

ORDINANCE NO. 5339

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE DEVELOPMENT CODE TEXT, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission on January 19, 1998, held the public hearing required by local and state law; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments, based on evidence presented in the staff report and at the public hearing for Planning Division File No. DC-03-97; and

WHEREAS, the Albany City Council has caused notice to be given as required by law and has had a public hearing concerning the Development Code text amendments;

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

Section 1: The Albany Development Code text is hereby amended as shown on the attached Exhibit A, and summarized as follows:

- a) DC-03-97(A): Amend ADC 12.040 to clarify when master plan and off-site improvements may be required for new development, as shown on Exhibit A.
- b) DC-03-97(B): Amend ADC 12.050 to clarify that public improvements must be designed to comply with master facility plans, as shown on Exhibit A.
- c) DC-03-97(C): Amend ADC 12.100(8) to exempt single-family development from maximum driveway slope requirements in the Development Code, as shown on Exhibit A.
- d) DC-03-97(D): Amend ADC 12.160 to require arterial and collector street intersections to align.
- e) DC-03-97(E): Amend ADC 12.190 to require bikeway/pedestrian connections from the end of cul-de-sacs to the nearest street or property line of adjacent property, as shown on Exhibit A..
- f) DC-03-97(F): Amend ADC 12.200 to clarify when construction of a partial street is allowed adjacent to new development, as shown on Exhibit A.
- g) DC-03-97(G): Amend ADC 12.250 to require all arterial and collector streets to be public, including those through planned developments, manufactured home parks, and other developments, as shown on Exhibit A.


Section 2: The Findings of Fact contained in the staff report and attached as Exhibit "B" are hereby adopted in support of this decision.

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 Council: January 28, 1998

Approved by Mayor: January 28, 1998

Effective Date: January 28, 1998



Mayor

ATTEST:



City Recorder



Community Development Department

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STAFF REPORT Development Code Amendments

<u>HEARING BODY</u>	CITY COUNCIL
<u>HEARING DATE</u>	Wednesday, January 28, 1998
<u>HEARING TIME</u>	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

GENERAL INFORMATION

DATE OF REPORT:	January 19, 1998
FILE:	DC-03-97 (A-G)
TYPE OF REQUEST:	Amendments to the City of Albany Development Code Article 12 that would: DC-03-97(A): Clarify when master plan and off-site improvements may be required for new development. DC-03-97(B): Clarify that public improvements must be designed to comply with master facility plans. DC-03-97(C): Exempt single-family development from maximum driveway slope requirements in the Development Code. DC-03-97(D): Require arterial and collector street intersections to align. DC-03-97(E): Require bikeway/pedestrian connections from the end of cul-de-sacs to the nearest street or property line of adjacent property. DC-03-97(F): Clarify when construction of a partial street is allowed adjacent to new development. DC-03-97(G): Require all arterial and collector streets to be public, including those through planned developments, manufactured home parks, and other developments.
REVIEW BODY:	City Council
APPLICANT:	Initiated by City of Albany Public Works Department, Engineering Division, and Community Development Department, Planning Division
APPLICANT REP:	Helen Burns Sharp, Community Development Director Don Donovan, Senior Planner Mark Yeager, Public Works Director Guy Mayes, Engineering Supervisor
ADDRESS/LOCATION:	Applies primarily to new development within the City.
PRIOR HISTORY:	Included in the text of the staff report where applicable.

NOTICE INFORMATION

A Notice of Public Hearing was published in the Albany Democrat-Herald on December 8, 1997, and January 12, 1998. The notice was also mailed on January 7, 1998, to persons believed to have a particular interest in the proposed amendments.

PLANNING COMMISSION AND STAFF RECOMMENDATION

The Planning Commission held a public hearing on the proposed Development Code amendments on January 19, 1998. Three people spoke at the public hearing. The comments were not necessarily in favor or opposed to any of the amendments, but several modifications were suggested. Following the hearing, the Planning Commission decided to modify some of the amendments in response to the public testimony, and recommended that the City Council approve the amendments as modified. The modifications suggested by the Planning Commission are discussed in the staff report.

Staff concurs with the recommendations of the Planning Commission.

APPEALS

Within five days of the City Council's decision, the Community Development Director will provide written notice of the decision to parties entitled to notice. The decision of the City Council may be appealed to the State Land Use Board of Appeals (LUBA) when a person with standing files a Notice of Intent to Appeal not later than 21 days after the City mails the notice of decision to parties entitled to notice.

INTRODUCTION

Article 12 of the Albany Development Code includes the City's regulations that guide the construction of new infrastructure systems when new development is proposed. Article 12 includes the requirements for sanitary sewer, water, storm drainage, streets, sidewalks, bikeways, and related topics.

In June 1997, the Engineering Division initiated a review of Article 12 requirements for building new streets, sidewalks, and bike ways. Eric Teitelman was the supervisor of the Transportation Section at that time. He wrote draft revisions of Article 12 that were intended to address requirements that it seemed were not effective in producing a safe and efficient transportation system. Other revisions were proposed to bring the Code into conformance with the Americans with Disabilities Act.

Engineering Division and Planning Division staff met several times to discuss the proposed revisions and come to agreement about new requirements and specific language that should be included in the Code. These meetings were facilitated by Assistant to the City Manager Martha Bennett.

The discussions resulted in the proposed revisions being divided into three groups: revisions that should, and could, be made soon; revisions that should be made, but on which it was difficult to reach consensus; and revisions that would probably require policy choices and direction from the Planning Commission and City Council.

The proposed revisions presented here are the first group—revisions that should, and can, be made now. In the staff report that follows, the text of each Code section proposed for revision is presented first, with discussion immediately following. As noted above (under the heading Planning Commission and Staff Recommendation) the Planning Commission has recommended that some of the amendments originally proposed by staff be modified. A discussion of the modifications is included in the staff report.

DC-03-97(A)

12.040 **Conditions of Approval.** Development approval may be conditioned upon the provision and/or guarantee of public improvements called for in ~~a~~ **an adopted** Public Facilities Master Plan or any other public improvements necessitated by the development. Development approval may likewise be conditioned where private facilities are proposed to be shared by two or more ~~lots~~ **parcels**. ~~The Planning Commission or Director may require off-site improvements to be completed by the developer when necessary to substantially mitigate impacts resulting from the development relating to capacity deficiencies and public safety.~~ **Construction of off-site improvements may be required when necessary to mitigate impacts resulting from development which relate to capacity deficiencies and public safety; and/or when necessary to upgrade or construct public facilities to City standards.**

All development decisions shall be consistent with constitutional limitations concerning the taking of private property for public use.

DC-03-97(B)

12.050 **Relationship to Construction Standards.** **Public improvements shall be designed to comply with adopted facility master plans to the greatest extent possible. Unless otherwise approved by the City Engineer, public improvements shall be constructed according to the standard construction specifications.** The standard specifications for construction, reconstruction or repair of streets, sidewalks, curbs, gutters and other public improvements within the City are as contained in the City's "Standard Construction Specifications." ~~Unless otherwise provided in the particular specifications for work authorized, public improvements shall be constructed according to the standard specifications.~~ The City Engineer may make changes to the standard specifications consistent with the application of engineering principles to the conditions in Albany.

DC-03-97(C)

12.100 (8) **With the exception of single-family residential development, Access and approach grades must not exceed 10% slope within 20 feet of the a public street. Driveways for single-family residential development shall comply with applicable fire and building codes.**

DC-03-97(D)

12.160 **Street Alignment.** As far as practical, streets shall be dedicated and constructed in alignment with existing streets by continuing the center lines thereof. **Arterial and collector streets shall have continuous alignments without offset or staggered intersections.** In no case shall the staggering of streets ~~making "T" intersections~~ be designed where jogs of less than 300 feet are created as measured from the centerline of any intersection involving an arterial or collector street.

DC-03-97(E)

12.190 Cul-de-sacs. A cul-de-sac must be as short as possible and is not to exceed 400 feet. A cul-de-sac must terminate with a circular turnaround, except as provided in 12.130 (3)(c). Dead-end streets longer than 400 feet may be approved by the City Engineer if no other means is available for development of the property. ~~and special provisions are made for public facilities, pedestrian and bicycle circulation, and emergency service access.~~

A 10-foot wide lighted concrete bikeway/pedestrian access way shall be dedicated and constructed with an unobstructed view from the end of each cul-de-sac to the nearest street or property line of adjacent property, except where the cul-de-sac abuts developed property and/or the City Engineer determines there is no need for a connection.

DC-03-97(F)

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

~~Where the city engineer determines that the street improvements would not be timely, he may accept~~
a A future improvement assurance, as described in Section 12.600, may be accepted by the City where the City Engineer determines that the street improvement would not be timely.

DC-03-97(G)

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

FINDINGS OF FACT

File DC-03-97

STAFF ANALYSIS

Development Code Amendments, File DC-03-97(A-G)

- 1.1 Goal 12: Transportation is to "Provide a safe, diversified, economical, and efficient transportation system that protects and enhances Albany's economy, environment, neighborhood quality, cultural, and scenic values. For the purposes of this document, a transportation system includes auto, transit, bicycles, pedestrian, rail and air transportation."
- 1.2 Goal 12, Policy 1, is "When planning for, designing, and providing transportation systems ...Coordinate the requirements of the various transportation types with each other and minimize operational and safety conflicts."
- 1.3 Goal 12, Policy 2, is to "...Review land use designations, densities, and design standards for consistency with the functions, capacities, and levels of service of facilities identified in the TSP."
- 1.4 Goal 12, Policy 3, is to "Develop a roadway system that is efficient and safe for the traveling public while preserving neighborhood quality and character."
- 1.5 Goal 12, Policy 4, is to "Develop a transportation system, encourage land use patterns and design standards, and promote transportation projects, programs, and policies which reduce dependency on the automobile and encourage alternatives such as public transit, bicycling, walking, car and van pools.
 - a. Require new and existing development, through building and site design measures, to address the needs of those who use alternate transportation modes such as public transit, bicycles, walking, and wheelchairs."
- 1.6 Goal 12, Policy 8, is to "Develop an adequately connected bicycle and pedestrian system to encourage bicycling and walking as alternative modes of transportation."
- 1.7 Goal 12, Policy 9, is to "Develop safe and convenient bicycle and pedestrian routes, facilities, and improvements which are reasonably free from hazards (particularly automobile traffic that would discourage these modes for short trips), provide a direct route of travel between destinations such as a transit stop and a store, and meet travel needs (destination and length of trip) of cyclists and pedestrians.
 - a. Provide bikeways on arterial and collector streets as well as appropriate separated bike facilities.
 - b. Develop a pedestrian system that provides the opportunity for individuals with disabilities to use the pedestrian system."
- 2.1 The purpose of the provisions in Article 12 is to address the City's concerns relative to public health, safety, and welfare (ADC 12.010).
- 2.2 Public health, safety, and welfare in respect to the City's transportation system is defined in Goal 12 of the Comprehensive Plan as "a safe, diversified safe, diversified, economical, and efficient

transportation system that protects and enhances Albany's economy, environment, neighborhood quality, cultural, and scenic values.”

- 2.3 The proposed amendments have been found under criterion (1) above to better achieve the goals and policies of the Comprehensive Plan than the existing Code language.