
 - (a) Enter upon the site of the development and carry out the obligation in accordance with the provisions agreed upon under the acknowledgement.
 - (b) Notify the **permittee developer** and the **permittee's developer's** surety of the **permittee's developer's** failure to perform as required by this **Title Code**.
 - (c) Demand payment from the **permittee developer's** for the unfulfilled obligation.
 - (d) If the security for the obligation is a bond, notify the surety that has furnished the bond that reimbursement for the expense for fulfillment of the obligation is due and payable to the City or, if the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup the expense.
 - (e) **Void all approvals granted in reliance on the improvement assurance.**
 - (2) If a bond or other required security is not sufficient to compensate the City for expenses necessary to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City and upon the entire contiguous real property of the owner of the land subject to the obligation.
 - (3) The lien attaches upon the filing with the City Recorder of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the expense of the fulfillment of the obligation, and allege the **permittee's developer's** failure to do the required obligation.
 - (4) The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.

- (5) The remedies set forth for non-compliance are cumulative. In addition to the remedies set forth above, non-compliance by the developer or his surety with any term of a performance guarantee shall entitle the city to pursue any civil remedy permitted by law.

ADDRESSES AND STREET NAMES

12.620 ~~Baseline. Quadrant divisions.~~ For the purpose of street naming and numbering, the City is divided into quadrants by means of a north-south baseline which intersects with an east-west baseline. ~~Designated.~~ The baseline which will separate the north and south halves of the City shall be a line extending along First Avenue. The baseline which will separate the east and west halves of the City shall be a line extending along Lyon Street. **Addresses within the city limits will be assigned as follows:**

~~(3) Address Suffixes.~~

- (1) Those addresses lying north of First Avenue and east of Lyon Street or east of Spring Hill Drive shall bear the suffix of "northeast" which shall be abbreviated "NE."
- (2) Those addresses lying north of First Avenue and west of Lyon Street or west of Spring Hill Drive shall bear the suffix of "northwest" which shall be abbreviated "NW."
- (3) Those addresses lying south of First Avenue and east of Lyon Street shall bear the suffix of "southeast" which shall be abbreviated "SE."
- (4) Those addresses lying south of First Avenue and west of Lyon Street shall bear the suffix of "southwest" which shall be abbreviated "SW." (~~Ord. 4112 S2, 1978.~~)

COMMENT

It's trivia time. Were you aware that Anderson Sporting Goods is on 1st Avenue SW and the Chamber on 1st Avenue NW? Did you know that a little of North Albany is NE?!

12.630 **Street Naming.** All public and private roads and streets shall be named in accordance with the provisions of this section and as approved by the ~~Planning~~ **Community Development Director.**

- (1) Except for extensions of existing streets or extensions of the street grid, no street names shall be used which will duplicate or be confused with the names of existing streets within the Albany Urban Growth Boundary and Albany postal delivery area.
- (2) All street names shall bear suffixes to be determined as follows:
 - (a) Streets running north and south will bear the suffix "Street."
 - (b) Streets running east and west will bear the suffix Avenue.
 - (c) "U" shaped or circular streets will bear the suffix Circle."
 - (d) Meandering streets will bear the suffix "Drive."
 - (e) Dead-end streets which cannot be made into a through street and cul-de-sacs which serve eight or more lots will bear the suffix "Court."
 - (f) Cul-de-sacs which serve less than eight lots will not be given a separate street name.

(g) Private streets shall comply with the naming criteria of this article and shall also be designated "private way."

(3) The name of any street, drive, boulevard, avenue, etc., that appears as a dedicated street on a recorded plat approved by the ~~Planning~~ **Community Development** Director shall be the name of the street unless changed by Planning Commission or City Council action as follows:

(a) A street name change may be initiated by the ~~Planning~~ **Community Development** Director, Planning Commission, City Council, or by petition in accordance with Section ~~12.030~~ **12.640**.

(b) The Type II process of Article ~~2.040~~ **1.350** shall be utilized for processing street name changes. The final decision shall be filed with the City Recorder for recording with the County Recorder's Office, County Surveyor, and Albany Postmaster.

12.640 Petition for Street Name Change. A property owner may request a change in the name of a street by filing a petition with the ~~Planning~~ **Community Development** Director. The petition shall contain the following information:

- (1) name of street name proposed for change;
- (2) reason for request;
- (3) suggested names by petitioner;
- (4) location of street (include from and to address numbers as well as names of all cross streets);
- (5) attach one full scale copy of County Assessor's map showing subject area of the recorded subdivision plat;
- (6) list of the names and addresses of each property owner and resident abutting the street; and
- (7) signatures of at least 51 percent of the residents and property owners abutting the street proposed to be changed, signifying they agree with the proposed name change.

12.650 Grid System of Addresses--Assignment Authority. The City Building Official shall have the authority to assign addresses to commercial buildings, residences and other buildings requiring addresses as provided by this Article. The Building Official shall have the authority to change existing addresses when deemed necessary. Upon the assignment of an address, the Building Official shall inform governmental offices and utility companies of ~~the effects of~~ the address assignment.

- (1) A grid system of house and building numbering is established as follows:
 - (a) All houses and buildings in the City, except buildings accessory to a principal building on the same property, shall be numbered.
 - (b) All houses and buildings requiring numbers on the northerly or easterly side of streets shall bear odd numbers, and houses and buildings requiring numbers located on the southerly or westerly side of streets shall bear even numbers.

- (c) In those areas of the City which have been subdivided into blocks of rectangular shape, houses and buildings requiring numbers shall be allocated numbers at the rate of one hundred per block.
- (d) In those areas of the City which have been subdivided by other methods, numbers shall be allocated as evenly as possible so that the particular number of any address will reflect as accurately as possible its relative position in the block and its relative distance from the baseline.
- (e) The allocation of numbers for all addresses shall begin at each baseline with the numbers progressing upward beginning with the numbers 100 and 101 according to the relative distance of the address from the baseline.

12.660 Residential Addressing. Residential buildings shall be addressed as follows:

- (1) Single family residences shall have one street address.
- (2) Duplexes shall be given a street address for each living unit.
- (3) Triplexes, fourplexes, etc., and apartment complexes shall be given one street address for each building, with each living unit given a unit number, which is to be assigned by the developer and approved by the Planning Department Division.

12.670 Commercial Addressing. Commercial buildings shall be addressed as follows:

- (1) All commercial buildings, except buildings accessory to a principal building on the same property, shall be numbered.
- (2) When a building or premises has several entrances for use by different businesses, the City may assign a different number for each principal entrance.

12.680 Requirements for Posting of Street Numbers.

- (1) Time Limit. Within thirty days after the effective date of the ordinance codified in this Article or within thirty days after a premises is annexed to the City, whichever is later, all structures which are required by this Article to be numbered will have assigned numbers placed on them as required by this Article.
- (2) Location, Height and Color. Numbers shall be affixed in a location conspicuous from the street which the structure faces. Such numbers shall be attached to the ~~door,~~ door frame of the main entrance or to the garage ~~or garage door~~ of single family residences, duplexes and commercial structures. Numbers displayed shall not be less than three inches in height and shall be painted upon or affixed to the house or building in a contrasting and highly visible color.

COMMENT

Fire Department points out that we don't want property numbers on doors because they are not visible when doors are open.

- (3) Directional Signs. In addition, directional signs shall be placed in a conspicuous location at every intersection of private streets in an apartment complex, planned unit development, ~~mobile~~

manufactured home park or other types of housing complexes. The directional signs shall indicate address numbers of individual buildings and indicate the direction of individual units.

- (4) **Placement.** It shall be the duty of every owner or agent in charge of any structures to have the proper number or numbers placed thereon. Every owner or agent in charge of a structure erected after the effective date of the ordinance codified in this Article shall place the proper number or numbers thereon at the time of final inspection of such a structure.
- (5) **Display.** It shall be the duty of every owner to ensure that the house address numbers are displayed on the site and/or the building under construction.

12.690 **Placement of Street Signs for Private Streets.** All street signs installed on private streets ~~shall~~ **must** meet the standards shown in the Federal Highway Manual on Uniform Traffic Control Devices for Streets and Highways. The signs shall be the same size, design, and color used by the City. A plan showing the proposed street sign type and the proposed installation location of the sign ~~shall~~ **must** be submitted to the Public Works Department for approval before any signs are installed.