

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; APPROVING A SUBDIVISION TENTATIVE PLAT; APPROVING A SITE PLAN FOR AN APARTMENT COMPLEX; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY; FOR PROPERTY LOCATED SOUTH OF 21ST AVENUE AND WEST OF INTERSTATE 5.

WHEREAS, the City of Albany Planning Commission recommended approval of the proposed Zoning Map Amendment, Subdivision Tentative Plat, and Site Plan, based on evidence presented in the staff report and at the public hearing for City of Albany File Nos. ZC-05-97, M1-06-97, and SP-29-97; and

WHEREAS, the Albany City Council held a public hearing on these cases on September 24, 1997.

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

Section 1: The Findings of Fact contained in the staff report, and supplemental findings dated October 22, 1997, both attached as Exhibit "A," are hereby adopted in support of this decision.

Section 2: The Zoning Map designation of the 29.4-acre subject property is hereby amended from RS-5 (Residential Single Family) to RM-3 (Residential 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 Lexington Subdivision Phases 7 through 12 is hereby approved, with the conditions listed in the Findings (Exhibit "A"). A copy of the approved tentative plat is attached as Exhibit "C."

Section 5: The Site Plan that shows construction of a 214-unit apartment complex on 10.2 acres of the same 29.4-acre parcel is hereby approved, with the conditions listed in the Findings (Exhibit "A"). A drawing showing the approved Site Plan is attached as Exhibit "D."

Section 6: 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.

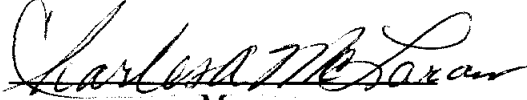
Section 7: A copy of the legal description of the subject property and the map showing the amendment to the Zoning Map shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

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-05-97

(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 applicant proposes to change the Zoning Map designation of 29.4 acres (the subject property) of the 122-acre property now owned by the applicant from RS-5 (Residential Single Family) to RM-3 (Residential High Density).
- 1.2 The Comprehensive Plan designation of the property is Urban Residential Reserve (URR). The Plan Designation Zoning Matrix on page 131 of the Comprehensive Plan shows that R-1, R-2, and R-3 zoning districts are compatible with the URR Plan designation. The numbering system of R-1, R-2, and R-3 zoning designations was changed in the Albany Development Code (ADC) in 1991, and R-3 is now called RM-3.

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

FINDINGS OF FACT

- 2.1 The previous owner of the subject property submitted a "Traffic Impact Study" for the entire 122-acre property now owned by the applicant, dated February 1995, and an addendum to that study dated April 1995. The applicant has submitted a document that updates the original traffic impact study. (Reference letter to Don Donovan from Lancaster Engineering, dated June 24, 1997.) It was necessary to update the study because the configuration of proposed development on the property had changed. In the original traffic study, the land that is the subject of this application was assumed to be RS-5 (its current zoning), but if the zoning is changed to RM-3 as proposed by the applicant, the impact of development on the property at an increased density will have a greater impact on the transportation system.
- 2.2 The applicant has submitted a subdivision tentative plat application that would divide 19.2 acres of the subject property into 142 single-family residential lots, and a Site Plan Review application to construct a total of 214 apartments on the other 10.2 acres of the property (City of Albany File Nos. M1-06-97 and SP-29-97). For the purposes of this review we assume the proposed development to be typical of the type of development that would be proposed on the property even if the current applicant does not develop it as expected.
- 2.3 The subject property is bordered on the east by Interstate 5. No access will be allowed to Interstate-5.

Access to Lexington Street and Twenty-First Avenue

- 2.4 The subject property is bordered on the north by Twenty-First Avenue, and on the west by Mt. Vernon Street (to be dedicated and built with development on the property). Any proposed development on the

property would most likely take access to and from Twenty-First Avenue, so Twenty-First Avenue would have to be improved from the east boundary of the property to where the Twenty-First Avenue improvements that will be built with Phases 1-4 will end (at Waterford Street). It has been determined in the review of the proposed subdivision and apartments that Twenty-First Avenue should be built partial width along the frontage of the subject property, then full width to the connection with the end of the street that will be built with Phases 1-4 (at Waterford Street). The findings and conclusions of those reviews in relation to transportation are incorporated here by reference (M1-06-97, Criterion 3 and SP-29-97, Criterion 1.)

- 2.5 The most southerly area of the subject property (that area where the subdivision is proposed) would have access out to Lexington Street (platted and partly built with Lexington Subdivision Phases 1-4). It has been determined in the review of the proposed subdivision on the subject property that the minimum access needed out to Lexington Street will be along Twenty-Second Avenue and Thirtieth Avenue. In addition, Lexington Street must be built from where it ends with Phases 1-4 (about at Twenty-Second Avenue) to Twenty-First Avenue.
- 2.6 The traffic impact study submitted by the applicant assumes that all vehicle traffic will use Twenty-First Avenue and Grand Prairie Road to enter and exit the proposed subdivision. Traffic impact analysis evaluates the level of service (LOS) at intersections to determine the capacity of a particular street to accommodate additional vehicle traffic. The City has adopted LOS D as the minimum acceptable level of service.

Twenty-First Avenue, and Waverly Drive

- 2.7 The Lancaster Engineering traffic impact study indicates that seventy percent of the total volume of traffic from the entire 122 acres now owned by the applicant, when developed, will use Lexington Street and Twenty-First Avenue west to Waverly Drive. The traffic impact study submitted by the applicant shows that proposed development on the subject property (the subdivision and the apartments) will generate 1822 daily vehicle trips in and out of the development on Lexington Street and Twenty-First Avenue. This volume of traffic creates the need to construct Lexington Street and Twenty-First Avenue from Lexington Street to Waterford Street with full-width improvements, including curb, gutter, pavement, and storm drainage. Additional right-of-way is needed to build this street. An additional 27 feet in width is needed on the south side of Twenty-first Avenue from Waterford Street to Lexington Street for a total width of 60 feet.
- 2.8 Traffic from Twenty-First Avenue uses the intersection of Twenty-First Avenue and Waverly Drive. The traffic impact study shows that a traffic signal will be needed at this intersection at the time Lexington Phase 4 is constructed. This was a condition of approval of Lexington Phase 4. This staff report assumes the traffic signal will be installed. Installation of the traffic signal will allow the intersection to accommodate additional traffic from development on the subject property. The City's traffic engineer calculates that the signal will function at LOS D after development of the entire 122 acres owned by the applicant. This calculation is based on current traffic, plus the traffic that will be generated by other developments, plus the traffic that will be generated by the proposed development.

Grand Prairie Road and Waverly Drive

- 2.9 Thirty percent of the total volume of traffic from the entire 122 acres now owned by the applicant and the subject property will use Grand Prairie Road and 25 percent will use the intersection of Grand Prairie Road and Waverly Drive. In the original traffic impact study, it was found that the level of service of this intersection would be LOS B. The traffic impact study update finds that the additional traffic from the entire 122-acre parcel will increase traffic volumes 16 percent in the morning peak hour and 13.3

percent in the evening peak hour. Daily trips will increase by 17.7 percent. These increases are not enough to lower the level of service at the intersection of Grand Prairie Road and Waverly Drive below LOS D, so no further evaluation of this intersection was done. The City's traffic engineer calculates that the signal will function at LOS B, after the entire 122 acres owned by the applicant is developed.

- 2.10 The traffic impact study submitted by the applicant shows that proposed development on the subject property (the subdivision and the apartments) will add a total of 781 daily trips to Grand Prairie Road. The pavement on this road is beginning to develop "alligator" cracks within vehicle wheel paths, an indication that its structural section cannot accommodate existing vehicle loading. The pavement is approximately 26 feet wide, and the road does not have curb, gutter, sidewalk, or bike lanes. Ultimately, this road must be widened to three lanes plus bike lanes, and will require full urban improvements with curb, gutter, and sidewalks on both sides of the street. The current average daily traffic (ADT) on Grand Prairie Road, based on a November 3, 1994, count, is 5,586 trips. Although the proposed development will not create a level of service problem at the intersection of Grand Prairie Road and Waverly Drive, increased traffic volume and loading on Grand Prairie Road will increase the rate of deterioration of the substandard pavement. Re-construction of the road, however, must wait until other necessary utilities (such as sanitary sewer and water) are installed beneath the road. ADC 12.060 allows the City Engineer to accept a Petition for Improvement/Waiver of Remonstrance for a future assessment district when it is determined that a required street improvement is not timely.

Transit and Pedestrians

- 2.11 Albany Transit System Routes 1, 2, and 4 provide bus service on Waverly Drive. Busses will stop anywhere that is safe where passengers wish to get on or off the bus. There is a public park (Grand Prairie Park) at the southwest corner of Grand Prairie Road and Waverly Drive. Both of these destinations are within one-half to one-quarter mile of the subject property. One-quarter to one-half mile is the accepted maximum distance that pedestrians will walk to use these facilities. Pedestrian access has been provided from Lexington Phases 1-4 along Twenty-First Avenue and along Twenty-Eighth Avenue to Waverly Drive where people can access the bus system or existing sidewalks to the park.
- 2.12 So that pedestrians can access the existing sidewalk system that provides access to the transit system and Grand Prairie Park, sidewalks are needed on both sides of Mt. Vernon Street, Twenty-Second Avenue, Thirtieth Avenue, Lexington Street, and on the south side of Twenty-First Avenue. A sidewalk will not be necessary on the north side of Twenty-First Avenue because pedestrians from the proposed subdivision will use the sidewalk on the south side to access Waverly Drive. It will be possible to cross Twenty-First Avenue at Waverly Drive to travel north.

Bicycles

- 2.13 ADC 12.340 requires 6-foot wide bike lanes to be constructed on all arterial and collector streets at the time the streets are built, so bike lanes must be provided along both Lexington Street and Twenty-First Avenue. It is appropriate for bicycles to share the street with other vehicles on local streets. Mt. Vernon Street, Twenty-Second Avenue, and Thirtieth Avenue are local streets which will provide access to Lexington Street then to Waverly Drive along the streets that will or have been built as part of Lexington Phases 1-4. Striped bike lanes on Waverly Drive provide bicycle access to the park and other destinations.

Anticipated Transportation Facilities

- 2.14 This criterion requires that either existing transportation facilities or anticipated 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. Changing the zoning of the property does not create the need to make improvements to the transportation system.

(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 applicant has submitted a subdivision tentative plat application that would divide 19.2 acres of the subject property into 142 single-family residential lots, and a Site Plan Review application to construct a total of 214 apartments on the other 10.2 acres of the property (City of Albany File Nos. M1-06-97 and SP-29-97). For the purposes of this review we assume the proposed development to be typical of the type of development that would be proposed on the property even if the current applicant does not develop it as expected.
- 3.2 The applicant has submitted master plans for sanitary sewer, water, and storm drainage systems for Lexington Phases 5-16. The Master Plans were prepared by Ling & Associates and dated 4/2/97.

Sanitary Sewer

- 3.3 The sanitary sewer master plan shows that the sanitary sewer for the proposed subdivision will drain into existing sewer lines that were constructed for Lexington Phases 1-4 on Twenty-Seventh Avenue and Thirtieth Avenue. Calculations submitted by the applicant, and reviewed by the City Engineer, show there is sufficient capacity in these existing sewers to accommodate the additional discharge.
- 3.4 The sanitary sewer master plan shows that the sanitary sewer from the apartments will drain into a proposed 21-inch diameter sewer to be constructed along Twenty-First Avenue. This sewer must be built from the east end of Twenty-First Avenue to where the sanitary sewer that will be built as part of Lexington Phases 1-4 will end (at Waterford Street) to serve development on the subject property. The master plan shows that part of the proposed subdivision will drain into a proposed sewer along Twenty-Second Avenue, then into a proposed sewer along Lexington Street to the proposed 21-inch pipe in Twenty-First Avenue. Calculations submitted by the applicant and reviewed by the City Engineer show the proposed 21-inch sewer can accommodate development on the subject property.

Water

- 3.5 The waterline master plan shows the proposed subdivision lots will be served by 8-inch mains which will be connected through Lexington Phases 13 through 16, then to the existing 12-inch water main within Lexington Street that was constructed for Phases 1-4. The number of connections to the 12-inch water main in Lexington Street that will be required will be determined by the number needed to provide adequate fire flows. This will be determined at the time final construction plans for the development are reviewed. The location of required fire hydrants will also be reviewed at that time.

Storm Drainage

- 3.6 There are culverts under Interstate 5 which drain an upstream area. The drainage from these culverts now crosses the subject property in a ditch which will be filled when development takes place on the property. The storm drain master plan shows a 36-inch pipe will connect to the culverts to accommodate the upstream drainage. The master plan shows the 36-inch pipe then continues north to a 42-inch pipe to be constructed in Twenty-First Avenue. The 42-inch pipe must be extended along Twenty-First

Avenue and connected to the 42-inch which will be extended along Twenty-First Avenue to Waterford Street as part of Lexington Phases 1-4. The master plan also shows that the storm drainage from the apartments will flow to the 36-inch pipe in Twenty-First Avenue.

- 3.7 The storm drain master plan shows that the drainage from the proposed subdivision will be routed in pipes through Lexington Phases 13 through 16 and then connected to an existing 60-inch storm drain in Twenty-Third Avenue. Calculations submitted by the applicant for Phases 1-4 show that the 60-inch pipe can accommodate this drainage.

Anticipated Services

- 3.8 We interpret "anticipated" services, as used in this review criterion, to be those services that will be required to serve the property at the time development is proposed on the property. Changing the zoning of the property does not create the need to make improvements to the systems identified above.

Schools

- 3.9 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.

If the zoning of the subject property is changed from residential single-family to residential high density, there will most likely be an increase in the number of students from development on the property that will attend these schools. A conceptual plan that was submitted for the subject property by the original developer showed the property could be developed with approximately 150 single-family homes. If the zoning of the property is changed from RS-5 to RM-3, the current developer has submitted applications that would allow development of 142 single-family homes and 214 apartment units. (This is an increase of 206 dwelling units).

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, there would be 55 school-aged children in the single family homes, and 36 in the apartments, for a total of 91 school-aged children. The applicant has stated that it will take at least 3 to 5 years to build out the development proposed for the subject property. If the property was developed with 150 single-family homes, there would be 59 school-aged children living in the homes, 32 less than the number that would be living on the property if the zoning is changed.

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 Lexington Subdivision would attend is over-crowded, and none of them are expected to become over-crowded as Lexington develops. The average class size at South Shore Elementary is 23.2 students.

Fire and police protection

- 3.10 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 that the subject property can be provided with fire protection if the water system improvements described above are made.

(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 5: Floodplains* shows no areas of concern on the subject property. FEMA/FIRM Community Panel No. 410137 0002E and 410137 0004D, dated March 16, 1989, show that the subject property is not in a floodplain.
- 4.2 *Comprehensive Plan Plate 7: Slopes* shows no areas of concern on the subject property. The "Tentative Plan" submitted by the applicant shows the property varies in elevation from approximately 234-238 feet. The property slopes generally from east to west.
- 4.3 *Comprehensive Plan Plate 6: Wetland Sites* shows no areas of concern on the subject property, however, the U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory map (dated 1994) shows an area of wetlands on the property. The previous owner of the property, with his applications for Lexington Phase 1-4, submitted a "Wetland Determination and Wetland Delineation" for the entire 122 acres now owned by the current applicant. The determination and delineation was prepared by Jay R. Lorenz, Ph.D., and dated February 1, 1995. The Division of State Lands (DSL), which administers Oregon's wetland protection program, concurs with this delineation. They find that the wetland swales and perimeter ditches that were excavated in hydric soil on the property are subject to permit requirements of the State Removal-Fill Law and that the remainder of the site meets the criteria for prior-converted cropland and is thus exempt from regulation. (Reference letter from DSL to Jay Lorenz, dated March 14, 1995.)

The previous owner also submitted a wetland "Mitigation Report," dated April 20, 1995. This plan proposes filling all the wetlands on the property and creating new wetlands on a 3-acre area of the property that abuts Grand Prairie Road. The U.S. Army Corps of Engineers and DSL issued fill permits (Corps permit 95-425 and DSL permit FP-9667) for this work. The original schedule called for work to begin in the fall of 1995, but no work was done on the subdivision (and the wetlands were not filled), so no work on the wetlands mitigation plan was done. The current owner has begun work on the wetlands mitigation plan. A new schedule for wetlands mitigation will be a condition of approval of development on the property. (Simply changing the zoning of the property does not impact the wetlands.)

- 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 rye-grass. The property has been farmed for grass seed and hay.
- 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 existing zoning map designation of the subject property is RS-5 (Residential Single Family). The applicant proposes to change the designation to RM-3 (Residential Multiple Family).
- 5.2 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.
- 5.3 The purpose of the RS-5 District is to provide land for low to moderate density single family development. Density should occur at 8-10 units per acre. [ADC 3.3020(4)]
- 5.4 The purpose of the RM-3 zoning district is to provide land for medium to high density urban residential development. Development should occur at 20-40 units per acre. [ADC 3.3020(6)]
- 5.5 The question that must be answered under this review criterion is whether using the subject property for medium to high density development rather than for low to moderate density "best satisfies the goals and policies of the Comprehensive Plan." This question is answered by evaluating both the existing zoning of the property and the proposed zoning against relevant Comprehensive Plan goals and policies.
- 5.6 The following Comprehensive Plan goals and policies are relevant. Each goal and related policies will be listed in italic print, then followed by facts.

5.7 **Goal 1: Citizen Involvement**

Goal: *Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.*

Policies:

2. *When making land use and other planning decisions:*
- a. *Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.*
 - b. *Utilize all criteria relevant to the issue.*
 - c. *Ensure the long-range interests of the general public are considered.*
 - d. *Give particular attention to input provided by the public.*
 - e. *Where opposing viewpoints are expressed, attempt to reach consensus where possible.*
4. *Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process.*
5. *Continue an active coordination program with agencies and other governmental units. The program should include:*

- a. *Defining areas of mutual interest (e.g. development of land outside the Urban Growth Boundary and other areas where development may affect the city).*
- b. *Information sharing on issues of mutual interest.*
- c. *Scheduling of regular meetings.*
- d. *A process of notification and review of new development projects among affected jurisdictions and agencies.*
- e. *Participation and support of planning efforts dealing with issues of regional concern.*

5.8 The Albany Development Code (ADC) defines a Zoning Map Amendment as a Type IV land use decision (ADC 2.530) that requires a public hearing before the Planning Commission and City Council. Public hearings before the Planning Commission and City Council have been scheduled. These public hearings give local citizens and other affected parties an opportunity to be involved in making the decision on whether a zoning map amendment application should be approved. The City of Albany Development Code requires that all owners of property within 100 feet of the proposed zoning map amendment be notified of the public hearings. The required notices were mailed ten days before the scheduled Planning Commission meeting, as required by ADC 1.400(4) and contained the required information. The Albany Development Code also requires that the property be posted with a 2' by 3' sign. The property was posted in accordance with Section ADC 1.410. Other City departments, Linn County, and private utility companies were provided with a copy of the project review sheet during the City's review process as required by ADC 1.215.

5.9 The decisions of the Planning Commission and City Council will be based on whether the subject application meets the review criteria listed in the Development Code. This staff report lists each of the review criteria and provides relevant information on which the Planning Commission and City Council can base their decision. Comprehensive Plan goals and policies provide the framework for considering the long-range interests of the general public. Affected parties are invited to the public hearings, at which their comments will be considered by the decision-makers.

5.10 **Goal 5: Open Spaces, Scenic & Historic Areas, & Natural Resources - Wetland Resources**

Goal: *Protect wetlands to ensure their continued contribution as natural areas, open space, wildlife and vegetative habitat, and storm water retention and conveyance.*

Policies:

- 5. *Review all land use applications to determine if wetland characteristics exist on the proposed development site. The actual extent and boundaries of wetland areas shall be determined on a case-by-case basis.*

5.11 As discussed under Review Criterion #4 above, there are swales and perimeter ditches on the subject property that qualify as jurisdictional wetlands. The previous owner of the subject property proposed to develop the property with single-family homes and proposed to fill the wetlands and replace them elsewhere on contiguous property. The wetlands will also be filled if higher density residential development takes place on the property and will be replaced at the same location as proposed by the previous owner. So, whether the subject property is developed as single-family residential or higher density residential, the wetlands will be filled and replaced at another location.

5.12 **Goal 6: Air, Water, and Land Resources Quality - Sound**

Goal: *Reduce the adverse effects of noise in the Albany area.*

Policies:

2. *As much as possible, separate noise-sensitive uses and noise-generating uses.*
4. *For new noise-sensitive development, encourage special construction, design, and buffering techniques in areas where that development would be impacted by noise.*

5.13 The subject property is located adjacent to the west right-of-way of Interstate 5, which may create noise that is objectionable to residents. Residential development is a “noise-sensitive” use. Whether the zoning designation of the subject property is RS-5 or RM-3, the Development Code requires a 50-foot setback in addition to the required setback 15-foot front setback for residential development. Additional buffering may be required as a condition of development approval.

5.14 **Goal 8: Recreational Needs - Parks and Recreation**

Goal: *Provide a high quality and diversified system of safe and attractive parks, open space, recreation programs, and facilities to:*

1. *Facilitate community access to leisure, recreation, open space, and cultural opportunities.*
2. *Meet the varied recreation and leisure needs of Albany's citizens for self-expression, creativity, achievement, imagination, relaxation, and enjoyment.*
3. *Enhance the beauty, livability, and positive image of Albany.*

Policies:

7. *Provide an appropriate level of neighborhood park and recreation facilities to both developed and developing neighborhoods which lack readily accessible neighborhood recreation facilities.*

5.15 The Comprehensive Plan sets standards for the acreage of neighborhood and community parks that should be provided within the city, and the area they should serve. The City of Albany Parks and Recreation Department has prepared a Parks Master Plan that implements the requirements of the Comprehensive Plan.

5.16 The Parks Master Plan shows Grand Prairie Park, a community park, located within one-half mile of the subject property. The Parks and Recreation Department has recently acquired 10 acres for use as a neighborhood park immediately adjacent to the subject property. There are also two other neighborhood parks within three-quarters of a mile of the property, which serve their surrounding neighborhoods, so the area is well served by neighborhood parks and a community park. The area does not lack readily accessible neighborhood recreation facilities.

5.17 **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.*

4. *Encourage innovation in housing types, densities, and design to promote a variety of housing alternatives and prices such as:*
 - c. *Other actions directed at reducing housing costs which conform with the Comprehensive Plan, including innovative Development Code regulations.*
- 5.18 The property which is the subject of this zoning map amendment is 29.4 acres of a 122-acre parcel owned by the applicant. One-hundred seventeen acres of the subject property was zoned RS-6.5 (Residential Single Family) and 5 acres was zoned RM-5 (Residential Limited Multiple Family) until 1995 when the zoning designation of all 122 acres was changed to RS-5. This was the first time the RS-5 designation had been applied in the City. (The RS-5 designation was created in 1991 to provide the opportunity for single-family home on smaller lots - the minimum lot size is 5,000 square feet, whereas in the RS-6.5 district, the minimum lot size is 6,500 square feet.)
- 5.19 The applicant is in the process of developing Phases 1-4 of Lexington Subdivision on 48.5 acres of the property with 240 homes. The applicant has submitted an application to divide another 40.6 acres of the property into 234 single-family residential lots (Lexington Phases 13 through 16). Lexington Phases 1-4 and Phases 13-16 will provide 89.1 acres of RS-5 land and 474 single-family lots. The remaining 29.4-acre area of the property that can be developed is the subject of this application. (There are an additional 3 acres, more or less, on which wetlands will be created to replace those filled.)
- 5.20 Staff has identified only five parcels currently available within the city limits for development of high density residential housing. The largest vacant parcel of land zoned RM-3 is located at the most easterly boundary of the city limits, south of Highway 20 across from Goldfish Farm Road. This parcel is about 15 acres. Three other parcels are 0.19 acres, 1.08 acres, and 2.28 acres. Each of these parcels is located between the Burlington Northern railroad tracks and Salem Avenue across from Waverly Lake. The fifth parcel is one on which a zone change from CC (Community Commercial) to RM-3 was recently approved by the City Council. This parcel is already developed with 30 apartments, so most of the land is already developed. The remainder of the parcel can accommodate approximately 18 more units.
- 5.21 The largest available parcel zoned RM-3 (the 15 acre parcel) is nearly one mile from the nearest concentration of employment opportunities on the west side of Interstate 5. The nearest public services to this parcel are several hundred feet away. The other (smaller) parcels are near employment centers and have public services available, but together they total only 3.6 acres. There is a need for additional RM-3 zoned land more readily accessible to employment and public services.
- 5.22 The subject property is located along a collector street, Twenty-First Avenue, and has convenient access to another collector, Lexington Street. Lexington Street provides access to Grand Prairie Road. Twenty-First Avenue and Grand Prairie Road provide access to Waverly Drive along which there are several commercial developments that provide employment opportunities (e.g., Albany Family Medicine at Queen Avenue, and Albany Plaza Shopping Center at Fourteenth Avenue). Public services can be conveniently provided to the property as discussed under Review Criterion #3 above. There is also a public library at Waverly Drive and 14th Avenue.
- 5.23 Statewide Planning Goal 10 and the City's Comprehensive Plan policies call for a variety of housing types, densities, and design. This proposal calls for an apartment complex that would have a mixture of one, two, and three bedroom units. The complex would have an outdoor swimming pool and a recreation building. Along the freeway the proposal calls for a combination of attached and detached single family units on lots that would average approximately 5,000 square feet.
- 5.24 The proposed zoning addresses these Comprehensive Plan policies by providing flexibility for a greater range of housing types than the current zoning would allow. The current RS-5 zoning district allows

only single family homes, and duplexes on corner lots; the proposed RM-3 zoning district allows single family homes, duplexes, and multi-family development (including single family attached housing).

- 5.25 Comprehensive Plan housing policies call for housing opportunities that meet the needs of all Albany's citizens. Policy 1 states that there will be a variety of choices regarding type, location, density, and **cost** (emphasis added).

The National Association of Homebuilders has developed a housing affordability index. This index for geographic areas represents the percentage of houses affordable to a household earning the median income in the local area. Median family income data is updated yearly on a county basis by the U.S. Department of Housing and Urban Development (HUD). The median home sales price for an area means there were as many sales above that amount as below. This information is typically provided by a local real estate multiple listing service (MLS). The NAHB index assumes a maximum purchase price of 2.8 times family income. It is based on sales of new and existing site built homes.

The Portland-Vancouver area ranks as the second least affordable metro housing market in the nation. Their 1997 median home sales price is \$147,000. Only 31 percent of homes sold in Portland are affordable to families earning the area's median income of \$46,300. Nationwide, 60 percent of homes sold were affordable to families earning the median income for their area. During the period 1983 to 1996, the median price for a home in the Portland area increased by 116 percent. During this same period, the median family income rose only about 50 percent.

The NAHB published data is for the nation's larger housing markets. However, it is possible to calculate the affordability index for smaller markets by using the same data sources (HUD and MLS). The 1997 median family income figure for Linn County is \$36,500; the median home sales price in the City of Albany from January through August 1997 is \$ 116,900. The Albany household earning the median income of \$36,500 can afford a maximum purchase price of \$102,200. Approximately 100 of the 300 homes that have sold in the city this year are priced at this amount or below, making the affordability index 33 percent. This means that two-thirds of the families in Albany cannot afford the median priced home based on their income.

- 5.26 According to the records of the City of Albany Building Division, there have been 165 single family building permits issued in calendar year 1997 through September 12. Of this total number, 58 of the permits were for single family homes in Lexington Phases 1 and 2. The valuations listed in the city's records are for fee calculation purposes only. They are based on a square foot value listed in the Uniform Building Code. This number does NOT include the cost of land and therefore does not reflect what the houses actually sell for. These records are, however, a good indicator of relative housing prices within the city. The permits are listed by contractor and location. The median building permit construction valuation for homes in the Lexington subdivision is \$91,535; the median valuation for all other new homes in the city is \$118,171.

- 5.27 The County Assessors' Sales Records are an official source for what houses are actually selling for. The Linn County Assessor's Office shows 12 sales recorded in Lexington Phases I and 2 as of September 6, 1997. The median sales price for these new homes was \$106,000. This amount is \$10,900 less than the median home sales price for new and existing homes that have sold in the city this year.

This proposed zone change would allow for some of the lots along the freeway to be smaller than the Lexington Phase I and II lots so land costs would likely be less for these single family houses.

5.28 **Goal 12: Transportation**

Goal: *Provide a safe, diversified, and efficient transportation system that protects and enhances Albany's economy, environment, neighborhood quality, and cultural and scenic values.*

Policies:

1. *Review development and transportation plans to determine the most efficient, safe, and least disruptive relationship between land uses and the transportation system.*
2. *Ensure that when planning for, designing, and providing transportation systems:*
 - a. *The requirements of the various transportation types are coordinated with each other and operational and safety conflicts are minimized.*
 - b. *Proposed projects are coordinated with the plans of applicable county, state, and federal agencies.*
 - c. *Effective notification and coordination occurs between affected agencies regarding the transportation impacts of proposed development within or adjacent to the Urban Growth Boundary.*
3. *As part of the development review process, evaluate the adequacy of transportation to, from, and within the site.*
5. *Ensure that design and location of driveways provides for safe and efficient property access and does not interfere with traffic circulation and carrying capacity.*
6. *Ensure that street design provides for high levels of efficiency and safety and, when necessary, incorporate design modifications to help preserve neighborhood quality and character.*
7. *Minimize the need for on-street parking by maintaining regulations that require off-street parking and loading facilities commensurate with the size and relative needs of the proposed use.*
9. *Require adequate pedestrian and bicycle ways in conjunction with all new street projects and provide sidewalks along all City streets (proposed and existing) that are used for direct access to area schools.*
13. *Ensure that new construction and major improvement of county roads within the Urban Growth Boundary is undertaken in accordance with standards that are previously agreed upon between the City and Counties.*
16. *When possible, incorporate the needs of the transportation disadvantaged (the elderly, disabled, the young, and the poor) when planning for and implementing transportation improvements.*
17. *Encourage transportation projects, programs, and policies which reduce dependency on the automobile and promote transportation alternatives such as public transit, bikeways, car and van pools.*
18. *Support local and areawide public transit including:*
 - a. *Operation and improvement of the Albany Transit System to meet Albany's transit needs.*
 - b. *Efforts to maintain regional bus systems whose services are coordinated with the Albany system, such as the Albany-Corvallis loop system and the Sweet Home-Albany-Lebanon route.*

5.29 Changing the zoning of the subject property from RS-5 (Residential Single Family) to RM-3 (Residential High Density) does not create the need to improve the transportation system. A Zoning Map Amendment is not a development (as defined in Article 22, Definitions), nor is it a transportation plan, project, or policy as referenced in policies listed above.

However, under Review Criterion #3 above, it must be found that "existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation." In addition to

the subject zoning map amendment, the applicant has submitted a subdivision tentative plat application and a site plan review application that show how the subject property will be developed (File No. M1-06-97 and SP-29-97). Although it is not certain that the developer will proceed with these developments, it is very likely. (The same applicant has nearly completed development of two phases of a previous four-phase subdivision on the same property and the other two phases are well under way.) At least, the tentative plat application and the site plan review provide the basis for review of the existing transportation system and needed future improvements.

- 5.30 The Albany Development Code implements the goals and policies of the Comprehensive Plan by setting forth requirements for design of transportation system improvements that are intended to ensure that the transportation system is economic, safe, diversified, and efficient. The tentative plat application and the site plan review application have been reviewed by Planning Division staff based on the requirements of the Development Code, and it has been found that the transportation system can be made adequate to serve the proposed development on the subject property with the increased density that would be allowed if this zoning map amendment is approved. Automobile, pedestrian, and bicycle transportation have been considered in this review, as well as transit.
- 5.31 The previous owner submitted a traffic impact study based on development of all of the 122-acre property now owned by the applicant as residential single-family. The applicant submitted an update of that traffic impact study that is based on the increased density that will be allowed if this zoning map amendment is approved. The improvements that are needed to the transportation system to which the proposed developments will connect, Twenty-First Avenue and Grand Prairie Road, are the same whether the property is zoned RS-5 or RM-3.

Subdivision File M1-06-97

(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 total land area owned by the applicant is 122 acres. A Tentative Plat that would divide the western 48.5 acres of the property into 240 single-family lots in four phases has been approved (City of Albany File M1-03-95). The Final Plats for Phase 1 and 2 have also been approved. Approval of these plats demonstrates that this area of the property can be developed in accordance with the Development Code.
- 1.2 A Tentative Plat application has been reviewed that would divide another 40.6 acres of the applicant's 122-acre parcel into 234 lots to be constructed in four phases (M1-05-97, Lexington Subdivision Phases 13 through 16). Staff has recommended approval of the tentative plat. The tentative plat demonstrates how this area of the property can be developed in accordance with the Development Code.
- 1.3 The subject Subdivision Tentative Plat application proposes to divide another 19.2 acres of the 122-acre parent parcel into 142 single-family residential lots (Lexington Phases 7-12). This will leave 10.2 acres remaining to be developed. The same applicant has submitted a Site Plan Review application to construct apartments on this remainder of land (File SP-29-97). Staff has reviewed that application, and has recommended approval. The application demonstrates how that area of the property can be developed in accordance with the Development Code. (There are another 3 acres, more or less, of the 122-acre parent parcel that have been designated as a wetlands mitigation site that cannot be developed).

(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 property which is the subject of this Subdivision Tentative Plat application is adjoined to the north, west, and south by property owned by the applicant. The property to the north has access to Twenty - First Avenue, but will also be provided access to Lexington Street and Twenty-Second Avenue with the proposed subdivision. The property to the west has access to Lexington Street now, and it will also be provided with access to Mt. Vernon Street with the proposed subdivision. The property to the south (southeast corner of parent 122-acre parcel) has been designated as a wetlands mitigation site, and cannot be developed. It does, however, have access to Grand Prairie Road.
- 2.3 The subject property is adjoined to the west by Linn County Assessor's Map No. 11S-3W-16, Tax Lot 1100. This property currently has a house and a barn on it. The property is zoned RS-6.5 and can be divided. The property has frontage on Grand Prairie Road, which provides access to the existing house. The primary access to future development on the property will most likely not be to and from Grand Prairie Road as access to Grand Prairie Road may be limited. Lexington Street will most likely provide the primary access to the property in the future. The other subdivision proposed by the applicant (M1-05-97) will provide another access to the property (Jefferson Avenue).

- 2.4 ADC 12.150 requires a one-foot barrier strip be dedicated to the City at the end of streets that terminate at a property line or subdivision phase line so that the City can control access to adjacent properties.

(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. The basis of this evaluation is a traffic impact study. The previous owner of the subject property submitted a Traffic Impact Study for the entire 122-acre property now owned by the applicant, dated February 1995, and an addendum to that study dated April 1995. The applicant has submitted a document that updates the original traffic impact study. (Reference letter to Don Donovan from Lancaster Engineering, dated June 24, 1997.) It was necessary to update the study because the configuration of the proposed subdivision, and other phases, has changed from that first proposed in 1995.

- 3.2 The applicant has submitted a tentative plat titled "Lexington Tentative Plan," which shows the proposed subdivision. This drawing does not show a date, but a computer file reference along the edge of the drawing shows it was printed July 25, 1997. The applicants have also submitted another drawing titled "Lexington Tentative Plan" which shows the proposed subdivision and surrounding development. The computer file references along the edge of this drawing shows it was printed July 17, 1997.

INTERIOR STREETS

- 3.3 Location, width, and grade: ADC 12.110 requires that the location, width, and grade of all streets must conform to any approved transportation master plan or recorded subdivision plat, and that where location of a street is not shown in an approved street plan, the arrangement of streets in a development shall provide for the continuation or appropriate projection of existing principal streets in the surrounding areas.

No streets through the proposed subdivision are shown on Comprehensive Plan Plate 12: Master Street Plan. The tentative plat shows the street pattern that will be established in Lexington Phases 13 through 16 will be continued across Mt. Vernon Street in the proposed subdivision, as far as practical. There are no streets to the north, south, or east to be continued into the proposed subdivision. Final construction plans, including street grades, must be approved by the City Engineer through the "Site Improvement Permit" process prior to final plat approval.

- 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.

None of the streets within the proposed subdivision are classified as arterial or collector streets on the Master Street Plan, so they are local streets. ADC 12.120 shows the minimum right-of-way width for

local streets as 40-55 feet. The minimum roadway width is shown as 28-36 feet. Cul-de-sac bulbs must have a minimum right-of-way radius of 43 feet, and a roadway radius of 36 feet.

The right-of-way widths shown on the tentative plat for Mt. Vernon Street in Phases 7,8,9,10, and part of 11, Twenty-Second Avenue, and Thirtieth Avenue are 50 feet. The roadway widths are shown as 32 feet. The right-of-way widths for Mt. Vernon Street, Revere Street, Thirty-First Avenue, and Thirty-Second Avenue in Phases 11 and 12 are shown as 40 feet. Roadway widths are shown as 28 feet. The entries to the cul-de-sacs are shown as 40-foot wide rights-of-way with 28-foot wide roadways. The cul-de-sac bulbs are shown with 43 foot radius rights-of-way and 36-foot radius roadways. These widths conform with the requirements of ADC 12.120. No parking will be permitted on the 28-foot wide streets.

- 3.5 Public utility easements: 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. No public utility easements are shown on the tentative plat. The required easements will be a condition of approval of the proposed subdivision. All lots along the proposed streets will need these easements.
- 3.6 Street intersection alignment: ADC 12.160 requires that, as far as practical, streets must be dedicated and constructed in alignment with existing streets by continuing the center lines thereof. As stated in Finding of Fact 3.2 above, the streets within the proposed subdivision will be the continuation of the street pattern that will be established in Lexington Phases 12 through 16, as far as practical. However, the proposed off-set of Twenty-eighth Court across from Twenty-eight Avenue may create a vehicle turn movement conflicts, so this intersection should be re-aligned.
- 3.7 Street intersection alignment: ADC 12.170 requires streets to be laid out so as to intersect as nearly as possible at right angles. The proposed cul-de-sacs intersect Mt. Vernon Street at right angles. Twenty-Second Avenue and Thirtieth Avenue both intersect Lexington Street at right angles.
- 3.8 ADC 12.060 requires that all development have frontage on (or approved access to) a public street, and that streets within and adjacent to a development must be improved to the standards set forth in ADC Article 12. So, all of streets within the boundary of the proposed subdivision (Phases 7-12 of Lexington) must have full width improvements including curb, gutter, storm drainage, pavement, and sidewalks on both sides of the streets to accommodate local traffic and pedestrians.

EXTERIOR STREETS

- 3.9 The traffic impact study submitted by the applicant assumes that all vehicle traffic will use Twenty-First Avenue and Grand Prairie Road to enter and exit the proposed subdivision. Traffic impact analysis evaluates the level of service (LOS) at intersections to determine the capacity of a particular street to accommodate additional vehicle traffic. The City of Albany has adopted LOS D as the minimum acceptable level of service.

Twenty-First Avenue. and Waverly Drive

- 3.10 The Lancaster Engineering traffic impact study indicates that seventy percent of the total volume of traffic from the entire 122 acres now owned by the applicant, when developed, will use Lexington Street and Twenty-First Ave. west to Waverly Drive. Lexington Street will be built from Grand Prairie Road to about Twenty-Second Avenue as part of Lexington Phases 1-4, and from Twenty-Second Avenue to Twenty-First Avenue as part of Phase 5. If it is not yet built from Twenty-Second Avenue to Twenty-First Avenue, at the time the proposed subdivision is built, it must be built at the time Phase 7 is built. Twenty-First Avenue will be improved from Waverly Drive to Waterford Street as part of Phases 1-4,

and from Waterford Street to Lexington Street as part of Phase 5. If it is not yet built from Waterford Street to Lexington Street by the time the proposed subdivision is built, it must be built at the time Phase 7 is built. These will be conditions of approval of the proposed subdivision.

The traffic impact study submitted by the applicant shows that the proposed subdivision will generate 835 daily vehicle trips in and out of the subdivision on Lexington Street and Twenty-First Ave. This volume of traffic creates the need to construct Lexington Street and Twenty-First Avenue with full-width improvements, including curb, gutter, pavement, and storm drainage. An additional 27 feet in width of right-of-way is needed on the south side of Twenty-first Avenue from Waterford Street to Lexington Street is needed to construct the street.

- 3.11 The City of Albany owns 10 acres of property at the southwest corner of Lexington Street and Twenty-First Avenue. The City of Albany Parks Director has agreed to pay for half the cost of building Lexington Street and Twenty-First Avenue along the frontage of the park property.
- 3.12 Traffic from Twenty-First Avenue uses the intersection of Twenty-First Avenue and Waverly Drive. The traffic impact study shows that a traffic signal will be needed at this intersection at the time Lexington Phase IV is constructed. This was a condition of approval of Lexington Phase IV. This staff report assumes the traffic signal will be installed. Installation of the traffic signal will allow the intersection to accommodate additional traffic from Phases 13 through 16. The City's traffic engineer calculates that the signal will function at LOS D after development of the entire 122 acres owned by the applicant. This calculation is based on current traffic, plus the traffic that will be generated by other developments, plus the traffic that will be generated by the proposed development.

Grand Prairie Road and Waverly Drive

- 3.13 The Lancaster Engineering traffic impact study indicates that thirty percent of the total volume of traffic that enters and exists the entire 122-acre property owned by the applicant and the proposed subdivision will use Grand Prairie Road and 25 percent will use the intersection of Grand Prairie Road and Waverly Drive. In the original traffic impact study, it was found that the level of service of this intersection would be LOS B. The traffic impact study update finds that the additional traffic from the entire 122-acre parcel will increase traffic volumes 16 percent in the morning peak hour and 13.3 percent in the evening peak hour. Daily trips will increase by 17.7 percent. These increases are not enough to lower the level of service at the intersection of Grand Prairie Road and Waverly Drive below LOS D, so no further evaluation of this intersection was done. The City's traffic engineer calculates that the signal will function at LOS B, after the entire 122 acres owned by the applicant is developed.
- 3.14 A total of 358 vehicle trips to and from the proposed subdivision will use Lexington Street to Grand Prairie Road. It is not reasonable to expect all of these trips to use Mt. Vernon Street and Twenty-Second Avenue for access to and from Lexington Street, when a more direct route for at least half of these trips would be Thirtieth Avenue to Lexington Street. Thirtieth Avenue should be included as part of Phase 11 of the proposed subdivision. Mt Vernon Street across the frontage of Phases 10 and 11 and Thirtieth Avenue to Lexington Street should be built at the time Phase 10 is constructed.
- 3.15 The proposed subdivision will add a total of 358 daily trips to Grand Prairie Road. The pavement on this road is beginning to develop "alligator" cracks within vehicle wheel paths, an indication that its structural section cannot accommodate existing vehicle loading. The pavement is approximately 26 feet wide, and the road does not have curb, gutter, sidewalk, or bike lanes. Ultimately, this road must be widened to three lanes plus bike lanes, and will require full urban improvements with curb, gutter, and sidewalks on both sides of the street. The current average daily traffic (ADT) on Grand Prairie Road, based on a November 3, 1994, count, is 5,586 trips. Although the proposed development will not create

a level of service problem at the intersection of Grand Prairie Road and Waverly Drive, increased traffic volume and loading on Grand Prairie Road will increase the rate of deterioration of the substandard pavement.

In order to serve potential development on the south side of Grand Prairie Road, it will be necessary to install sanitary sewer, water, and storm drain lines in Grand Prairie Road before the road is rebuilt. (There is a potential development on the south side of Grand Prairie Road between Waverly Drive and Interstate 5 that is now being contemplated by the property owner that will need the utilities.) The proposed subdivision does not need any of these services from Grand Prairie Road, so they should not be assessed any of the cost of installing them.

If the applicant was required to improve Grand Prairie Road, as a condition of approval of the proposed subdivision, the City does not have allocated funds to install the utilities prior to rebuilding the road. Therefore, the applicant will only be asked to sign a Petition for Improvement and Waiver of Remonstrance to improve the road at the time the City determines it is timely. ADC 12.060 allows the City Engineer to accept a Petition and Waiver where improvements would otherwise be required, but it is determined that the improvements are not timely.

TRANSIT AND PEDESTRIANS

- 3.16 Albany Transit System Routes 1, 2, and 4 provide bus service on Waverly Drive. Buses will stop anywhere that is safe where a passenger wishes to get on or off the bus. There is a public park (Grand Prairie Park) at the southwest corner of Grand Prairie Road and Waverly Drive. Both of these destinations are within one-half mile of the proposed subdivision. One-quarter to one-half mile is the accepted maximum distance that pedestrians will walk to use these facilities. Pedestrian access has been provided from Lexington Phases 1-4 along Twenty-First Avenue and along Twenty-eighth Avenue to Waverly Drive where people can access the bus system or existing sidewalks to the park.
- 3.17 So that pedestrians can access the existing sidewalk system that provides access to the transit system and Grand Prairie Park, sidewalks are needed on both sides of the proposed cul-de-sacs, Mt. Vernon Street, Twenty-Second Avenue, Thirtieth Avenue, Lexington Street, and on the south side of Twenty-First Avenue. A sidewalk will not be necessary on the north side of Twenty-First Avenue because pedestrians from the proposed subdivision will use the sidewalk on the south side to access Waverly Drive. It will be possible to cross Twenty-First Avenue at Waverly Drive to travel north. The City of Albany Parks Director has agreed to pay for the sidewalks along the frontage of the park property.
- 3.18 The sidewalks along the proposed cul-de-sacs, Mt. Vernon Street, Twenty-Second Avenue, and Thirtieth Avenue can be built either at the time the streets are built or along the frontage of each lot at the time a house is built on the lot.

ADC 12.290 requires sidewalks along arterial and collector streets to be built at the time the streets are constructed. The Development Code allows these sidewalks to be built either adjacent to the curb or set back from the curb. Lexington Street and Twenty-First Avenue were determined during the evaluation of Phases 1-4 of Lexington to be collector streets, so the required sidewalks must be built at the time the streets are constructed. The sidewalks along Twenty-First Avenue and Lexington Street will be built set back from the curb, so the extensions of the sidewalks along the new sections should match and be built back from the curb also. The sidewalks along the local streets within the proposed subdivision can be either built adjacent to the curb or set back and can be built either at the time the street is constructed or along the frontage of each lot at the time a residence is built on the lot.

- 3.19 The City of Albany Parks Director has agreed to pay the cost of building the sidewalks along the frontage of the park property.

BICYCLES

- 3.20 ADC 12.340 requires 6-foot wide bike lanes to be constructed on all arterial and collector streets at the time the streets are built, so bike lanes must be provided along both Lexington Street and Twenty-First Avenue. The bike lanes along the existing section of Lexington Street have not yet been striped. It is appropriate for bicycles to share the street with other vehicles on local streets. Mt. Vernon Street, Twenty-Second Avenue, and Thirtieth Avenue are local streets which will provide access to Lexington Street, then to Waverly Drive along the streets that will be built as part of Lexington Phases 1-4. Striped bike lanes on Waverly Drive provide bicycle access to the park and other destinations.

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

FINDINGS OF FACT

SANITARY SEWER

- 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 applicant has submitted a "Sanitary Sewer Master Plan" (Master Plan) for Lexington Phases 1-4. The Master Plan was prepared by Ling & Associates and dated 4/2/97. The subject application is for Phases 7-12. The City Engineer has approved the Master Plan in concept. Final construction plans must be approved by the Engineer through the "Site Improvement Permit" process prior to final plat approval.
- 4.2 The Master Plan shows the proposed subdivision lots in Phases 10 through 12 will drain into sewer lines within each of the proposed cul-de-sacs in Phases 10 through 12, through Phases 13 through 16, then into the existing sewer lines that were constructed for Lexington Phases 1-4 on Twenty-Seventh Avenue and Thirtieth Avenue. Calculations submitted by the applicant, and reviewed by the City Engineer, show there is sufficient capacity in these existing sewers to accommodate the additional discharge from Phases 10 through 12.
- 4.3 The Master Plan shows Phases 7 through 9 will drain into sewer lines within each of the proposed cul-de-sacs in Phases 7 through 9, to a sewer line in Mt. Vernon Street, then along Twenty-Second Avenue and Lexington Street into a 21-inch interceptor sewer that is shown on the plan as existing in Twenty-First Avenue. This 21-inch sanitary sewer will be constructed as part of Lexington Phases 5 and 6. Construction of the sewer from Waverly Drive to the west line of Linn County Assessor's Map 11S-3W-16, Tax Lot 801 (Waterford Street) was a condition of approval of Lexington Phases 1-4. Construction of the sanitary sewer from Waterford Street to the east end of Twenty-First Avenue is a condition of Phases 5 and 6 approval. Calculations submitted by the applicant and reviewed by the City Engineer show the proposed 21-inch sewer can accommodate Phases 7 through 9.

If the 21-inch sanitary sewer in Twenty-First Avenue is not yet built at the time the proposed subdivision is built, it must be built at the time Phase 7 is built.

WATER

- 4.4 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. The applicant has submitted a "Waterline Master Plan" (Master Plan) for Lexington Phases 1-4. The Master Plan was prepared by Ling & Associates and

dated 4/2/97. The subject application is for Phases 7-12. The City Engineer has approved the Master Plan in concept. Final construction plans must be approved by the Engineer through the "Site Improvement Permit" process prior to final plat approval.

- 4.5 The Master Plan shows the proposed subdivision lots will be served by 8-inch mains within each proposed street. These mains will be connected through Phases 13 through 16 to the existing 12-inch water main within Lexington Street that was constructed for Phases 1-4. The number of connections to the 12-inch water main in Lexington Street that will be required will be determined by the number needed to provide adequate fire flows. This will be determined at the time final construction plans are reviewed.

STORM DRAINAGE

- 4.6 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. The applicant has submitted a "Storm Drain Master Plan" (Master Plan) for Lexington Phases 1-4. The Master Plan was prepared by Ling & Associates and dated 4/2/97. The subject application is for Phases 7-12. The City Engineer has approved the Master Plan in concept. Final construction plans must be approved by the Engineer through the "Site Improvement Permit" process prior to final plat approval.
- 4.7 ADC 12.550 requires drainage facilities to be large enough to accommodate potential run-off from upstream drainage areas. There are culverts under Interstate 5 which drain an upstream area. The drainage from these culverts now crosses the subject property in a ditch which will be filled. The Master Plan shows a 36-inch pipe will connect to the culverts to accommodate the upstream drainage. The 36-inch pipe then continues north to a 42-inch pipe to be constructed in Twenty-First Avenue. The 42-inch pipe must be extended along Twenty-First Avenue and connected to the 42-inch extended along Twenty-First Avenue to Waterford Street as part of Lexington Phases 1-4. Construction of the proposed 36-inch pipe and the proposed 42-inch pipe are conditions of approval of Phases 5 and 6, but if they have not yet been constructed when the proposed subdivision is built, it must be built as part of Phase 7.
- 4.8 The Master Plan shows storm drain pipes will be constructed within proposed streets in Phases 7-12, routed through Phases 13 through 16, and then connected to an existing 60-inch storm drain in Twenty-Third Avenue. Calculations submitted by the applicant for Phases 1-4 show that the 60-inch pipe can accommodate the drainage from Phases 7-12. If the proposed storm drain pipes through Phases 13 through 16 have not yet been built at the time the proposed subdivision is built, they must be constructed as necessary to serve each phase as it is developed.

(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 Plan" submitted by the applicant shows the property varies in elevation from approximately 234-238 feet. 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 and 410137 0004D, dated March 16, 1989, show 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, however, the U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory map (dated 1994) shows an area of wetlands on the property. The previous owner of the property, with his applications for Lexington Phase 1-4, submitted a "Wetland Determination and Wetland Delineation" for the entire 122 acres now owned by the current applicant. The determination and delineation was prepared by Jay R. Lorenz, Ph.D, and dated February 1, 1995. The Division of State Lands (DSL), which administers Oregon's wetland protection program, concurs with this delineation. They find that the wetland swales and perimeter ditches that were excavated in hydric soil on the property are subject to permit requirements of the State Removal-Fill Law and that the remainder of the site meets the criteria for prior-converted cropland and is thus exempt from regulation. (Reference letter from DSL to Jay Lorenz, dated March 14, 1995.)

The previous owner also submitted a wetland "Mitigation Report," dated April 20, 1995. This plan proposes filling all the wetlands on the property and creating new wetlands on a 3-acre area of the property that abuts Grand Prairie Road. The U.S. Army Corps of Engineers and DSL issued fill permits (Corps permit 95-425 and DSL permit FP-9667) for this work. The original schedule called for work to begin in the fall of 1995, but no work was done on the subdivision (and the wetlands were not filled), so no work on the wetlands mitigation plan was done. The current owner has begun work on the wetlands mitigation plan. A new schedule for wetlands mitigation will be a condition of this subdivision approval.

- 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 rye-grass. The property has been farmed for grass seed and hay.

- 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.

- 5.6 The subject property is located adjacent to the west right-of-way for Interstate 5. A 50-foot setback to any residential building from this right-of-way is required in addition to the 15-foot setback required for a front yard. (A front yard is defined in the Development Code as any yard along a street.) This results in a required 65-foot setback from Interstate 5. The tentative plat shows this setback has been provided. In addition, ADC 3.370 requires buffering and screening between residential development and any arterial street. Interstate 5 is an arterial street, so a 10-foot wide strip of buffering and screening must be planted between the proposed subdivision and I-5. The buffering and screening materials should be placed within the 65-foot setback area.

The City of Albany Planning Division has requested that freeway noise be at acceptable levels based on Oregon Department of Transportation (ODOT) recommendations. The applicants contacted John deTar of ODOT and Earl Knowles of the Washington Department of Transportation (WDOT) regarding freeway noise abatement procedures. The applicants state in findings submitted with their application that the following information was provided.

"ODOT does not have any requirements for noise abatement for residential properties. As a general rule ODOT does not construct noise abatement structures unless the total noise reduction is greater than 5 db. Their studies show that noise abatement is achieved in basically three different ways, through berming, construction of a wall, and increasing distance from the noise source.

Berming with soft surfaces such as grass are more effective than hard structures. Even 1-2 feet high minimal berming will provide a sound deadening effect known as ground effect, and will achieve

approximately 3 db reduction in noise. A berm of approximately 6 feet or more in height will achieve only 4.5 db reduction in noise.

Mr. deTar indicated that the type of wall material makes little difference in the ability to reduce noise, and that a wood fence constructed of 1" material (15-22db) will provide only slightly less noise abatement than a cinder block hollow core wall (28db, see attached exhibits). Approximately 1.5 db of reduction is anticipated for each meter of barrier height. Studies have indicated that if freeway noise is reduced by 10 db there is a perception of a 50% reduction in noise level. Noise abatement structures are most effective if constructed closest to the freeway or closest to the house, and less effective when constructed in between.

Based on ODOT and WDOT studies, freeway traffic generates approximately 62 db of noise, with the greatest amount of noise generated from tires and exhaust pipes at low levels near the pavement, with the most tire noise generated by truck traffic. No sound level tests have been taken by ODOT or the applicant at this location. Sound level tests were conducted at a similar location adjacent to the Freeway at Lehigh Way, and taken at the base of a berm and fence, on August 14, 1993, using a calibrated Quest Electronic Model 215 Sound Level Meter. The data showed a freeway noise range of 52-62 db. On August 24, a similar reading was taken at the base of the berm with a range of 58 to 68 db. Berming and fencing resulted in a noise reduction of 3-7 db. The combination of berming and fencing at the Lehigh location is approximately 9 feet high. The freeway elevation at the Lexington project is between 4 and 5 feet above grade. Based on information from ODOT and WDOT, the maximum reduction in noise levels can be achieved by providing a noise barrier of wood or concrete in combination with a berm at a level two feet above the pavement which would require a minimum screen structure of 5 to 7 feet in height."

The applicants conclude that "The City of Albany has a 50-foot noise easement requirement for residential development which is adjacent to Interstate 5, with an additional 15 feet of setback from the easement line. In addition, the R/W line is an additional distance of approximately 20 feet from the pavement. The total distance from freeway traffic to residential structures is 85 feet. WDOT studies indicate that there is a noise reduction of 10 db at a distance of 200 feet on a linear scale. Based on this information, there would be a noise reduction of 4.25 db at 85 feet without construction of a noise abatement structure such as a fence and berm.

Based on data provided, a wooden fence atop a berm at a distance of 2 feet minimum above freeway pavement surface is proposed for this project with the resultant noise reduction anticipated as follows: A 4-foot berm and ground effect = 3.5 db reduction; a 4-foot wooden fence atop berm, 1" minimum thickness = 3.5 db reduction; distance pf 85 feet from freeway pavement to nearest structure = 4.25 db reduction. Total anticipated noise reduction = 11.25 db resulting in a perceived noise reduction of greater than 50%."

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(1) Public facilities can accommodate the proposed development.

FINDINGS OF FACT

- 1.1 **Sanitary Sewer.** All new development must extend and connect to the public sanitary sewer system when service is available within 300 feet of the property (ADC12.470 revised). The minimum size for a public sanitary sewer shall be 8-inches in diameter [AMC 10.01.110 (2)(a)].
- 1.2 **Sanitary Sewer.** All new development within the City must, where appropriate, make provisions for the continuation or appropriate projection of public sanitary sewer lines to serve surrounding areas. Line extensions may be required through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide service to upstream properties (ADC12.510 revised).
- 1.3 **Sanitary Sewer.** Sewer collection mains must be extended along the full length of a property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion (ADC12.490 revised).
- 1.4 **Sanitary Sewer.** Currently, the applicant is constructing a 21-inch sanitary sewer main in Twenty-First Avenue as a part of the public utility extensions required for earlier phases of the Lexington subdivision. For Phases 5 and 6, the applicant is proposing to connect to this 21-inch main and extend it to the east end of Twenty-First Avenue, along the frontage of Phases 5 and 6. This 21-inch sewer main is intended to cross Interstate 5 to serve properties east of the freeway (per the East I-5 Infrastructure Study), and therefore, must be installed to the east property line of the subject property (west property line of Interstate 5) at maximum depth to allow for this future extension.
- 1.5 **Sanitary Sewer.** The Lexington Sanitary Sewer Master Plan, as prepared by Ling & Associates, shows an 8-inch public main along the west boundary of the Apartments in Lexington Street, but this main is not included in the Sanitary Sewer Plan for the Apartments. The sewer plan for the Apartments indicates that public sewers inside the boundaries of Phases 5 and 6 will bring public sanitary sewers to within 100 feet of all proposed buildings, except for buildings F, H, I, and J. These buildings are situated along the south project boundary of Phases 5 and 6. The Lexington Apartments Sanitary Sewer Plan shows the 21-inch public main to be constructed in Twenty-First Avenue (into which the interior sewers will ultimately discharge), and an 8-inch public main in Twenty-Second Avenue along the south boundary of the Apartments.
- 1.6 **Sanitary Sewer.** Where private sanitary sewer services will exceed 100 feet in length, as measured from the public main to the structure, the City Engineer may require extension of public sewers into the interior of the property (ADC12.490 revised). The applicant is showing public 8-inch sewer mains being constructed within the apartment complex for Phases 5 and 6, to serve the individual apartment buildings.
- 1.7 **Sanitary Sewer.** Public utility easements of at least 20 feet in width are required over public sanitary sewer mains (ADC12.370 revised). No permanent structures (such as garages, carports, etc.) are allowed to encroach on the public utility easements.
- 1.8 **Sanitary Sewer.** Sanitary Sewer System Development Charges for multiple family developments are calculated based on the number of dwelling units. These charges must be paid, or arrangements made for financing the charges, at the time of issuance of Building Permits (Res. No. 3513).

- 1.9 Sanitary Sewer. All required public sanitary sewer system improvements must be constructed, or financial assurances for their construction provided, prior to issuance of Building Permits for that phase of the development.
- 1.10 Water. The Albany Development Code requires connection to the public water system if the property is within 150 feet of a public line (ADC12.410 revised).
- 1.11 Water. Currently, the applicant is constructing a 24-inch public water main in Twenty-First Avenue as a part of the public utility extensions required for earlier phases of the Lexington subdivision. This 24-inch main is intended to serve property east of Interstate 5 and must be extended to the west boundary of Interstate 5. For Phases 5 and 6, the applicant is proposing to connect to this 24-inch main and extend it to the east end of Twenty-First Avenue. The applicant is also showing on the submitted Lexington Apartments Waterline Plan, a 12-inch main along the project's frontage on Lexington Street, an 8-inch main in Twenty-Second Avenue from Lexington Street to Mt. Vernon Street. The submitted waterline plan also shows an 8-inch public main running through the apartment complex, from the proposed 12-inch main in Lexington Street, easterly through the site, and then being connected to the proposed 24-inch main near the northeast corner of Phase 6.
- 1.12 Water. The applicant's proposed public water system improvements will satisfy the requirements of Section 12.430 of the revised Albany Development Code to extend public utilities along all property frontages, as well as provide for access to the public water system to adjacent properties.
- 1.13 Water. The applicant did not indicate on the submitted utility plan how each proposed building will be connected to the public water system, or where public fire hydrants will be located. Hydrant locations and water meter locations must be included on the plans to be submitted for review for public utilities. The Albany Fire Department will determine the appropriate locations for public fire hydrants for this project.
- 1.14 Water. Public utility easements of at least 15 feet in width are required over public water lines, services, and hydrants (ADC12.370 revised). These easements must cover all appurtenances associated with the public water system, including water services, water meters, fire hydrants, blow-offs, etc. No permanent structures (such as garages, carports, etc.) are allowed to encroach on the public utility easements. Final hydrant locations must be approved by the Albany Fire Department and the Public Works Engineering Division.
- 1.15 Water. All required public water system improvements must be constructed, or financial assurances for their construction provided, **prior to issuance of Building Permits for that phase**.
- 1.16 Water. It is unknown at this time if a backflow protection assembly will be required for this project to protect the public water system from backflow from the private system (including fire lines, irrigation lines, process water lines) (AMC11.01.225 and OAR 333.61.070).
- 1.17 Water. Water System Development Charges for multiple family developments are calculated based on the number of dwelling units. These charges must be paid, or arrangements made for the financing of the charges, at the time of issuance of Building Permits (Res. No. 3514).
- 1.18 Storm Drainage. Any new development on this site must make provisions for managing storm water runoff. Roof drains shall be discharged to a collection system approved by the City Engineer (ADC12.530 revised).

- 1.19 Storm Drainage. All new development within the City must, where appropriate, make provisions for the continuation or appropriate projection of existing storm sewer lines or drainageways serving surrounding areas. Extensions may be required through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide service to upstream properties (ADC12.580 revised).
- 1.20 Storm Drainage. Any drainage facility proposed for a development shall be designed large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development (ADC12.550 revised).
- 1.21 Storm Drainage. Where it is anticipated by the City Engineer that the additional run-off resulting from the development will overload an existing drainage facility, the review body will withhold approval of the development until provisions have been made for improvement of said potential condition (ADC12.560 revised).
- 1.22 Storm Drainage. Drainage from the east side of Interstate 5 flows under the freeway through a set of pipes to a point near the southeast corner of Phase 6. This drainage currently crosses the proposed apartment complex (Phases 5 and 6) in a northwesterly direction through an open ditch, and ultimately intersects Twenty-First Avenue. Part of the drainage proceeds to flow westerly adjacent to 21st Avenue, and some flows across Twenty-First Avenue and continues to the northwest.
- 1.23 Storm Drainage. Currently, the applicant is constructing a 42-inch public storm drain line in Twenty-First Avenue as a part of the public utility extensions required for earlier phases of the Lexington subdivision. For Phases 5 and 6, the applicant is proposing to connect to this 42-inch main and extend it to the east end of Phase 5. The applicant is also showing on the submitted plans, a 36-inch storm drain along the Phase 6 frontage on Twenty-First Avenue. The applicant then proposes to extend the 36-inch storm line to a point near the southeast corner of Phase 6 in order to pick up drainage on the west side of Interstate 5. This public storm line will eliminate the need for the open ditch. The remaining storm drain system within the boundaries of the project will be a private system, which will ultimately discharge to the public system to be constructed in Twenty-First Avenue. All of this drainage, as well as the drainage from Twenty-First Avenue improvements, will be directed to the 60-inch trunk line in Waverly Drive. No construction details (such as invert elevations, parking lot elevations, pipe slopes, etc.) were submitted by the applicant with the preliminary site plan storm drain plan.
- 1.24 Storm Drainage. An oil/sand separator must be installed in the last private catch basin before discharging into the public storm drain system.
- 1.25 Storm Drainage. Public utility easements of at least 15 feet in width are required over public storm drain lines. No permanent structures (such as garages, carports, etc.) are allowed to encroach on the public utility easement.
- 1.26 Storm Drainage. Private utilities are not allowed within a public utility easement, except where it is necessary in the case of a crossing. Such crossings shall be made at angles as close to 90 degrees as possible.
- 1.27 Storm Drainage. The City does not allow sheet flow of storm water across the sidewalk and into the street. The high point on the driveway must be at the property line so that all on-site drainage is collected within the applicant's property. Also, no storm water (including roof drainage) may be discharged to the sanitary sewer (ADC12.530 revised).

- 1.28 Street. The subject property is bounded on the north by Twenty-First Avenue, a designated collector street on the City's Transportation Master Plan which terminates approximately 120 feet from the Interstate 5 right-of-way. Twenty-First Avenue is currently a gravel road adjacent to the subject property which terminates approximately 125 feet west of the east property line of the subject property. The subject property is bounded on the west by Lexington Street (a designated minor collector street which currently has not been dedicated nor developed at this time) and on the south by Twenty-Second Avenue, a local street which also has not dedicated nor developed at this time.
- 1.29 Street. Section 12.120 of the revised Albany Development Code sets the minimum standards for street rights-of-way and roadway widths. The minimum right-of-way for a collector street ranges from 60 to 80 feet. The minimum roadway width for a collector street ranges from 36 to 48 feet. The minimum right-of-way for a local street ranges from 40 to 55 feet with a minimum roadway width ranging from 28 to 36 feet.
- 1.30 Street. As identified collector streets, Twenty-First Avenue and the proposed Lexington Street will ultimately have a curb-to-curb width of 36 feet to provide a 12-foot travel lane in each direction, and 6-foot wide bike lanes. The right-of-way width required will be 60 feet in order to provide for sidewalks and landscape strips between the curb and the sidewalks. The existing right-of-way for Twenty-First Avenue adjacent to the subject property is 33 feet. The applicants have proposed sixty-foot wide rights-of-way to accommodate the necessary improvements on both collector streets. The City of Albany Parks Director has agreed to pay for half the cost of the street improvement (including curb and gutter) on Twenty-First Avenue and Lexington Street along the frontage of the city park property.
- 1.31 Street. The applicants have proposed a 50-foot wide right-of-way for proposed Twenty-Second Avenue. The applicants have proposed to construct Twenty-Second Avenue as a part of Phase 16. The proposed apartment complex does not take access to this street.
- 1.32 Street. The proposed development is for the construction of 214 apartment units in two phases. The site plan shows two access points for the project, one approximately midway of the Twenty-First Avenue frontage and the other about midway on the Lexington Street frontage. Based upon information provided by a Traffic Study prepared by the applicant's traffic engineer, the project at completion of both phases will generate approximately 1,410 vehicle trips per day. The apartment complex at build-out will generate 124 trips at the PM peak hour.
- 1.33 Street. The traffic impact study submitted by the applicant assumes that all vehicle traffic will use Twenty-First Avenue and Grand Prairie Road to enter and exit the proposed development. Traffic impact analysis evaluates the level of service (LOS) at intersections to determine the capacity of a particular street to accommodate additional vehicle traffic. LOS D is considered the minimum level of service.
- 1.34 Street. The Lancaster Engineering traffic impact study indicates that 30 percent of the 1,410 trip per day are expected to utilize Grand Prairie Road. Grand Prairie Road between Waverly Drive and Interstate 5 was not constructed to city standards. The pavement is beginning to alligator within vehicle wheel paths, an indication that its structural section cannot accommodate existing vehicle loading. The current ADT on Grand Prairie Road, based upon a November 11, 1994, traffic count is 5,586 trips per day. Although this development will not result in level of service problems, increased traffic volume and loading on Grand Prairie Road will speed up the rate of deterioration of the substandard pavement.
- 1.35 Street. The proposed development will add a total of 423 daily trips to Grand Prairie Road. The existing pavement on Grand Prairie is 26 feet wide, and the road does not have curb, gutter, sidewalks, or bike lanes. Ultimately, this road must be widened to three lanes plus bike lanes, and will require full urban

improvements with curb, gutter, and sidewalks on both sides of the streets. In order to serve potential development on the south side of Grand Prairie Road, it will be necessary to install sanitary sewer, water, and storm drain lines in Grand Prairie Road before the road is rebuilt. There are two potential developments on the south of Grand Prairie Road between Waverly Drive and Interstate 5. One has received approval and the second involves an existing Annexation request that will be linked to future Subdivision and Site Plan Review applications. These developments will necessitate the extension of public sewer and water. The proposed apartment development does not need to connect to the sewer or water system located in Grand Prairie at this time so they could not be assessed for those improvements unless there was a direct benefit to the property.

If the applicant was required to improve Grand Prairie Road at this time as a condition of approval of this proposed development, the City does not have funds to install these utilities prior to rebuilding the road. Therefore, the applicant will be required to sign a Petition for Improvement/Waiver of Remonstrance for future road improvements to Grand Prairie Road at the time the City determines it is timely. Section 12.060 of the revised Albany Development Code allows the City Engineer to accept a Petition for Improvement/Waiver of Remonstrance where improvements would otherwise be required, but it is determined that the improvements are not timely.

- 1.36 Street. The Lancaster Engineering traffic impact study did not identify any locations or intersections where development of the project would cause level of service or traffic safety problems. The project will have access to two signalized intersections on Waverly Drive: one at Twenty-First Avenue and the second at Grand Prairie Road. The signal at Twenty-First Avenue is currently being designed and will be constructed with Phase IV of Lexington Estates (Subdivision Case File M1-03-95). The signal at Grand Prairie Road is currently being updated by the City with the Grand Prairie Road street improvement project. The project will also generate pedestrian and bicycle traffic between the project, a planned neighborhood park to the west, an existing community park at the southeast corner of Grand Prairie and Waverly Drive. Waverly Drive is an arterial roadway with bicycle facilities, and is a route on the City's transit system.
- 1.37 Street. Transportation facilities needed to adequately accommodate the project must provide for vehicle, pedestrian, and bicycle access. The first 880 feet of the improvements on Twenty-First Avenue, east of Waverly Drive, are currently under construction. Needed improvements on Twenty-First Avenue between the development's proposed driveway access and existing improvements approximately 1,300 feet to the west include: dedication of additional right-of-way for a total of 60 feet adjacent to the existing Twenty-First Avenue right-of-way; a 12-foot wide travel lane in each direction, 6-foot wide bike lanes in each direction, and curb, gutter and sidewalk on the south side, from the east boundary of the project to the existing improvements on Waverly Drive. The City of Albany Parks Director has agreed to pay for half the cost of street improvements (including curb and gutter) on Twenty-First Avenue along the frontage of the city park property.
- 1.38 Street. Needed improvements between the development's proposed driveway and east to the end of the existing right-of-way on Twenty-First Avenue include the following: dedication of additional right-of-way for a total of 60 feet; a 12-foot wide travel lane in each direction; curb, gutter, and sidewalk on the south side; provisions for a temporary emergency vehicle turn around at the east end of the improvements; and provisions for an easement for a future roadway from the terminus of Twenty-First Avenue to the west right-of-way line of Interstate 5 of the same width as the dedicated right-of-way.
- 1.39 Street. Improvements needed on proposed Lexington Street include: dedication of 60 feet of right-of-way and extension of the street to existing improvements approximately 600 feet south of Twenty-First Avenue; a 12-foot wide travel lane in each direction; 6-foot wide bike lanes in each direction; and curb, gutter, and sidewalks on both sides. Section 12.290 of the revised Albany Development Code requires

that sidewalks be installed with the construction of arterial and collector streets. The City of Albany Parks Director has agreed to pay for half the cost of street improvements (including curb and gutter) on Lexington Street along the frontage of the city park property.

- 1.40 **Sidewalks.** All developments for which land use applications are required must include sidewalks adjacent to public streets (ADC12.290 revised). The required width for a sidewalk on a collector or an arterial street is a 7 foot curblin sidewalk or a 6-foot wide sidewalk separated from the curb by a landscaped planter strip at least five feet wide [ADC12.300(1) revised]. Sidewalks have been constructed adjacent to Twenty-First Avenue and Lexington Street as a part of Phases 1 though 4 of the Lexington development. The Development Code allowed these sidewalks to be built either adjacent to the curb or setback from the curb. The sidewalks constructed as part of this development should be built to match the existing sidewalks.
- 1.41 **Sidewalks.** The site does not currently have sidewalk facilities along any of its frontages. Installation of sidewalks is needed to accommodate pedestrian traffic. Sidewalks on Twenty-First Avenue and on Lexington Street must be installed at the time that the proposed apartment units are constructed so that pedestrians can access the existing sidewalk system that provides access to the transit system, the existing community park (Grand Prairie Park) and the proposed neighborhood park located directly to the east of the proposed development. The City of Albany Parks Director has agreed to pay for the construction of sidewalks along the frontage of the city park property on Twenty-First Avenue and Lexington Street.
- 1.42 **Transit.** The subject property is served by public transit at the intersection of Waverly Drive and Twenty-first Avenue, approximately 2,500 feet to the west of the proposed development. The Albany Transit System bus will stop anywhere that is safe where a passenger wishes to get on or off the bus on the bus route.
- 1.43 **Parks.** The closest developed neighborhood parks to the proposed development are Periwinkle Park which is located approximately 400 feet to the south of 21st Avenue adjacent to Periwinkle Elementary School, approximately half a mile to the east of subject property across Waverly Drive and Leigh Park which is located approximately a quarter of a mile to the north of Twenty First Avenue adjacent to Center Street which currently does not extend to Twenty-first Avenue. The closest developed community park is Grand Prairie Park which is located approximately half a mile away at the southwest corner of Grand Prairie and Waverly. A proposed 10-acre neighborhood park is located directly to the west of the subject property, across the proposed Lexington Street.
- 1.44 **Schools.** The schools currently serving this area are South Shore Elementary, Calapooia Middle, and South Albany High School. The Greater Albany School District provides bus service for the students attending South Shore and Calapooia schools. Students attending South Albany High School are within walking distance. The Planning Division has provided notice of the subject application, and an opportunity for the school district to comment on the application, but they have not submitted a response. A recent article in the *Albany Democrat-Herald* (February 26, 1997) indicates that the number of students now at South Shore Elementary School exceeds its intended capacity and the placement of a modular unit containing two classrooms was approved on July 8, 1996 (Case File CU-06-96), for the 1996-97 school year and three additional modular units were approved for placement over the next three years (SP-48-97). It has been the past practice of the school district to add additional modular classrooms to accommodate increased student enrollment, and we expect that practice will continue should additional classrooms be necessary. Section 1.215 of the revised Development Code 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."

(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.*

FINDINGS OF FACT

- 2.1 Topography. The subject property is relatively flat with an elevation ranging from 232.5 feet to 235 feet. It is currently an undeveloped field that is being farmed. Drainage from the east side of Interstate 5 flows under the freeway through a set of pipes to a point near the southeast corner of the proposed apartment complex (Phase 6 on the Master Plan). This drainage currently crosses the site (Phases 5 and 6) in a northwesterly direction through an open ditch, and ultimately intersects Twenty-First Avenue. Part of the drainage proceeds to flow westerly adjacent to 21st Avenue, and some flows across Twenty-First Avenue and continues to the northwest.
- 2.2 Floodplain. The subject property does not lie within a floodplain as shown of FEMA/FIRM Community Panel No. 4101370002E (dated March 16, 1989) and has been determined to be in an area outside of the 500- year floodplain.
- 2.3 Wetlands. *Comprehensive Plan Plate 6: Wetland Sites* shows no areas of concern on the subject property, however, the U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory map (dated 1994) shows an area of wetlands on the property. The previous owner of the property, with his applications for Lexington Phase 1-4, submitted a "Wetland Determination and Wetland Delineation" for the entire 122 acres now owned by the current applicant. The determination and delineation was prepared by Jay R. Lorenz, Ph.D, and dated February 1, 1995. The Division of State Lands (DSL), which administers Oregon's wetland protection program, concurs with this delineation. They find that the wetland swales and perimeter ditches that were excavated in hydric soil on the property are subject to permit requirements of the State Removal-Fill Law and that the remainder of the site meets the criteria for prior-converted cropland and is thus exempt from regulation. (Reference letter from DSL to Jay Lorenz, dated March 14, 1995.)

The previous owner also submitted a wetland "Mitigation Report," dated April 20, 1995. This plan proposes filling all the wetlands on the property and creating new wetlands on a 3-acre area of the property that abuts Grand Prairie Road. The U.S. Army Corps of Engineers and DSL issued fill permits (Corps permit 95-425 and DSL permit FP-9667) for this work. The original schedule called for work to begin in the fall of 1995, but no work was done on the subdivision (and the wetlands were not filled), so no work on the wetlands mitigation plan was done. The current owner has begun work on the wetlands mitigation plan. A new schedule for wetlands mitigation will be a condition of this subdivision approval.

- 2.4 Airport Noise Contour. A portion of the northeast corner of the subject property lies within the designated airport noise contours as indicated on Figure 6-2 of Section 6.060 of the revised Albany Development Code. "In the 55-60 Day-Night Sound Level (ldn) area, a declaration of anticipated noise levels shall be attached to any land use application and recording of such declaration may be required for approval on each parcel within such area. Development of "noise sensitive property" (e.g. residentially zoned areas, group quarters used for sleeping, motels, hotels, schools, churches, hospitals, libraries) within the 55-60 ldn area and above shall be subject to the provisions of Site Plan Review outlined in Article 8 and may be required to include additional sound buffering features within the development as a condition of approval."
- 2.5 Vegetation. The subject properties are not identified as having natural vegetation or wildlife habitat as noted on *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitats*. The vegetation on the

subject property is primarily rye grass and the property has historically been farmed for grass seed and hay.

- 2.6 Historic or Archaeological Sites. The subject property is not in a historic district as noted on *Comprehensive Plan Plate 9: Historic Districts*, and the City's Preservation Planner advises that there are no known archaeological sites on the property.

(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.

FINDINGS OF FACT

- 3.1 Overview. The applicant proposes to construct one-, two-, and two-and-a-half-story apartment units, 56 one-bedroom units and 126 two-bedroom units and 32 three-bedroom units in two phases. The applicants have not submitted elevation drawing of the proposed buildings. The maximum height of the building, measured from adjacent grade to roof peak by Development Code regulations, is 45 feet, which is the allowed height in a multiple family residential zoning district. Access and parking areas will be paved. The setbacks for the buildings meet or exceed the standards for the Multiple Family zoning district. Landscaping areas are shown on the submitted site plan.
- 3.2 Overview. The applicant states that "There will be some noise from people using the recreational area. The swimming pool and recreation building have been located in the center of the development. There are no undesirable impacts anticipated from glare, odors, dust, or vibrations."
- 3.3 Surrounding Development and Land Use. To the north, across Twenty-First Avenue, vacant land and single family residences on acreage parcels; to the immediate east, Interstate 5 with vacant industrial designated land beyond; to the south, proposed attached and detached single family residences (Subdivision Case Files M1-06-97 and M1-05-97); to the west, across Lexington Street, a future neighborhood park.
- 3.4 The RM-3 (Residential Multiple Family) zoning district is intended primarily for medium to high density urban residential development. Development should occur at 20-40 units per acre [ADC 3.020(6) revised].
- 3.5 Multiple family developments (apartments and attached and detached single family residences) are permitted with Site Plan Review approval in the RM-3 (Residential Multiple Family) zoning district in accordance with the density and setback standards of Section 3.190ADC (Table 1), minimum parking requirements of Section 3.320 ADC (Table 3), and the standards for Site Plan Review approval, Article 8, of the revised Albany Development Code.
- 3.6 High density residential use is defined on page 126 of the Albany Comprehensive Plan as follows: "Permits multiple family and condominium developments at densities ranging from 20 to 40 units per acre depending upon approved density bonuses. These areas are concentrated near major commercial centers and corridors and with immediate access to arterial streets and/or other major collectors."
- 3.7 Lot Coverage. Residential Development Standards, as shown in Article 3 of the Albany Development Code, Table 1, indicate that RM-3 zoned property may have building and parking coverage up to 70% of the land area being developed. The applicants have proposed a 42% lot coverage with buildings and parking.

- 3.8 Setbacks. The minimum setback adjacent to a public right-of-way in all multiple family zoning districts is 15 feet. Interior lot line setbacks are a minimum of 10 feet (ADC3.190 revised Table I). There is a special noise setback of 50 feet from Interstate 5 (ADC3.320 revised) in addition to the required 15-foot setback adjacent to a public right-of-way. The applicants' Site Plan shows a minimum setback of 16 feet from Twenty-first Avenue (north property line), Lexington Street (west property line) and Twenty-second Avenue (south property line), and a setback of 65 feet adjacent to the east property line which is the west side of Interstate 5.
- 3.9 Special Noise Setback. Residential developments adjacent to Interstate 5 shall maintain a setback of 50 feet in addition to the required setback for the zoning district (ADC3.290 revised) The applicant has provided a setback of 65 feet from Interstate 5.
- 3.10 Special Noise Setback. The applicant states that "The proposal is located west of and adjacent to the Interstate 5 Freeway System. The City of Albany Planning Division has requested that freeway noise be at acceptable levels based on Oregon Department of Transportation (ODOT) recommendations. Mr. John deTar of ODOT and Mr. Earl Knowles of Washington Department of Transportation (WDOT) were contacted regarding freeway noise abatement procedures with the following information provided.

ODOT does not have any requirements for noise abatement for residential properties. As a general rule ODOT does not construct noise abatement structures unless the total noise reduction is greater than 5 db. Their studies show that noise abatement is achieved in basically three different ways, through berming, construction of a wall, and increasing distance from the noise source.

Berming with soft surfaces such as grass are more effective than hard structures. Even 1-2 feet high minimal berming will provide a sound deadening effect known as ground effect, and will achieve approximately 3 db reduction in noise. A berm of approximately 6 feet or more in height will achieve only 4.5 db reduction in noise.

Mr. deTar indicated that the type of wall material makes little difference in the ability to reduce noise, and that a wood fence constructed of 1" material (15-22db) will provide only slightly less noise abatement than a cinder block hollow core wall (28db, see attached exhibits). Approximately 1.5 db of reduction is anticipated for each meter of barrier height. Studies have indicated that if freeway noise is reduced by 10 db there is a perception of a 50% reduction in noise level. Noise abatement structures are most effective if constructed closest to the freeway or closest to the house, and less effective when constructed in between.

Based on ODOT and WDOT studies, freeway traffic generates approximately 62 db of noise, with the greatest amount of noise generated from tires and exhaust pipes at low levels near the pavement, with the most tire noise generated by truck traffic. No sound level tests have been taken by ODOT or the applicant at this location. Sound level tests were conducted at a similar location adjacent to the Freeway at Lehigh Way, and taken at the base of a berm and fence, on August 14, 1993, using a calibrated Quest Electronic Model 215 Sound Level Meter. The data showed a freeway noise range of 52-62 db. On August 24, a similar reading was taken at the base of the berm with a range of 58 to 68 db. Berming and fencing resulted in a noise reduction of 3-7 db. The combination of berming and fencing at the Lehigh location is approximately 9 feet high. The freeway elevation at the Lexington project is between 4 and 5 feet above grade. Based on information from ODOT and WDOT, the maximum reduction in noise levels can be achieved by providing a noise barrier of wood or concrete in combination with a berm at a level two feet above the pavement which would require a minimum screen structure of 5 to 7 feet in height.

The City of Albany has a 50-foot noise easement requirement for residential development which is adjacent to Interstate 5, with an additional 15 feet of setback from the easement line. In addition, the R/W line is an additional distance of approximately 20 feet from the pavement. The total distance from freeway traffic to residential structures is 85 feet. WDOT studies indicate that there is a noise reduction of 10 db at a distance of 200 feet on a linear scale. Based on this information, there would be a noise reduction of 4.25 db at 85 feet without construction of a noise abatement structure such as a fence and berm.

Based on data provided, a wooden fence atop a berm at a distance of 2 feet minimum above freeway pavement surface is proposed for this project with the resultant noise reduction anticipated as follows: A 4-foot berm and ground effect = 3.5 db reduction; a 4-foot wooden fence atop berm, 1" minimum thickness = 3.5 db reduction; distance of 85 feet from freeway pavement to nearest structure = 4.25 db reduction. Total anticipated noise reduction = 11.25 db resulting in a perceived noise reduction of greater than 50%.”

3.11 Landscaping. The landscape standards for residentially zoned property require that all front yards exclusive of access ways and other permitted intrusions are required to be landscaped prior to issuance of an occupancy permit. A temporary occupancy permit for up to one year may be issued if the developer posts a bond with the city. The minimum landscaping acceptable per 1000 square feet of required yard area shall be as follows:

- a. One tree at least six feet in height.
- b. Four one-gallon shrubs or accent plants.
- c. The remaining area treated with attractive ground cover (e.g. lawn, bark, rock, ivy, and evergreen shrubs). [ADC9.140(1) revised]

3.12 Buffering and Screening Requirements. In order to reduce the impacts on adjacent uses which are of a different type, buffering and screening is required in accordance with the matrix which follows Section 4.280 of the revised Albany Development Code. If the uses are separated by a public right-of-way, then buffering but not screening is required. The minimum improvements within a buffer area consist of the following:

- a. 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.
- b. At least five 5-gallon shrubs or ten 1-gallon shrubs for each 1,000 square feet of required buffer area
- c. The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs.)
- d. In addition: (1) one row of evergreen shrubs shall be planted which will grow to form a continuous hedge at least four feet in height within two years of planting, or (2) a minimum of a five-foot fence or masonry wall shall be constructed which shall provide uniform sight-obscuring screen, or (3) an earth berm combined with evergreen plantings or fence shall be provided which shall form a sight and noise buffer at least six feet in height within two years of installation.

3.13 Landscape/Irrigation Plans. The applicant has not submitted a landscape and irrigation plan. Such a plan must be submitted for staff review and approval prior to occupancy of the proposed buildings.

3.14. Vision Clearance Safety. Landscaping and fencing shall be placed respecting vision clearance areas as described in Section 12.180 of the revised Albany Development Code.

- 3.15 **Signage.** Sign permits are required for signs identifying the development. Signs identifying multiple-family units are limited to one single- or double-faced, indirectly lighted sign not to exceed 24 square feet for one face or 48 square feet in surface area for two or more faces. If the sign is not attached to a building, the maximum height of the sign shall not exceed 4 feet (ADC13.610 revised).
- 3.16 **Lighting.** Any lighting provided on the site, including that provided by and/or for the illumination of a parking lot, building, or signage shall be arranged to reflect the light away from any residential uses and the adjacent street [ADC9.120(14) revised].

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

FINDINGS OF FACT

- 4.1 The site plan submitted by the applicant shows two driveway access points for the site. A driveway is proposed midway on the north property line on Twenty-First Avenue and another located midway on the west property line providing access to Lexington Street. No access is proposed to Twenty-Second Avenue.
- 4.2 The Albany Development Code requires one off-street parking space per one-bedroom unit, one-and-a-half space per two-bedroom unit and two spaces per three-bedroom unit (ADC3.320 revised Table 3). The applicant proposes to construct 57 one-bedroom units, 126 two-bedroom units, and 32 three-bedroom units which would require a minimum of 310 parking spaces. The applicant has proposed to construct 342 parking spaces (72 of which are garage spaces and 108 carports) which exceeds the requirements of ADC3.320.
- 4.3 For multiple family dwelling containing 3 or more units, the Albany Development Code requires a minimum of one bicycle parking space per unit [ADC9.120(13) revised].
- 4.4 Parking areas shall be divided into bays of not more than 12 parking spaces. Between or at the end of each parking bay there shall be curbed planters of at least 5 feet in width [ADC9.150(1 & 4) revised]. The applicant's site plan conforms to this requirement.
- 4.5 Parking areas shall be separated from the exterior wall of a structure by pedestrian entrance ways or loading areas or by a 5-foot strip of landscaping materials [ADC9.150(3)]. The proposed site plan shows a 7-foot, 6-inch wide sidewalk to adjacent to the parking stalls and in front of the proposed units. The submitted site plan provides sidewalk connections to the public sidewalks on Twenty-First Avenue, Lexington Street, and Twenty-Second Avenue.

**SUPPLEMENTAL FINDINGS PROPOSED TO BE ADOPTED BY THE CITY COUNCIL
AT THE OCTOBER 22, 1997 COUNCIL MEETING**

October 22, 1997

These findings supplement the staff report presented to the City Council at the September 22, 1997 public hearing. They respond to public testimony at the public hearing that may not have been addressed in the original staff report.

A. LETTER AND ATTACHED "REPORT" TO THE COUNCIL DATED SEPTEMBER 13, 1997, FROM "FRIENDS OF ALBANY," SUE JOHNSTON, CONTACT PERSON; AND TESTIMONY BY SUE JOHNSTON AT THE PUBLIC HEARING.

The document submitted to the City Council, which was attached to the staff report, contains two parts: a letter and a "report." Each of the issues raised in the letter and report are addressed below.

LETTER

1. The letter refers to the "Albany Building Code" as the document that contains land use regulations. It should refer to the "Albany Development Code" (ADC).
2. The letter states that the ADC is not up to date because it "has not yet incorporated the 1995 Edition of Oregon's Statewide Planning Goals and Guidelines," and that this is why we are "currently in a Comprehensive Plan review process."

The letter seems to imply that "zoning change" decisions made before Periodic Review is complete are not "within the law." The City's Comprehensive Plan and implementing land use regulations have been found by the Land Conservation and Development Commission (LCDC) to comply with State statutes and the Statewide Planning Goals (1982 and 1989). The City of Albany is currently in the process of "Periodic Review" of its Comprehensive Plan and Development Code. The Comprehensive Plan and Development Code may be revised as a result of the review process, but until revisions are complete, the current Comprehensive Plan and Development Code are still the documents that establish the land use decision-making process that is to be used by the City.

3. The letter says that "the Lexington Subdivision does not meet the criteria in Oregon's Statewide Planning Goals, 1995 Edition." The letter does not specify where the requirement might be that requires conformance with the Statewide Goals. It is true that the development must conform, but the way it is established that it does conform, is through the review process set forth in the Development Code. This process has been followed, and the City Council's decision is in conformance with Development Code requirements.

The Statewide goals do not apply directly to any of the land use applications before the City Council (Files M1-05-97, ZC-05-97, M1-06-97, or SP-29-97). Therefore, the discussion of several Statewide Goals in the letter is not relevant to the decisions. However, several of the issues raised have been addressed in ZC-05-97 under Criterion (5).

4. The letter says "we are unable to find evidence of the Compatibility Study which would compare the characteristics of the existing neighborhoods with the proposed development as required by Albany's Building Code and one of the stated review criteria. There are specific criteria for such a compatibility analysis." The letter does not present evidence sufficient to afford the City Council, staff, or applicant an opportunity to respond to this issue. It is unclear where the "Compatibility Study" is required, and where the "specific criteria" for the "analysis" are to be found. There is a review criterion for Site Plan Review that requires the proposed development to be "reasonably compatible with surrounding development and land uses." The City Council has adopted findings, conclusions, and conditions for SP-29-97 that establish this criterion can be met if the conditions listed are met.
5. The summary on Page 2 of the letter raises a number of issues. However, none are directed toward the review criteria, and none are raised with evidence sufficient to afford the City Council, staff, or applicants an opportunity to respond. Some of the issues seem related to review criteria, such as the question about bike paths. These issues have been addressed under the appropriate review criteria in the staff report.

REPORT

The "report" attached to the letter from Friends of Albany includes three headings, one for each of the cases before the City Council at their September 22, 1997 meeting. There were four separate applications before the City Council for land owned by the same applicant, Oak Tree Construction. The first application (File M1-05-97) was a subdivision that would usually be evaluated through the Limited Land Use process. That is, staff would have made the decision. However, because this application involved land directly adjacent to the land that was the subject of the other three applications (Files ZC-05-97, M1-06-97, and SP-29-97), the Community Development Director decided to bring the application to the Planning Commission and City Council so they would have a more complete picture of the development pattern proposed for the larger area.

Each paragraph of the "report" begins with a number, which we assume to be a reference to the numbers of the findings, conclusions, or conditions in the staff report that went to the City Council. Each of the issues raised in the report is addressed below, referenced with the number by which it is identified in the report.

M1-05-97, Lexington Subdivision, Phases 13-16

1. (3.11-5.3) No additional findings for this application will be adopted. The application was approved by the City Council following the September 22, 1997 public hearing. Two public hearings were held: one on M1-05-97 and one that was a consolidated hearing on three separate applications (ZC-05-97, M1-06-97, and SP-29-97). The City Council approved M1-05-97 by motion, based on the staff report and the testimony at the public hearing. Each of the issues raised in the letter was addressed in the staff report, or is not directed toward one of the review criteria, or was not presented with sufficient specificity to afford the City Council, staff, or the applicant an opportunity to respond to the issue.

ZC-05-97, Zoning Map Amendment

1. (2.1-2.6) The traffic impact study and subsequent addendums and revisions were prepared by Lancaster Engineering and Kenneth R. Senn, a Registered Professional Engineer in Oregon. The study has been reviewed by City staff and found to be based on reasonable assumptions and to reach reasonable conclusions. The Friends of Albany letter presents no evidence that shows the traffic study is not credible.
2. (2.9) The staff report that went to the Planning Commission did say seventy-five percent. The number should have been 70 percent. This typographical error was corrected in the staff report that went to the City Council.

The traffic signal that will be installed at 21st and Waverly as a condition of approval of previous phases of development on the 122 acres owned by the applicant will operate at LOS D with existing traffic volumes and future traffic volumes, including development on the subject property. The applicant will pay the cost of the traffic signal, or a Local Improvement District (LID) may be formed, in which case the cost will be assigned to properties within the LID based on the amount of benefit each receives from the signal. Future modifications to the signal that may be necessary to accommodate growth in traffic volumes will be paid for by a method that considers who benefits from the modification.

3. (2.1) There is no Condition 2.1.
4. (3.7) Schools are addressed under Criterion (3).
5. (3.8) Police protection is addressed under Criterion (3), and in the addendum attached to the staff report, which addresses other information regarding police protection presented by Friends of Albany.
6. (4.1) The FEMA/FIRM maps incorporate the most recent data available. The letter does not specify where additional information on flooding may be found. The City Council is not aware of sources of additional information that should be considered. It is the City's practice to use the best credible information available, and that information, in this case, is found on the FEMA/FIRM maps.
7. (4.3) Wetlands mitigation is discussed under Criterion (4) of the staff report.
8. (5.1) Comprehensive Plan Goal 1, Citizen Involvement is addressed under Review Criterion (5) in the staff report.
9. (5.8) Comprehensive Plan Goal 5 is addressed under Criterion (5) in the staff report. See also the discussion in the addendum to the staff report.
10. (5.9) Comprehensive Plan Goal 6 is addressed under Criterion (5) in the staff report. Goal 6 is implemented in the Development Code. Sound buffering has been made a condition of approval of M1-06-97 and SP-29-97.
11. (5.10) Comprehensive Plan Goal 8 is addressed under Criterion (5) in the staff report.

12. (5.11) Comprehensive Plan Goal 10 is addressed under Criterion (5) in the staff report. There are no references in Goal 10, or Goal 10 policies, to “concentrating ‘affordable housing’ in one area,” “placing all apartment complexes in the same general area of town,” or allowing pockets of density “if those densities are compensated with some open space.” These are concepts that can be considered, and are more appropriately considered, as part of the Periodic Review process.

M1-06-97, Lexington Subdivision, Phases 7-12

1. (3.9-3.17) Presumably, the issues raised here are the same as those raised in relation to ZC-05-97. The response to the those issues is as follows.

The traffic impact study and subsequent addendums and revisions were prepared by Lancaster Engineering and Kenneth R. Senn, a Registered Professional Engineer in Oregon. The study has been reviewed by City staff and found to be based on reasonable assumptions and to reach reasonable conclusions. The Friends of Albany letter presents no evidence that shows the traffic study is not credible.

The staff report that went to the Planning Commission did say seventy-five percent. The number should have been 70 percent. This typographical error was corrected in the staff report that went to the City Council.

The traffic signal that will be installed at 21st and Waverly as a condition of approval of previous phases of development on the 122 acres owned by the applicant will operate at LOS D with existing traffic volumes and future traffic volumes, including development on the subject property. The applicant will pay the cost of the traffic signal, or a Local Improvement District (LID) may be formed, in which case the cost will be assigned to properties within the LID based on the amount of benefit each receives from the signal. Future modifications to the signal that may be necessary to accommodate growth in traffic volumes will be paid for by a method that considers who benefits from the modification.

2. (3.5) In relation to the zoning map amendment (ZC-05-97), the letter says “Local Improvement Districts have a reputation for being ineffective. What tools does the planning staff have to enforce such an arrangement once all the land has been developed and the out of town developer is gone.” We assume these are the comments the author of the letter intends to include here. It is not clear, however, exactly issue is intended to be raised. A condition of approval for M1-06-97 is that the property owner sign a Petition for Improvement and Waiver of Remonstrance for the future improvement of Grand Prairie Road. An LID may be formed to distribute the cost of the project. If the author means to question how for how long the Petition and Waiver will be effective, it is effective for 20 years and it runs with the land. The obligation created by the Petition and Waiver continues to be the obligation of future owners of the subject property if the current owner sells it. This issue has not been raised with evidence sufficient to afford the City Council, staff, or applicant an opportunity to respond more precisely.
3. (4.2) According to the Public Works Department, the sewer treatment plant has more than enough additional dry-weather capacity to accommodate the proposed development. During major rainfall events in the winter, infiltration and inflow overwhelm the sewer collection system and the treatment plant. As a result, sewage is, on occasion, released untreated to

the Willamette River. The addition of the proposed development to the collection system, however, will have little impact on the treatment plant, either in wet or dry weather. The City is looking at long-term solutions to the wet-weather capacity problem, including storm sewer separation from the sanitary sewer system, interceptor line upgrades, and a sewage treatment plant expansion.

4. (4.4-4.7) Storm drainage is addressed under Criterion (4) of the staff report. It is uncertain to what "recent high water incidents" the letter refers. The letter does not present evidence sufficient to afford the City Council, staff, or applicant an opportunity to respond to this issue.
5. (5.2) The FEMA/FIRM maps incorporate the most recent data available. The letter does not specify where additional information on flooding may be found. The City Council is not aware of sources of additional information that should be considered. It is the City's practice to use the best credible information available, and that information, in this case, is found on the FEMA/FIRM maps.
6. (5.3) Wetland mitigation is addressed under Criterion (5) of the staff report.
7. (5.6) Sound buffering is addressed under Criterion (5) of the staff report.
8. (5.3) This was included in the staff report because it is an option provided in the Development Code. No request to waive this requirement has been received, so no decision must be made. If such a request is made, it will be reviewed by the Community Development Director, as specified in the Code.

SP-29-97, Site Plan Review for A 214-Unit Apartment Complex

1. (1.13) Criterion (1) requires that "Public facilities can accommodate the proposed development." 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." The City Engineer has reviewed the "Lexington Sanitary Sewer Master Plan" submitted by the applicant, and approved it. The applicant has demonstrated that the public water system can accommodate the proposed development. Design details are finalized at the time the applicant applies for a Permit for Private Construction of Public Improvements. See Condition 1.7 and 1.8.
2. (1.16) The applicant pays for the backflow protection assembly. See Condition 1.9.
3. (1.18, 1.20, and 2.1) Storm drainage is addressed under Criterion (1). This criterion can be met if the conditions listed are met.
4. (2.2) The FEMA/FIRM maps incorporate the most recent data available. The letter does not specify where additional information on flooding may be found. The City Council is not aware of sources of additional information that should be considered. It is the City's practice to use the best credible information available, and that information, in this case, is found on the FEMA/FIRM maps.
5. (2.3) Wetlands mitigation is discussed under Criterion (2) in the staff report.

6. (2.4) Airport noise is addressed under Criterion (2) in the staff report.
7. (3.2) It is unclear to which review criterion this question is addressed. There is no requirement in the Development Code that a recreation area be provided, so the answer to the question is irrelevant. It is uncertain what the author of the letter means by "open areas." The Development Code specifies maximum lot coverage for buildings and parking areas. See Finding of Fact 3.7 in the staff report.
8. (3.3) Compatibility with surrounding development and land uses is discussed under Criterion (3) in the staff report.
9. (3.5) There are separate staff reports for the zone change and the site plan review. The zone change and site plan review were considered separately by the City Council, although a consolidated hearing was held.
10. (3.7) Lot coverage is discussed under Criterion (3) in the staff report.
11. (3.8) There is no reference to setbacks on Page 33. (The page reference is probably a reference to the page numbers in the staff report that went to the Planning Commission.) The confusion may arise from the statement by the applicant in Finding of Fact 3.10 that the right-of-way line of Interstate 5 is 20 feet from the edge of pavement, which makes the setback to the proposed buildings 85 feet. The required 65-foot setback is calculated from the right-of-way line. The point is that the vehicles on I-5 are actually an additional 20 feet from the buildings.

We find that the evidence presented by the applicants regarding noise on I-5 and the potential to reduce the noise level by constructing a berm and fence to be credible. The evidence presented in the Friends of Albany letter is insufficient to diminish the credibility of the applicants analysis. We find that the design and operating characteristics of the proposed development will be reasonably compatible with Interstate 5, and any negative impacts of noise from the freeway will be sufficiently minimized by construction of the berm and fence required in Condition 3.12.

Condition 3.12 is modified as follows: Replace the language in 3.12(d) with the following. "Construct a berm, the top of which is at an elevation at least 2 feet above the elevation of Interstate 5, with a 5- to 7- foot high wooden fence on top of it, within the required 65-foot setback along the east boundary of the subject property."

12. (3.13) A landscape and irrigation plan must be submitted prior to occupancy of the project. See Condition 3.1-3.4.

B. LETTER FROM JOAN MEYER TO ALBANY CITY COUNCIL, DATED SEPTEMBER 17, 1997, DELIVERED TO CITY COUNCIL BY STAFF AT SEPTEMBER 22, 1997 COUNCIL MEETING.

1. The letter asks whether "...the city and school district will "break even" with services and revenues with increased population pressures?" and "Will lower density mean even fewer development charges and create even more of a service/revenue shortfall."

It is not clear to which case, or which of the review criteria, these questions are addressed. However, to answer the questions, a financial impact analysis of the proposed development would have to be done. Financial impact is not one of the criteria by which the subject applications must be evaluated.

2. The letter also asks "...how will increased service pressures be handled." The letter is not specific about which "service pressures" the author may be concerned with. This question is not raised with evidence sufficient to afford the City Council, staff, or applicants to respond. However, the staff reports for all of the subject applications address the adequacy of public services, such as sanitary sewer service and water service. The staff report for ZC-05-97, the zoning map amendment, addresses schools and fire and police protection.

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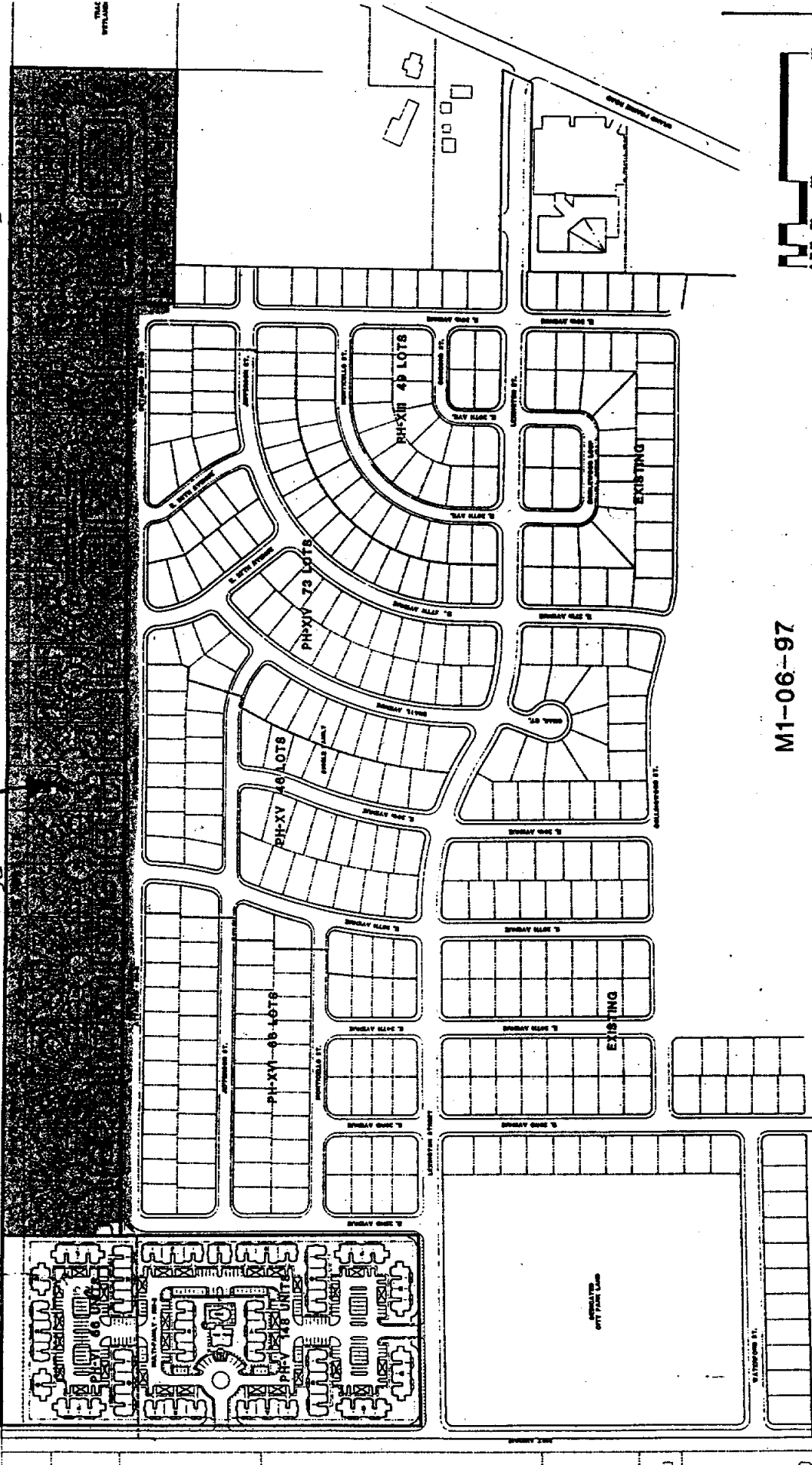
**LEGAL DESCRIPTION
PHASES 5 - 12
LEXINGTON M-3 ZONE CHANGE, 28.63 AC ML**

A parcel of land located in the City of Albany and shown on Assessors Map No. 11 3W 16. Beginning at a point on the Westerly R/W of Interstate 5 and the southerly R/W of 21st Avenue, Thence West along the Southerly R/W of 21st Avenue, 988.97 feet ML; Thence South along the Easterly R/W of Lexington Street, 452.306 feet ML; Thence East, 713.70 feet ML to a point 268.03 feet ML west of the Westerly R/W of Interstate 5; Thence South along a line parallel with the Westerly R/W of I-5, 2186.73 feet ML; Thence West, 119.95 feet ML; Thence South, 550.46 feet ML; Thence East, 391.91 feet ML to the Westerly R/W of I-5; Thence North along the Westerly R/W of I-5, 3195.75 feet ML to the True Point of Beginning.

INTERSTATE & FREEWAY

M1-06-97

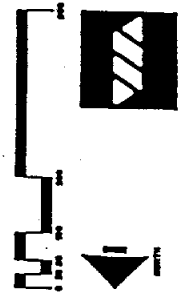
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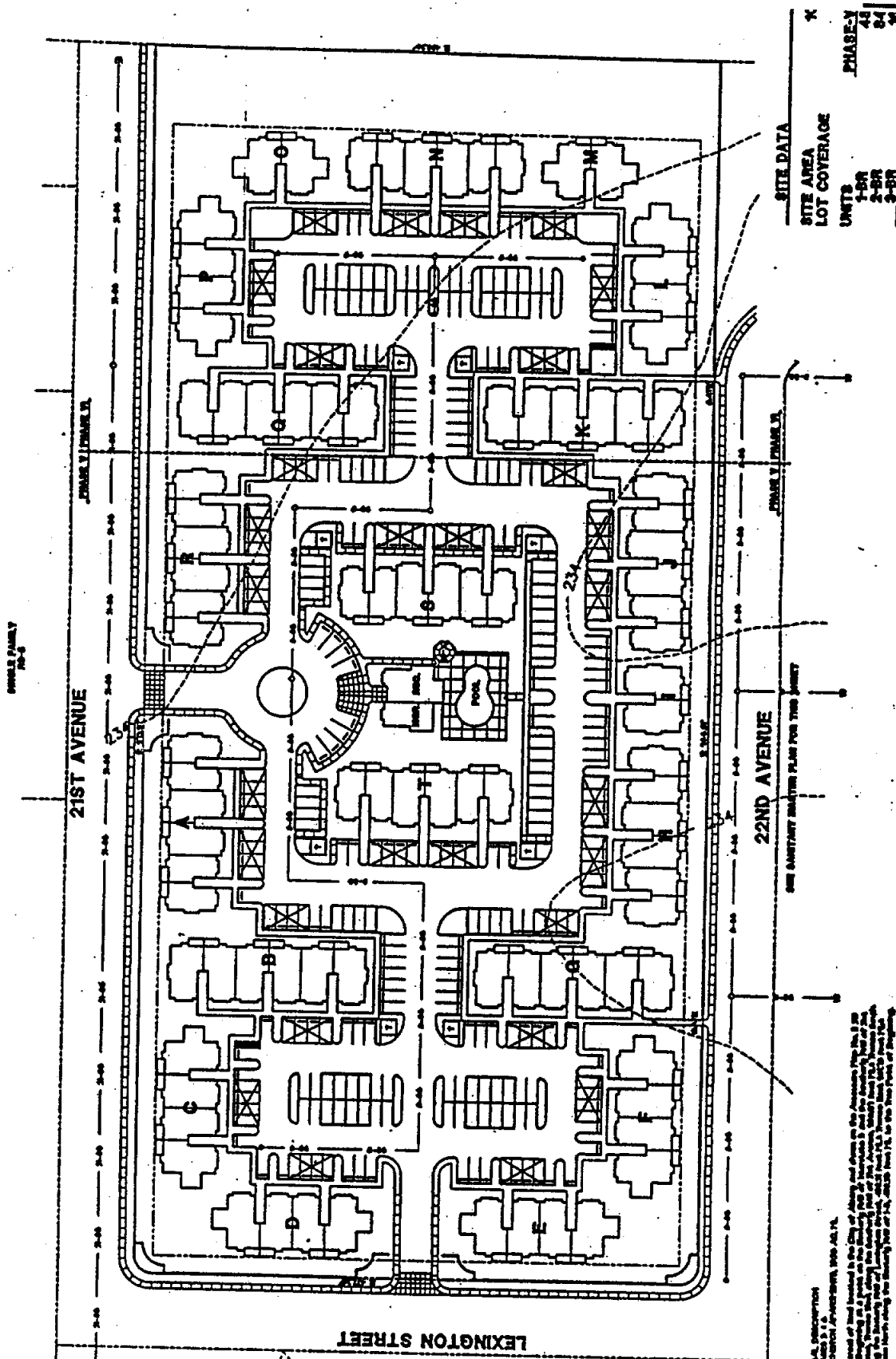


M1-06-97

LEXINGTON - PHASES 5-12
RM-3 ZONE CHANGE
TENTATIVE PLAN

WILSON ASSOCIATES
 ARCHITECTS & PLANNERS A.L.A.
 404 E 15th ST #5 VANCOUVER WA 98663
 (360) 686-4722

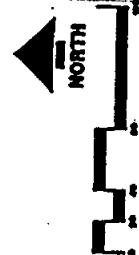




SITE DATA

PHASE	UNITS	TOTAL PARKING
PHASE I	1-508	48
PHASE II	2-508	84
TOTAL		132

SITE AREA
 LOT COVERAGE



SP-29-97

LEXINGTON APARTMENTS

WILSON ASSOCIATES
ARCHITECTS & PLANNERS A.L.A.
 404 E 15th ST. #5 VANCOUVER WA 98663
 (360) 696-4722

THIS IS A PRELIMINARY
 PRELIMINARY PLAN FOR THE
 PROJECT AND IS NOT TO BE
 CONSIDERED A FINAL PLAN.
 ANY CHANGES TO THIS PLAN
 WILL BE MADE AT THE DISCRETION
 OF THE ARCHITECTS & PLANNERS
 AND WILL BE SUBJECT TO THE
 APPROVAL OF THE CITY OF VANCOUVER.

