

ORDINANCE NO. 5261

AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP, AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP, APPROVING A SUBDIVISION APPLICATION AND ADOPTING FINDINGS AND DECLARING AN EMERGENCY FOR PROPERTY LOCATED SOUTH OF HIGHWAY 20 ACROSS FROM GOLDFISH FARM ROAD.

WHEREAS, the City of Albany Planning Commission recommended approval of the proposed map amendments and the subdivision, based on evidence presented in the staff report and at the public hearing for City of Albany File Nos. CP-04-95, ZC-06-95, and M1-12-95; and

WHEREAS, the Albany City Council held a public hearing on these cases on March 13, 1996.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Findings of Fact contained in the staff report and attached as Exhibit "A" are hereby adopted in support of this decision.

Section 2: The Albany Comprehensive Plan Map designation of 12.23 acres of the 37.43-acre subject property is hereby amended from Urban Residential Reserve to General Commercial.

Section 3: The Zoning Map, which is part of the Albany Development Code, is hereby amended for 12.23 acres of the subject property by changing it from RM-3 (Residential Multiple Family) to CH (Heavy Commercial), and for 6.32 acres by changing it from RS-6.5 (Residential Single Family) to RM-3.

Section 4: Legal descriptions and a drawing showing the affected areas of the subject property are attached as Exhibit "B."

Section 5: The proposed subdivision of the subject property into 5 lots is hereby approved with the conditions listed in the findings document. A drawing showing the approved subdivision is attached as Exhibit "C."

Section 6: A copy of the Comprehensive Plan Map and Zoning Map amendments shall be filed in the Office of the City Recorder of the City of Albany and the changes made on the official City of Albany Comprehensive Plan and Zoning Maps.

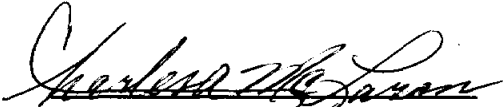
Section 7: A copy of the change in zoning designation shall be filed with the Linn County Assessor's Office within 90 days after the date of these changes with the legal description and map for the zoning map amendment.

IT IS HEREBY adjudged and declared that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, and 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 City Council: November 6, 1996

Approved by the Mayor: November 6, 1996

Effective Date: November 6, 1996



Mayor

ATTEST:



City Recorder

CP-04-95: COMPREHENSIVE PLAN AMENDMENT**APPROVAL STANDARDS**

Amendments to the Comprehensive Plan will be approved if the review body finds the applicant has shown that certain review criteria are met. The applicable review criteria are listed in Albany Development Code (ADC) Section 2.220. Review criteria will be written in ***bold italic***, followed by proposed findings and conclusions. Where attachments are referred to here, the reference is to attachments submitted with the application (for example, Attachment 10a, page 3).

- 2.220 (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.***

Findings of Fact

- 1.1 The subject application is a property owner request for a quasi-judicial Comprehensive Plan Amendment, not a legislative amendment.

Conclusions

- 1.1 This criterion is not applicable, because the application is not for a legislative amendment.

- 2.220 (2) *A legislative amendment is needed to meet changing conditions or new laws.***

Findings of Fact

- 2.1 The subject application is a property owner request for a quasi-judicial Comprehensive Plan Amendment, not a legislative amendment.

Conclusions

- 2.1 This criterion is not applicable, because the application is not for a legislative amendment.

- 2.220 (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.***

The following Comprehensive Plan Policies are relevant to this application, and each will be treated as a separate review criterion:

Goal 2: 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.*
- b. *Citizen review and comment.*
- c. *Applicable Statewide Planning Goals.*
- d. *Input from affected governmental units and other agencies.*
- 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 or City Council.*

Findings of Fact

- 3.1 The proposed Comprehensive Plan map amendment responds to a need in the community for additional land designated for heavy commercial development. The amount of land available for commercial development was overestimated due to an error in calculations that occurred at the time of the last plan update in 1985-87. (See Finding of Fact 3.12 below.)
- 3.2 Conformance with goals and policies of the Plan: This staff report includes review of the subject application for conformance with the goals and policies of the Plan. The review is included under Review Criterion (3)(a).
- 3.3 Citizen review and comment: The Albany Development Code (ADC) identifies a Comprehensive Plan Amendment as a Type IV land use decision. The procedures for processing a Type IV decision include notification of property owners within 100 feet of the subject property that Planning Commission and City Council public hearings will be held, and an opportunity for public comment in writing or at those public hearings. Property owners have been notified and they have an opportunity to review and comment on the proposed Comprehensive Plan map amendment. No comments had been received by the time this staff report was completed on February 12, 1996.
- 3.4 Applicable Statewide Planning Goals: Conformance of the proposed Comprehensive Plan Amendment with applicable Statewide Planning Goals is addressed in this staff report under Review Criterion (3)(d).
- 3.5 Input from affected governmental units and other agencies: Other governmental units and agencies that may be affected by the proposed Comprehensive Plan Amendment are: City of Albany - Engineering Division, Building Division, Parks and Recreation Department, Fire Department, Finance Department, Police Department; State of Oregon - Department of Transportation and Department of Land Conservation and Development. These other governmental units and agencies have been notified of the proposal, and given an opportunity to comment. Comments have been considered in evaluating the proposed application, and incorporated as requirements where appropriate.

- 3.6 Short- and long-term impacts of the proposed change: The short-term impact of the proposed change will be an increased supply of land designated for commercial use, and a decreased supply of land designated for residential use. The Planning Division will be reviewing the supply of, and demand for, both commercial and residential land as part of mandated Comprehensive Plan Periodic Review, tentatively scheduled for 1996-1997. Adjustments in supply can be made at that time, as appropriate. So, in the long-term the proposed change should have no impact.
- 3.7 Demonstration of public need for the change: Public need for the change in the Comprehensive Plan designation of the subject property has been evaluated in this staff report under Goal 9, Economy and Goal 10, Housing below.
- 3.8 Demonstration that the proposed amendment will best meet the identified public need versus other available alternatives: There are no alternatives to the proposed change at this time. Any addition to the City's supply of commercial land would have to occur by changing the designation of land now designated for some other use. Such a change must be initiated by a property owner, or by the City. No property owners have suggested a change of their property to commercial use, and the City will not consider legislative changes until the time of scheduled Periodic Review in 1996-97.
- 3.9 Any additional information as required by the Planning Commission or City Council: The Planning Commission and City Council will be given the opportunity to request additional information at the public hearings scheduled for February 19, 1996, and March 13, 1996. Findings, conclusions, and conditions that address additional information will be written, and presented for adoption by the City Council at their March 27, 1996, meeting, if necessary.

Conclusions

- 3.1 Approval of the proposed Comprehensive Plan map amendment will be based on the elements listed Policy 2 a-h. Consideration of each element is made in this staff report as specified in the findings above.

GOAL 9: ECONOMY

Goal 3: Insure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Albany including commercial, professional, and industrial development.

Policy 1: Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Albany's residents and others.

Findings of Fact

- 3.10 To paraphrase, Goal 3 and Policy 1 require that the City provide an adequate supply of land that can be developed for the full range of commercial uses. At the time the Comprehensive Plan was updated in 1985-87, a background report concluded that "Albany has adequate appropriately zoned and plan designated vacant lands to provide for projected commercial...expansion at least to the end of the planning period."

The Comprehensive Plan (page 125) incorporates this conclusion in a more general conclusion that "the Urban Growth Boundary as acknowledged in 1982, continues to provide sufficient buildable lands for all of the projected needed land uses for the Albany Urban Growth Boundary area." And that "these land use designations also provide sufficient amounts of land in each category to meet the anticipated needs of the community."

- 3.11 The applicant has discovered, however, that these conclusions were based on an inventory of vacant commercial land that has an error in it. Staff agrees an error was made. The supply of vacant land available for commercial use was over-estimated by 30 acres. This means that there were actually 30 fewer acres of vacant land available for commercial development than estimated. (The page from the inventory which has the error is included here as Attachment C. Coincidentally, the error involves the property that is the subject of this application, Map 11S-3W-9D, Tax Lot 100.)
- 3.12 The applicant proposes to change the Comprehensive Plan designation of 12.23 acres of land from Urban Residential Reserve to General Commercial. General Commercial areas are the only areas in which CH (Heavy Commercial) zoning is allowed. The 30 acres of commercial land that were included in the inventory of vacant commercial land in error were identified as being zoned Heavy Commercial.
- 3.13 The applicant has updated the City's inventory of vacant land zoned for Heavy Commercial use, and found that the only parcel larger than 5 acres zoned for Heavy Commercial development is the 9.9 acres of the subject property now zoned as CH. There are only 7 parcels less than 5 acres in size zoned as Heavy Commercial, and all are actually less than one-half acre. (This inventory excludes the old Linn County Fairgrounds, which could be designated CH if certain conditions are met. The 17-acre parcel fairgrounds parcel, however, may not be available given that it may still be used as a fairgrounds for some time.)

Conclusions

- 3.2 At the time the Comprehensive Plan was last updated in 1985-87, an error was made in an inventory of vacant commercial land. Because of this error, the amount of vacant commercial land available for development was over-estimated by 30 acres. If the Comprehensive Plan designation of the subject property is changed from Urban Residential Reserve to General Commercial, the amount of vacant land available for commercial development will be closer to the 1985-87 estimate which led to the Comprehensive Plan conclusion that there would be an adequate amount of commercial land available through the end of the planning period (2005).

GOAL 10: HOUSING

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

Policy 1: *Ensure that there is an adequate supply of residentially zoned land in areas accessible to employment and public services to provide a variety of choices regarding type, location, density, and cost of housing units commensurate to the needs of city residents.*

Findings of Fact

- 3.14 As discussed above, the Comprehensive Plan concludes that at the time the Plan was last revised in 1985-87, there was a sufficient amount of land of each type (including residential) to meet the anticipated needs of the community.
- 3.15 The Comprehensive Plan, on page 125, shows that there were 7,403 acres of land within the Urban Growth Boundary designated for residential use. Of that amount 3,238 acres were already developed, which means that there were still 4,165 acres of vacant residential land. It was projected that only 1,298 acres would be needed for development through the year 2005. That means there was a surplus of approximately 2,867 acres of land designated for residential use.
- 3.16 The applicant proposes to change the Comprehensive Plan designation of 12.23 acres of land from Urban Residential Reserve to General Commercial, which will decrease the amount of vacant land designated on the Comprehensive Plan map for residential development.

Conclusions

- 3.3 Given that there was a surplus of approximately 2,867 acres of land designated for residential use at the time of the last Comprehensive Plan update, a decrease of 12.23 acres would make an insignificant difference (less than 1 percent) in the supply.

Summary Conclusions for Review Criteria (3)(a)

- 3.4 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, because if the designation of the subject property is changed from Urban Residential Reserve to General Commercial:
- a. The City's inventory of vacant commercial land will be closer to that which allowed the conclusion of the Comprehensive Plan that there was an adequate amount of commercial land available, and
 - b. The City's inventory of vacant residential land will be decreased by an insignificant amount.
- b. The requested designation is consistent with any relevant area plans adopted by the City Council.***

Findings of Fact

- 3.17 This criterion refers to area plans "adopted by the City Council." There are no area plans which include the subject property that have been adopted by the City Council. There is, however, one area plan, not adopted, but "accepted" by the City Council that includes the subject property: the East I-5 Vision.

The East I-5 Vision shows a generalized pattern of recommended land uses. The Vision shows the northerly area of the subject property as commercial and the southerly area as residential. If the proposed Comprehensive Plan map amendment is made, the land use pattern would continue to conform generally with this land use pattern.

- 3.18 There is another area plan (not yet adopted by the City Council), the East I-5 Infrastructure Study, that includes the subject property, but the proposed Comprehensive Plan amendment does not create the need for utility systems (infrastructure), so they are not discussed here. As part of a concurrent subdivision application, however, sanitary sewer, water, and street systems are proposed by the applicant, and these conform with the East I-5 Infrastructure Study recommendations.

Conclusions

- 3.6 There is an area plan that includes the subject property, the East I-5 Vision, but it has not been "adopted" by the City Council. Nevertheless, if the proposed Comprehensive Plan map amendment is made, the land use pattern will be generally consistent with the land use pattern recommended in the Vision.
- 3.7 This criterion is not applicable, because there are no relevant area plans that include the subject property which have been adopted by the City Council.

c. The requested designation is consistent with the Comprehensive Plan map pattern.

Findings of Fact

- 3.19 The Comprehensive Plan map pattern on the subject property is General Commercial on the northerly area of the property and Urban Residential Reserve on the southerly area of the property.
- 3.20 The applicant proposes to move the existing boundary between the General Commercial area of the property and the Urban Residential Reserve approximately 500 feet south.

Conclusions

- 3.9 The proposed change to move the boundary between land now designated General Commercial and land now designated Urban Residential Reserve preserves the basic pattern of the Comprehensive Plan map, but increases the depth of General Commercial land. This change preserves the basic pattern of the map, so is consistent with it.

d. The requested designation is consistent with the Statewide Planning Goals.

Findings of Fact

Applicable Statewide Planning Goals are listed below, with findings that address each of them.

- 3.22 **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.*

If the Comprehensive Plan designation of the subject property is changed from Urban Residential Reserve to General Commercial it will allow more opportunity for heavy commercial development, where it has been determined that there is only one 9.9 acre parcel larger than 5 acres, and only 7 parcels less than 5 acres (all less than one-half acre), that are currently zoned for that use within the Urban Growth Boundary.

- 3.23 **GOAL 10: HOUSING** - *To provide for the housing needs of citizens of the state.*

The proposed change in the Comprehensive Plan designation of the subject property will result in a decrease of less than 1 percent in the amount of land available for residential development.

Conclusions

- 3.10 The proposed Comprehensive Plan amendment is consistent with Statewide Planning Goals 9 and 10 because it will allow more opportunity for heavy commercial development where it has been determined that additional opportunities are needed, and will not reduce the amount of land available for residential use by a significant amount.

- 2.220 (4) ***The director may initiate a review through the Type I procedure for the types of corrections to the Comprehensive Plan Map listed below:***

- (a) ***The correction may be made for mapping errors such as:***

1. ***A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches;***
2. ***The line on the map does not match the legal description or map shown or referenced in the ordinance which applied the designation; or***
3. ***When there is a discrepancy between maps and there is clear legislative intent for where the line should be.***

- (b) ***The correction may be made when a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar items. Map line changes in these cases must not be more than a minor change to the map pattern and must not result in any significant impacts to abutting lots.***

Findings of Fact

- 4.1 The subject application does not involve a mapping error or the location of a reference item that has since been moved.

Conclusions

- 4.1 This criterion is not applicable, because the subject application does not involve a mapping error or the location of a reference item that has since been moved.

ZC-06-95: ZONING MAP AMENDMENT

APPROVAL STANDARDS

Zoning map amendments will be approved if the review body finds the applicant has shown that certain review criteria are met. The applicable review criteria are listed in Albany Development Code (ADC) Section 2.550. Review criteria will be written in ***bold italic***, followed by proposed findings and conclusions. Where attachments are referred to here, the reference is to attachments submitted with the application (for example, Attachment 10b.)

- 2.550 (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 in accordance with Section 2.080. [The "Section 2.080" reference in the review criterion is in error, Section 2.080 lists the review criteria for an Adjustment. The reference should be to ADC Section 2.090 - 2.220.]***

Findings of Fact

- 1.1 The applicant proposes to change the zoning map designation of 12.23 acres of the subject 37.43-acre parcel from RM-3 (Residential Multiple Family) to CH (Heavy Commercial), and 6.32 acres of the same parcel from RS-6.5 (Residential Single Family) to RM-3. (A drawing showing the proposed changes is included here as Attachment D.)
- 1.2 The proposed RM-3 zoning designation is consistent with the existing Urban Residential Reserve Comprehensive Plan designation of the property to which the RM-3 designation would be applied.
- 1.3 The proposed CH (Heavy Commercial) designation of the 12.23 acres is not consistent with its current Comprehensive Plan designation of Urban Residential Reserve, but the applicant has applied for a concurrent Comprehensive Plan map amendment to change the designation of the 12.23 acres to General Commercial. CH zoning is consistent with the General Commercial Comprehensive Plan designation.

Conclusions

- 1.1 This criterion is met, because:
 - a. The proposed RM-3 zoning designation is consistent with the existing Urban Residential Reserve Comprehensive Plan designation of the property to which the RM-3 designation would be applied.
 - b. A Comprehensive Plan map amendment has been applied for that would change the Comprehensive Plan designation of 12.23 acres of the 37.43 acre subject property to General Commercial. The proposed CH zoning designation is consistent with the General Commercial designation.

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

Findings of Fact

- 2.1 The Albany Development Code (ADC) provides certain requirements and standards which insure that the City's transportation system will be adequate to accommodate the additional pedestrian and vehicle traffic generated by proposed development. These ADC standards; review of the Comprehensive Plan Master Street Plan; a traffic impact analysis, if required; and review of the City's Parks Master Plan provide the criteria for evaluation of adequacy of transportation. Compliance with these standards and requirements establishes that the transportation system is adequate to accommodate vehicle and pedestrian traffic.
- 2.2 Comprehensive Plan Plate 12: Master Street Plan shows no planned arterial or collector streets across the subject property.
- 2.3 A traffic impact analysis was not required with this application, because the "East I-5 Infrastructure Study" done in 1995 by engineering consultants CH2M Hill for the City was deemed adequate by the City Engineer to estimate future traffic volumes.
- 2.4 The City's Parks Master Plan shows no planned bike ways in the vicinity of, or across, the subject property.
- 2.5 ADC 12.060 provides that "No development shall occur unless the development has frontage on or approved access to a public street currently open to traffic." (Land divisions are defined as "development" in the ADC glossary). The subject property has access to Highway 20, a public street currently open to traffic.
- 2.6 The applicant has submitted a concurrent Tentative Subdivision Plat application. A subdivision is defined as "development" in the ADC glossary, so as part of the review of the tentative plat application, needed improvements to Highway 20 have been identified. Construction of the improvements has been made a condition of approval of the subdivision plat. It is anticipated that required improvements will be made prior to final plat approval, so they are considered "anticipated" for the purposes of review under this criterion. The improvements are those identified in Finding of Fact 2.6 below.
- 2.7 At a pre-application meeting on May 17, 1995, Lew Morehead of ODOT, stated that Highway 20 needs to be 40 feet wide south of centerline, and that curb and gutter must be constructed along the south edge of the pavement at the time development occurs on the property. (At a May 17, 1994 pre-application meeting it was stated that a 37-foot width would be needed.) Storm drainage that carries run-off to a suitable discharge point will be required by ODOT. Highway 20 is not now constructed to these standards.
- 2.8 ADC 12.060-12.280 require certain on-site street improvements at the time of development. The type of improvements required depend on the type of development proposed. (The applicant has submitted a concurrent tentative subdivision plat application, and the proposed on-site street improvements have been reviewed as part of the staff report for that application, M1-12-95).

Conclusions

- 2.1 It is anticipated that the improvements to Highway 20 referenced above will be made at the time the subject property is developed. Therefore, these improvements are considered "anticipated" for the purposes of review under this criterion. If the anticipated improvements

to Highway 20 are made, transportation facilities will be adequate for uses that are permitted under the proposed zone designation. Required on-site street improvements are determined at the time it proposed to develop the property.

- 2.550 (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.**

Findings of Fact

- 3.1 ADC Sections 12.360-12.585 require that public improvements, including water, sanitary sewer, and storm drains, meet certain requirements and standards. These requirements and standards will be applied at the time development occurs on the subject property.

The applicant has submitted a concurrent Tentative Subdivision Plat application. A subdivision is defined as "development" in the ADC glossary, so as part of the review of the tentative plat application, needed public improvements have been identified. Construction of these public improvements has been made a condition of approval of the subdivision plat. It is anticipated that required improvements will be made prior to final plat approval, so they are considered "anticipated" for the purposes of review under this criterion. The improvements are listed below for information.

- a. **Sanitary Sewer:** An 8-inch sanitary sewer line must be extended from the end of the existing 8-inch line on the south side of Santiam Highway across the full frontage of the subject property, to its east boundary. This line must be extended at minimum grade and maximum depth to allow for future extension. The final design and location of this public sanitary sewer must be reviewed and approved by both the City Engineer and ODOT.
 - b. **Water:** A 12-inch water line shall be extended from the existing 12-inch line on the south side of Highway 20, across the Highway 20 frontage of the subject property to its east boundary. A 24-inch water line shall be extended from Highway 20, south along the proposed north/south street from the new 12-inch water line, to the intersection of the future east/west street. The final design and location of these lines must be reviewed and approved by the City Engineer.
 - c. **Storm Drainage:** The roadside ditch along the south side of Highway 20 must be replaced with a piped system. The design and location of this pipe must be approved by the City Engineer and ODOT. The applicant shall arrange to have the easement for the storm drain pipe to West Cox Creek dedicated to the public. The design and location of this proposed pipe must be approved by the City Engineer.
- 3.2 **Schools:** If the zoning designation of 12.23 acres of the 37.43-acre subject property is changed from RM-3 (Residential Multiple Family) to (CH) Heavy Commercial, and 6.32 acres of the property is changed from RS-6.5 (Residential Single Family) to RM-3, the net result is a decrease in the potential amount of residential development that can occur on the property. This will result in a decrease in demand for school space, so the proposal will create no new demand.
- 3.3 **Police protection:** The Planning Division has provided notice of the subject application, and an opportunity for the Albany Police Department to comment. ADC 1.215 provides that "if

the agency or city department does not comment within 10 days..., the agency or city department is presumed to have no comments or objections." The Police Department has not returned comments, so they are presumed to have no comments or objections.

- 3.4 **Fire protection:** The Planning Division has provided notice of the subject application, and an opportunity for the Fire Department to comment. The Fire Department has requirements that will must be met at the time the subject property is developed. (In this case, the requirements must be met when the subdivision is developed.)

Conclusions

- 3.1 It is anticipated that the street, sanitary sewer, water, and storm drainage improvements described above will be made at the time the subject property is developed. Therefore, these improvements are considered "anticipated" for the purposes of review under this criterion. With the anticipated improvements these services can accommodate potential development within the subject area without adverse impact on the affected service area.
- 3.2 There will be no increase in demand for school space as a result of the proposed zoning map amendment.
- 3.3 Police and fire services are currently adequate to accommodate potential development within the subject property without adverse impact on the affected service area.
- 3.4 This criterion is met, because police and fire service can be provided to the subject property, and street, sanitary sewer, water, and storm drain services can serve the subject property without adverse impact on the affected service area if anticipated improvements are made.

2.550 (4) *Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, historic district will not be jeopardized as a result of the proposed rezoning.*

Findings of Fact

- 4.1 **Floodplains:** Comprehensive Plan Plate 5: Floodplains, shows no areas within the 100-year floodplain on the subject property. However, FEMA/FIRM Community Panel No. 410137 0002 E, dated March 16, 1989, shows the property within Zone A, an area inundated by a 100-year flood, but no base flood elevation determined.

Simply changing the zoning designation of 12.23 acres of the subject property from RM-3 (Residential Multiple Family) to CH (Heavy Commercial) and 6.32 acres from RS-6.5 (Residential Single Family) to RM-3 will have no impact on floodplain areas of the property. Albany Development Code (ADC) Sections 6.070-6.160 regulate development in floodplain areas and will be applied at the time the property is developed. (ADC regulations are addressed in the staff report for the concurrent Tentative Subdivision Plat application which follows this review of the proposed Zoning Map Amendment application.)

- 4.2 **Slopes:** The subject property is relatively flat, except that the southerly 300 feet rises significantly in elevation. The elevation of the property falls from Highway 20 south, from approximately elevation 233 to 229, then rises from elevation 229 to 238 feet across the southerly 300 feet of the property. (Attachment 10c, page 6)

- 4.3 **Wetlands:** Comprehensive Plan Plate 6: Wetland Sites shows no wetlands on the subject property. However, the U.S. Department of Interior, Fish and Wildlife Service, National Wetlands Inventory, dated 1994, shows wetlands on the property.

In 1988, the City asked the Oregon Division of State Lands to determine whether the log pond (which is shown as a wetland on the National Wetland Inventory) was subject to regulation by the State's Removal/Fill law. The DSL response was that the wetland was not subject to regulation. The City then notified one of the owners of the subject property of that determination, and further concluded that the wetland would not be subject to City regulation either. The applicants have submitted copies of the correspondence relating to these determinations with their application.

The Planning Division has asked DSL to confirm that the old log pond is not subject to regulation, because, in general, wetland determinations by DSL are valid for a period of five years only. DSL has not yet responded, but it is expected that the log pond is still not a considered a jurisdictional wetland, particularly since it has been filled in since the previous DSL determination. The City may approve zoning map amendments without a determination by DSL regarding wetlands, if the applicant and property owner are advised of the possible presence of wetlands and the potential need for state and federal permits. This will be done in the conditions of approval.

- 4.4 **Vegetation:** Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat shows an area of concern along the westerly boundary of the subject property.

The applicant states that the vegetation on the property varies considerably within the site and is fairly dense in some areas, and that the bulk of the property is covered by grass, weeds and brambles, while taller trees are located along the south and east property lines.

Planning Division staff visited the site on February 9, 1996 and found no significant vegetation or wildlife habitat. Vegetation on the site consists of tall grass, blackberries, and fewer than 20 trees, none larger than 6 inches in diameter.

- 4.5 **Historic District:** Comprehensive Plan Plate 9: Historic Districts shows that the subject property is not within a historic district, and the City's Preservation Planner states that there are no known historic or archaeological sites on the property.

Conclusions

- 4.1 Comprehensive Plan Plate 6: Wetland Sites shows no wetlands on the subject property. The U.S. Department of Interior, Fish and Wildlife Service, National Wetlands Inventory (NWI), dated 1994, shows wetlands on the property. However, in 1988 the Oregon Division of State Lands determined the wetlands shown on the NWI are not subject to their jurisdiction and permit requirements. The City has notified DSL of the subject application, and expects a response before a final decision is made on this application. Until it is certain that the wetlands are not subject to regulation, the applicant and property owner will be advised in the conditions of approval that permits may be required.
- 4.2 There are no steep slopes, no special vegetation, and no special historic sites on the subject property.

Conditions

- 4.1 The U.S. Department of Interior, Fish and Wildlife Service, National Wetlands Inventory, dated 1994, shows wetlands on the subject property. The applicant is advised that the property may be subject to regulation by the Oregon Division of State Lands and U.S. Corps of Engineers, and permits may be required from these agencies.

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

Findings of Fact

- 5.1 The applicant proposes to change the zoning designation of 12.23 acres of the 37.43-acre subject property from RM-3 (Residential Multiple Family) to CH (Heavy Commercial), and 6.32 acres of the property from RS-6.5 (Residential Single Family) to RM-3.
- 5.2 The intent of commercial zoning districts is to provide land for commercial uses. The differences among the zones (such as CH and NC, Neighborhood Commercial) in the permitted uses and development standards relate to the intensity of commercial development. The purpose of the CH zoning district is to allow commercial uses which have community or regional markets. [ADC 4.020 (5)]
- 5.3 The intent of residential zones is to preserve land for housing. The Development Code preserves the character of neighborhoods by providing seven zones with different density standards. The purpose of the RM-3 zoning district is to allow medium to high density urban residential development. Development should occur at 20-40 units per acre. [ADC 3.020(6)]
- 5.4 The following Comprehensive Plan goals and policies are relevant to review of the subject application, and each will be treated as a separate review criterion.

GOAL 9: ECONOMY

Goal 3: *Insure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Albany including commercial, professional, and industrial development.*

Policy 1: *Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Albany's residents and others.*

Findings of Fact

- 5.5 To paraphrase, Goal 3 and Policy 1 require that the City provide an adequate supply of land that can be developed for the full range of commercial uses. At the time the Comprehensive Plan was updated in 1985-87, a background report concluded that "Albany has adequate appropriately zoned and plan designated vacant lands to provide for projected commercial...expansion at least to the end of the planning period."

The Comprehensive Plan (page 125) incorporates this conclusion in a more general conclusion that "the Urban Growth Boundary as acknowledged in 1982, continues to provide sufficient

buildable lands for all of the projected needed land uses for the Albany Urban Growth Boundary area." And that "these land use designations also provide sufficient amounts of land in each category to meet the anticipated needs of the community."

- 5.6 The applicant has discovered, however, that these conclusions were based on an inventory of vacant commercial land that has an error in it. Staff agrees an error was made. The supply of vacant land available for commercial use was over-estimated by 30 acres. This means that there were actually 30 fewer acres of vacant land available for commercial development than estimated. (The page from the inventory which has the error is included here as Attachment C. Coincidentally, the error involves the property that is the subject of this application, Map 11S-3W-9D, Tax Lot 100.)
- 5.7 The applicant proposes to change the zoning designation of 12.23 acres of land from RM-3 (Residential Multiple Family) to CH (Heavy Commercial). The 30 acres of commercial land that were included in the inventory of vacant commercial land in error were identified as being zoned Heavy Commercial.
- 5.8 The applicant has updated the City's inventory of vacant land zoned for Heavy Commercial use, and found that the only parcel larger than 5 acres zoned for Heavy Commercial development is the 9.9 acres of the subject property now zoned as CH. There are only 7 parcels less than 5 acres in size zoned as Heavy Commercial, and all are actually less than one-half acre. (This inventory excludes the old Linn County Fairgrounds, which could be designated CH if certain conditions are met. The 17-acre parcel fairgrounds parcel, however, may not be available given that it may still be used as a fairgrounds for some time.)

Conclusions

- 5.1 At the time the Comprehensive Plan was last updated in 1985-87, an error was made in an inventory of vacant commercial land. Because of this error, the amount of vacant commercial land available for heavy commercial development was over-estimated by 30 acres. If the zoning designation of 12.23 acres of the subject property is changed from RM-3 to CH, the amount of vacant land zoned for heavy commercial development will be closer to the 1985-87 estimate which led to the Comprehensive Plan conclusion that there would be an adequate amount of land available through the end of the planning period (2005).

GOAL 10: HOUSING

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

Policy 1: *Ensure that there is an adequate supply of residentially zoned land in areas accessible to employment and public services to provide a variety of choices regarding type, location, density, and cost of housing units commensurate to the needs of city residents.*

Findings of Fact

- 5.9 As discussed above, the Comprehensive Plan concludes that at the time the Plan was last revised in 1985-87, there was a sufficient amount of land of each type (including residential) to meet the anticipated needs of the community.

- 5.10 The applicant proposes to change the zoning designation of 12.23 acres of the 37.43-acre subject property from RM-5 (Residential Multiple Family) to CH (Heavy Commercial), and change the zoning designation of 6.32 acres of the same property from RS-6.5 to RM-3. The result is a net decrease of 5.91 acres in vacant land zoned for RM-3 development, and a decrease of 6.32 acres of vacant land zoned for single-family development.
- 5.11 However, as discussed in Findings of Fact 5.6 and 5.7 above, there was an error in the vacant land inventory done at the time the Comprehensive Plan was last updated in 1985-87. Thirty (30) acres of the subject property were counted as Heavy Commercial, when in fact, they were zoned RM-3. This most likely means that there were actually 30 more acres of RM-3 available for development than calculated.
- 5.10 The Comprehensive Plan, on page 125, shows that there were 7,403 acres of land within the Urban Growth Boundary designated for residential use. Of that amount 3,238 acres were already developed, which means that there were still 4,165 acres of vacant residential land. It was projected that only 1,298 acres would be needed for development through the year 2005. This means that there was a surplus of approximately 2,867 acres of land designated for residential use. All of the vacant residential land outside the city limits, and inside the Urban Growth Boundary, when annexed comes into the City as RS-6.5, so most of the surplus residential land can be designated for single-family use with no zone change required at the time of annexation.

Conclusions

- 5.2 An error that counted land actually zoned RM-3 as land zoned CH was made in the commercial land inventory at the time the Comprehensive Plan was last reviewed. The Comprehensive Plan concluded that there was an adequate supply of land "for all of the projected needed land uses" (including RM-3) based on this inventory. So it is likely that there was 30 acres more vacant RM-3 land available than counted by the inventory. So, if the supply is decreased by 5.91 acres as proposed by the applicants, there should still be an adequate supply.

Summary Conclusions for Review Criteria (5)

- 5.1 The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan because if the zoning designation of 12.23 acres of the 37.43-acre subject property is changed from RM-5 (Residential Multiple Family) to CH (Heavy Commercial), and the zoning designation of 6.32 acres of the same property is changed from RS-6.5 to RM-3, the City's inventory of vacant land zoned for CH and RM-3 will be closer to that which allowed the conclusion of the Comprehensive Plan that there was an adequate amount of land available of each type (including CH and RM-3) to meet the anticipated needs of the community.

M1-12-95: TENTATIVE SUBDIVISION PLAT

APPROVAL STANDARDS

The approval standards relevant to review of this application are found in the Albany Development Code (ADC), the Albany Comprehensive Plan, and Oregon Administrative Rules (OAR). ADC Section 11.180 lists five review criteria for tentative plat approval; Comprehensive Plan Goal 12, Policy 3 is relevant; and OAR Sections 660-12-045 (3), and (4)(a)-(e) may apply to the decision. Approval of a tentative plat will be granted if the review body finds that the applicants have met all of these approval standards which apply to the development.

ADC review criteria have been derived from, and are based on the Albany Comprehensive Plan. Reviews against the goals and policies of the Comprehensive Plan are not required unless specifically stated. Fulfillment of all requirements and review criteria means the proposal is in conformance with the Comprehensive Plan. [ADC 2.020(1)]

The review criteria and other approval standards are listed below, in ***bold italic***, followed by proposed findings of fact and conclusions. Where attachments are referred to here, the reference is to attachments submitted with the application (for example, Attachment 10c).

ADC Section 11.180 Tentative Plat Review Criteria

- (1) ***Development of any remainder of property under the same ownership can be accomplished in accordance with the Albany Development Code.***

Findings of Fact

- 1.1 The proposed subdivision would divide all of the property owned by the applicants. Lots 1,2,3, and 4 are apparently not intended to be divided further. Lot 5, however, can be divided further, and if that is done, streets, sanitary sewers, waterlines, and storm drain facilities will need to be extended to serve new lots. (A copy of the tentative subdivision plat is included here as Attachment E.)
- 1.2 The applicant has shown on the tentative plat (Attachment 14a) how Lot 5 can be served with a street that will provide access to new lots. The applicant has also shown sewer lines, waterlines, and storm drain lines (Attachment 14b) that can be extended to serve new lots.

Conclusions

- 1.1 This criterion is met, because it appears that only Lot 5 is intended to be divided further, and the applicant has shown how Lot 5 can be served with streets, and the proposed sanitary sewer, water, and storm drain facilities can be extended, so that further development can occur in accordance with the Albany Development Code.

- (2) ***Adjoining land can be developed or is provided access that will allow its development in accordance with the Albany Development Code.***

Findings of Fact

- 2.1 We interpret this criterion to require that adjoining land either have access, or be provided access, that will allow its development in accordance with the Development Code. "In

accordance with the Development Code" means in accordance with ADC 12.060: "No development shall occur unless the development has frontage on or approved access to a public street currently open to traffic."

- 2.2 The subject property is adjoined to the west by Map No. 10S-3W-9D, Tax Lots 200, 800, and 901; to the south by 10S-3W-9D, Tax Lot 900 and 10S-3W-10, Tax Lot 1200; and to the east by 10S-3W-10, Tax Lot 1100. The property is adjoined to the north by Highway 20.
- 2.3 Tax Lots 200, and 1100, referred to above, both have access to Highway 20. Tax Lots 800, 901, 900, and 1200 all have access to Spicer Road.

Conclusions

- 2.1 This criteria is met, because each property that adjoins the subject property has access to a public street now open to traffic, and can be developed in accordance with ADC 12.060.

(3) ***The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.***

Albany Comprehensive Plan Goal 12, Transportation Policy 3, is relevant to this review criterion. Policy 3 states "As part of the development review process, evaluate the adequacy of transportation to, from, and within the site."

Findings of Fact

Proposed Street Plan

- 3.1 The proposed street plan shows a street extending south through the subject property from Highway 20 to the southern boundary of Lots 3 and 4, then a "66' Future Right-of-Way" extending south to the southern boundary of the property. This street lines up with the existing Goldfish Farm Road across Highway 20 to the north. The tentative plat also shows a "60' Reservation for Future Street Dedication" east/west across the width of the subject property along the southern boundary of Lots 3 and 4. If extended to the west, it appears the street would run into a pond.
- 3.2 Engineering consultants CH2M Hill completed the "East I-5 Infrastructure Study," dated May 1995, that identifies the proposed north/south street and the proposed east/west street as part of the future street network. "The continued easterly extension of 15th and the construction of Goldfish Farm Road to the south are expected to be future roadway improvements." (Page 8) The CH2M Hill study also states that "the extension of Goldfish Farm Rd. should be ultimately five lanes from Highway 20 to the future east-west road, then three lanes south to Spicer Drive."
- 3.3 The study identifies the need for a new traffic signal at Highway 20 and Goldfish Farm Rd. (Section 2, Transportation Analysis for East I-5 Infrastructure Engineering Study, page 21)
- 3.4 The study also recommends that on-street parking be prohibited on all major streets in the study area. (Page 6) This recommendation will be made a condition of approval of the proposed subdivision.

3.5 Expected traffic volumes result in the classification of the north/south Goldfish Farm Rd. extension as an arterial street.

3.6 The Albany Development Code (ADC) requires certain design standards to insure that street plans are economic, safe, and efficient for vehicles and pedestrians. These standards also provide the criteria for evaluation of adequacy of transportation within the site. Compliance with these standards, and ADC 12.290 (which requires sidewalks), establishes that transportation within the site is adequate, and that the proposed street plan is economic, safe, and efficient. The following ADC standards are relevant to review of the proposed street plan:

- a. ADC 11.090(5). Lot and Block Arrangements: Blocks shall not exceed 1200 feet in length without street separation and shall not exceed 800 feet without improved pedestrian way separation...

The proposed street plan creates two blocks. These blocks are approximately 600 feet in length.

- c. ADC 12.120. Right-of-Way and Roadway Widths: Street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the table included with this section. Where a range of widths is indicated in the table, the width shall be determined by the City Engineer. The minimum right-of-way width for Arterial streets is shown as 70-120 feet, and the minimum roadway width is shown as 40-70 feet.

The tentative plat shows the right-of-way width for the north/south street as 85 feet. A street width of 74 feet is shown. The applicant stated at the Planning Commission public hearing on February 19, 1996 that this right-of-way should be narrowed so that it is the minimum needed to accommodate the street widths identified in Findings below.

The applicant states (Attachment 10c) that "the north-south road will extend southerly from Highway 20 as a 5-lane section as recommended by the East I-5 Infrastructure Study." However, the City Engineer has determined that four lanes, instead of the five lanes recommended in the CH2M Hill study, will be adequate to accommodate the expected traffic volume on the north-south street for 200 south of Highway 20; and then three lanes will be adequate to the proposed east-west street. This determination is based on the following:

The proposed project is a subdivision application to create 4 lots zoned Heavy Commercial (CH) containing 3.00 acres (2), 2.96 acres and 1.96 acres; and one large parcel containing 26.26 acres with Heavy Commercial (CH) and Residential Multiple Family (RM-3) zoning. The project when developed is estimated to generate 9,519 vehicle trips per day. During the peak P.M. hour the project will generate 560 incoming trips, and 388 exiting trips.

The proposed north/south street (Gold Fish Farm Road) will need three lanes, including a continuous left turn lane. The left turn lane is needed due to the large number of trips generated by the project and the need to reduce the impact the impact of turn movements from driveways. Warrants for signal installation will be exceeded prior to full development of the project, and may be exceeded by development of lots 1-4, depending upon the intensity of use.

Using criteria in AASHTO's "A Policy on Geometric Design of Highways and Streets" and peak hour traffic estimates for the site, a northbound left turn refuge onto Highway 20 of

approximately 400 feet is needed. A turn refuge of this length would extend past the frontage of lots 1 and 2, and restrict ingress and egress during peak hours. In order to provide safe and adequate access to lots 1 and 2, a dual northbound left turn refuge of approximately 200 feet will be needed.

The four-lane section of Goldfish Farm Rd. will need a curb-to-curb width of 60 feet in order to accommodate four 12-foot wide vehicle lanes and two 6-foot wide bicycle lanes. Right-of-way width should be 84 feet in order to accommodate 6-foot wide setback sidewalks with 5.5-foot landscape strips. Public utilities would be installed under the sidewalk and within the landscape strip. If 7-foot attached sidewalks are installed, 84 feet of right-of-way would still be needed in order to accommodate public utilities in a 5-foot area behind the sidewalk. Section 12.120 of the Development Code indicates that public utility easements are acquire only on streets with right-of-way widths less than 60 feet. Streets with right-of-way widths larger than 60 feet are expected to provide sufficient room for public utilities within the right-of-way.

The three-lane section of Goldfish Farm Rd. will need a curb-to-curb width of 48 feet in order to accommodate three 12-foot wide vehicle lanes and two 6-foot wide bicycle lanes. Right-of-way widths should be 72 feet in order to accommodate 6-foot wide setback sidewalks with 5.5-foot wide landscape strips.

- d. ADC 12.170. Intersections: Streets must be laid out so as to intersect as nearly as possible at right angles.

The intersection of the north/south extension of Goldfish Farm Rd. and Highway 20, and the intersection of Goldfish Farm Rd. and the proposed future east/west street are both approximately 90 degrees.

- g. ADC 12.210. Slopes and Curves: Slopes shall not exceed 6 percent on arterials. In flat areas, allowance shall be made for finished grades having a minimum slope of at least 0.5 percent, where possible.

No proposed street grades are shown on the tentative plat, so the requirements of ADC 12.210 will be made conditions of approval.

- h. ADC 12.290. Sidewalks: All development for which land use applications are required by Section 1.060 must include sidewalks adjacent to public streets. (Development, as defined in the ADC glossary, includes land divisions). In the case of arterial or collector streets, sidewalks must be built during their construction. ADC 12.300 states that the required width for sidewalks on arterial streets is seven feet, but that this width may be reduced to six feet if the sidewalk is separated from the curb by a landscaped planter strip at least five feet wide.

The applicant states (Attachment 10d, page 2) that "seven foot sidewalks will be constructed along both sides of Goldfish Farm Road at the time of street improvements." The City Engineer, however, recommends that six foot sidewalks be constructed separated from the curb by a landscaped planter strip at least five feet wide, because future residential development to the south will generate pedestrian traffic, and set back sidewalks provide a more suitable pedestrian environment.

The subject property is within the East I-5 Vision Study area. The Vision stresses the need for aesthetically attractive tree-lined streets within both the industrial and residential areas. Attached sidewalks discourage pedestrian travel due to high noise levels, vehicle spray in wet weather, and the perception of hazard. The southern 6 acres of the subject property will be zoned RM-3 (Residential Multiple Family) if the concurrent zoning map amendment is approved, which offers a valuable opportunity to encourage pedestrian travel between the commercial and residential areas.

- i. ADC 12.340 Bikeways: In the case of arterial or collector streets, bikelanes shall be built during their construction. ADC 12.350 requires that the minimum width for bikeways shall be six feet per travel lane where adjacent to a curb.

The applicant states (Attachment 10d, page 2) that "a five foot wide bikeway will be constructed along each side of the street adjoining the curbs..."

Adequacy of Transportation

- 3.7 The Albany Development Code (ADC) provides certain requirements and standards which insure that the City's transportation system will be adequate to accommodate the additional pedestrian and vehicle traffic generated by proposed development. These ADC standards; review of the Comprehensive Plan Master Street Plan; a traffic impact analysis, if required; and review of the City's Parks Master Plan provide the criteria for evaluation of adequacy of transportation to and from the site. Compliance with these standards and requirements establishes that the transportation system is adequate to accommodate vehicle and pedestrian traffic to and from the site.
- 3.8 Comprehensive Plan Plate 12: Master Street Plan shows no planned arterial or collector streets across the subject property.
- 3.9 A traffic impact analysis was not required, because the CH2M Hill study referenced above was deemed adequate by the City Engineer to estimate future traffic volumes.
- 3.10 The City's Parks Master Plan shows no planned bike ways in the vicinity of, or across, the subject property.
- 3.11 ADC 12.060 provides that "No development shall occur unless the development has frontage on or approved access to a public street currently open to traffic." (Land divisions are defined as "development" in the ADC glossary). The proposed subdivision has access to Highway 20, a public street currently open to traffic.
- 3.12 At a pre-application meeting on May 17, 1995, Lew Morehead of ODOT, stated that Highway 20 needs to be 40 feet wide south of centerline, and that curb and gutter must be constructed along the south edge of the pavement. (At a May 17, 1994 pre-application meeting it was stated that a 37-foot width would be needed.) Storm drainage that carries run-off to a suitable discharge point will be required by ODOT.

The "Subdivision Tentative Plat/Utility Plan" (Attachment 14b) submitted by the applicant shows that a width of 37 feet from the centerline of Highway 20, curb and gutter, and a 6-foot wide sidewalk will be constructed along the frontage of the subject property.

Conclusions

- 3.1 The streets proposed on the tentative plat, and the future street rights-of-way identified on the plat conform with the CH2M Hill "East I-5 Infrastructure Study," that includes the subject property. However, it may be necessary to realign the westerly end of the future east/west street to avoid the existing pond shown on the tentative plat. This realignment would affect the configuration of proposed Lot 4.
- 3.2 The East I-5 Infrastructure study identifies the need for a new traffic signal at Highway 20 and Goldfish Farm Rd. Warrants for the traffic signal should be evaluated with submittal of individual site development proposals. The applicant should sign a petition and waiver covering all lots for participation in a future LID for construction of a traffic signal at Highway 20 and Gold Fish Farm Road.
- 3.3 On-street parking must be prohibited on the proposed north-south street.
- 3.4 The proposed street plan will be adequate, economic, safe, and efficient for vehicles and pedestrians if:
 - a. Street slopes are a minimum of 0.5 percent, and do not exceed 6 percent.
 - b. Four (4) lanes, each twelve feet wide, plus two 6-foot wide bike lanes are constructed for the north/south street for a distance of 200 feet south of Highway 20 (which results in a required street width of 60 feet); and three (3) lanes, each twelve feet wide, plus two 6-foot bike lanes are constructed to the intersection with the proposed east/west street (which results in a street width of 48 feet). The right-of-way necessary to accommodate the four-lane street section is 84 feet, and the right-of-way width needed to accommodate the three-lane section is 72 feet. These right-of-way and street widths conform with the widths shown in ADC 12.120.
- 3.5 The applicant proposes to construct 7-foot wide sidewalks along both sides of the north/south street, but the City Engineer recommends that six foot sidewalks be constructed separated from the curb by a landscaped planter strip at least five feet wide. ADC 12.290 allows either set back sidewalks or sidewalks adjacent to the curb, but the City Council has found that the East I-5 Vision requires set back sidewalks in the area where this subdivision will occur.
- 3.6 The applicant proposes 5-foot wide bike lanes along both sides of the north/south street, but ADC 12.350 requires that the minimum width for bikeways shall be six feet per travel lane where adjacent to a curb. The required bike lanes must be 6 feet wide.
- 3.7 Transportation to and from the proposed subdivision will be adequate, because the applicants have agreed to make improvements to Highway 20 that are required by ODOT. These improvements will be made conditions of approval.

Conditions

- 3.1 Prior to final plat approval, the City Engineer must review and approve the location of the westerly end of the "60' Reservation for Future Street Dedication" shown on the tentative plat to make sure that there is no conflict with the existing pond.

- 3.2 Parking on the proposed north/south street (southerly extension of Goldfish Farm Rd.) shall be prohibited.
- 3.3 The slope of the proposed north/south street shall not exceed 6 percent. Finished grades shall have a minimum slope of at least 0.5 percent, where possible.

Four (4) lanes, each twelve feet wide, plus two 6-foot wide bike lanes shall be constructed for the proposed north/south street for a distance of 200 feet south of Highway 20, the length of the dual left turn refuge (which results in a required street width of 60 feet); and three (3) lanes, each twelve feet wide, plus two 6-foot bike lanes must be constructed to the intersection with the proposed east/west street (which results in a street width of 48 feet). The right-of-way for the four-lane street section shall be 84 feet, and the right-of-way width for the three-lane section shall be 72 feet. The transition in right-of way shall have a minimum length of 50 feet.

- 3.4 Sidewalks shall be constructed along both sides of Goldfish Farm Rd. These sidewalks shall be at least six feet wide, and set back from the curb with a landscaped planter strip at least five feet wide.
- 3.5 The required bike lanes along the proposed north/south street shall be a minimum of 6 feet wide.
- 3.6 Minimum improvements to Highway 20 must include a pavement width of 37 feet from the centerline of Highway 20; curb and gutter; and a 6-foot wide sidewalk along the frontage of the subject property. Final construction drawings must be approved by ODOT and by the City Engineer.
- 3.7 The applicant shall sign a petition and waiver covering all lots for participation in a future LID for construction of a traffic signal at Highway 20 and Gold Fish Farm Road.

(4) *The location and design allows development to be conveniently served by various public utilities.*

Findings of Fact

Sanitary Sewer

- 4.1 Sanitary sewer utility maps indicate that public sanitary sewer service adjacent to this site consists of an 8-inch main on the south side of Highway 20 which ends approximately 550 feet west of the site, and a 12-inch main on the north side of Highway 20 which ends approximately 270 feet west of the site.
- 4.2 ADC 12.490 requires that sewer collection mains be extended along the full length of a property's frontage along a right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion.
- 4.3 ADC 12.500 requires that the City Engineer approve all proposed sewer plans and systems as part of the tentative plat review process.
- 4.4 The City Engineer has determined that sanitary sewer service must be extended from the end of the existing 8-inch line on the south side of Santiam Highway across the full frontage of the subject property, to its east boundary. This line must be extended at minimum grade and

maximum depth to allow for future extension. Final design and location of this public sanitary sewer must be reviewed and approved by both the City Engineer, and by ODOT because it will be located in the ODOT right-of-way. These requirements will be made conditions of approval of the proposed subdivision.

Water

- 4.5 Water utility maps indicate that public water service adjacent to the subject property consists of a 12-inch main which ends approximately 40 feet west of the site.
- 4.6 ADC 12.430 requires that 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 of properties when necessary to provide for service to other properties or to provide looping for fire flows.
- 4.7 ADC 12.440 requires that all proposed water plans and systems be approved by the City Engineer as part of the tentative plat review process.
- 4.8 The current City of Albany Water Master Plan indicates that the existing 12-inch main along Highway 20 should be extended east.
- 4.9 The master plan also indicates that a 24-inch main should be extended south to the proposed east-west road and then west through the site, and that a 16-inch main should be extended from the 24-inch main at the intersection of the east/west street to the southern end of the site.
- 4.10 The Subdivision Tentative Plat/Utility Plan submitted by the applicant (Attachment 14b) shows the 8-inch waterline extension along the Highway 20 frontage of the property, and the 24-inch extension to the intersection of the future east/west street.

The City Engineer has determined that the 24-inch main extension from the intersection of the east/west street then west, and the 16-inch extension south from the intersection can be constructed later, at the time that Lot 5 is further subdivided.

- 4.11 *A 12- or 16-inch diameter sanitary sewer line extension south from Highway 20 is needed to serve the proposed subdivision, but in order to construct an adequate and efficient system, a 24-inch diameter line is needed. The applicant may ask the City Council for a reduction in Systems Development Charges (SDC's) and other fees as compensation for constructing the 24-inch line. The applicant may be eligible for fee reductions equal to the material cost difference between a 12- or 16-inch line and a 24-inch line. [AMC 11.01.120(f), included for reference at the end of this document as Attachment F.]*

Storm Drainage

- 4.11 Storm drainage utility maps indicate that storm drainage adjacent to the subject property consists of a roadside ditch adjacent to Highway 20, a ditch along the west property line of the site, a shallow pond near the center of the site, and West Cox Creek lying east of the site. The shallow pond is connected to the west property line ditch by an east-west ditch lying just south of proposed Lot 4.

- 4.10 ADC 12.530 requires that all proposed storm sewer plans and systems be approved by the City Engineer as part of the tentative plat review process.
- 4.12 It will be necessary to replace the roadside ditch along the south side of Highway 20 with a piped system to make the road improvements referenced in Finding of Fact 3.12 above. The Utility Plan submitted by the applicant shows a 15-inch storm drain pipe will be constructed. The location and size of this pipe must be approved by the City Engineer, and by ODOT because the pipe will be located in the ODOT right-of-way.
- 4.13 The Utility Plan submitted by the applicant shows a storm drainage system that will drain to West Cox Creek. The applicant has also submitted a copy of an easement that has been granted for the proposed storm drain pipe to the creek by the owners of property that lies between the subject property and the creek. This easement was granted to the owners of the subject property.

ADC 12.360 requires that all utility easements must be public. Therefore, it will be necessary for the applicant to arrange to have the easement for the storm drain pipe to the creek dedicated to the public.

Conclusions

- 4.1 The location and design of the proposed subdivision allows development to be conveniently served by public utilities if:
- a. Sanitary sewer service is extended from the end of the existing 8-inch line on the south side of Highway 20 across the full frontage of the subject property, to its east boundary.
 - b. The existing 8-inch waterline on the south side of Highway 20 is extended along the Highway 20 frontage of the property, and a 24-inch water line is extended from the new 8-inch water line south to the intersection of the future east/west street.
 - c. The roadside ditch along the south side of Highway 20 is replaced with a piped system.
 - d. The applicant arranges to have the easement show on the tentative plat for the storm drain pipe to West Cox Creek dedicated to the public.

Conditions

- 4.1 Sanitary Sewer: An 8-inch sanitary sewer line must be extended from the end of the existing 8-inch line on the south side of Highway 20 across the full frontage of the subject property, to its east boundary. This line must be extended at minimum grade and maximum depth to allow for future extension. The final design and location of this public sanitary sewer must be reviewed and approved by both the City Engineer and ODOT.
- 4.2 Water: An 12-inch water line shall be extended from the existing 12-inch line on the south side of Highway 20, across the Highway 20 frontage of the subject property to its east boundary. A 24-inch water line shall be extended from Highway 20, south along the proposed north/south street from the new 12-inch water line, to the intersection of the future east/west street. The final design and location of these lines must be reviewed and approved by the City Engineer.

A 12- or 16-inch diameter sanitary sewer line extension south from Highway 20 is needed to serve the proposed subdivision, but in order to construct an adequate and efficient system, a 24-inch diameter line is needed. The applicant may ask the City Council for a reduction in Systems Development Charges (SDC's) and other fees as compensation for constructing the 24-inch line. The applicant may be eligible for fee reductions equal to the material cost difference between a 12- or 16-inch line and a 24-inch line. [AMC 11.01.120(f)]

- 4.3 **Storm Drainage:** The roadside ditch along the south side of Highway 20 must be replaced with a piped system. The design and location of this pipe must be approved by the City Engineer and ODOT.

The applicant shall arrange to have the easement for the storm drain pipe to West Cox Creek dedicated to the public. The design and location of this proposed pipe must be approved by the City Engineer.

- (5) *Any special features of the site (such as topography, floodplains, wetlands, vegetation, historic sites) have been adequately considered and utilized.*

Findings of Fact

- 5.1 **Topography:** The subject property is relatively flat, except that the southerly 300 feet rises significantly in elevation. The elevation of the property falls from Highway 20 south, from approximately elevation 233 to 229, then rises from elevation 229 to 238 feet across the southerly 300 feet of the property. (Attachment 10c, page 6)

An abandoned log pond previously existed on the northerly part of the property, but it has been filled in. Slight berms are still present, and a faint outline of the pond can still be seen. A ditch, up to five feet deep, runs east/west through the middle of the property.

Mounds of stockpiled fill have been dumped at various locations within the property. The fill consists of silty gravel with large rocks, concrete, and construction debris.

- 5.2 **Floodplains:** Comprehensive Plan Plate 5: Floodplains, shows no areas within the 100-year floodplain on the subject property. However, FEMA/FIRM Community Panel No. 410137 0002 E, dated March 16, 1989, shows the property within Zone A, an area inundated by a 100-year flood, but no base flood elevation determined.

ADC Sections 6.070-6.160 regulate development in areas subject to inundation by a 100-year flood, so those sections of the Development Code apply to the proposed subdivision. ADC 6.080 states that "when elevation data is not available through FEMA or another authoritative source and the development consists of 4 or more lots..., or 4 or more acres, the applicant shall generate and have certified by a registered engineer the base flood elevation." The proposed development (subdivision) consists of more than 4 lots and more than 4 acres. Determination of the base flood elevation on the subject property will be a condition of approval of the proposed subdivision.

The applicant states that "by observation, it is apparent that the FIRM map designation is incorrect as it is inconsistent with existing contours on the site and adjoining property. Prior to development of the property, a hydraulic study of the area will be completed as necessary to receive FEMA's approval for designated base flood elevations." (Attachment 10c, page 11)

When the base flood elevation is know, it will be determined if the regulations of ADC 6.070-6.160 must be applied. If they do apply, there may be additional conditions of approval of the proposed subdivision, and/or additional land use applications may be needed, along with opportunities for citizen comment (such as public hearings).

ADC 6.130 requires that land divisions (including subdivisions) which contain land within a floodplain district be subject to certain standards. Consistency with those standards is addressed on page 33 of this document.

- 5.3 **Wetlands**: Comprehensive Plan Plate 6: Wetland Sites shows no wetlands on the subject property. However, the U.S. Department of Interior, Fish and Wildlife Service, National Wetlands Inventory, dated 1994, shows wetlands on the property.

In 1988, the City asked the Oregon Division of State Lands to determine whether the log pond (which is shown as a wetland on the National Wetland Inventory) was subject to regulation by the State's Removal/Fill law. The DSL response was that the wetland was not subject to regulation. The City then notified one of the owners of the subject property of that determination, and further concluded that the wetland would not be subject to City regulation either. The applicants have submitted copies of the correspondence relating to these determinations with their application.

The Planning Division has asked DSL to confirm that the old log pond is not subject to regulation, because, in general, wetland determinations by DSL are valid for a period of five years only. DSL has not yet responded, but it is expected that the log pond is still not considered a jurisdictional wetland, particularly since it has been filled in since the previous DSL determination. The City may approve land use applications without a determination by DSL regarding wetlands, if the applicant and property owner are advised of the possible presence of wetlands and the potential need for state and federal permits. This will be done in the conditions of approval.

- 5.4 **Vegetation**: Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat shows an area of concern along the westerly boundary of the subject property.

The applicant states that the vegetation on the property varies considerably within the site and is fairly dense in some areas, and that the bulk of the property is covered by grass, weeds and brambles, while taller trees are located along the south and east property lines.

Planning Division staff visited the site on February 9, 1996 and found no significant vegetation or wildlife habitat. Vegetation on the site consists of tall grass, blackberries, and fewer than 20 trees, none larger than 6 inches in diameter.

- 5.5 **Historic Sites**: Comprehensive Plan Plate 9: Historic Districts shows that the subject property is not within any a historic district, and the City's Preservation Planner states that there are no known historic or archaeological sites on the property.

Conclusions

- 5.1 FEMA/Firm Community Panel No. 410137 0002 E shows the subject property within Zone A, an area inundated by a 100-year flood, but no base flood elevation determined. The applicant must determine the base flood elevation, and have it certified by a registered engineer.

5.2 Comprehensive Plan Plate 6: Wetland Sites shows no wetlands on the subject property. The U.S. Department of Interior, Fish and Wildlife Service, National Wetlands Inventory (NWI), dated 1994, shows wetlands on the property. However, in 1988 the Oregon Division of State Lands determined the wetlands shown on the NWI are not subject to their jurisdiction and permit requirements. The City has notified DSL of the subject application, and expects a response before a final decision is made on this application. Until it is certain that the wetlands are not subject to regulation, the applicant and property owner will be advised in the conditions of approval that permits may be required.

5.2 There is no special vegetation and there are no special historic sites on the subject property.

Conditions

5.1 **Prior to final plat approval**, the applicant shall determine the 100-year base flood elevation, and have it certified by a registered engineer. The applicant must also locate the floodway, so that the applicability of ADC 6.100 may be determined.

When the base flood elevation is know, it will be determined if the regulations of ADC 6.070-6.160 must be applied. If they do apply, there may be additional conditions of approval of the proposed subdivision, and/or additional land use applications may be needed along with opportunities for citizen comment (such as public hearings).

The final plat shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. A statement must be located on or attached to the final plat that reads as follows: "Development of property within the 100-year floodplain as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City."

5.2 The U.S. Department of Interior, Fish and Wildlife Service, National Wetlands Inventory, dated 1994, shows wetlands on the subject property. The applicant is advised that the subject property may be subject to regulation by the Oregon Division of State Lands and U.S. Corps of Engineers, and permits may be required from these agencies.

In addition to the review criteria above, ADC Section 6.130 states that applications within the floodplain district shall also be subject to the standards which follow. It is our interpretation of the word "standards," as used here, that these are not separate review criteria, but that the listed standards serve only as a list of concerns which must be addressed at various stages of the development process. Comments are included here which describe how each standard will be addressed during the course of development of the subject property.

(1) All land division proposals shall be consistent with the need to minimize flood damage.

Comment: The applicant has been required to determine the base flood elevation prior to final plat approval. ADC 6.070-6.160 regulate development in areas subject to inundation by a 100-year flood, so those sections of the Development Code apply to the proposed subdivision.

(2) All land division proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

Comment: The public utilities proposed by the applicant (sanitary sewer, water, and storm drain utilities) will be located underground, and so they will generally not be subject to flood damage.

Gas and electrical systems will be constructed by private utility companies. They will also be located underground, and will generally not be subject to flood damage.

- (3) ***All land division proposals shall have adequate drainage provided to reduce exposure to flood damage.***

Comment: The City Engineer has reviewed and approved the storm drainage plan submitted by the applicant, and has determined that it is adequate. An easement for the storm drain pipe proposed to West Cox Creek must be dedicated to the public as a condition of approval of the subdivision. (Condition 4.3)

- (4) ***Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Code.***

Comment: The floodway associated with the floodplain shown on FEMA/FIRM Community Panel No. 410137 0002 E has not been located. Prior to final plat approval, the applicant will be required to locate the floodway. (Condition of approval 5.2.)

- (5) ***Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.***

Comment: At the time final street construction drawings are reviewed by the City Engineer, this requirement will be applied.

- (6) ***All land divisions or planned developments in the floodplain district shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: "Development of property within the 100-year floodplain as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City."***

Comment: The 100-year base flood elevation has not been established on the subject property, so the tentative plat submitted does not show the required information. The requirements of this section have been made conditions of approval of the final plat (Condition 5.2).

Oregon Administrative Rules (OAR) Sections 660-12-045 (3), and (4)(a)-(e):

(3) ***Local governments shall adopt land use or subdivision regulations for urban areas and rural communities to require:***

(a) ***Bicycle parking facilities as part of new multi-family residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park and ride lots;***

Findings of Fact

1.1 No new multi-family residential developments of four units or more, new retail, office or institutional developments, or transit transfer stations, or park and ride lots are proposed.

Conclusions

1.1 This criterion is not applicable.

(b) ***Facilities providing safe and convenient pedestrian and bicycle access within and from new subdivisions, planned developments, shopping centers and industrial parks to nearby residential areas, transit stops, and neighborhood activity centers, such as schools, parks and shopping. This shall include:***

(A) ***Sidewalks along arterials and collectors in urban areas;***

Findings of Fact

2.1 There is an area to the south of the subject property designated for residential use. There are no transit stops, or neighborhood activity centers near the proposed subdivision.

2.2 It has been determined by the City Engineer that expected traffic volumes result in the classification of the north/south Goldfish Farm Rd. extension as an arterial street, so sidewalks are required along this street. Construction of these sidewalks is a condition of approval of the subdivision. (Condition 3.4 page 22)

Conclusions

2.1 Sidewalks providing safe and convenient pedestrian access within the proposed subdivision will be constructed at the time proposed north/south street is constructed to the north boundary of Lot 5. Sidewalks will be required through Lot 5 at the time the property is subdivided or otherwise developed.

(B) ***Bikeways along arterials and major collectors;***

Findings of Fact

3.1 It has been determined by the City Engineer that expected traffic volumes result in the classification of the north/south Goldfish Farm Rd. extension as an arterial street, so bike lanes are required along this street. Construction of these bike lanes is a condition of approval of the subdivision.

- 3.2 ADC 12.340 and 12.350 require 6-foot wide bike lanes along arterial streets. The applicants propose 5-foot lanes. A condition of approval of the proposed subdivision is the construction of a 6-foot wide bike lane along each side of the proposed north/south street. (Condition 3.5)

Conclusions

- 3.1 Bike lanes providing safe and convenient bicycle access within the proposed subdivision will be constructed at the time proposed north/south street is constructed.

(C) Where appropriate, separate bike or pedestrian ways to minimize travel distances within and between the areas and developments listed above.

- 4.1 ADC 11.090(5) requires a separate pedestrian way separation in blocks that exceed 800 feet, because 800 feet is the maximum distance that pedestrians should have to walk before they are able to access another street. The proposed north/south street is approximately 600 feet long, so the sidewalks along the north/south street will provide access to the proposed lots, and no other pedestrian ways are needed to minimize travel distances. Greater distances are acceptable for bicycles, so no separate bicycle ways are needed either.

Conclusions

- 4.1 No separate bike or pedestrian ways are needed to minimize travel distances within the proposed subdivision.

- 4.2 This criterion is not applicable because separate bike or pedestrian ways are not needed or appropriate.

(c) For purposes of subsection (b) of this section "safe, convenient and adequate" means bicycle and pedestrian routes, facilities and improvements which:

(A) Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips;

(B) Provide a direct route of travel between destinations such as between a transit stop and a store; and

(C) Meet travel needs of cyclists and pedestrians considering destination and length of trip.

Findings of Fact

- 5.1 This section is a definition, therefore, it is not applicable as a review criterion.

(d) Provision of internal pedestrian circulation in new office parks and commercial developments through clustering of buildings, construction of pedestrian ways, skywalks, where appropriate, and similar techniques.

Findings of Fact

- 6.1 No new office parks or commercial developments are proposed.

Conclusions

6.1 This criterion is not applicable.

(4) To support transit in urban areas containing a population greater than 25,000, where the area is already served by a public transit system or where a determination has been made that a public transit system is feasible, local governments shall adopt land use and subdivision regulations to require:

(a) Design of transit routes and transit facilities to support transit use through provision of bus stops, pullouts and shelters, optimum road geometrics, on-road parking restrictions and similar facilities, as appropriate;

Findings of Fact

7.1 The proposed subdivision is not adjacent to an Albany Transit System (ATS) route, and the proposed north/south street is not proposed as a transit route by ATS at this time.

7.2 ADC 12.110-12.210 contains standards for street geometrics which allow streets to accommodate transit vehicles. As discussed under ADC 11.180 Review Criteria (3) above, the proposed subdivision street plan conforms will conform with these requirements, if certain conditions are met.

Conclusions

7.1 The proposed subdivision is not adjacent to, or on, a transit route, so it is not appropriate to require bus stops or pullouts and shelters. The proposed street geometrics will accommodate transit vehicles, with the conditions imposed under Review Criterion (3).

7.2 This criterion is met.

(b) New retail, office and institutional buildings at or near existing or planned transit stops to provide preferential access to transit through the following measures:

(A) Orienting building entrances to the transit stop or station;

(B) Clustering buildings around transit stops; and

(C) Locating buildings as close as possible to transit stops.

Findings of Fact

8.1 No new retail, office, or institutional buildings are proposed.

Conclusions

8.1 This criterion is not applicable.

(c) New industrial and commercial developments to provide preferential parking for carpools and vanpools.

Findings of Fact

9.1 Although the proposed subdivision is defined as "development" by the ADC glossary, this requirement can only be implemented at the time a use is established on the subject property. Until some type of commercial use is established on the subject property, there will be no parking of vehicles of any type.

Conclusions

9.1 This criterion is not applicable.

- (d) ***An opportunity for existing developments to redevelop a portion of existing parking areas for transit oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit oriented developments, and similar facilities, where appropriate.***

Findings of Fact

10.1 The proposed subdivision is not an existing development.

Conclusions

10.1 This criterion is not applicable.

- (e) ***Road systems for new development which can be adequately served by transit, including provision of pedestrian access to existing and identified future transit routes. This shall include, where appropriate, separate bicycle and pedestrian ways to minimize travel distances.***

Findings of Fact

11.1 The proposed subdivision is not adjacent to an existing or identified future transit route.

Conclusions

11.1 This criterion is not applicable.

LAND USE CONDITIONS OF APPROVAL

CP-04-95: COMPREHENSIVE PLAN AMENDMENT

None.

ZC-06-95: ZONING MAP AMENDMENT

Natural Features

- 4.1 The U.S. Department of Interior, Fish and Wildlife Service, National Wetlands Inventory, dated 1994, shows wetlands on the subject property. The applicant is advised that the property may be subject to regulation by the Oregon Division of State Lands and U.S. Corps of Engineers, and permits may be required from these agencies.

M1-12-95: TENTATIVE SUBDIVISION PLAT

Street Plan

- 3.1 Prior to final plat approval, the City Engineer must review and approve the location of the westerly end of the "60' Reservation for Future Street Dedication" shown on the tentative plat to make sure that there is no conflict with the existing pond.
- 3.2 Parking on the proposed north/south street (southerly extension of Goldfish Farm Rd.) shall be prohibited.
- 3.3 The slope of the proposed north/south street shall not exceed 6 percent. Finished grades shall have a minimum slope of at least 0.5 percent, where possible.

Four (4) lanes, each twelve feet wide, plus two 6-foot wide bike lanes shall be constructed for the proposed north/south street for a distance of 200 feet south of Highway 20, the length of the dual left turn refuge (which results in a required street width of 60 feet); and three (3) lanes, each twelve feet wide, plus two 6-foot bike lanes must be constructed to the intersection with the proposed east/west street (which results in a street width of 48 feet). The right-of-way for the four-lane street section shall be 84 feet, and the right-of-way width for the three-lane section shall be 72 feet. The transition in right-of way shall have a minimum length of 50 feet.

- 3.4 Sidewalks shall be constructed along both sides of Goldfish Farm Rd. These sidewalks shall be at least six feet wide, and set back from the curb with a landscaped planter strip at least five feet wide.
- 3.5 The required bike lanes along the proposed north/south street shall be a minimum of 6 feet wide.
- 3.6 Minimum improvements to Highway 20 must include a pavement width of 37 feet from the centerline of Highway 20; curb and gutter; and a 6-foot wide sidewalk along the frontage of the subject property. Final construction drawings must be approved by ODOT and by the City Engineer.
- 3.7 The applicant shall sign a petition and waiver covering all lots for participation in a future LID for construction of a traffic signal at Highway 20 and Gold Fish Farm Road.

Public Utilities

- 4.1 **Sanitary Sewer:** An 8-inch sanitary sewer line must be extended from the end of the existing 8-inch line on the south side of Highway 20 across the full frontage of the subject property, to its east boundary. This line must be extended at minimum grade and maximum depth to allow for future extension. The final design and location of this public sanitary sewer must be reviewed and approved by both the City Engineer and ODOT.
- 4.2 **Water:** An 12-inch water line shall be extended from the existing 12-inch line on the south side of Highway 20, across the Highway 20 frontage of the subject property to its east boundary. A 24-inch water line shall be extended from Highway 20, south along the proposed north/south street from the new 12-inch water line, to the intersection of the future east/west street. The final design and location of these lines must be reviewed and approved by the City Engineer.

A 12- or 16-inch diameter sanitary sewer line extension south from Highway 20 is needed to serve the proposed subdivision, but in order to construct an adequate and efficient system, a 24-inch diameter line is needed. The applicant may ask the City Council for a reduction in Systems Development Charges (SDC's) and other fees as compensation for constructing the 24-inch line. The applicant may be eligible for fee reductions equal to the material cost difference between a 12- or 16-inch line and a 24-inch line. [AMC 11.01.120(f)]

- 4.3 **Storm Drainage:** The roadside ditch along the south side of Highway 20 must be replaced with a piped system. The design and location of this pipe must be approved by the City Engineer and ODOT.

The applicant shall arrange to have the easement for the storm drain pipe to West Cox Creek dedicated to the public. The design and location of this proposed pipe must be approved by the City Engineer.

Special Features of the Site

- 5.1 **Prior to final plat approval,** the applicant shall determine the 100-year base flood elevation, and have it certified by a registered engineer. The applicant must also locate the floodway, so that the applicability of ADC 6.100 may be determined.

When the base flood elevation is know, it will be determined if the regulations of ADC 6.070-6.160 must be applied. If they do apply, there may be additional conditions of approval of the proposed subdivision, and/or additional land use applications may be needed along with opportunities for citizen comment (such as public hearings).

The final plat shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. A statement must be located on or attached to the final plat that reads as follows: "Development of property within the 100-year floodplain as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City."

- 5.2 The U.S. Department of Interior, Fish and Wildlife Service, National Wetlands Inventory, dated 1994, shows wetlands on the subject property. The applicant is advised that the subject property may be subject to regulation by the Oregon Division of State Lands and U.S. Corps of Engineers, and permits may be required from these agencies.

K & D ENGINEERING, Inc.

CH ZONE DESCRIPTION Engineers • Planners • Surveyors

A portion of that Covalt Tract described by deed recorded in Microfilm Volume MF 520, page 157 of Linn County Deed Records on December 29, 1989, that is more particularly described as follows:

Beginning at a point which is North 89°49'34" West 1059.96 feet and South 0°05'12" East 1240.70 feet from the Northeast corner of the Edward N. White Donation Land Claim No. 48 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, said point being on the east line of and North 0°05'12" West 601.51 feet from the southeast corner of said Covalt Tract; thence North 89°56'13" West 839.74 feet to a 1-1/2 inch pipe on the west line of said Covalt Tract; thence North 1°30'24" West, along said west line, 1131.93 feet to a 5/8 inch rod on the southerly right-of-way line of U.S. Highway 20; thence along said southerly right-of-way line the following five (5) courses: (1) South 84°33'58" East 65.37 feet to a 5/8 inch rod; (2) thence North 89°01'06" East 553.95 feet to a 5/8 inch rod; (3) thence South 89°30'34" East 146.74 feet to a 5/8 inch rod; (4) thence North 69°51'02" East 90.47 feet to a 5/8 inch rod; (5) thence North 87°41'46" East 17.14 feet to a 5/8 inch rod on the east line of said Covalt Tract; thence leaving said right-of-way line South 0°05'12" East 1166.35 feet to the Point of Beginning. The herein described property contains 22.22 acres, more or less.

The Basis of Bearings for the herein described property is CS 21524 filed in the office of the Linn County Surveyor.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell
OREGON
JACK R. BURRELL
1630

EXPIRATION DATE: 12/31/97

July 30, 1996
Covalt/Coats
CH Zone Description
(94-152) KDD:nm

RM-3 ZONE DESCRIPTION

A portion of that Covalt Tract described by deed recorded in Microfilm Volume MF 520, page 157 of Linn County Deed records on December 29, 1989, that is more particularly described as follows:

Beginning at a 1-1/2 inch pipe which is North 89°49'34" West 1059.96 feet and South 0° 05' 12" East 1842.21 feet from the Northeast corner of the Edward N. White Donation Land Claim No. 48 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, said point being the southeast corner of said Covalt Tract; thence along the south and west boundary of said Covalt Tract for the following three (3) courses: (1) North 89°56'00" West 1106.73 feet to a 1 inch bar; (2) thence NORTH 601.43 feet to a 5/8 inch rod; (3) thence South 89°56'13" East 266.08 feet to a 1-1/2 inch pipe; thence leaving said Covalt boundary line continuing South 89°56'13" East 839.74 feet to a point which is on the east line of and North 0°05'12" West 601.51 feet from the southeast corner of said Covalt Tract; thence South 0°05'12" East 601.51 feet to the Point of Beginning. The property herein described contains 15.28 acres, more or less.

The Basis of Bearings for the herein described property is CS 21524 filed in the office of the Linn County Surveyor.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell
OREGON
JACK R. BURRELL
1630

EXPIRATION DATE: 12/31/97

July 30, 1996
Coats/Covalt
RM-3 Zone Description
(94-152) KDD:nm

190.35' (1) (F) STA. 150+0
 10.55' STA. 150+0
 POT 158+6 (PC 158+6)
 GOLD FISH CO. R.
 FC 162+1 (PC 162+)
 5 00'0 74.3
 N 89°49'34" W 1930.5
 1059.96
 (582.12')

1 2 3 4 5 6 7 8 9
 N 89°01'06" E 553.95'
 (82.73') (1)
 399.33'

150+00 90' RT.
 888.37'
 1131.93'
 (S 01°25'00" E) (A) (1242.50') (E)
 N 01°30'24" W 1242.85'
 N 01°30'24" W 1131.93'
 162+03.36 82.73' RT.
 FD. 5/8" I.R. W/ALUM. CAP
 MARKED: "OREGON STATE
 HWY. DIV. 162+00 90' RT."
 BRG. S 73°30'01" W 0.45'
 [SEE NARRATIVE] (1)
 163+50 85' RT.
 FD. 5/8" I.R. W/ALUM. CAP
 MARKED: "OREGON STATE
 HWY. DIV." BEARING
 N 56°03'26" W 0.26' (F)
 164+35 55' RT.
 FD. 5/8" I.R. W/ALUM. CAP
 MARKED: "OREGON STATE
 HWY. DIV." BEARING
 S 53°42'00" W 0.25' (F)

CH ZONE

(C.S. 1280)
 (C.S. 2441)
 (MF 520-157)

THIS DRAWING SHOWS JUST PART OF:
 C.S. 2152X
 RECORD OF SURVEY
 FOR
 ISABEL J. COVALT,
 MARVIN W. COATS,
 AND
 GEORGE TOM
 168+50 50' RT.

5/8" BOLT (A) 38°29'36" W
 4'
 (710.82') (G)
 (708.64') (B)
 3" W 709.70'
 (265.64') (B)
 243.56' (243.24') (A)
 37.4953 ACRES
 839.74
 S 89°56'13" E
 922.78'
 1767.86' -1166.35-
 (5/8") FD. 3/4" BOLT (A) BRG. N 89°54'48"

(NORTH 601.72') (E)
 N 00°00'00" W 601.43'
 FD. 1 1/2" I.P. BENT SOUTHWESTERLY. CALLED BY MF 275-672
 S 89°56'13" 266.08' (589°56' E 265.64') (E)
RM-3 ZONE
 (844.80') (A) 845.08'
 601.51 -
 S 00°05'12" E
 BASIS OF BEARINGS: C.S. 2441
 (N 89°56'00" W 1106.46') (A) (E)
 N 89°56'00" W 1106.73'

- 1 N 89°08'36" (N 89°05'46")
- 2 N 89°08'36" (N 89°05'46")
- 3 S 84°33'52" (S 84°34'19")
- 4 S 84°33'52" (S 84°34'19")
- 5 S 84°33'52" (S 84°34'19")

204.64' (204.70') (C)
 424.15' (423.94') (C)
 405.35' (405.24')
 FD. 1 1/2" I.P. B-3
 CP-04-95/ZC-06-95/M1-12-95

K & D ENGINEERING, INC. ALBANY, OREGON
 LAWYER: JAMES E. GIBSON
 TAX LOT 100 (MAP 11-3W-9D)
 SUBDIVISION TENTATIVE PLAN
 CITY OF ALBANY, Linn County, Oregon
 1 OF 2

