

RESOLUTION NO. 3903

A RESOLUTION PROCLAIMING THE ANNEXATION OF APPROXIMATELY 46.54 ACRES (42.89 ACRES FOR DEVELOPMENT AND 3.65 ACRES WITHIN GRAND PRAIRIE ROAD RIGHT-OF-WAY) LOCATED SOUTH OF GRAND PRAIRIE ROAD SE AND WEST OF INTERSTATE 5 (FILE AN-05-97); APPROVING ZONING OF RS-6.5 (RESIDENTIAL SINGLE FAMILY - 6 TO 8 UNITS PER ACRE) FOR TAX LOT 1400, LINN COUNTY ASSESSOR'S MAP 11-3W-16; ADOPTING FINDINGS; AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF THE NEWLY ANNEXED TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the City Council has proposed to annex in accordance with the provisions of ORS 222.750 certain property described by attached Exhibits "A and B" and more commonly known as 3320 Grand Prairie Road SE which is adjacent to the City of Albany; and

WHEREAS, the Albany Development Code provides for the application of specific zoning districts upon annexation of territory under these circumstances; and

WHEREAS, a public hearing should be held concerning the withdrawal of said territory from the Albany Rural Fire Protection District under the provisions of ORS 222.524.

WHEREAS, the City of Albany Planning Commission on February 2, 1998, recommended approval with conditions of the proposed Subdivision and Site Plan applications for property more commonly known as 3320 Grand Prairie Road SE (City of Albany File Nos. M1-10-97 and SP-98-97); and

WHEREAS, the Albany City Council held a public hearing on these cases on February 11, 1998, and on a Development Agreement and agreed to annex the property subject to the Covenants and Restrictions listed in Exhibits "F and H".

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the territory described by attached Exhibits "A and B" is hereby proclaimed to be annexed to the City of Albany and zoned RS-6.5 (Residential Single Family - 6 to 8 units per acre) as shown in Exhibit "D."

BE IT FURTHER RESOLVED that the findings, attached Exhibit "C," are hereby adopted in support of this annexation and zoning action.

BE IT FURTHER RESOLVED that a copy of the map showing the amendments to the Zoning Map shall be filed in the Office of the City Recorder of the City of Albany and the changes shall be made on the official City of Albany Zoning Map.

BE IT FURTHER RESOLVED that a copy of the legal description of the subject property and the map showing the amendment of the Zoning Map shall be filed with the Linn County Assessor's Office within 90 days after the adoption of this Resolution.

BE IT FURTHER RESOLVED by the Albany City Council that a public hearing on the matter of removal of the territory described in Exhibits "A and B" from the Albany Rural Fire Protection District be held by the City Council on March 11, 1998, at 7:15 p.m.

BE IT FURTHER RESOLVED that the City Recorder shall give notice of the hearing by publication once each week for two (2) successive weeks prior to the day of said hearing in a newspaper of general circulation within the city.

The City Recorder shall further cause notice of this hearing to be posted in four (4) public places within the City for a like time.


BE IT FURTHER RESOLVED that the property described by attached Exhibits "A and B" shall be effectively annexed to the City of Albany on the date that the complete abstract of the annexation proceedings described above is filed with the Secretary of State of the State of Oregon.

BE IT FURTHER RESOLVED that the conditions of approval listed in the attached Exhibit "F" for the Tentative Subdivision approval for the division of a 42.89 acre parcel into 58 lots and 2 Tracts on property described in Exhibits "A and B" shall be recorded by the owner as a covenant and restriction on the subject property which shall bind all subsequent owners of the subject property such that no development may occur without compliance with said conditions unless modified by the City. A drawing showing the approved Tentative Subdivision plan is attached as Exhibit "E."

BE IT FURTHER RESOLVED that the conditions of approval listed in the attached Exhibit "H" for Site Plan Review approval for the construction of a 100-space manufactured home park expansion on property described in Exhibits "A and B" shall be recorded by the owner as a covenant and restriction on the subject property which shall bind all subsequent owners of the subject property such that no development may occur without compliance with said conditions unless modified by the City. A drawing showing the approved Site Plan is attached as Exhibit "G."

BE IT FURTHER RESOLVED that this Resolution is deemed adopted when signed by the Mayor, who is authorized to sign this Resolution only upon receipt of a signed Development Agreement by the appropriate owner(s) and proper proof that the covenants and restrictions have been recorded. If such documents are not provided within 30 days, this Resolution shall be null and void.

DATED THIS 11TH DAY OF FEBRUARY 1998.


Mayor

ATTEST:


City Recorder

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EXHIBIT A
LEGAL DESCRIPTION
Annexation File AN-05-97

Linn County Assessor's Map 11-3W-16, Tax Lot 1400 and Grand Prairie Road Right-of Way

The following described real property in the County of Linn and State of Oregon:

A TRACT OF LAND IN THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF GRAND PRAIRIE DRIVE, VARIABLE WIDTH RIGHT OF WAY. SAID POINT BEING 211.69 FEET, SOUTH 64°58'41" EAST AND 233.83 FEET, SOUTH 00°25'24" WEST OF AN ALUMINUM CAP MARKING THE 1/4 CORNER COMMON TO SECTION 16 AND 17; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, SOUTH 65°43'33" EAST, 321.30 FEET; THENCE SOUTH 66°00'20" EAST, 76.56 FEET; THENCE SOUTH 65°53'39" EAST, 393.06 FEET; THENCE SOUTH 74°43'29" EAST, 418.03 FEET; THENCE SOUTH 74°45'13" EAST, 414.81 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF INTERSTATE 5; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE OF SAID GRAND PRAIRIE DRIVE, SOUTH 00°05'12" EAST, 171.39 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID GRAND PRAIRIE DRIVE RIGHT OF WAY; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE, ALONG SAID WEST RIGHT OF WAY LINE OF SAID INTERSTATE 5, SOUTH 00°11'40" WEST, 893.63 FEET; THENCE LEAVING SAID WEST RIGHT OF WAY LINE OF SAID INTERSTATE 5, SOUTH 89°49'30" EAST, 1585.14 FEET; THENCE NORTH 00°33'12" WEST, 731.21 FEET; THENCE SOUTH 89°46'14" EAST, 41.79 FEET; THENCE NORTH 00°31'09" EAST, 805.32 FEET; THENCE NORTH 00°31'09" EAST, 66.85 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SAID GRAND PRAIRIE DRIVE AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED TRACT CONTAINS 46.54 ACRES OF LAND, MORE OR LESS.

EXHIBIT B
EXHIBIT MAP
Annexation File AN-05-97

Linn County Assessor's Map 11-3W-16. Tax Lot 1400 and Grand Prairie Road Right-of-Way

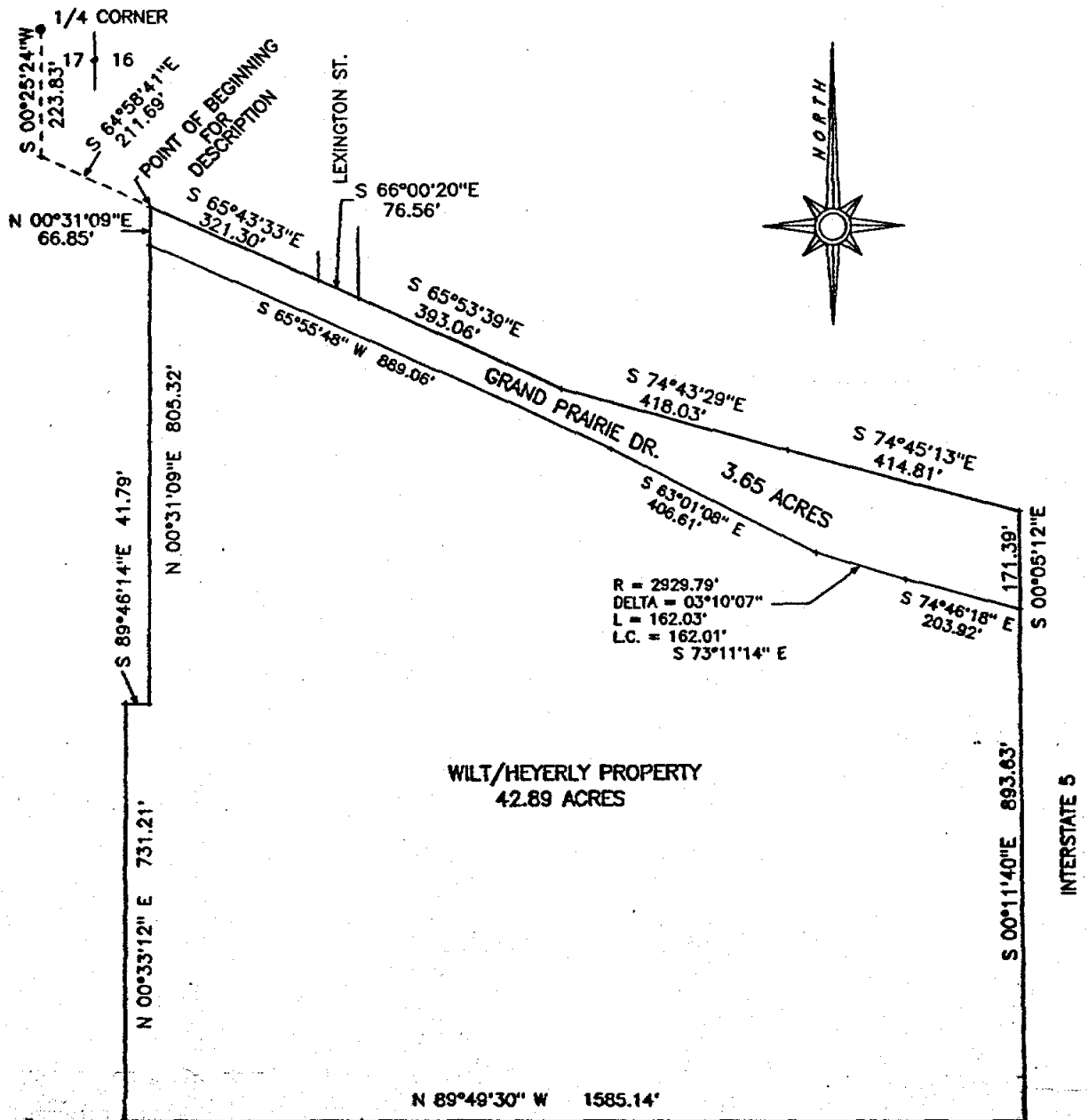


EXHIBIT C
FINDINGS FOR ANNEXATION
Annexation File AN-05-97

1. Annexation of the subject property is a logical and efficient extension of the boundaries of city limits to facilitate the functional and economic provision of services as the property to the east is currently within the city limits.
2. The subject property is within the Urban Growth Boundary and will provide for coordinated planning efforts for extension of streets and utilities.
3. The City is capable of providing city services commensurate with the needs of existing and any proposed new uses in the subject area without significantly impairing city services to existing portions of the City or without extending services in contradiction to Comprehensive Plan policies or an adopted Public Facility Plan.
4. The applicants have signed a Development Agreement for the construction of all public facilities necessary to serve the proposed development, at the applicant's cost which will be recorded with the Annexation Ordinance and is binding for the applicant (William S. Wilt) and his/her heirs, successors, and assigns, and shall be come a covenant running forever with the subject property.
5. Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.
6. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
7. The annexation of the subject property was initiated by 100% of the property owners and no electors reside on the property; thus, annexation may occur without a public hearing or an election under the provisions of ORS 222.125 and Albany Development Code Sections 3.010(5) and (7).
8. The proposed zoning designation of RS-6.5 (Residential Single Family - 6 to 8 units per acre) is in conformance with the Albany Comprehensive Plan designation of Urban Residential Reserve . As such, the property may be developed applying the standards for the RS-6.5 zoning district as provided for in the Albany Development Code.
9. Annexation of the subject property will conform to the Growth Management Policies of the Albany Comprehensive Plan as the proposed annexation will encourage the urbanization of an area where facilities and services are in need of extension. Development of this type will enable a cost effective extension of urban facilities and services and will assure that any future development of the subject property will be to city standards.

EXHIBIT D
ANNEXATION ZONING MAP
Annexation File AN-05-97

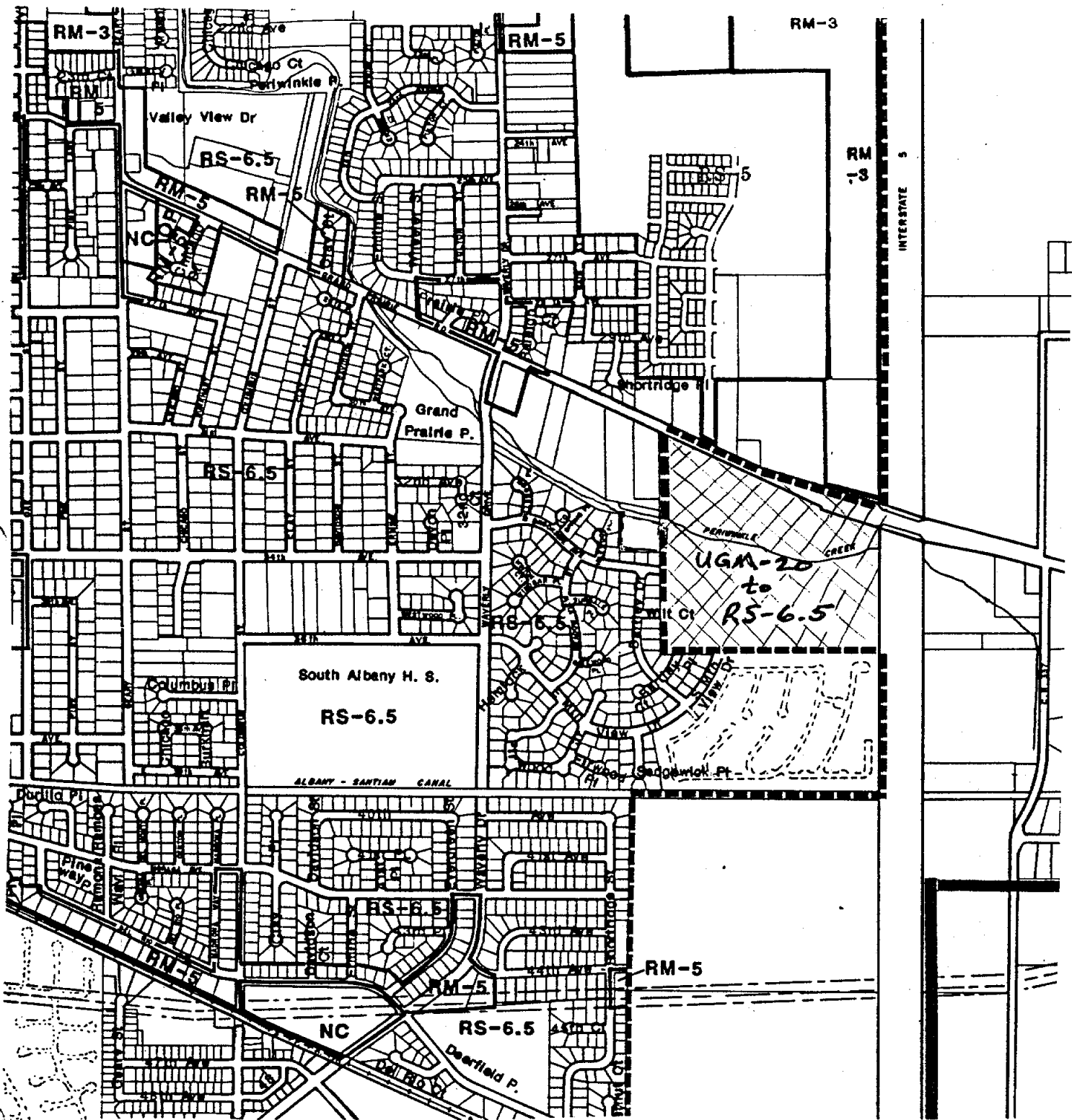


EXHIBIT E
TENTATIVE SUBDIVISION MAP
 Subdivision File M1-10-97

EDGEWOOD ESTATES SECOND ADDITION
TENTATIVE PLAN
 A PART OF TAX LOT 1400
 SECTION 16, TOWNSHIP 11 SOUTH,
 RANGE 3 WEST, WILLAMETTE MERIDIAN
 LINN COUNTY, OREGON

NOTES

1. A survey shall be conducted in the 60' buffer zone with the centerline of the proposed road.

2. This project will be constructed in two phases.

3. A list of all owners within 200 feet of this proposed development is attached to the subdivision.

4. Owners of W Street, W Street and W Street to be provided on this plan.

PROPERTY NOTES

1. Property south of Hamilton is owned by Hamilton Trust. The 10' boundary corner of Hamilton Trust and adjacent boundaries to show the area north of Hamilton Trust. This lot will be subdivided in two-year increments to the East of Hamilton Trust.

2. W Street to provide an alternate flow of traffic and parking. The City requests that a 20' buffer zone be established along Center Street to the East. This will provide a buffer for residential area, adjacent to the street.

3. The applicant has obtained the land under primary or secondary title for this plan. The applicant has obtained the necessary permits from the City of Corvallis. The applicant has obtained the necessary permits from the City of Corvallis. The applicant has obtained the necessary permits from the City of Corvallis.

DEEDS

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DEEDS

1. The applicant has obtained the land under primary or secondary title for this plan. The applicant has obtained the necessary permits from the City of Corvallis. The applicant has obtained the necessary permits from the City of Corvallis. The applicant has obtained the necessary permits from the City of Corvallis.

OWNER: BILL WILLY
 33213 SE 89TH ST
 ALBANY, OREGON 97321
 (541) 626-0844

ENGINEER: GLENN A. LING
 LING & ASSOCIATES ENGINEERING
 605 NW 2ND STREET, SUITE 1A
 CORVALLIS, OREGON 97330
 (541) 754-7200

REVISION: FEBRUARY 4, 1998

LOT AREAS

1	10000 sq. ft.
2	10000 sq. ft.
3	10000 sq. ft.
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SITE DATA

1. Total Area: 40.00 acres
 2. Subdivided Area: 38.00 acres
 3. Proposed Area: 38.00 acres
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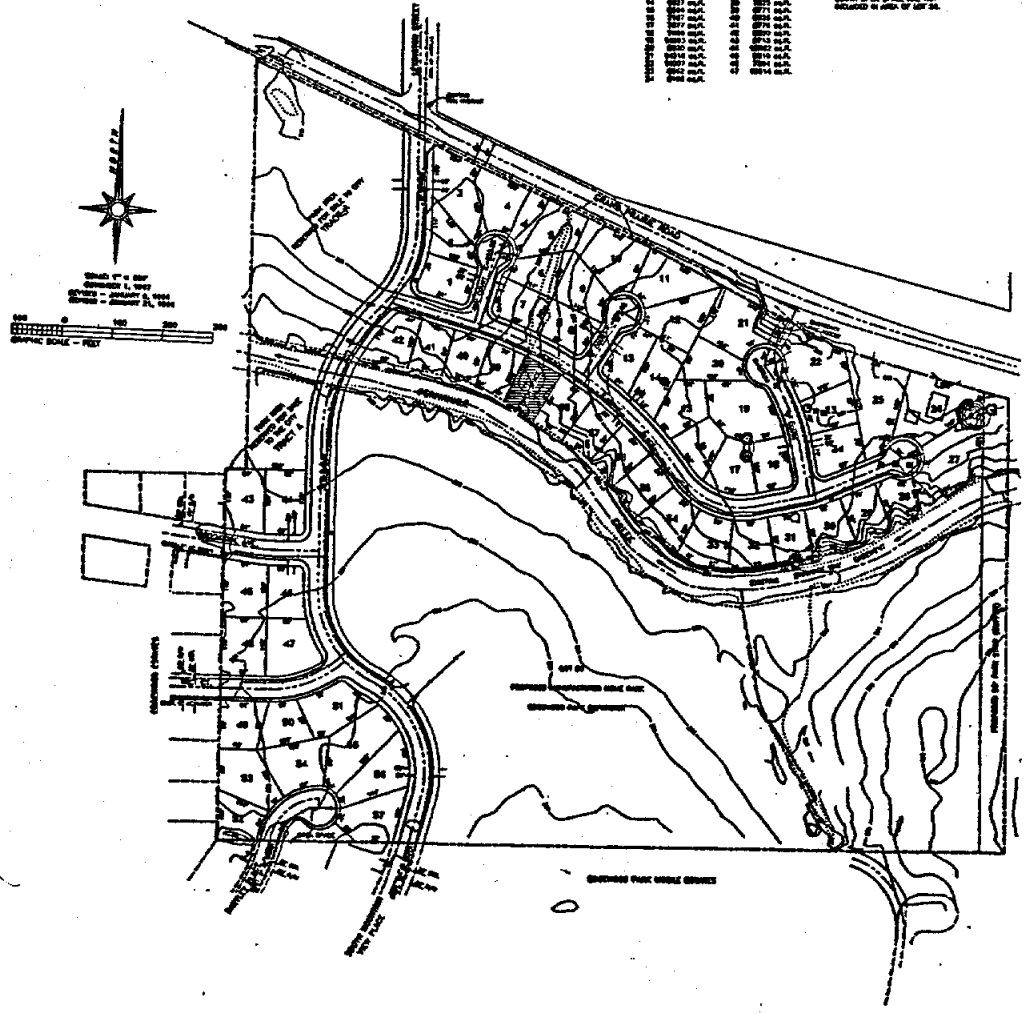


EXHIBIT F
LAND USE CONDITIONS OF APPROVAL
Subdivision File M1-10-97

The following land use conditions of approval relate to the Land Division Criteria for approval in the Albany Development Code and to the findings of fact in the staff report. Unless otherwise noted, all conditions of approval must be completed to the satisfaction of the City's representative prior to signing of the Final Subdivision Plat.

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

1.1 The tract of land shown on the tentative plat that contains the Periwinkle Creek easement shall be shown on the final plat as a separate tract (Tract B).

(2) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

None.

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

3.1 Center line curve radii for streets within the proposed subdivision shall be a minimum of 200 feet. The tentative plat appears to show a 150-foot radius curve on Heyerly Place. The final plat shall be revised to show a 200-foot minimum radius curve.

3.2 Sidewalks shall be constructed on both sides along all the streets within the proposed subdivision. The sidewalks must be a minimum of 4 feet wide. Planter strips 4 feet wide may be provided between the curb and the sidewalk, at the property owner's option. The sidewalk along Mountain View Drive along the frontage of the property proposed to be sold to the City for a park, the sidewalk on both sides of Mountain View Drive where it crosses Periwinkle Creek, and the sidewalk along the frontage of Lot 58, shall be constructed at the time the street is built. The sidewalk along the frontage of each other proposed lot may be built at the time the house is built.

3.3 **Prior to final plat approval** (except as allowed in Condition 3.5 below), construct Grand Prairie Road to City standards from where the existing street improvements end approximately 100 feet east of Waverly Drive to the bridge over Interstate 5. The street section shall be 48 feet wide from where the existing improvements end to the east side of the last driveway on the north side of Grand Prairie Road, a distance of about 750 feet. The street section shall include: one 12-foot wide travel lane in each direction; a continuous two-way center left-turn lane; a bicycle lane in each direction; and a sidewalk on each side of the street.

From that point the street section shall taper to 36 feet by eliminating the center turn lane as the street approaches the bridge over Interstate 5, and match the width of the bridge. This street section shall include one 12-foot wide travel lane in each direction; a bicycle lane in each direction; and a sidewalk on each side of the street. All transitions shall conform to AASHTO standards.

The sidewalks to be constructed along Grand Prairie Road shall be 6 feet wide, set back from the curb by a landscaped planter strip at least 5 feet wide.

- 3.4 **Prior to final plat approval** (except as allowed in Condition 3.5 below), the property owner shall dedicate an additional 5-foot width of public right-of-way along the Grand Prairie Road frontage of the subject property, from the westerly boundary of the subject property to the east side of the last driveway on the north side of Grand Prairie Road, a distance of about 750 feet.

From that point, the property owner shall dedicate sufficient additional width along the Grand Prairie Road frontage of the subject property to allow street construction to taper in width to 36 feet, and match the width of the bridge over Interstate 5. The elevation of the street rises to cross over Interstate 5 creating a fill slope that may extend on to the proposed subdivision lots. An alternative to providing additional right-of-way through this area may be to build a retaining wall so that the fill slope stays within the existing right-of-way. The choice of which alternative to use will be made by the City Engineer through the Site Improvement (SI) review process.

- 3.5 The applicant does hereby petition the City for the improvements to Grand Prairie Road described above and waives his right to remonstrate against such improvements. Other properties determined by the Albany City Council to benefit from the street improvements will also be included in the Local Improvement District (LID).

The applicant also agrees to bear and pay the proportionate share of the cost for improving Grand Prairie Road for properties within the LID boundary on which single family residences are now located, and those properties which do not now have access to Grand Prairie Road.

As of the date this staff report was written, February 4, 1998, the City has approved two developments that will access Grand Prairie Road -- Creekside Manufactured Home Park at the southeast corner of Grand Prairie Road and Waverly Drive, and Lexington Subdivision Phases 5-16, east of Lexington Street and north of Grand Prairie Road across from the subject property.

A condition of approval for Creekside is that the owners construct Grand Prairie Road across the frontage of their property (to partial width), or form an LID for that construction. A condition of approval for Lexington Phases 5-16 is that the owner sign a Petition for Improvement/Waiver of Remonstrance for construction of Grand Prairie Road from Waverly Drive to Interstate 5. No development of these properties can occur until the petition/waivers have been signed. At the time they are signed, the property owner petitions the City to form an LID to make the improvements, and waives the right to remonstrate against the street project. (The owners still have the opportunity to discuss the method by which the cost of the project is distributed among the benefitting properties.)

Grand Prairie Road shall be improved before vehicular traffic from either the subdivision or the manufactured home park proposed by the applicant are allowed access to Grand Prairie Road. The City will not issue a Site Improvement permit for construction of an access to Grand Prairie Road on the applicant's property prior to the time the street is improved. Temporary construction access will be allowed.

Development of subdivision lots or manufactured home spaces south of Periwinkle Creek that will have access on existing streets (Wilt Court, Bartley Place, Brookside Avenue, and Mountain View Drive) will be permitted by the City. The number of lots or spaces that will be permitted by the City will be limited to the number that will contribute 172 vehicle trips per day, or fewer. (This is the number of trips estimated to be the total number of trips that will access these existing streets at full development of the proposed developments.) Development of these lots and spaces will be permitted only when all other applicable provisions of development approval and other applicable regulations have been met.

- 3.6 Dedicate a 7-foot wide public utility easement both sides of the right-of-way for all streets within the proposed subdivision that have right-of-way widths less than 60 feet. The dedication must be shown on the final plat.
- 3.7 The speed limit for all streets within the proposed subdivision will be 25 mph, resulting in a minimum sight distance requirement at intersections of 250 feet. Several intersections along Mountain View Place appear to have sight distances slightly less than this, and will require minor alignment modifications. Because the available sight distances along Mountain View Place will be at, or only slightly exceed, the minimum required, the applicant shall construct curb extensions ("bulb-outs") at intersections along the street. Curb extensions would eliminate parking near intersections, improve visibility and sight distance, shorten pedestrian crossing distances, and function as traffic calming features by narrowing the roadway.
- 3.8 Construct the streets within the proposed subdivision as shown on the tentative plat. Right-of-way and street widths shall be as shown. All streets within the proposed subdivision shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.
- 3.9 The tentative plat shows that the required 50-foot additional noise setback has been provided along Interstate 5. It is unclear who will own and maintain this area. It shall be combined with Lot 26 and/or 27 on the final plat. Who will own the area labeled "open space" west of Lot 57 on the tentative plat is also unclear. It must be combined with one of the lots shown on the plat, or otherwise combined with another parcel.

On a drawing submitted with the concurrent application to develop Lot 58 of the proposed subdivision, a 6-foot high berm, 24 to 36 feet in width, is shown to be constructed within the 50-foot noise setback for Lot 58. This berm shall also be constructed in the setback along the rest of the subdivision lots that abut I-5 (Lots 26 and 27).

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

SANITARY SEWER

- 4.1 Construct the sanitary sewer main extensions shown on the tentative plat in Brookside Avenue, Wilt Court, and Bartley Place to serve the area of the proposed subdivision west of the new Mountain View Drive and south of Periwinkle Creek. The minimum size of these lines shall be 8 inches in diameter.
- 4.2 The 15-inch sanitary sewer main which now ends in Grand Prairie Road approximately 100 feet east of Waverly Drive shall be extended east and across the entire frontage of the subject property. The most likely east end of this line will be on the north side of Grand Prairie Road within the old Grand Prairie Road roadbed.
- 4.3 In reviewing the proposed subdivision and the manufactured home park to be constructed on Lot 58 of the subdivision, staff has discovered that the sanitary sewer system proposed for the manufactured home park shows top of manhole elevations that are higher than the surrounding ground elevation in the most eastern part of the park. This means that the area where this is shown would have to be filled, but it is not clear if this is what the applicant proposes. It also appears that the elevation of the sanitary sewer proposed in this area of the manufactured home park would conflict with the elevation of a proposed storm drain pipe. An alternative to serving this area of the park would be to extend the line that will be constructed in Heyerly Place across Periwinkle Creek to serve the area of the manufactured home park. This would have to be considered in determining the grade for the sewer in Heyerly Place to make sure it was deep enough to also serve the manufactured home park. Either alternative is feasible. The property owner shall select one alternative or the other, and show it on the construction drawings that are submitted to the City for review through the Site Improvement (SI) process.

alternative or the other, and show it on the construction drawings that are submitted to the City for review through the Site Improvement (SI) process.

WATER

- 4.4 The 24-inch water main which now ends in Grand Prairie Road approximately 100 feet east of Waverly Drive shall be extended east and across the entire frontage of the subject property. The most likely east end of this line will be on the north side of Grand Prairie Road within the old Grand Prairie Road roadbed.
- 4.5 Connect the 12-inch mains in Lexington Street and Mountain View Drive with a new 12-inch main.
- 4.6 Construct the 12-inch water main extension shown on the tentative plat south from Grand Prairie Road along the new Mountain View Drive, with the extensions shown along Brookside Avenue and Wilt Court to serve the lots along those streets.
- 4.7 Extend the existing line in Bartley Place as shown on the tentative plat to serve the lots along the new cul-de-sac. Extend the main along Heyerly Place and the extensions to serve the lots on the cul-de-sacs that connect to that street, as shown on the plat.
- 4.8 Lot 58 (the lot on which the manufactured home park is proposed) must have two 8-inch connections to the 12-inch main proposed in the new Mountain View Drive. Two connections are needed to provide a looped system for fire flows and to limit service interruptions at times when part of the line is being repaired.
- 4.9 All of the lines within the proposed subdivision must be a minimum of 8 inches in diameter to provide adequate fire flows. It may be possible to install 6-inch lines in some of the shorter cul-de-sacs if fire hydrants are not needed in the cul-de-sac.

STORM DRAINAGE

- 4.10 Construct the 30-inch storm drain pipe in the existing drainageway that is located in the northwest quadrant of the subject property. Improve the drainageway that is located in the southeast quadrant of the property.
 - (a) The 30-inch pipe is shown on the storm drain plan that was submitted with the tentative plat. The plan was prepared by Ling & Associates, and dated December 1, 1997, and revised February 3, 1998.
 - (b) A 36-inch pipe is shown on the storm drain plan to be constructed in the southeast drainageway, but, instead the drainageway shall be improved by excavating a continuous straight line grade from the outlet of the existing 30-inch storm drain pipe to the flow line of Periwinkle Creek. The width and side slopes of the drainageway may vary, but the capacity of the drainageway after improvement shall be 63 cubic feet per second.
- 4.11 Except as described in 4.10 above, construct the storm drainage system that will provide drainage to the proposed subdivision, as shown on the storm drain plan (revised to avoid the PER 8-A wetland). No storm drainage system is shown for Grand Prairie Road is shown. A system must be designed and constructed. No pipe sizes are shown on the plan. Final design details including alignment and pipe sizes must be reviewed and approved by the City Engineer through the Site Improvement (SI) process.
- 4.12 The 30-inch storm drain pipe that runs through the existing manufactured home park to the south of the subject property shall be replaced with a 48-inch diameter pipe. The City's storm drain master plan shows the 30-inch pipe is undersized.

- 4.13 Improve the Periwinkle Creek channel as recommended in the drainage study included in the letter to the City from Ling & Associates, dated January 12, 1998. The improvements are as follows:
- (a) Widen the bed of the creek at Lot 39 to yield a base width of 6 feet. Currently, the base width here is only 3 feet. The channel here can pass the 100-year runoff event with adequate freeboard, but the existing constriction causes backwater effects that may reduce freeboard upstream of this section.
 - (b) Review other creek channel cross-sections and excavate as required to maintain a minimum base width of 6 feet, unless it is determined by the City that the original channel was 5 feet wide, in which case the width can be 5 feet.
 - (c) Maintain the existing growth of short grass in the channel. It appears the channel is currently maintained this way. Certain assumptions used in this analysis are not valid if these conditions are not maintained in the future, and the estimated water surfaces will no longer apply.
- 4.14 The area along Periwinkle Creek shown on the tentative plat that is identified as an "existing drainageway easement" shall be shown on the plat as a separate tract.
- 4.15 The area where the proposed pipe in the northwest drainageway will discharge to Periwinkle Creek shown on the tentative plat as "open space," and the area where the proposed pipe in the southeast drainageway will discharge to the creek shown with an "x" through it shall be combined with one of the subdivision lots, shown as separate tracts, or be included with the area shown as the Periwinkle Creek drainage easement.
- 4.16 There are a total of six outlets to Periwinkle Creek. Dedicate 15-foot wide public easements, centered the pipes, as required in ADC 12.370. Dedicate a 30-foot wide public easement centered on the drainage way located in the southeast quadrant of the property.
- 4.17 The existing 30-inch pipe along the west boundary of the subject property is located within a 10-foot wide public easement (Linn County deed records MF-115-795). The tentative plat does not show the easement. It appears the easement is located along the west edge of proposed Lots 43, 45, and 48. The easement must be shown on the plat.
- 4.18 The storm drain plan submitted by the applicant does not show a specific type of drainage structure where the new Mountain View Drive will cross Periwinkle Creek. This crossing must be constructed as a single span structure (either a culvert or a bridge).
- 4.19 Excavation and/or fill within the Periwinkle Creek channel may be subject to regulation by the Oregon Division of State Lands and/or the U.S. Army Corps of Engineers. Excavation and/or fill may be subject to regulation by the City of Albany Building Division. The applicant must meet the applicable regulatory requirements of these agencies.
- 4.20 Obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality (DEQ) for construction activities that disturb five or more acres of land.
- 4.21 The location of the 100-year flood contour line along Periwinkle Creek, followed by the date the flood elevation was established, shall be included on the final plat. In addition, a statement which says: "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" must be located on or attached to the recorded map or plat.

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

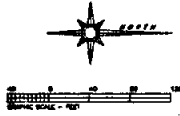
- 5.1 Issuance of a permit under ORS 196.600 to 196.905 by the Oregon Division of State Lands (DSL) is required before any physical alteration takes place within the wetlands on the subject property. The wetlands include the land within the banks of Periwinkle Creek, the ditch within the northwest quadrant of the property, and the ditch within the southeast quadrant of the property, as shown on the tentative plat.
- 5.2 The applicant has agreed to set aside the wetland identified on the City's East I-5 Local Wetland Inventory as PER 8-A as "open space." This shall be done on the final plat, and a note shall be included on the plat that states no development is allowed in this area. This area may be included in the tract that includes Periwinkle Creek. (See Condition 1.1 above.)

EXHIBIT G
APPROVED SITE PLAN
 Site Plan Review File SP-98-97

EDGEWOOD PARK EXPANSION
MANUFACTURED HOME PARK

3000 SE MOUNTAIN VIEW DR., ALBANY
 A PART OF TAX LOT 1400
 SECTION 16, TOWNSHIP 11 SOUTH, RANGE 3 WEST
 WILLAMETTE METROPOLITAN, LAMM COUNTY, OREGON
 DECEMBER 1, 1987 SCALE: 1" = 40'
 REVISED - JANUARY 31, 1988

SHEET 2 of 3



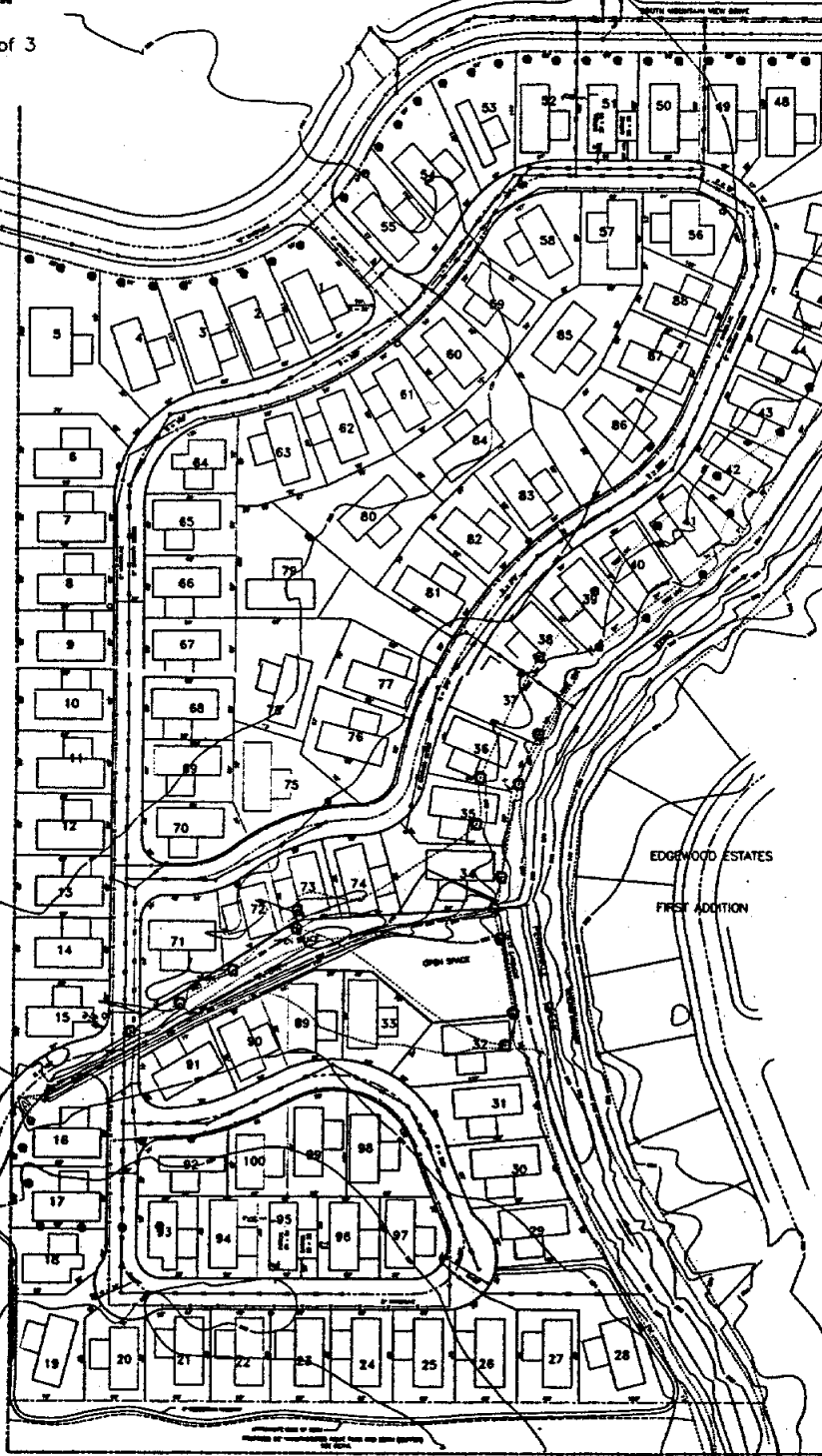
OWNER/APPPLICANT: SEE PLAN
 3000 SE MOUNTAIN VIEW DR.
 ALBANY, OREGON 97106
 (503) 862-1000

DESIGNER: SEE PLAN
 1111 1/2 N. W. 10TH ST.
 PORTLAND, OREGON 97228
 (503) 253-1000

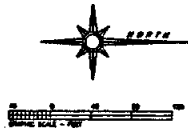


TYPICAL MANUFACTURED HOME SIZE
 SEE PLAN FOR HEIGHT OF HOME
 AND FOR FOUNDATION

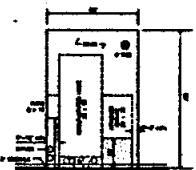
EDGEWOOD PARK MOBILE ESTATES
 EDGEWOOD PARK MOBILE ESTATES



NOTES:
 1. ALL DIMENSIONS ARE SHOWN ON THIS PLAN.
 2. THE APPLICANT AGREES TO HOLD THE STATE OF OREGON HARMLESS FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS PLAN.
 3. THE APPLICANT AGREES TO HOLD THE STATE OF OREGON HARMLESS FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS PLAN.
 4. THE APPLICANT AGREES TO HOLD THE STATE OF OREGON HARMLESS FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS PLAN.



OWNER/APPPLICANT: SEE PLAN
 3000 SE MOUNTAIN VIEW DR.
 ALBANY, OREGON 97106
 (503) 862-1000



TYPICAL MANUFACTURED HOME SIZE
 SEE PLAN FOR HEIGHT OF HOME
 AND FOR FOUNDATION

EXHIBIT H
LAND USE CONDITIONS OF APPROVAL
Site Plan Review File SP-98-97

The following land use conditions of approval relate to site plan review criteria in the Albany Development Code and to the findings of fact in the staff report. Unless otherwise noted, all conditions of approval must be completed to the satisfaction of the City's representative prior to occupancy of the manufactured home park.

(1) Public facilities can accommodate the proposed development.

STREETS

- 1.1 No parking will be allowed on one side of the streets within the proposed manufactured home park.
- 1.2 **Prior to any building permits being issued for the manufactured home park, a revised plan that shows the entire sidewalk system, with 4-foot wide sidewalks, must be submitted. ADC 10.290 requires that walkways a minimum of 4-feet wide connect each manufactured home space with common areas, public streets, and play areas. All walkways must be separated, raised, or protected from vehicular traffic and provide access for handicapped persons.**

The plans that were submitted for the manufactured home park do not show a system of walkways that would meet this requirement. Sheet 3 of 3 of the plans shows a plot plan of a typical manufactured home space, with a 3-foot wide sidewalk behind the curb of the street. It is implied from this drawing that each home will be connected to the other homes by constructing sidewalks along the frontage of each space. It is feasible to do this, but it is not clear from the plan that's what is intended. In addition, the sidewalks must be 4-feet wide. A walkway that connects the streets to the proposed common area within the freeway noise buffer area and then to the existing manufactured home park to the south where most of the recreation facilities for the park expansion will be located is shown on the plans.

The system of walkways described above must be constructed.

- 1.3 **Prior to any building permits being issued for the manufactured home park (except as allowed in Condition 1.6 below), construct Mountain View Drive from where it ends now at the south boundary of the subject property to Grand Prairie Road, as shown on the tentative plat for Edgewood Estates Second Addition (File M1-10-97). The sidewalk along the frontage of the property proposed to be sold to the City for a park, the sidewalk on both sides along Periwinkle Creek, and the sidewalk along the frontage of the manufactured home park, shall be constructed at the time the street is built.**
- 1.4 **Prior to any building permits being issued for the manufactured home park (except as allowed in Condition 1.6 below), construct Grand Prairie Road to City standards from where the existing street improvements end approximately 100 feet east of Waverly Drive to the bridge over Interstate 5. The street section shall be 48 feet wide from where the existing improvements end to the east side of the last driveway on the north side of Grand Prairie Road, a distance of about 750 feet. The street section shall include: one 12-foot wide travel lane in each direction; a continuous two-way center left-turn lane; a bicycle lane in each direction; and a sidewalk on each side of the street.**

From that point the street section shall taper to 36 feet by eliminating the center turn lane as the street approaches the bridge over Interstate 5, and match the width of the bridge. This street section shall include one 12-foot wide travel lane in each direction; a bicycle lane in each direction; and a sidewalk on each side of the street.

The sidewalks to be constructed along Grand Prairie Road shall be 6 feet wide, set back from the curb by a landscaped planter strip at least 5 feet wide.

- 1.5 **Prior to any building permits being issued for the manufactured home park** (except as allowed in Condition 1.6 below), the property owner shall dedicate an additional 5-foot width of public right-of-way along the Grand Prairie Road frontage of the subject property, from the westerly boundary of the subject property to the east side of the last driveway on the north side of Grand Prairie Road, a distance of about 750 feet.

From that point, the property owner shall dedicate sufficient additional width along the Grand Prairie Road frontage of the subject property to allow street construction to taper in width to 36 feet, then match the width of the bridge over Interstate 5. The elevation of the street rises to cross over Interstate 5 creating a fill slope that may extend on to the proposed subdivision lots. An alternative to providing additional right-of-way through this area may be to build a retaining wall so that the fill slope stays within the existing right-of-way. The choice of which alternative to use will be made by the City Engineer through the Site Improvement (SI) review process.

- 1.6 The applicant does hereby petition the City for the improvements to Grand Prairie Road described above and waives his right to remonstrate against such improvements. Other properties determined by the Albany City Council to benefit from the street improvements will also be included in the Local Improvement District (LID).

The applicant also agrees to bear and pay the proportionate share of the cost for improving Grand Prairie Road for properties within the LID boundary on which single family residences are now located, and those properties which do not now have access to Grand Prairie Road.

As of the date this staff report was written, February 4, 1998, the City has approved two developments that will access Grand Prairie Road -- Creekside Manufactured Home Park at the southeast corner of Grand Prairie Road and Waverly Drive, and Lexington Subdivision Phases 5-16, east of Lexington Street and north of Grand Prairie Road across from the subject property.

A condition of approval for Creekside is that the owners construct Grand Prairie Road across the frontage of their property (to partial width), or form an LID for that construction. A condition of approval for Lexington Phases 5-16 is that the owner sign a Petition for Improvement/Waiver of Remonstrance for construction of Grand Prairie Road from Waverly Drive to Interstate 5. No development of these properties can occur until the petition/waivers have been signed. At the time they are signed, the property owner petitions the City to form an LID to make the improvements, and waives the right to remonstrate against the street project. (The owners still have the opportunity to discuss the method by which the cost of the project is distributed among the benefitting properties.)

Grand Prairie Road shall be improved before vehicular traffic from either the subdivision or the manufactured home park proposed by the applicant are allowed access to Grand Prairie Road. The City will not issue a Site Improvement permit for construction of an access to Grand Prairie Road on the applicant's property prior to the time the street is improved. Temporary construction access will be allowed.

Development of subdivision lots or manufactured home spaces south of Periwinkle Creek that will have access on existing streets (Wilt Court, Bartley Place, Brookside Avenue, and Mountain View Drive) will be permitted by the City. The number of lots or spaces that will be permitted by the City will be limited to the number that will contribute 172 vehicle trips per day, or fewer. (This is the number of trips estimated to be the total number of trips that will access these existing streets at full development of the proposed

developments.) Development of these lots and spaces will be permitted only when all other applicable provisions of development approval and other applicable regulations have been met.

- 1.7 The speed limit on Mountain View Drive will be 25 miles per hour, resulting in a minimum sight distance requirement at the intersection of 250 feet. The intersection of the street that connects the proposed manufactured home park with Mountain View Drive appears to have less sight distance than this, and will require a minor alignment modification. Because the available sight distance along Mountain View Place will be at, or only slightly exceed, the minimum required, the applicant shall construct curb extensions ("bulb-outs") at intersections along the street. Curb extensions would eliminate parking near intersections, improve visibility and sight distance, shorten pedestrian crossing distances, and function as traffic calming features by narrowing the roadway.
- 1.8 Construct the 6-foot high berm, 24-36 feet in width, and walkway shown on the plans to be constructed within the 50-foot noise setback from Interstate 5.

SANITARY SEWER

- 1.9 The 15-inch sanitary sewer main which now ends in Grand Prairie Road approximately 100 feet east of Waverly Drive shall be extended east and across the entire frontage of the subject property. The most likely east end of this line will be on the north side of Grand Prairie Road within the old Grand Prairie Road roadbed.
- 1.10 Construct the sanitary sewer main extensions shown on the tentative plat for Edgewood Estates Second Addition which also shows how service can be provided to the proposed manufactured home park. The existing main on Brookside Avenue must be extended across the new Mountain View Drive into the park, and along the proposed streets. The minimum size of these lines shall be 8 inches in diameter. All public mains shall be extended to within 100 feet of structures that will be served.
- 1.11 In reviewing the proposed manufactured home park and subdivision, staff has discovered that the sanitary sewer system proposed for the manufactured home park shows top of manhole elevations that are higher than the surrounding ground elevation in the most eastern part of the park. This means that the area where this is shown would have to be filled, but it is not clear if this is what the applicant proposes. It also appears that the elevation of the sanitary sewer proposed in this area of the manufactured home park would conflict with the elevation of a proposed storm drain pipe.

An alternative for serving this area of the park would be to extend the line that will be constructed in Heyerly Place across Periwinkle Creek to serve the area of the manufactured home park. This would have to be considered in determining the grade for the sewer in Heyerly Place to make sure it was deep enough to also serve the manufactured home park. It also means that the existing sanitary sewer that now ends about 100 feet east of Waverly Drive would have to be extended along Grand Prairie Road, Mountain View Drive, and Heyerly Place to serve the manufactured home park. Either alternative is feasible. The property owner shall select one alternative or the other, and show it on the construction drawings that are submitted to the City for review through the Site Improvement (SI) process.

WATER

- 1.12 The 24-inch water main which now ends in Grand Prairie Road approximately 100 feet east of Waverly Drive shall be extended east to Interstate 5. A 12-inch main shall be extended south along Mountain View Drive to connect with the existing line that is located where Mountain View Drive ends now.
- 1.13 Connect the 12-inch mains in Lexington Street and Mountain View Drive with a new 12-inch main.

- 1.14 The proposed manufactured home park must have two 8-inch connections to the 12-inch main in the new Mountain View Drive. Two connections are needed to provide a looped system for fire flows and to limit service interruptions at times when part of the line is being repaired. These connections and the lines within the park must be a minimum of 8 inches in diameter to provide adequate fire flows.

STORM DRAINAGE

- 1.15 Improve the drainageway that is located in the southeast quadrant of the property. The drainageway is shown on the sanitary sewer and storm drainage plan submitted by the applicant. The plan was prepared by Ling & Associates, and dated December 1, 1997, and revised February 3, 1998. The drainageway shall be improved by excavating a continuous straight line grade from the outlet of the existing 30-inch storm drain pipe to the flow line of Periwinkle Creek. The width and side slopes of the drainageway may vary, but the capacity of the drainageway after improvement shall be 63 cubic feet per second.
- 1.16 Except as described in 1.15 above, construct the storm drainage system that will provide drainage to the proposed park, as shown on the storm drain plan. No pipe sizes are shown. Final design details including alignment and pipe sizes must be reviewed and approved by the City Engineer through the Site Improvement (SI) process.
- 1.17 The 30-inch storm drain pipe that runs through the existing manufactured home park to the south of the subject property shall be replaced with a 48-inch diameter pipe. The City's storm drain master plan shows the 30-inch pipe is under-sized.
- 1.18 Improve the Periwinkle Creek channel as recommended in the drainage study included in the letter to the City from Ling & Associates, dated January 12, 1998. The improvements are as follows:
- (a) Widen the bed of the creek at Lot 39 to yield a base width of 6 feet. Currently, the base width here is only 3 feet. The channel here can pass the 100-year runoff event with adequate freeboard, but the existing constriction causes backwater effects that may reduce freeboard upstream of this section.
 - (b) Review other creek channel cross-sections and excavate as required to maintain a minimum base width of 6 feet, unless it is determined by the City that the original width was 5 feet, in which case the excavated width can be 5 feet.
 - (c) Maintain the existing growth of short grass in the channel. It appears the channel is currently maintained this way. Certain assumptions used in this analysis are not valid if these conditions are not maintained in the future, and the estimated water surfaces will no longer apply.
- 1.19 The area where the proposed pipe in the southeast drainageway will discharge to the creek shown with an "x" through it shall be combined with one of the proposed subdivision lots, be shown as a separate tract, or be included with the area shown as the Periwinkle Creek drainage easement.
- 1.20 There are a total of two outlets to Periwinkle Creek for storm drain pipes that will serve the proposed manufactured home park. Dedicate 15-foot wide public easements, centered on the pipes, as required in ADC 12.370. Dedicate a 30-foot wide public easement for the drainageway located in the southeast quadrant of the property, centered on the drainageway.
- 1.21 The storm drain plan submitted by the applicant does not show a specific type of drainage structure where the new Mountain View Drive will cross Periwinkle Creek. This crossing must be constructed as a single span structure (either a culvert or a bridge).

1.22 Excavation and/or fill within the Periwinkle Creek channel may be subject to regulation by the Oregon Division of State Lands and/or the U.S. Army Corps of Engineers. Excavation and/or fill may be subject to regulation by the City of Albany Building Division. The applicant must meet the applicable regulatory requirements of these agencies.

1.23 Obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality (DEQ) for construction activities that disturb five or more acres of land.

(2) Any special features of the site (such as topography, hazards, vegetation, wildlife habitat, archaeological sites, historic sites, etc.) have been adequately considered and utilized.

2.1 Issuance of a permit under ORS 196.600 to 196.905 by the Oregon Division of State Lands (DSL) is required before any physical alteration takes place within the wetlands on the subject property. The wetlands include the land within the banks of Periwinkle Creek, the ditch within the northwest quadrant of the property, and the ditch within the southeast quadrant of the property, as shown on the tentative plat.

2.2 The applicant has agreed to set aside the wetland identified on the City's East I-5 Local Wetland Inventory as PER 8-A as "open space." This shall be done on a revised site plan for the proposed manufactured home park. A note shall be included on the plan that states no development is allowed in this area.

(3) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

3.1 Provide the 20-foot wide buffer area with trees planted every 30 feet along Mountain View Drive shown on the plans. A 10-foot wide buffer is required within the 20-foot area. This buffering shall conform with the specifications listed in 3.4 below. No screening is required along this west boundary of the park.

3.2 Provide a minimum 5-foot buffer area along the north boundary of the park. If another 5-foot width is not provided on the other side of Periwinkle Creek with development of the proposed subdivision, a 10-foot buffer width is required with the manufactured home park. No screening will be required along this boundary of the park.

3.3 Provide a 10-foot wide area of buffering and screening along the east boundary of the park, within the 50-foot wide noise buffer along Interstate 5. Construct the 6-foot high, 24- to 36-foot wide berm shown on Sheet 3 of 3 of the plans. This berm meets the screening requirement for this boundary of the park. (ADC 9.250 allows "an earth berm combined with evergreen plantings or a fence which forms a sight and noise buffer a least six feet in height within two years of installation.")

3.4 Where buffering is required in these conditions of approval, the buffering shall comply with the requirements of ADC 9.240. The minimum improvements within a buffer area consist of the following:

- (1) At least one row of trees. These trees will be not less than 10 feet high at time of planting for deciduous trees and spaced not more than 30 feet apart and 5 feet high at time of planting for evergreen trees and spaced not more than 15 feet apart. This requirement may be waived by the Director where it can be demonstrated that such trees would conflict with other purposes of this Code (e.g. solar access).
- (2) At least five 5-gallon shrubs or ten 1-gallon shrubs for each 1,000 square feet of required buffer area.
- (3) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs).

3.5 The following site development standards apply to each manufactured home space:

- a. All manufactured home spaces shall be landscaped within six months of manufactured home placement. Such landscaping shall be the responsibility of the park owner unless under terms of the space rental agreement grading and materials are supplied by the park owner and labor is furnished by the renter.
- b. Classes A and B manufactured homes inside of manufactured home parks and Classes C and D manufactured homes must be installed with an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and backup framing shall be weather-resistant materials which blend with the exterior siding of the home. Below-grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be resistant to decay or oxidation. The siding must be installed in accordance with the manufacturer's recommendations or approved equal standards.
- c. Permanent walkways of not less than three feet in width shall be provided from each manufactured home main entrance to the nearest public or private street. A minimum of 4-foot wide walkways shall connect each manufactured home space with common areas, public streets, and play areas. All walkways must be separated, raised or protected from vehicular traffic and provide access for handicapped persons.
- d. Distance between manufactured homes - 10 feet.
- e. Distance from a park building other than an accessory structure - 10 feet.
- f. Distance of a manufactured home or accessory structure from a space boundary - 3 feet, except where a carport, garage, or storage structure is shared by adjoining spaces in which case the shared facilities may be attached at the space dividing line.
- g. Distance of a manufactured home or accessory structure from an exterior park boundary or public right of way - 10 feet.
- h. Distance of a manufactured home or accessory structure from a roadway within the park - 8 feet.
- i. Distance of an accessory structure other than an approved manufactured home accessory structure attachment from a manufactured home - 3 feet.
- j. Each manufactured home shall be provided with a patio adjacent to the manufactured home, constructed of permanent material, and containing at least 120 square feet with a minimum width of 8 feet in its least dimension.

3.6 Prior to issuance of Building Permits, a legal instrument, to the satisfaction of the City Attorney, that residents of the new manufactured home park will have access and use of all recreation areas in the existing manufactured home park (Edgewood Mobile Home Park).

(4) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

4.1 Parking must be prohibited on the street that runs north/south between the loop streets because it is only 24 feet wide.