



5/15/2024 Middle Housing Community Conversation Notes

TRANSPORTATION

Q: If middle housing was not foreseen when North Albany was annexed, is the transportation system adequate?

A: The city typically plans for long range needs through a Transportation System Plan (TSP), which identifies system needs out 20 years (road widths, signals, turn lanes, bike lanes, etc.), prioritizes them, and determines how they might be funded. The last TSP was completed in 2010 and projected needs to 2030. It was based on zoning at that time, which is the same as today. The current TSP shows that Gibson Hill and North Albany Road are not projected to be at capacity or failing at the 2030 projection. Albany will begin a new TSP process in a couple of months. The new plan will assume middle housing impacts and will determine system needs for the next 20 years.

Q: How are streets improvements paid for? (explain when development pays for street improvements, and when does the city)

A: The answer to this question can be a bit involved, but explained simply, private development that is not served by existing streets must construct new streets or improve existing adjacent streets to predetermined city standards. This cost is borne by the developer; city SDC credits may be available for the cost difference when the city requires a street to be constructed with additional capacity over and above what is necessary to serve the development.

Most new streets are constructed via private development. However, occasionally (rarely) the city can construct new streets needed to serve growth through street SDCs, grants, or street capital reserves. Due to limited funding for streets, collector or arterial streets are prioritized for funding over local "residential" streets as they serve a higher volume of traffic. The city obtains ODOT grants which typically require the funds be used on collector or arterial streets. This is not a common practice, as most city constructed and funded street projects focus on rebuilding existing streets that have failed and need to be rebuilt to continue serving the public. Although there are some restrictions, when the city does construct a street, the city can recover the cost of that construction through connection charges when development occurs that benefits from the prior investment by the city.

Q: What do transportation SDCs pay for?

A: Transportation SDC's consist of two separate components 1) an SDC Improvement fee, and 2) an SDC Reimbursement fee. Together they comprise the total transportation SDC fee.

The SDC improvement fee is designed to recover all or a portion of the costs of planned capital improvements that add system capacity to serve future customers. Revenues generated through the improvement fees are dedicated to funding capacity-increasing street capital improvements.

The SDC reimbursement portion of the fee is designed to have new customers contribute an equitable share of the existing transportation infrastructure already in place and available to serve growth. This revenue can be used for any transportation related expense (unrestricted transportation).

Q: Who pays for road studies?

A: Traffic studies are conducted and funded in a variety of ways:

1. New developments that generate more than 100 peak hour trips are required to provide a developer funded traffic impact analysis. That analysis needs to look at both safety and capacity issues. It must include all connection points the new development has to the public street system, and off-site arterial and collector intersections that will receive 50 or more peak hour trips.
2. ODOT will occasionally fund and conduct traffic studies along highway corridors. These types of studies are generally done in response to an identified need/concern, and most often not triggered by a specific development project.

3. Albany's Transportation System Plan (TSP) is essentially a city-wide traffic study that looks at capacity, safety, and transportation system needs across a 20-year time frame. The city will start a TSP update within the next few months. It will be jointly funded by the City and the State.

Q: Who pays for street maintenance?

A: Street maintenance is paid for by the City through a variety of funds in the table that follows. For detailed information on funding for street maintenance, you can visit the city's website to see recent presentations to the city council on this subject at [Past Presentations and Public Meetings \(albanysoregon.gov\)](http://albanysoregon.gov/Past-Presentations-and-Public-Meetings).

Funding Source	Restrictions?
State Gas Tax	<i>Existing street system operation & maintenance</i>
Federal Gas Tax (STBG)	Maintenance & expansion of <i>arterials & collectors</i>
Sewer In-Lieu-of Franchise Fee	Unrestricted
Water In-Lieu-of Franchise Fee	Unrestricted
Transportation System Development Charges – Improvement	<i>Growth-related projects in Transportation System Plan (arterials & collectors)</i>
Transportation System Development Charges – Reimbursement	Unrestricted transportation system projects

Q: Can you explain how the city is addressing Highway 20 safety concerns raised in a 2016 study?

A: The referenced 2016 Highway 20 study, funded by ODOT, evaluated safety issues at high crash rate intersections along the corridor between Corvallis and Albany. Some of the safety improvements recommended by the study were funded for construction through an appropriation from the state legislature. Those included a center turn lane for a section of the corridor near Corvallis and highway intersection improvements at Granger Road and Independence at Highway 20. The safety improvements identified in the study for North Albany have not yet been funded but will likely receive consideration during upcoming legislative sessions. The study identified improvements that are also likely to be included as part of the city's pending Transportation System Plan (TSP) update.

Q: At what point do we feel we don't have the infrastructure to accommodate growth?

A: The city looks at intersection performance using "p.m. peak" road demand to capacity ratios in the TSP and to evaluate road systems. No intersections are "broken" or underperforming. Capacity on the state system, like Highway 20, is addressed by the state.

Q: Will the city consider reducing the 45-mph speed limit on Gibson Hill since there is a lot of pedestrian activity crossing the road to the park?

A: Given the residential nature of the adjoining land uses, the city is in favor of working towards a reduction in the current 45 mph speed limit on the west end of the Gibson Hill Road corridor. In Oregon, speed limits on arterial streets like Gibson Hill Road are set by ODOT through issuance of a speed zone order. ODOT will reevaluate an existing speed zone when asked by the local road authority. Albany is in the process of getting jurisdiction over Gibson Hill Road from Benton County and will soon have the ability to make that request to ODOT. When asked to review a speed zone order the current speed of traffic on a road is the primary factor in ODOT's ultimate decision. In general, in urban areas ODOT will set a speed limit no more than 5 mph (up or down) from the current 50th percentile speed on a road. That makes the decision by the local road authority about the timing of a request critical. New intersections and development related traffic tend to drop vehicle speeds along a corridor based on an increased number of turn movements to and from side streets. A speed zone study done before those trips are in place will show higher speeds along the corridor and result in a higher posted speed limit than if a study were done after

development is in place. City staff are currently evaluating the optimum time to make a request to ODOT for a new speed zone study on Gibson Hill Road. A good local example of a similar situation is Waverly Drive/Columbus Street. The city requested a new speed zone study after seeing new development at the south end of the corridor. The resulting ODOT speed zone order dropped the speed limit along most of the corridor from 40 mph to 35 mph.

Q: Will the city reactivate the Gibson Hill Road bus stop?

A: One of the reasons why this stop was removed when the city redid routes, was due to very little ridership. It will take an additional \$250k year to operate another bus. The long-term plan shows a better coverage route; however, we need the roads between Scenic to Crocker to connect in order to get buses through and around neighborhoods. Development needs to happen to make these connections, increase ridership opportunities, to get transit through the area.

Q: Will the Riverview Crossing development have off-street parking?

A: The road is 30 feet wide, which allows for parking on both sides of the street. Driveway spacing will determine how much road is available for on-street parking.

Q: Is the street in Riverview Crossing built to provide access/egress for garbage trucks and emergency vehicles?

A: The local street is designed to the city's construction specifications and can accommodate emergency vehicles and garbage trucks.

Q: How do we get involved with the TSP update?

A: There will be a substantial public engagement starting later this year and into next year. Watch the city's website for press releases and the Transportation page for more information. <https://albanyoregon.gov/pw/transportation>.

STORM DRAINAGE, WATER SYSTEMS (QUALITY AND QUANTITY), WETLANDS

Q: How are the city's storm drainage requirements determined?

A: All developments must have an approved point of discharge into the public storm drainage system. The city has new storm drainage requirements which factored in middle housing. The methodology requires applicant's design engineer to size their storm drainage systems based on the size of the development and the development's anticipated lot coverage.

Q: Has the city investigated the environmental impact middle housing may have on water quality and wetlands?

A: Not directly, however, rules and permits are in place to evaluate and mitigate impacts development has on water quality and wetlands. Regarding water quality and quantity, the City of Albany has a Municipal Separate Storm Sewer System (MS4) Permit that requires the city to regulate stormwater discharge to any conveyances within Albany. The standards require stormwater discharges to meet specific requirements for all developments as well as during construction. The city has an Erosion Prevention and Sediment Control (EPSC) program as part of the city's commitment to environmental stewardship and responsibility. The program is designed to assist the city in meeting requirements set forth by the Oregon Department of Environmental Quality (ODEQ) and the federal Environmental Protection Agency. It regulates direct and indirect stormwater discharge to protect and enhance the water quality and natural functions of watercourses and water bodies. An EPSC permit is required for most land disturbing activities. The MS4 permit requirement results in review of the proposed storm drainage facility, and inspections to ensure the system is installed according to the approved design. The development may also require a city fill permit, floodplain development permit, or a Natural Resource Impact Review for all development activities within areas identified as a locally significant natural resource.

In addition, ODEQ requires a permit for land disturbing activities affecting a cumulative area greater than 5 acres, in addition to the city's EPSC permit.

A: When properties have wetlands, the developer must get approval from the Department of State Lands (DSL) when wetlands are impacted. Sometimes wetlands are retained or mitigated on site, mitigated off-site, or any combination. Off-site mitigation involves purchase of wetland mitigation credits in the same drainage basin. When an activity has an adverse impact on “waters of the United States”, a permit is also required from the U.S. Army Corps of Engineers, to comply with federal laws. DSL permits are required to be provided to the City before construction can start.

Q: How does the city ensure more development will not result in storm drainage overflow and flood lots/houses, especially those that are downhill from a development?

A: A storm drainage detention facilities discharges stormwater at a metered rate – the water discharges more slowly out of the facility than water going in. Regarding residences downhill from Riverview Crossing, if there is overflow, it will go into the ditch which includes a catch basin through an opening. The system is designed for capacity to retain a 25-year event, before it would go through an overflow directly into the public storm system. The systems are designed for an emergency 100-year overflow.

Q: Is the storm drainage system adequate for the 80 townhouses? There has been more standing water than normal on adjacent properties.

A: For Riverview Crossing, since lot coverage was projected to be higher for 80 townhomes than for the original 20 detached homes, the applicant had to go back and oversize the storm drainage facility to accommodate for the extra run off. Specifically, the developer had to remove the pond and make the new one deeper and wider.

Applicants must apply for an Erosion Prevention and Sediment Control (EPSC) permit. Regarding standing water issues, the city will look at the plans and check the grading on-site to ensure everything was installed correctly for all utilities. If the pond is undersized or not designed correctly the city can restrict development until this issue is addressed. There is some tension or lag time between the construction/installation of the storm drainage infrastructure and when the houses are built (with roof drains, etc.) and the work is complete and approved.

Q: Does anyone look at the storm improvements before the city issues permits?

A: Yes, city staff conduct an inspection to ensure any required infrastructure improvements are installed according to approved plans. Visit the online construction map to find out the project phase and who the city inspector is. <http://albanyoregon.gov/pw/projectmap>.

Q: When storm drainage ponds, or swales are installed who maintains them?

A: It depends on how it was set up. Typically, the developer sets up a Homeowners Association (HOA), and it becomes the responsibility of all property owners. If it is in an easement, then sometimes it is the responsibility of property owners where the easement is located. When a developer installs a stormwater quality facility for a subdivision, that facility would be owned and maintained by the city. A developer has the option to install a combination facility for stormwater detention and quality treatment. In that event, the city would take ownership and maintain that combination facility. At Riverwood Crossing, this is a combination facility and will be owned and maintained by the city. The facility is currently under warranty for the infrastructure and for the plants.

Q: Why is the back of my property 2 feet lower than the Riverview Crossing development?

A: The code does not regulate how much fill is added to a lot if the development is able to properly manage stormwater runoff from the site and not negatively impact the adjacent properties with the change in drainage patterns. For Riverwood Crossing, additional swales were installed to intercept potential runoff from leaving the new lot's backyards. All roof drains must have a 2 percent minimum slope to drain to the street, so lots are higher than the streets. Stormwater from Impervious surfaces must be directed to an approved point of discharge, often the public street. If you have any questions or concerns regarding stormwater drainage issues related to Riverview Crossing, please contact Pete Hemmers, 541-791-0113 or pete.hemmers@albanyoregon.gov.

Q: A few houses built in Benton Woods were backfilled with debris of concrete building demo – several feet deep and added topsoil on top of that. How will that affect drainage? How do developers get away with that backfill?

A: For new subdivision development, the engineer of record for the subdivision can approve backfill materials for the lots. Every lot will have a separate soils report conducted and submitted as part of the building permit. This soils report will determine if the fill is adequate for a building foundation or not. Concrete backfill is not the worse backfill material since it is basically a rock. Organics, trash, or other material that can decompose will be more of an issue due to settlement concerns. This use of concrete would not have any impact on the drainage as it is only used for backfill that will then be compacted to final design grades.

WATER SYSTEM

Q: Is the water system sufficient to accommodate growth in North Albany and the city?

A: The City of Albany has more than adequate water supply for the entire city. The Council recently received a brief on the new draft Water Master Plan which outlines the projects that need to happen to make pipes bigger and add capacity at the treatment plants over time, to scale the system with development. Albany's water system is in excellent shape and fully capable of meeting growth demands with appropriate investment over time. There is no critical water failure, nor is one imminent. Albany is better positioned than many communities due to our redundant plants and well-maintained distribution system.

MISCELLANEOUS

Q: How is the city addressing defensible space?

A: The state is developing a more unified approach to mapping systems for fire safety. That new system is almost in place; the city has been waiting until a new state system is in place before updating our maps and process.

Q: Does the school district know about residential developments?

A: The city sends the school district office notices of decisions regarding residential developments, provides information to GAPS' consultants for school enrollment forecasting purposes, and meets with GAPS staff as needed to help them address their facility needs.

Q: Has the city calculated the maximum number of dwellings that could be built on vacant land for infrastructure or other planning purposes?

A: Methodologies for calculating demand and infrastructure needs vary by the type of infrastructure. The city has calculated residential build out using past density trends by zone and can calculate future "build out" using different development assumptions.

Q: I thought lots in North Albany had to be 10,000 SF, yet why are there many that aren't 10,000 SF?

A: Each residential zoning district has a "minimum lot size", which is the minimum AVERAGE lot size for a development. The land division standards allow up to half of the lots to be up to 30 percent smaller than the average, if the average minimum lot size is achieved. In the RS-10 zone, which covers most of North Albany, the lots must average 10,000 square feet under a standard subdivision. In exchange for the protection and/or restoration of natural or other special features on a development site, the code allows the use of more flexible lot size standards, called a "cluster development". When a developer applies for a cluster development, a maximum density per acre is used for the development site, so that the density is then clustered away from the protected resource. In RS-10, the maximum is 4 units per acre. However, state law requires us to permit additional density for middle housing developments based on the minimum lot size for the middle housing type.

Q: If North Albany formed its own city, would it have to allow middle housing?

A: Cities with populations between 10,000 and 24,999 must allow duplexes on all residential lots that allow detached single dwelling units. Cities 25,000 and over must allow all other middle housing types.

Q: Is it true that any lot that intended for a single-family home could be middle housing?

A: Lots intended for single dwelling units can be developed with a duplex regardless of lot size. In order to develop other middle housing types on lot, the lot must meet the minimum lot size for the middle housing type. In addition, an existing house can be converted to middle housing or added onto if the minimum lot size standards are met.

Q: Is middle housing low-income or affordable housing?

A: No. There is a difference between true “affordable housing” and “naturally occurring affordable housing.” Affordable housing is housing that is directly subsidized by an organization or the government, typically for residents with household incomes below 80% of the area median income. “Naturally occurring affordable housing” is market-rate housing that is usually older, smaller, or both. MH tends to be smaller which leads to even lower operating and long-term maintenance costs. While new housing is typically more expensive than older housing due to lack of wear and tear, it should have lower maintenance and operating costs.

Q: Can the city update the notice language for the initial land division to say the development may be middle housing?

A: The city can state in the land use notice that lots could be developed with middle housing types to better explain the housing types that would be permitted with the development proposal. The city is considering requiring land division application submittals to include the type of housing proposed within the development.

Q: When the city processes the initial subdivision application that creates “parent’ lots, can the city assume the worst-case scenario (highest density) for infrastructure demands?

A: The city informs developers that if they are considering middle housing, they need to take that into account during the infrastructure design to ensure there is capacity to accommodate the development, especially for storm drainage. The city evaluates utility capacity when reviewing development proposals; if a utility had capacity concerns, it would be evaluated very closely and may put the development at risk of not being approved if the capacity issues cannot be adequately addressed by the developer. Jurisdictions have a constitutional obligation that conditions (requirements) placed on the development are proportional to its impacts, which means that a developer can’t be required to make improvements beyond what the development’s fair share is. If the type of housing changes at the building permit stage, the city has the ability to ask for improvements to address any capacity issues. A good example is the Riverview Crossing storm drainage pond had to be redesigned to be deeper and larger to accommodate the middle housing.

Q: Can the city increase the notice area for middle housing land divisions (MHL)?

A: The city attorney does not support increasing the notice area due to legal liabilities. The state cautions against it. The city IS required to send notices to recognized neighborhood associations; notice was sent to the North Albany Neighborhood Association for further distribution.

Q: Why were neighbors notified in March 2024, when the plumbing for the middle housing development started going in 80 houses in September?

A: Once lots are created, those that meet the minimum lot size for a middle housing type may be developed with middle housing without requiring a land use application or notice to neighbors; builders get building and associated permits. This means, the initial 22 lots could be developed with duplexes, triplexes, fourplexes or cottage clusters through the building permit process. When the city was approached about middle housing on the lots, the city recommended they install the services with the initial subdivision construction to avoid having to come back and cut the streets and the utility mains to install the services later, which would have caused concerns for the utility mains. The city did not receive the Middle Housing Land Division application until March 5, 2024. The city mailed notice of the application to neighbors within 100 feet per SB 458 and to the North Albany Neighborhood Association on April 2, 2024, following the completeness review. **Note: The developer could have developed the middle housing as fourplexes without dividing the land to create ownership opportunities.

Q: Is a sound wall required when developments are proposed next to railroad tracks?

A: The city does not require sound walls adjacent to railroad tracks.

Q: Are there plans to address the food desert in North Albany?

A: The North Albany Plan, adopted in 2004, proposed some light commercial/mixed use zoning at Scenic and Gibson Road and along Crocker Road to provide opportunity for retail and services closer to development to reduce vehicle miles traveled. However, due to public opposition, the city council voted to remove these centers from the land use plan, and the zoning was not enacted.

Q: Did ownership of the Riverview Crossing development change?

A: The property ownership has changed from when the original tentative subdivision plat was approved in 2021. The property sold to the current owners on April 21, 2023.