

ORDINANCE NO. 5780

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND ZONING MAP BY AMENDING THE DEVELOPMENT CODE TEXT RELATED TO ACCESSIBILITY REQUIREMENTS AROUND CLUSTERED MAILBOXES, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY (FILE DC-02-12).

WHEREAS, the state of Oregon has delegated the responsibility to local government units to adopt regulations designed to promote public health, safety, and the general welfare of its citizenry; and

WHEREAS, from time to time it is appropriate to amend the Albany Development Code based on changing conditions, and to be in compliance with other state and federal laws; and

WHEREAS, these amendments are proposed as a part of the on-going process of evaluating and updating the Code; and

WHEREAS, on March 12, 2012, notice of the Planning Commission public hearing was published in the *Albany Democrat-Herald*; and

WHEREAS, on March 19, 2012, the Planning Commission held a public hearing on the proposed amendment; and

WHEREAS, the Planning Commission recommended these changes to the City Council, based on public testimony, their deliberation, and the staff report; and

WHEREAS, on April 30, 2012, notice of the City Council public hearing was published in the *Albany Democrat-Herald*; and

WHEREAS, on May 9, 2012, the Albany City Council opened a public hearing on the proposed amendment, reviewed the amendment recommended by the Planning Commission and any testimony presented at the public hearing and then deliberated.

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

Section 1: The Albany Development Code text is hereby amended as shown in the attached Exhibit A for the article listed below:

Exhibit A: Section 12.300 of Article 12, Public Improvements

Section 2: The Findings and Conclusions found in the staff report, attached as Exhibit B, are hereby adopted in support of this decision.

Section 3: Inasmuch as this Ordinance is necessary for the immediate preservation of the peace, health and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect on May 9, 2012, when signed by the Mayor.

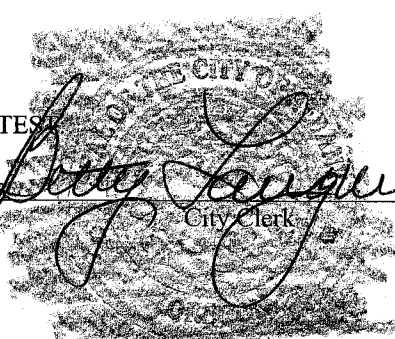
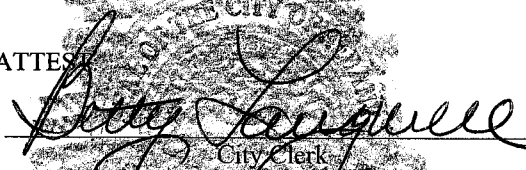
Passed by the Council: May 9, 2012

Approved by the Mayor: May 9, 2012

Effective Date: May 9, 2012


Mayor

ATTES



City Clerk

SIDEWALKS

- 12.290 Requirement. All development for which land use applications are required by Section 1.060 must include sidewalks adjacent to public streets. This requirement also applies to new single-family houses and duplexes if they are located on arterial or collector streets or on curbed local streets, if there is an existing sidewalk within 500 feet on the same side of the street.

Sidewalks shall be built when arterial and collector streets are constructed and at the discretion of the City Engineer during their reconstruction. This provision shall also apply to local streets that serve commercial and multi-family development. Sidewalks are required on both sides of all streets. If an interim street standard is being constructed which does not include bike lanes or sidewalks, interim bikeways or walkways for pedestrians shall be provided by paved roadway shoulders at least 8 feet wide on arterials and 6 feet on other streets. Provision of sidewalks may be waived when the street serves a use or combination of uses that generate fewer than 50 trips a day (based on ITE standards) and cannot be continued or extended to other properties. [Ord. 5445, 4/12/2000]

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

- (1) The required width for a sidewalk on an arterial or collector street is 7 feet. This may be reduced to 6 feet if the sidewalk is separated from the curb by a landscaped planter strip at least 5 feet wide. When there is inadequate right-of-way for additional width and no additional right-of-way can be obtained as a condition of development approval, the sidewalk width may be reduced to 5 feet. In all cases, any right-of-way remaining outside the sidewalk is to be landscaped and maintained by the adjoining property owner.
- (2) Sidewalks along residential and other local streets must be at least 5 feet wide. A planter strip at least 6 feet wide shall separate the sidewalk from the street. Street trees shall be selected from the list of approved street trees established by the City. The planter strip shall be of permeable materials.
- (3) In the Historic Downtown and Central Business districts, as defined on the zoning map, sidewalks must be at least 10 feet wide and be installed adjacent to the curb.
- (4) Regardless of other provisions contained in this article, any sidewalk project that is less than 200 feet in length and connects on either end to an existing sidewalk may be designed to match the existing pattern with the approval of the City Engineer.
- (5) When obstructions exist or are proposed (including, but not limited to, mailboxes, utility poles, trees, planters, fire hydrants, signs, benches, bus stops, etc.), provisions must be made to maintain a minimum of 4 feet of unobstructed sidewalk width on local streets, 5 feet on collector and arterial streets, and 6 feet in the Historic Downtown (HD) and Central Business (CB) districts.
- (6) **Clustered mailboxes shall be on an accessible path and shall include a 72" minimum accessible turning space. Adjacent sidewalks may be incorporated in the measurement of the turning space. Where constructed in the public right-of-way, construction shall be in accordance with the Standard Construction Specifications.**

- (7) ~~(6)~~ Maintenance of sidewalks and planter strips shall be the continuing obligation of the adjacent property owner except when the lot backs onto an arterial. Planter strips shall be landscaped and maintained in like manner to the front yard setback requirements of Article 9.
- (8) ~~(7)~~ Sidewalks shall be designed to parallel streets in line and grade and shall avoid unnecessary meandering from the curb line and elevation changes except as necessary to avoid significant trees or traverse topographic barriers.
- (9) ~~(8)~~ Public paths not adjacent to a public street shall be a minimum of 10 feet wide. [Ord. 5445, 4/12/2000]

12.310 Conformance to Street Grades. All sidewalks constructed adjacent to a street must be placed upon the street grade as established at the time of sidewalk construction. If a space is left between the property line and the sidewalk and/or between the sidewalk and the curb, the space shall be filled and surfaced with earth or other approved material level with the sidewalk.

12.320 Timing of Sidewalk Construction. Sidewalk construction may be deferred until the proposed improvement on the property is completed. No occupancy permit shall be issued by the Building Official for a development until the provisions of this Article are satisfied.

The City Engineer may authorize a future improvement assurance (as described in Section 12.600) when, in his opinion, the construction of the sidewalk is impractical for one or more of the following reasons:

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



Community Development Department

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

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

STAFF REPORT

Development Code Amendment - DC-02-12

<u>HEARING BODY</u>	CITY COUNCIL
<u>HEARING DATE</u>	Wednesday, May 9, 2012
<u>HEARING TIME</u>	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

EXECUTIVE SUMMARY

The Albany Development Code (ADC) allows the Community Development Director to initiate legislative amendments. The City has implemented a process to periodically evaluate and adopt changes to the ADC – to include both clarifying and policy edits. The proposed amendment to ADC Section 12.300 adds a new requirement regarding accessibility around clustered mailboxes. Passage of Enrolled House Bill 3361 in the 2011 Regular Session of the Oregon Legislative Assembly requires each city in the state to adopt standards and specifications for clustered mailboxes within the boundaries of city streets and rights-of-way that conform to the standards contained in Section 1111 of the State of Oregon Structural Specialty Code. The new state law takes effect June 1, 2012. The proposed amendment requires that clustered mailboxes be located on an accessible path and include a 72-inch minimum accessible turning space (see Figure 1 below). Adjacent sidewalks may be incorporated in the measurement of the turning space. Where constructed in the public right-of-way, construction shall be in accordance with the Standard Construction Specifications.

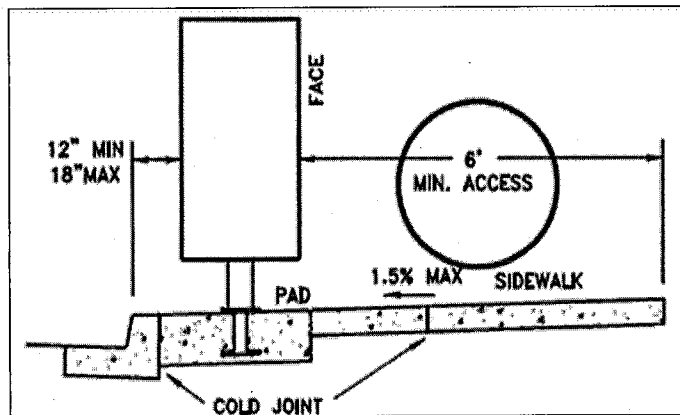


Fig. 1: 72-inch (6-foot) minimum accessible turning space

PLANNING COMMISSION AND STAFF RECOMMENDATION

APPROVE the proposed Development Code amendment.

GENERAL INFORMATION

DATE OF REPORT: May 2, 2012
 FILE: DC-02-12

EXHIBIT B – STAFF REPORT

TYPE OF APPLICATION: Legislative amendment to the following Development Code Article (Exhibit A):

- Article 12, Public Improvements – new section to comply with accessibility requirements in the Oregon Structural Specialty Code

REVIEW BODIES: Planning Commission and City Council

APPLICANT: City of Albany, Planning Division

APPLICANT REP: David Martineau, Planner III

ADDRESS/LOCATION: Not Applicable

NOTICE INFORMATION

A notice of public hearing was published in the *Albany Democrat Herald* on April 30, 2012. The Development Code amendment was posted on the City's Web site. At the time this staff report was completed, no comments had been received.

CITY COUNCIL DECISION OPTIONS

The City Council may do one of the following:

- 1) Enact, amend or defeat all or part of the proposal under consideration, or
- 2) Refer some or all of the proposal back to the Planning Commission, Hearings Board, or Landmarks Advisory Commission for further consideration.

The City Council may also continue the public hearing to a specified date in order to receive testimony, review modified language, or continue deliberation.

APPEALS

A City Council decision can be appealed to the Oregon Land Use Board of Appeals by filing a Notice of Intent to Appeal within 21 days of the Council decision.

STAFF ANALYSIS

Development Code Amendment File DC-02-12

The Albany Development Code (ADC) contains the following review criteria that must be met for this Development Code amendment to be approved. Code criteria are written in *bold italics* and are followed by the Proposed Findings and Conclusions.

- (1) *The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.*

Relevant Comprehensive Plan goals and policies are written in <i>italic</i> type and considered as a separate review criterion following the description of the major revisions.
--

FINDINGS OF FACT

Statewide Planning Goal 12-Transportation, Goal 1: Provide an efficient transportation system that provides for the local and regional movement of people and goods.

Statewide Planning Goal 12-Transportation, Goal 2: Provide a safe transportation system.

Statewide Planning Goal 12-Transportation, Goal 3: Provide a diversified transportation system that ensures mobility for all members of the community and provides alternatives to automobile travel.

Statewide Planning Goal 12-Transportation, Policy 5: Encourage development design that emphasizes safety and does not create unnecessary conflicts.

- 1.1 The proposed amendment will promote a safe and efficient transportation system that removes barriers and increases accessibility to clustered mailboxes located on pathways.
- 1.2 The amendment to Albany Development Code Section 12.300 will help ensure compliance and better accessibility for persons with disabilities.

CONCLUSIONS

- 1.1 The proposed Development Code amendment is consistent with the Comprehensive Plan goals and policies.
 - 1.2 This criterion is satisfied.
- (2) *The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.*

The applicable Development Code policies and purposes are identified in <i>italic</i> type and considered as a separate review criterion.

FINDINGS OF FACT

- 2.1 ADC Article 1—General Administration—Section 1.020 states, *“the general purpose of this Code is to set forth and coordinate City regulations governing the development and use of land. The Code is more specifically intended to do the following:*

(1) Serve as the principal vehicle for implementation of the City’s Comprehensive Plan in a manner that protects the health, safety, and welfare of the citizens of Albany.

As discussed in Review Criterion 1 above, the proposed amendments will be consistent with the goals and policies of the Comprehensive Plan.

(2) Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.

Section 1111 of the State of Oregon Structural Specialty Code (OSSC) requires accessible routes and turning space at clustered mailbox units. This standard takes effect June 1, 2012; therefore the City must take action to adopt standards and specifications for clustered mailboxes within the boundaries of city streets and rights-of-way that conform to the OSSC.

(3) Facilitate prompt review of development proposals and the application of clear and specific standards.

The proposed amendment will clearly articulate standards and specifications relative to accessible routes and turning space dimensions at clustered mailboxes.

(5) Guide public and private planning policies and actions to ensure provision of adequate water, sewage, transportation, drainage, parks, open space and other public facilities and services for each development.

Providing more information on public facilities and services with applications will ensure that adequate accessible routes and turning spaces at clustered mailboxes are provided with development.