

ORDINANCE NO. 5321

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; APPROVING A SUBDIVISION TENTATIVE PLAT; AND DECLARING AN EMERGENCY; FOR PROPERTY LOCATED SOUTH OF SANTIAM HIGHWAY AND WEST OF INTERSTATE 5.

WHEREAS, the City of Albany Planning Commission recommended approval of the proposed Zoning Map Amendment and Subdivision Tentative Plat, based on evidence presented in the staff report and at the public hearing for City of Albany File Nos. ZC-04-97 and M1-04-97; and

WHEREAS, the Albany City Council held a public hearing on these cases on October 22, 1997.

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

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

Section 2: The Zoning Map designation of the 1.23-acre subject property is hereby amended from OP (Office Professional) to RM-5 (Residential Limited Multiple Family).

Section 3: A map showing the amendment to the Zoning Map and a legal description of the subject property are attached as Exhibits "B-1" and "B-2."

Section 4: The Subdivision Tentative Plat for Wayside Subdivision is hereby approved, with the conditions listed in the staff report. A copy of the approved tentative plat is attached as Exhibit "C."

Section 5: A copy of the map showing the amendment to the zoning map and the legal description of the subject property 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.

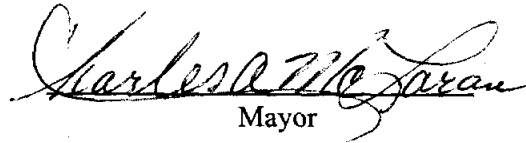
Section 7: A copy of the legal description of the subject property and the map showing the amendment to the Zoning Map shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

IT IS HEREBY adjudged and declared that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the City Council: October 22, 1997

Approved by the Mayor: October 22, 1997

Effective Date: October 22, 1997


Mayor

ATTEST:



City Recorder

FINDINGS DOCUMENT

Zoning Map Amendment File ZC-04-97

(1) The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for in accordance with Section 2.080, ADC Article 2.

FINDINGS OF FACT

- 1.1 The subject property is located east of Center Street and south of Santiam Highway (U.S. Highway 20) and west of the south-bound on-ramp to Interstate 5.
- 1.2 The Comprehensive Plan Map designation of the subject property is Light Commercial. The proposed zoning designation is RM-5 (Residential Limited Multiple Family).
- 1.3 The "Plan Designation Zoning Matrix" on Page 131 of the Comprehensive Plan shows whether a particular zoning district is compatible with a particular Plan designation. The matrix shows that the R-2 (now called RM-5) zoning designation is "restricted" if the Comprehensive Plan designation is Light Commercial. The matrix says that "restricted" means "subject to special regulation such as Zone Changes." This means that the RM-5 designation cannot be applied to a particular land area unless the Planning Commission and City Council approve a zone change (zoning map amendment).
- 1.4 The proposed change from the current OP (Office Professional) zoning designation to an RM-5 (Residential Limited Multiple Family) designation is the subject of this review.
- 1.5 The reference to "Section 2.080, ADC Article 2" in this review criterion is erroneous. It is an old reference that should have been corrected when Article 2 was revised in 1991. The correct reference is ADC Section 2.530.

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

FINDINGS OF FACT

- 2.1 The uses that are permitted under the proposed RM-5 zoning designation are primarily residential. The RM-5 zoning district is intended for low to medium density multiple family residential urban development. Development should occur at 10-20 units per acre. [ADC 3.020(5)]
- 2.2 ADC 12.060 requires that new development have frontage on or approved access to a public street currently open to traffic. The subject property currently does not have frontage or access to a public street currently open to traffic. Immediately adjacent to the property to the north, however, is an unused area of Oregon Department of Transportation (ODOT) right-of-way. There is an old paved frontage road within the right-of-way.
- 2.3 The applicants have submitted a concurrent Subdivision Tentative Plat application. The tentative plat submitted with the application is two pages, each titled "Preliminary Duplex Subdivision, Wayside Subdivision," prepared by James F. Udell Engineering and Surveying, dated February 25, 1997. The

tentative plat shows the subject property will be divided into 6 separate lots, each with a duplex on it. For the purposes of this review we assume the subdivision proposed by the applicants to be typical of development that will be built on the property.

- 2.4 The tentative plat shows access to the subject property can be provided by constructing a new street from Center Street within the existing ODOT right-of-way along the north boundary of the property, then ending in a cul-de-sac on the property. It will be necessary for the applicants to get a permit from ODOT to build the street on the ODOT right-of-way, to dedicate new right-of-way on the subject property for the portion of the street that will be outside the ODOT right-of-way, and to build the street to serve development on the property. A permit from ODOT, dedication of the right-of-way, and construction of the street will be conditions of approval of development on the property.
- 2.5 This criterion requires that existing or anticipated transportation facilities be adequate. We interpret "anticipated" facilities, as used in this review criterion, to be those facilities that will be required to serve the property at the time development is proposed on the property.
- 2.6 City staff estimates, based on the Institute of Traffic Engineers (ITE) Trip Generation Manual, that this development will generate approximately 115 trips to and from the property each day, with 8 of those trips during the peak traffic hour. The proposed street is located as far south of Santiam Highway as possible, but may still result in some congestion and turn movement conflicts. However, if the property was developed as Office Professional (as allowed under the current OP zoning designation), as many as 246 trips per day would be generated, with 34 of those trips during the peak traffic hour (based on development of offices containing 10,000 square feet of space).
- 2.7 The Lehigh neighborhood lies just south of the subject property. In 1993, the residents of the neighborhood advised the City that vehicle traffic on Center Street at the intersection of Santiam Highway was experiencing long delays before a safe left turn could be made onto Santiam Highway from Center Street.
- 2.8 A traffic study by Fred Wright, P.E., in August of 1993, evaluated the level of service of the intersection of Center Street and Santiam Highway. The study included traffic from Riderwood Subdivision and projected traffic volumes to 1997. The study looked at the level of service of various turn movements at the intersection and various solutions to alleviate congestion at the intersection.

Intersection levels of service are evaluated based upon average delay. "Traffic Impact Study Guidelines" adopted by the City of Albany state that development cannot cause the overall level of service of an intersection to fall below level of service (LOS) "D." **The overall level of service of the Santiam Highway/Center Street intersection today, based upon average delay per entering vehicle, is "A" or "B."** (Through movements on Santiam Highway are LOS "A." LOS for left and right turn movements from Santiam Highway onto Center Street are "B" and "C". The LOS for left turns from Center Street onto Santiam Highway is "F".

- 2.9 The 1993 traffic study found the low level of service for left turns from Center Street onto Santiam Highway is due to the volume of traffic on Santiam Highway, and that the low level of service cannot be corrected without installation of a traffic signal. The Department of Transportation has indicated, however, that they will not approve installation of a signal at Center Street due to the proximity of the intersection to the I-5 interchange and the relatively low volume of traffic on Center Street. The study also found that future street connections to Waverly Drive via 14th Avenue and/or 21st Avenue will provide alternative routes for residents to enter and exit the Lehigh neighborhood, but the level of service for the left turn movement from Center Street to Santiam Highway will remain "F" even with the new connections.

- 2.10 When the Lehigh Acres Subdivision, just south of the subject property, was built in the early 1950's, Interstate 5 had not yet been built. The shopping center on the southeast corner of Waverly Drive and Santiam Highway and the Fred Meyer store on the southwest corner had not been built either. There were fewer trips on Santiam Highway.
- 2.11 When the Cedarwood Planned Unit Development, south of Lehigh, was built in the late 1970's, there was a proposal that would have connected the street in that development to Center Street. At public hearings, there were strong objections from Lehigh residents about additional traffic through the neighborhood.
- 2.12 When the Riderwood Subdivision was approved in the early 1980's, the intersections of Chestnut Street and Center Street with Santiam Highway were found to be capable of handling the Lehigh/Riderwood traffic.
- 2.13 When 28 lots of the Riderwood Subdivision were re-platted in 1994, the City attached as a condition of approval a requirement that the applicant submit a Petition for Improvement and Waiver of Remonstrance committing the owners of property in the re-platted subdivision to participate in financing future streets that will provide secondary accesses to Lehigh and Riderwood.
- 2.14 ODOT has paved extra width along the south side of Santiam Highway just west of Center Street so that vehicles can move from the right lane of Santiam Highway and decelerate to make a right turn on to Center Street. At the Planning Commission public hearing, residents of the Lehigh neighborhood said the lane is often blocked by parked vehicles. The City's Engineering staff agreed to ask ODOT if a "no parking" sign could be placed there to alleviate the problem, and to ask ODOT if the lane could be striped.
- 2.15 The City's recently adopted Transportation System Plan shows the continuation of Center Street to 21st Avenue. It also shows the continuation of 14th Avenue from where it now ends east of Waverly Drive to connect with 16th Avenue. Fourteenth Avenue is currently being extended eastward as part of a new apartment development. In the 1980's, the City acquired property that will provide right-of-way so that 14th Avenue can continue to Shortridge Street. Fourteenth Avenue can then be connected to 16th Avenue, providing another street access to and from the Lehigh neighborhood.

The missing link is the construction of a road across the City-owned property, improvements to a part of Shortridge Street, and the connection to 16th Avenue. Some of this may be constructed when development takes place on adjacent property on the west side of Shortridge Street where it now ends. The other alternative is for owners of benefitting properties to form a Local Improvement District.

Center Street is likely to be extended to 21st Avenue when the large parcels south of Riderwood develop. Extension of sewer and water service along 21st Avenue from Waverly Drive to serve the new Lexington Subdivision make it more likely the large parcels will be developed.

(3) Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area.

FINDINGS OF FACT

- 3.1 The type of development that will be allowed on the subject property if the zoning designation is changed to RM-5 is primarily residential. The RM-5 zoning district is intended for low to medium

density multiple family residential urban development. Development should occur at 10-20 units per acre. [ADC 3.020(5)]

- 3.2 The applicants have submitted a concurrent Subdivision Tentative Plat application. The tentative plat submitted with the application is two pages, each titled "Preliminary Duplex Subdivision, Wayside Subdivision," prepared by James F. Udell Engineering and Surveying, dated February 25, 1997. The tentative plat shows the subject property will be divided into 6 separate lots, each with a duplex on it. For the purposes of this review we assume the subdivision proposed by the applicants to be typical of development that will be built on the property.
- 3.3 Water: Water utility maps show that there is no public water service to the subject property. The nearest public water lines are a 6-inch main on the east side of Center Street and a 1-inch water service to the house at 3130 Santiam Highway SE.
- 3.4 Water: The tentative plat submitted with the concurrent Subdivision Tentative Plat application shows that water service can be provided to the property by building an 8-inch public water main from the existing 6-inch line in Center Street, east into the proposed cul-de-sac bulb. A section of the new 8-inch water line will be constructed on the ODOT right-of-way.
- 3.5 Sanitary sewer: Sanitary sewer utility maps show that there is an 8-inch public main that runs along the south and west boundaries of the subject property. Service from these sewers, however, could not be provided to the entire property. It is more efficient to serve the property by extending a new 8-inch sewer from an existing manhole at the northwest corner of the subject property, along the north boundary of the property, into the proposed cul-de-sac bulb. It appears that part of the proposed 8-inch sewer extension will be located within the ODOT right-of-way.
- 3.6 Sanitary Sewer: There are existing 10-foot wide easements for the existing public sanitary sewer mains that run along the south and west boundaries of the property. However, 20-foot wide easements are needed so that equipment can access the sewers to maintain them. Ten (10) feet is needed on each side of the sewer.
- 3.7 Storm drainage: Storm drain utility maps show that there is a ditch within the ODOT right-of-way along the south side of Santiam Highway. The tentative plat shows that storm drainage to the subject property can be provided by building a storm drainage system that ultimately drains to this ditch.
- 3.8 We interpret "anticipated" facilities, as used in this review criterion, to be those facilities that will be required to serve the property at the time development is proposed on the property.
- 3.9 Schools: If the zoning designation of the subject property is changed from OP (Office Professional) to RM-5, there is a potential for increased demand for school space, although some types of residential development are allowed now in OP zones.

Students from development on the subject property will attend South Shore Elementary, Calapooia Middle, and South Albany High Schools. The Greater Albany Public School District provides bus service for students attending South Shore and Calapooia Middle Schools. South Albany High School is within one-half mile (walking distance) of the property.

The Greater Albany School District calculates 0.39 school aged children per household per single family residence and 0.17 school aged children per household in multiple family units. Using these numbers, a duplex subdivision containing a total of 12 units would result in 2 school aged children. These children would be bussed to the elementary and middle schools.

The Planning Division has provided notice of the subject application, and an opportunity for the school district to comment on the application, but the school district has not submitted a response. The school district typically does not respond to the Planning Division's notices of particular development proposals. The district and Planning Division staff have periodic discussions about development trends and potential impacts on schools, and the school district estimates future enrollment.

A recent article in the *Albany Democrat-Herald* (February 26, 1997) indicated that the number of students now at South Shore Elementary School exceeds its intended capacity. However, it has been the past practice of the school district to add additional modular classrooms, or adjust the boundaries of the areas served by each school, to accommodate increased student enrollment. We expect these practices will continue. In fact, the Planning Division has approved three additional modular units for placement at South Shore Elementary School over the next three years (File No. SP-48-97).

In a telephone conversation with Development Coordinator Candace Ribera on September 17, 1997, Wayne Goates of the school district stated that none of the schools that students from development on the subject property would attend is over-crowded, and none of them are expected to become over-crowded as development occurs in the area the schools serve. The average class size at South Shore Elementary is 23.2 students.

- 3.10 **Police and fire protection:** The Planning Division has provided notice of the subject application, and an opportunity for the Albany Police Department to comment. ADC 1.215 provides that "if the agency or city department does not comment within 10 days..., the agency or city department is presumed to have no comments or objections." The Police Department has not returned comments, so they are presumed to have no comments or objections.

The Planning Division has provided notice of the subject application, and an opportunity for the Fire Department to comment. The Fire Department has responded. It will be necessary to extend a public waterline to the subject property from Center Street and install a public fire hydrant. These requirements will be conditions of approval of development on the property, so they are considered as "anticipated services" for the purposes of this review.

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

FINDINGS OF FACT

- 4.1 *Comprehensive Plan Plate 7: Slopes* shows no areas of concern on the subject property. The tentative plat submitted by the applicants shows the property varies from approximately 229.5 to 231 feet in elevation. The property slopes generally from east to west.
- 4.2 *Comprehensive Plan Plate 5: Floodplains* shows no areas of concern on the subject property. FEMA/FIRM Community Panel No. 410137 0002E, dated March 16, 1989, shows that the subject property is not in a floodplain.
- 4.3 *Comprehensive Plan Plate 6: Wetland Sites* shows no areas of concern on the subject property. The U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory map (dated 1994) shows no areas of wetlands on the property.
- 4.4 *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat* shows no areas of concern on the subject property. The vegetation on the property is primarily grass, but there are also a few pine, fir, and cedar trees 12-inches to 14-inches in diameter which appear to be on the ODOT right-of-way. The

applicants state, in findings submitted with their application, that “the trees will be cleared within 5 feet of the proposed street thus leaving enough trees to maintain a natural barrier to the highway.”

- 4.5 *Comprehensive Plan Plate 9: Historic Districts* shows the subject property is not in a historic district, and the City’s Preservation Planner advises there are no known archaeological sites on the property.

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

FINDINGS OF FACT

- 5.1 The subject property is currently zoned OP (Office Professional). The applicants propose to change the zoning to RM-5 (Residential Limited Multiple Family).
- 5.2 The purpose of the OP district is to encourage commercial development that is compatible with surrounding residential areas. The OP district is intended primarily for a mixing of residential land uses with professional offices and related limited commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses. Such a district is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts. [ADC 4.020(1)]
- 5.3 The intent of residential zoning districts is to preserve land for housing. The Development Code preserves the character of neighborhoods by providing seven zones with different density standards. The purpose of the RM-5 zoning district is to allow low to medium density multiple family residential urban development at 10-20 units per acre. [ADC 3.020(5)]
- 5.4 The following Comprehensive Plan goals and policies are relevant to the proposed change of the zoning designation of the subject property from OP (Office Professional) to RM-5 (Residential Limited Multiple Family). Each goal and policy is listed in italic print, followed by findings of fact.

5.5 ***Goal 9: Economic Development***

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

Policies:

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

At the time of the last Periodic Review of the Comprehensive Plan, in 1986-87, an inventory of vacant land zoned OP was done. According to the inventory, there were 27 parcels of OP land totaling 8.44 acres. At that time, it was concluded that this was a sufficient amount of OP land to accommodate Office Professional development through the planning period (10 years, more or less). The OP zoning district was called RP (Residential Professional) at that time. The name was changed to OP in 1991.

The applicants have submitted an inventory with their application that lists each vacant parcel of OP land within the City limits now. The inventory shows that there are currently 15 parcels of vacant OP land totaling 22 acres (not counting the subject property).

More OP land has been added since the last periodic review. Based on the conclusion at the time of the last Periodic Review that 8.44 acres of OP land was enough, it appears there is now more than a sufficient amount of vacant land zoned for office professional use. Office development can also take place in CC (Community Commercial) and CH (Heavy Commercial) zones.

5.6 **Goal 10: Housing**

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

Policies:

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

If the zoning of the subject property is changed, 1.23 acres will be added to the City's inventory of land that can be developed with multi-family housing. The last inventory of RM-5 land showed there were only four vacant parcels zoned RM-5. The size of these parcels ranges from 6 acres to 40 acres. The 6-acre parcel has since been developed with apartments. The total area of the remaining vacant parcels is 70 acres. Adding a 1.23-acre parcel to the inventory will provide a smaller parcel for development, which will result in potential development on a smaller scale than the other parcels offer. (The applicants have submitted a concurrent subdivision application that proposes to divide the property into 6 duplex lots.)

The subject property has sanitary sewer service immediately available at its northwest corner. Water service is available from Center Street, a distance of approximately 200 feet away. Storm drainage is available immediately adjacent to the property within the ODOT right-of-way for Santiam Highway.

The subject property is located on the eastern edge of the largest concentration of employment opportunities in the City (Santiam Highway and the Heritage Mall area).

5.7 **Goal 14: Urbanization - Directing Growth**

Goal: *Achieve stable land use growth which results in a desirable and efficient land use pattern.*

Policies:

13. *Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood.*

The subject property may have been designated as OP to provide a buffer between the existing single family neighborhood to the south and the commercial development across Santiam Highway to the north. However, the location of the property approximately 50 to 100 feet south of Santiam Highway, and the additional 60-foot width of Santiam Highway, already provide a significant buffer between the commercial uses and the residential uses to the south. The usefulness of the property as a buffer area is minimal. Multi-family development on the

property will continue to provide the same area between the single family neighborhood to the south and Santiam Highway.

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

FINDINGS OF FACT

1.1 The proposed subdivision includes all of the property owned by the applicants. There will be no remainder of property under the same ownership.

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

FINDINGS OF FACT

2.1 The City Council has interpreted this criterion to require that adjoining land either have access, or be provided access, that will allow its development in accordance with the Development Code. "In accordance with the Development Code" means in accordance with ADC 12.060: "No development shall occur unless the development has frontage on or approved access to a public street currently open to traffic."

2.2 The land that adjoins the subject property to the north and east is Oregon Department of Transportation (ODOT) right-of-way and cannot be developed.

2.3 The land to the south is developed with single-family homes which have access to 13th Avenue and Center Street, except that Linn County Tax Assessor's Map 11S-3W-9BC, Tax Lot 13600 does not have access to an improved public street. Access can be provided if an easement is granted over Lot 6 of the proposed subdivision and an easement is obtained from ODOT to cross the existing ODOT right-of-way.

2.4 The land to the west is developed with a single-family home. This land will be provided access to a new street (Highway Court) that will be built to provide access to the proposed subdivision.

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

FINDINGS OF FACT

3.1 The City of Albany Development Code (ADC) contains standards that are intended to produce interior street plans in subdivisions that are economic, safe, and efficient. These standards provide the basis for the review of tentative subdivision plat street plans. In addition, the impact on the streets to which new subdivision streets will connect must be evaluated.

3.2 The applicants have submitted a tentative plat with two pages titled "Preliminary Duplex Subdivision, Wayside Subdivision," prepared by James F. Udell Engineering and Surveying, dated February 25, 1997. The tentative plat shows the subject property will be divided into 6 separate lots, each with a duplex on it.

3.3 Access to the proposed subdivision will be provided via a new street that begins at Center Street and ends in a cul-de-sac (Highway Court). Highway Court will be located partly within an existing Oregon Department of Transportation (ODOT) right-of-way, and partly on the subject property. There is an old paved frontage road that is used by an existing single-family home for its access where the new street would be located.

3.4 Right-of-way and roadway widths: ADC 12.120 lists required right-of-way and roadway widths. Where a range is indicated, the width is determined by the City Engineer. Roadway widths less than 32 feet for streets over 1,000 feet in length, or less than 28 feet for streets under 1,000 feet in length are not allowed, except in planned developments. The 28-foot standard is only acceptable where it is determined that parking can be prohibited on one side of the street. The tentative plat shows Highway Court will be approximately 500 feet long.

The tentative plat shows that Highway Court will have a 28-foot paved width with a 4-foot wide sidewalk on the south side. Most of the street will be located within the existing ODOT right-of-way, so no additional right-of-way is needed. The tentative plat shows 9 feet between the face of the curb and the property line for the section of street that will be located on the subject property. New public right-of-way must be dedicated to the City for that section of the street. The cul-de-sac bulb is shown with a 45-foot right-of-way and a 36-foot radius paved width.

Highway Court will be classified as a local street because the proposed development will generate only approximately 115 trips per day and property on the north side of the street cannot be developed (because it is ODOT right-of-way). ADC 12.120 lists required right-of-way widths for local streets of 40-55 feet and a required paved width of 28-36 feet. The required right-of-way for the cul-de-sac is listed as 43 feet with a paved width of 36 feet. The right-of-way and paved widths shown on the tentative plat conform with these standards.

3.5 Cul-de-sacs: ADC 12.190 requires that a cul-de-sac be as short as possible, and may not exceed 400 feet. A cul-de-sac must terminate with a circular turnaround. Cul-de-sacs longer than 400 feet may be approved by the City Engineer if no other means is available for development of the property and special provisions are made for public facilities, pedestrian and bicycle circulation, and emergency service access.

Highway Court will be approximately 500 feet long. The configuration and location of the subject property between Santiam Highway and a southbound on-ramp to I-5 preclude construction of a through street. The tentative plat shows that a sidewalk will be constructed along the cul-de-sac and along the south side of Highway Court. Pedestrians can use this sidewalk to access the existing sidewalk system on Center Street. It is appropriate for bicycles to share local streets with other vehicles and Highway Court is a local street.

3.6 Flag Lots: ADC 11.090(7) says flag lots are discouraged and allowed only when absolutely necessary to provide access to buildable sites and only where the dedication and improvement of a public street cannot be provided. The tentative plat shows one flag lot (Lot 2). This flag lot is necessary to provide access to a buildable site along the south boundary of the subject property. Dedication and improvement of a public street cannot be provided because the property is bounded on the north and east by Interstate 5 and an on-ramp, and on the south and west by developed single-family lots.

ADC 11.090(7) also requires the minimum width for a flag lot to be 22 feet, except where access is shared by an access and maintenance agreement, in which case each lot shall have a minimum width of 12 feet and a combined width of 24 feet. The plat shows the flag lot to be 12 feet wide. The plat shows

a "joint use easement" on the 12-foot width of the flag lot and 12 feet of the adjoining Lot 1. The combined width of the easement is 24 feet, which meets the Development Code requirement.

- 3.7 ADC 12.210 requires that center line radii on local streets shall not be less than 200 feet. The tentative plat shows two 100-foot radius curves. However, the Development Code allows exceptions where it is impractical to build 200-foot radius curves. It is impractical to build 200-foot radius curves here because it would create a very wide strip of right-of-way that would not be used and would not be maintained.
- 3.8 A stop sign is needed at the corner of Highway Court and Center Street to control traffic. Street signs are needed to direct emergency vehicles and to identify the new street. Street lighting is needed to illuminate the street.
- 3.9 City staff estimates, based on the Institute of Traffic Engineers (ITE) Trip Generation Manual, that this development will generate approximately 115 trips to and from the property each day, with 8 of those trips during the peak traffic hour. The proposed street is located as far south of Santiam Highway as possible, but may still result in some congestion and turn movement conflicts. However, if the property was developed as Office Professional (as allowed under the current OP zoning designation), as many as 246 trips per day would be generated, with 34 of those trips during the peak traffic hour (based on development of offices containing 10,000 square feet of space).
- 3.10 The Lehigh neighborhood lies just south of the subject property. In 1993, the residents of the neighborhood advised the City that vehicle traffic on Center Street at the intersection of Santiam Highway was experiencing long delays before a safe left turn could be made onto Santiam Highway from Center Street.
- 3.11 A traffic study by Fred Wright, P.E., in August of 1993, evaluated the level of service of the intersection of Center Street and Santiam Highway. The study included traffic from Riderwood Subdivision and projected traffic volumes to 1997. The study looked at the level of service of various turn movements at the intersection and various solutions to alleviate congestion at the intersection.

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- 3.12 The 1993 traffic study found the low level of service for left turns from Center Street onto Santiam Highway is due to the volume of traffic on Santiam Highway, and that the low level of service cannot be corrected without installation of a traffic signal. The Department of Transportation has indicated, however, that they will not approve installation of a signal at Center Street due to the proximity of the intersection to the I-5 interchange and the relatively low volume of traffic on Center Street. The study also found that future street connections to Waverly Drive via 14th Avenue and/or 21st Avenue will provide alternative routes for residents to enter and exit the Lehigh neighborhood, but the level of service for the left turn movement from Center Street to Santiam Highway will remain "F" even with the new connections.
- 3.13 When the Lehigh Acres Subdivision, just south of the subject property, was built in the early 1950's, Interstate 5 had not yet been built. The shopping center on the southeast corner of Waverly Drive and

Santiam Highway and the Fred Meyer store on the southwest corner had not been built either. There were fewer trips on Santiam Highway.

- 3.14 When the Cedarwood Planned Unit Development, south of Lehigh, was built in the late 1970's, there was a proposal that would have connected the street in that development to Center Street. At public hearings, there were strong objections from Lehigh residents about additional traffic through the neighborhood.
- 3.15 When the Riderwood Subdivision was approved in the early 1980's, the intersections of Chestnut Street and Center Street with Santiam Highway were found to be capable of handling the Lehigh/Riderwood traffic.
- 3.16 When 28 lots of the Riderwood Subdivision were re-platted in 1994, the City attached as a condition of approval a requirement that the applicant submit a Petition for Improvement and Waiver of Remonstrance committing the owners of property in the re-platted subdivision to participate in financing future streets that will provide secondary accesses to Lehigh and Riderwood.
- 3.17 ODOT has paved extra width along the south side of Santiam Highway just west of Center Street so that vehicles can move from the right lane of Santiam Highway and decelerate to make a right turn on to Center Street. At the Planning Commission public hearing, residents of the Lehigh neighborhood said the lane is often blocked by parked vehicles. The City's Engineering staff agreed to ask ODOT if a "no parking" sign could be placed there to alleviate the problem, and to ask ODOT if the lane could be striped.
- 3.18 The City's recently adopted Transportation System Plan shows the continuation of Center Street to 21st Avenue. It also shows the continuation of 14th Avenue from where it now ends east of Waverly Drive to connect with 16th Avenue. Fourteenth Avenue is currently being extended eastward as part of a new apartment development. In the 1980's, the City acquired property that will provide right-of-way so that 14th Avenue can continue to Shortridge Street. Fourteenth Avenue can then be connected to 16th Avenue, providing another street access to and from the Lehigh neighborhood.

The missing link is the construction of a road across the City-owned property, improvements to a part of Shortridge Street, and the connection to 16th Avenue. Some of this may be constructed when development takes place on adjacent property on the west side of Shortridge Street where it now ends. The other alternative is for owners of benefitting properties to form a Local Improvement District.

Center Street is likely to be extended to 21st Avenue when the large parcels south of Riderwood develop. Extension of sewer and water service along 21st Avenue from Waverly Drive to serve the new Lexington Subdivision make it more likely the large parcels will be developed.

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

SANITARY SEWER

FINDINGS OF FACT

- 4.1 ADC 12.500 requires that all proposed sewer plans and systems must be approved by the City Engineer as part of the tentative plat or site plan review process. The applicants have submitted a tentative plat with two pages titled "Preliminary Duplex Subdivision, Wayside Subdivision," prepared by James F. Udell Engineering and Surveying, dated February 25, 1997. The tentative plat shows the subject property will be divided into 6 separate lots, each with a duplex on it.

- 4.2 Sanitary sewer utility maps show that there is an 8-inch public main that runs along the south and west boundaries of the subject property.
- 4.3 Albany Development Code (ADC) 12.470 requires all new development to extend and connect to the public sewer system when service is available within 300 feet of the property, so sewer service must be extended to the proposed development.
- 4.4 The tentative plat shows an 8-inch public main to be extended from an existing manhole at the northwest corner of the subject property, along the north boundary of the property, into the proposed cul-de-sac bulb.
- 4.5 The tentative plat shows each duplex lot to be served by one sewer lateral. This is acceptable, but no further division of the proposed lots is allowed unless each new lot also has its own private sewer connection to the public sewer, constructed to City standards.
- 4.6 The City of Albany does not allow private sanitary sewer lines to cross property lines. The private lateral to the flag lot (Lot 2) must lie within the flag portion of the lot.
- 4.7 The design of the proposed sanitary sewer system is generally acceptable, but the final location of manholes and pipes may need to be modified slightly. A Permit for Private Construction of Public Utilities must be obtained to construct the proposed public sanitary sewer system. Design details will be finalized during the review of construction plans submitted for the permit.
- 4.8 There are existing 10-foot wide easements for the existing public sanitary sewer mains that run along the south and west boundaries of the property. However, ADC 12.370 requires 20-foot wide easements for sewers so that equipment can access the sewers to maintain them. Ten (10) feet is needed on each side of the sewer. Development of the property creates the need to provide the wider easement so that no permanent structures are built in the area that is needed to maintain the sewers.

The tentative plat shows the existing sewer located approximately 5 feet off the west and south boundaries of the property. So, an additional 5 feet of easement will be needed. However, the exact location of the existing sewers must be determined. The property owners will have to determine the location of the existing sewer, and provide the required easement that falls on their property. (For example, if the sewer is actually located on the property boundary, only 10 feet is needed on the subject property, so the existing easement would be adequate. The other 10 feet would be needed on the adjacent property.)

- 4.9 It appears the proposed 8-inch sewer extension will be located within the Oregon Department of Transportation (ODOT) right-of-way for the approach ramp to Interstate 5. A permit or other authorization to construct the sewer must be obtained from ODOT before the City will issue a Permit for Private Construction of Public Improvements.

WATER

- 4.10 ADC 12.440 requires that all proposed water plans and systems must be approved by the City Engineer as part of the tentative plat or site plan review process.
- 4.11 Water utility maps show that there is no public water service to the subject property. The nearest public water lines are a 6-inch main on the east side of Center Street and a 1-inch water service to the house at 3130 Santiam Highway SE.

- 4.12 The tentative plat shows a proposed 8-inch public water main to be built from the existing 6-inch line in Center Street, east into the proposed cul-de-sac bulb. A fire hydrant is proposed on the new water main, approximately 120 feet east of the west property line of the subject property. The location of the fire hydrant must be approved by the City of Albany Fire Department and the Public Works Engineering Division.
- 4.13 The tentative plat does not show individual water services for the proposed lots. It is acceptable to serve each lot with a single water service or separate services can be provided to each of the proposed duplex units on each lot. If a single water service is provided to each lot, the lots cannot be divided further, unless each new lot is provided a separate water service line. Each lot must have a separate service line which is located within the boundaries of the property it serves. Private service lines may not cross property lines.
- 4.14 It appears that a new catch basin to be constructed at the corner of Center Street and the proposed new street (Highway Court) will be located on the existing 1-inch water service that serves 3130 Santiam Highway SE. It will be necessary to replace this service and connect it to the new 8-inch water line.
- 4.15 The design of the proposed water system is generally acceptable. A Permit for Private Construction of Public Utilities must be obtained to construct the proposed water system. Design details will be finalized during the review of construction plans submitted for the permit.
- 4.16 The tentative plat shows a section of the new 8-inch water line will be constructed on the ODOT right-of-way. A permit or other authorization for this construction will be needed from ODOT before the City will issue a Permit for Private Construction of Public Improvements.

STORM DRAINAGE

- 4.17 ADC 12.530 requires that all proposed storm sewer plans and systems must be approved by the City Engineer as part of the tentative plat or site plan review process.
- 4.18 Storm drain utility maps show that there is a ditch between the proposed street (Highway Court) and Santiam Highway. This ditch is within the ODOT right-of-way. Public catchbasins are located within the Center Street right-of-way near the intersection of Highway Court. These catchbasins collect storm water run-off from a portion of Center Street and discharge to a 12-inch storm drain which then flows to the ditch on the south side of Santiam Highway.
- 4.19 The tentative plat shows the existing catchbasin on the east side of Center Street will be removed and replaced with two new catchbasins on either side of Highway Court. These catchbasins will both drain to the ditch on the south side of Santiam Highway. The tentative plat also shows construction of two new catchbasins on each side of Highway Court about 230 feet east of Center Street. These two catchbasins will also ultimately drain to the ditch on the south side of Santiam Highway.
- 4.20 The design of the proposed storm drainage system is generally acceptable. A Permit for Private Construction of Public Utilities must be obtained to construct the proposed public storm drain system. Design details will be finalized during the review of construction plans submitted for the permit.
- 4.21 Part of the public storm drain system will be constructed within the ODOT right-of-way. A permit or other authorization for construction within the ODOT right-of-way must be obtained from ODOT before the City will issue a Permit for Private Construction of Public Improvements.

EASEMENTS

4.22 ADC 12.120 requires that where a street has a right-of-way of less than 60 feet, a seven (7) foot public utility easement must be dedicated on both sides of the right-of-way. Part of the new street near the end of the cul-de-sac will have only a 50-foot right-of-way.

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

FINDINGS OF FACT

- 5.1 *Comprehensive Plan Plate 7: Slopes* shows no areas of concern on the subject property. The tentative plat submitted by the applicants shows the property varies from approximately 229.5 to 231 feet in elevation. The property slopes generally from east to west.
- 5.2 *Comprehensive Plan Plate 5: Floodplains* shows no areas of concern on the subject property. FEMA/FIRM Community Panel No. 410137 0002E, dated March 16, 1989, shows that the subject property is not in a floodplain.
- 5.3 *Comprehensive Plan Plate 6: Wetland Sites* shows no areas of concern on the subject property. The U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory map (dated 1994) shows no areas of wetlands on the property.
- 5.4 *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat* shows no areas of concern on the subject property. The vegetation on the property is primarily grass, but there are also a few pine, fir, and cedar trees 12-inches to 14-inches in diameter which appear to be on the ODOT right-of-way. The applicants state, in findings submitted with their application, that “the trees will be cleared within 5 feet of the proposed street thus leaving enough trees to maintain a natural barrier to the highway.”
- 5.5 *Comprehensive Plan Plate 9: Historic Districts* shows the subject property is not in a historic district, and the City’s Preservation Planner advises there are no known archaeological sites on the property.

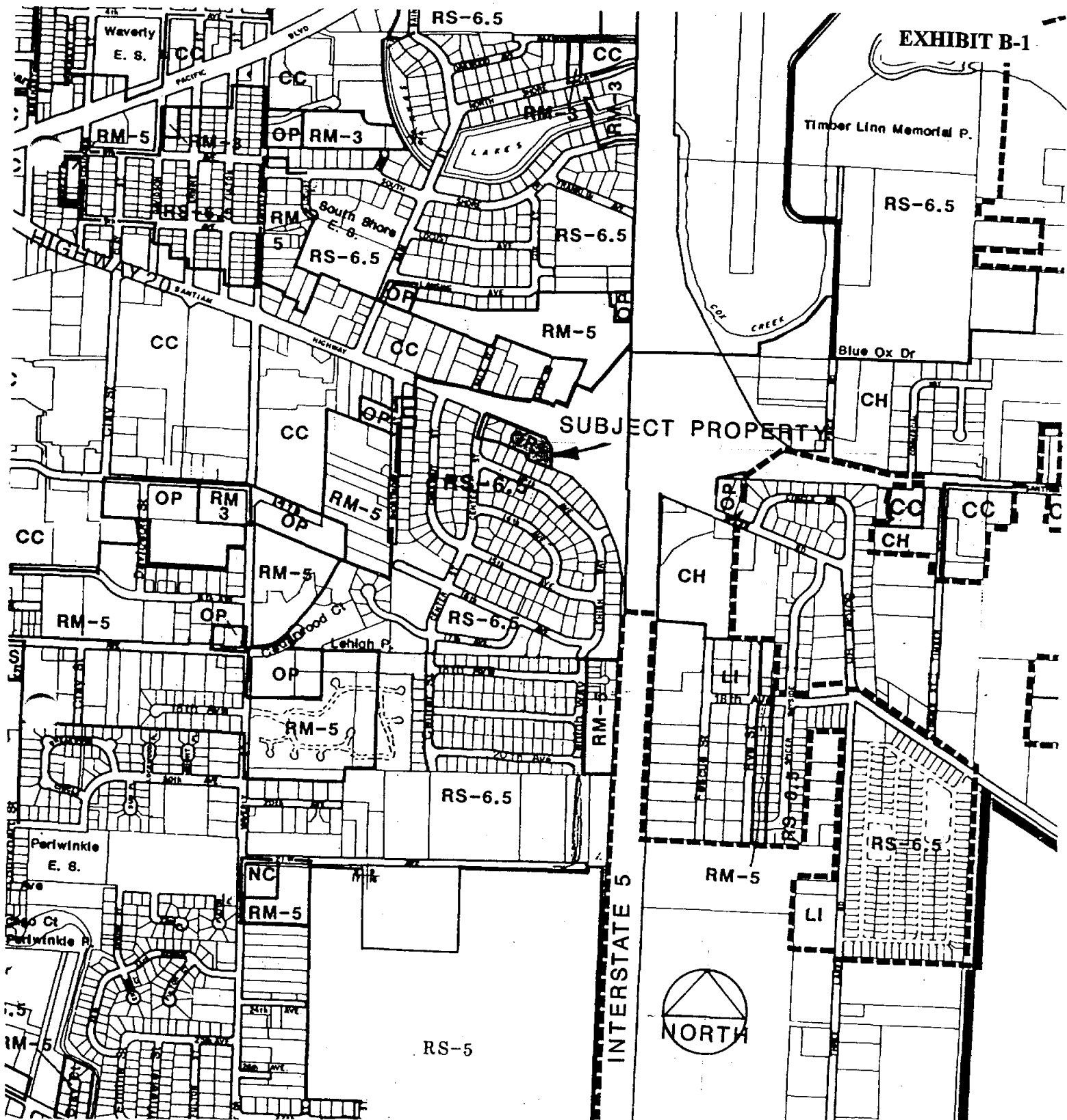


EXHIBIT B-1

ZC-04-97/M1-04-97

CITY OF ALBANY ZONING MAP
Approximate Scale: 1" = 950'

ZC-04-97: The proposed Zoning Map Amendment would change the zoning designation of a 1.23-acre land parcel from OP (Office Professional) to RM-5 (Residential Limited Multiple Family).

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That PAUL H. KUEBRICH

hereinafter called grantor, GORDON E. VOGT, JR., and KAREN J. VOGT, Husband and Wife, as to an undivided one-half interest, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Linn, State of Oregon, described as follows, to-wit:

Lot 6, Block 4, LEHIGH ACRES SUBDIVISION NO. 3, situated in Section 9, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon. ALSO: Beginning at a point in the centerline of the Santiam Highway, North 70°24' West 782.77 feet from the Northwest corner of the Edward N. White Donation Land Claim No. 48 in Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon, said point being also Southerly along the West line extended of Lot 1, Block 6, GLENDORR, a distance of 30 feet from the Southwest corner thereof; and running thence South 70°24' East along the centerline of said highway a distance of 200 feet; thence South 1°39' East 234 feet to a 3/4 inch rod; thence North 70°24' West parallel to said highway 200 feet to a 3/8 inch rod; thence North 1°39' West 234 feet to the place of beginning. EXCEPTING THEREFROM that portion lying within the right-of-way of the State Highway.

SUBJECT to easements, conditions and restrictions of record, and access restrictions and any encumbrance thereon, and liens of record.

* interest, and BOB G. MITCHELL as to an undivided one-half interest,

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE. To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$1.00. In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 5th day of October, 1985; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Signature of Paul H. Kuebrich

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Notary Public for Oregon, State of Oregon, County of Linn. My commission expires: 9-5-89

Notary Public for Oregon, State of Oregon, County of Linn. My commission expires: (SEAL)

GRANTOR'S NAME AND ADDRESS: Paul H. Kuebrich, Gordon E. Vogt, Jr., and Karen J. Vogt, Husband and Wife, as to an undivided one-half interest, and Bob G. Mitchell as to an undivided one-half interest

STATE OF OREGON, County of Linn. I certify that the within instrument was received for record on the

OCT 28 9 39 AM '85

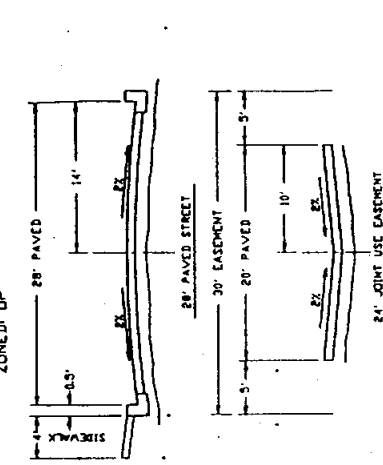
STATE OF OREGON, County of Linn. DEL W. NILEY, Linn County Clerk

I hereby certify that the attached was received and duly recorded by me in Linn County records:

Volume: 396 Page: 697

NAME, ADDRESS, ZIP. Mail a change in registered address to the following address: NAME, ADDRESS, ZIP

PRELIMINARY DUPLEX SIDEWALK
VISION
WAYSIDE SUBDIVISION
 SW 1/4, NW 1/4, SEC. 9, T. 11S., R. 3W., W.M.
 CITY OF ALBANY, LINN COUNTY, OREGON
 FEBRUARY 25, 1997
 SCALE: 1" = 40'



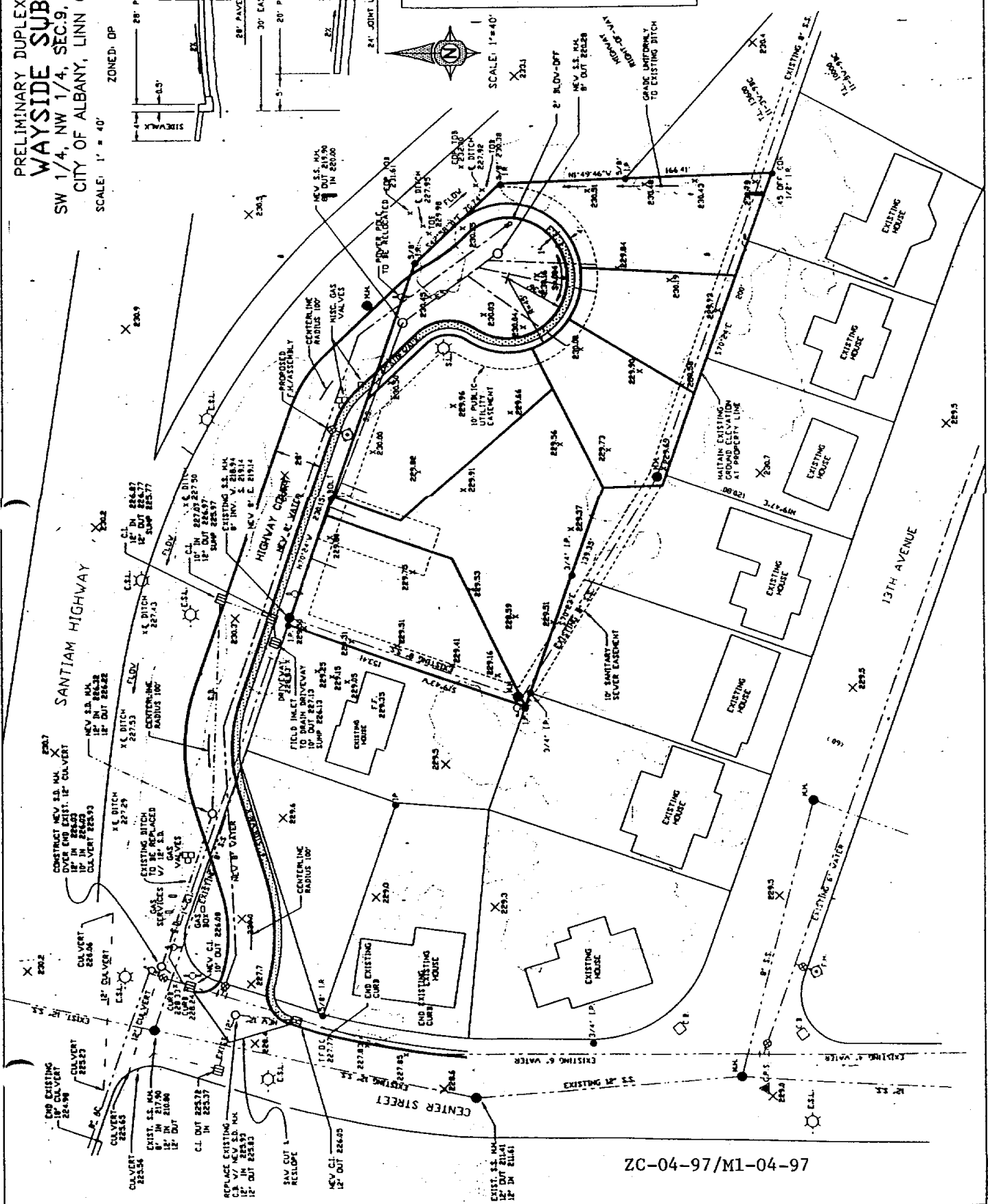
LEGEND

□	WOODED AREA
○	UTILITY POLE
●	MAN HOLE
×	EXIST. SPOT ELEVATION
⊙	STREET LIGHT
⊕	CATCH BASIN
⊖	EXISTING STREET LIGHT
⊗	MAN HOLE
⊘	SANITARY SEWER
⊙	STORM DRAIN
⊖	EXISTING STREET LIGHT
⊗	EDGE OF PAVEMENT
⊘	TOP OF BANK
⊙	IRON ROD
⊖	CENTERLINE
⊗	CURB INLET
⊘	IRON PIPE

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EXHIBIT C

JOB No. DUPLX
 PAGE 2 OF



ZC-04-97/M1-04-97