



**NOTICE OF PUBLIC MEETING**  
**CITY OF ALBANY**  
**CITY COUNCIL**  
 Council Chambers  
 333 Broadalbin Street SW  
 Wednesday, January 13, 2010  
 7:15 p.m.

**OUR MISSION IS**  
*"Providing quality public services  
 for a better Albany community."*

**OUR VISION IS**  
*"A vital and diversified community  
 that promotes a high quality of life,  
 great neighborhoods, balanced  
 economic growth, and quality public  
 services."*

**AGENDA**

Rules of Conduct for Public Hearing

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. SCHEDULED BUSINESS

a. Communication

- 1) Accepting Derryl James' resignation from the Landmarks Advisory Commission. [Page 1]

Action: \_\_\_\_\_

b. Final Decision

- 1) SP-37-08, SP-38-08, VR-09-08; making a final decision on the site plan reviews to construct a Lowe's home improvement and garden center and to remove 42 trees and to allow the building area of the proposed Lowe's building to be 152,236 square feet. [Pages 2-93]

Action: \_\_\_\_\_

c. Continued Legislative Public Hearing

- 1) CP-02-09, amending Ordinance No. 4477, which adopted the Albany Comprehensive Plan, adopting findings; and declaring an emergency. [Pages 94-239]

Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_

d. Legislative Public Hearing

- 1) DC-03-09, amending Ordinance No. 4441, which adopted the Albany Development Code and Zoning Map by amending the Development Code text related to the expiration of land use approvals, modifications to approved plans, increasing notice areas for land use applications, refining definitions for restaurants and bars, adopting findings, and declaring an emergency. [Pages 240-304]

Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_

e. Business from the Public

f. Adoption of Resolutions

- 1) Establishing ambulance service fees. [Pages 305-307]

Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

- 2) ST-09-03, Oak Street Local Improvement District, accepting the Engineer's Report and Financial Investigation Report and setting a public hearing. [Pages 308-323]

Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

g. Adoption of Consent Calendar

1) Approval of Minutes

- a) December 7, 2009, Work Session. [Pages 324-327]
- b) December 9, 2009, Regular Session. [Pages 328-334]
- c) December 16, 2009, Regular Session. [Pages 335-337]

2) Accepting a Ready to Read grant from the Oregon State Library for collection development, programs and materials at both libraries. [Pages 338-339] RES. NO. \_\_\_\_\_

3) Authorizing an application for a Recreation Trails Program grant from the Oregon Parks and Recreation Department for the proposed rehabilitation of Periwinkle Creek Trail. [Pages 340-341] RES. NO. \_\_\_\_\_

4) Approving liquor licenses for:

- a) Wine Depot & Deli, 300 Second Avenue SW, #112. [Page 342]
- b) Lucky Garden Chinese Restaurant, 2845 Santiam Highway SE. [Page 343]

Action: \_\_\_\_\_

h. Appointments

- 1) City boards, commissions, and committees. [Pages 344-345]

Action: \_\_\_\_\_

5. BUSINESS FROM THE COUNCIL

6. NEXT MEETING DATE: Work Session January 25, 2010  
Regular Session January 27, 2010

7. ADJOURNMENT

City of Albany Web site: [www.cityofalbany.net](http://www.cityofalbany.net)

*The location of the meeting/hearing is accessible to the disabled. If you have a disability that requires accommodation, please notify the Human Resources Department in advance by calling (541) 917-7500.*

Derryl James  
717 4<sup>th</sup> Ave SE  
Albany, Oregon

6 January 2010

Dear Oscar, Anne and my fellow LAC mates,

During the past few months, a number of family events have placed a great demand on my limited free time and emotional energy. Some of these events have been heartbreaking while others have been joyous, with the most joyous being our toddler son and the expected birth of our second child this coming April. I greatly appreciate your understanding and patience with my absence from the past few monthly LAC meetings. Your sincere encouragement to put my family first was wonderful to hear. Unfortunately, it is not universal in our culture these days. It is for these reasons I count you as friends instead of just merely colleagues.

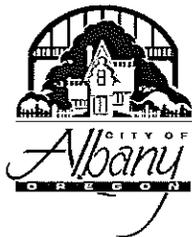
Over the past two years serving with the LAC I have learned so much from each of you, not the least of which is how much I still have to learn! I have enjoyed working with each of you and I hope I have been able to glean a fraction of the knowledge you collectively hold. The technical knowledge and diverse backgrounds each of you bring to the table during our discussion of LAC applications have given me confidence that our decision process is mission oriented, practical and just. Your professionalism and positive attitude toward the individual applicants has been a pleasure to observe. I have worked on many committees and teams on a vast array of projects and missions and it is my honor to say the Albany Landmarks Advisory Commission is among the finest.

Considering the above statements, it is with much regret that I must submit my resignation to the LAC. I simply cannot devote the time and attention required to serve well on the LAC. It has truly been a pleasure serving with you all. I will actively pursue your knowledge, opinions and approval as we continue the work on our humble little bit of Historic Albany. Please accept my resignation with my apologies and my respect.

My fondest regards to you all.



Derryl James



TO: Albany City Council

VIA: Wes Hare, City Manager  
Greg Byrne, Community Development Director

FROM: Janet Morris, Planner *JMM*

DATE: January 6, 2010, for the January 13, 2010, City Council Meeting

SUBJECT: Land Use Applications: Site Plan Review for a Lowe's home improvement and garden center (SP-37-08); Site Plan Review—Tree Felling (SP-38-08); and Variance to allow the Lowe's building to be larger than 100,000 square feet (VR-09-08).

Action Requested:

Make the final decision on the three land use applications referenced above.

Discussion:

On December 9, 2009, the City Council held a public hearing and made a tentative decision to approve with conditions the above referenced land use applications related to a proposed Lowe's home improvement and garden center at the southeast corner of Ninth Avenue SE and Oak Street SE. The City Council also directed staff to prepare supplemental findings for their consideration at the January 13, 2010, City Council meeting.

The hearing is closed so it is important that no new information is introduced during deliberation at the January 13 meeting. The City Council's tentative approval included two of the applicants' proposed revisions to staff's recommended conditions (related to lighting and design detail of the Oak Street extension).

There is a condition of approval (5.1 of SP-37-08) that provides for staff approval of changes to the applicants' development plans that are necessary to satisfy the conditions of approval.

Attached to this memo is the original staff report for the applications and the Supplemental Findings. The staff report is the document reviewed by the City Council at the December 9, 2009, public hearing. The body of the staff report has not been changed. The staff report includes most of the information necessary to support the Council's decision. The Supplemental Findings address concerns raised by people that spoke at the public hearing or submitted written testimony. These documents are cited in the attached suggested motion for final approval.

The applicants' attorney wrote most of the Supplemental Findings. Besides saving staff time, the applicants have an interest in making sure the findings are complete and accurate. It is the City's policy that applicants defend the decision if it is appealed to LUBA. Staff reviews and edits these findings before we submit them to the City Council. Staff's review is to make sure that the information presented in the findings accurately represents the facts, the discussion at the public hearing, the City Council's positions on the issues, and the longer term interests of the City in reviewing development applications.

As requested by Councilor Christman, also attached is a separate summary list of just the proposed conditions of approval as tentatively approved by the City Council.

January 6, 2010

We want to call to your attention the discussion shown in italic print that begins at the bottom of page 3 of the Supplemental Findings and the need to pass a motion that relates to a change in Conditions 3.1 and 4.1. We believe the discussion in italic print accurately reflects the outcome of the City Council discussion at the December 9 public hearing about whether it would be necessary to require the Lowe's building to be smaller to accommodate the 10-foot wide bike path (it's not necessary to make the building smaller) and the Council's desire to have the bike path meet the standard 10-foot width. We also concluded that it will be necessary to for the City Council to make your intent explicit in a motion. The lawyers advised us that the best way for the Council to do this is to pass the motion below and then also incorporate it in the motion for the final decision. The motion for the final decision included at the back of the Lowe's documents you have before you includes the necessary language.

Motion: I move that the language in Conditions 3.1 and 4.1 of the conditions of approval read as follows: "The developer or its successor shall construct a master plan bikepath section on the west side of Periwinkle Creek from Ninth Avenue south and connected to the existing path on Kinder Park. The path shall be constructed to City standards, which includes 10 feet of pavement and a minimum of two feet of unobstructed clear space on both sides of the paving. Safety fencing shall be constructed as deemed necessary. The final plans for the path shall be reviewed and approved by the City's Community Development and Parks and Recreation Directors. Any changes to the site plan to accommodate the pathway shall be reviewed and approved by the Planning Division in accordance with Condition 5.1."

Please call me before the meeting if you have any questions about the attached information.

Budget Impact:

No impact in making the decision to approve the applications.

Attachments: Supplemental Findings, Staff Report (12/9/09 meeting), Summary of Tentative Conditions of Approval (12/09/09), Suggested Motion for Approval

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**BEFORE THE CITY COUNCIL FOR THE CITY OF ALBANY, OREGON**

In the matter of concurrent applications by Conser Homes, Inc., J Conser & Sons LLC, and Phyllis Perlenfein, Trustee et al. for approval of a **Variance** to allow the area of a proposed home improvement center building to exceed the maximum building area in the Community Commercial zoning district, for approval of a **Site Plan Review** — **Tree Felling** application to remove 42 trees on the property that have trunks larger than 25 inches in circumference and for approval of a **Site Plan Review** application to construct a proposed home improvement center on an approximately 11.54-acre site located at the southeast corner of Oak Street SE and Ninth Avenue SE.

**SUPPLEMENTAL FINDINGS OF FACT  
AND CONCLUSIONS OF LAW  
APPROVING THE APPLICATIONS**

City of Albany File Nos. VR-09-08  
(Variance), SP-38-08 (Tree Felling  
Permit) and SP-37-08 (Site Plan Review)

**I. Procedural Status.**

**1. Application Status.**

The City of Albany (the "City") deemed the applications complete on January 27, 2009. Pursuant to ORS 227.178(1), the 120-day period began on January 27, 2009. Conser Homes, Inc., J Conser & Sons LLC, and Phyllis Perlenfein, Trustee et al., (the "Applicant") extended the 120-day period in ORS 227.178(1) several times. The 120-day period for a final decision by the City of Albany ("City") now ends on January 27, 2010.

**2. Entire Planning Department File physically before the City Council.**

The entire Planning Department file was physically before the City Council on December 9, 2009 and January 13, 2010, including the December 2, 2009 staff report consisting of 50 pages with 17 pages of attachments (the "Staff Report"). No person requested that any part of the file be excluded and the City Council did not exclude any part of the file.

**3. Application Decided by City Council Without Planning Commission Hearing.**

Page 6 of the Staff Report, under the heading "Review Procedure," explains that on April 20, 2009, the City Council moved to have the staff recommendation on the three (3) concurrent applications sent directly to the City Council for the initial evidentiary hearing and decision. The Applicant did not object to this action.

#### 4. December 9, 2009 City Council Hearing.

The City Council convened on December 9, 2009 with a quorum and all City Council members being present. Mayor Konopa opened the public hearing at 7:20 p.m. No member of the City Council abstained or declared a conflict of interest. Mayor Konopa inquired whether any member of the City Council desired to declare an *ex parte* communications on the record. Mayor Konopa stated that she suspected that, due to the prominence of the subject property, that all Council members had made a site visit. No City Council member expressed disagreement with this statement. As for other *ex parte* communications, Councilor Christman disclosed a conversation with State Representative Andy Olson, who is in favor of the project. Councilors Collins and Johnson each disclosed that they had been approached by various parties on both sides of the issue, that no specific substantive information was discussed, and that they encouraged the various parties to attend the public hearing if they wished to address City Council members on this issue. No other members of City Council disclosed any *ex parte* communication in this matter. No member of the public challenged or rebutted the *ex parte* disclosures or the participation of any member of the City Council in this matter. No party objected to the jurisdiction of the City Council to hear the applications. The Mayor caused the announcements required by ORS 197.763(5) to be read.

Following the announcements, City Attorney Jim Delapoer advised the City Council that one of the significant aspects of the decision is street improvements that would be required to meet the criteria of the Albany Development Code ("ADC"); however, he cautioned the City Council that the question of whether the City would create a Local Improvement District ("LID") to finance these improvements, and the details of a possible LID, would not be the subject of tonight's hearing but would instead be considered at later hearings before the City Council. Staff planner Janet Morris then presented the Staff Report. Following the Staff Report, the Applicant made its presentation supporting approval of the applications. Those in favor of the applications testified following the Applicant's presentation, which included proposed changes to seven (7) of the recommended conditions. One neutral party testified.

Six (6) persons testified in opposition to the applications. One person submitted a four-page submittal related to the trees on the site and another person submitted a diagram drawn by City staff that showed one possible layout of the improvements at Oak Street SE and Ninth Street SE. In addition to those testifying in person, two parties [the Oregon Department of Transportation ("ODOT") and Senator Frank Morse], submitted written materials. Following this testimony, the City Council provided an opportunity for the Applicant to rebut the testimony. No party raised a procedural objection to the City Council hearing procedure. No party requested that the public hearing be continued or that the written record be held open.

Following the Applicant's rebuttal, the City Council closed the public hearing and record at 9:40 p.m. and deliberated to a tentative decision on the applications. The City Council voted 5-1 to tentatively approve the applications, including the actions on two of the conditions of approval requested by the Applicant, (D) and (F), as follows:

**A. Condition of Approval 1.1 (Staff Report at page 7) (VR-09-08):**

The staff-recommended condition provided as follows: "The Lowe's development plans shall be revised to show the applicant constructing a city standard bike/pedestrian path on the west side of Periwinkle Creek from Ninth Avenue south to an existing path on Kinder Park. The pathway shall be designed to include 10-foot of pavement, a minimum of two feet of unobstructed clear space on both sides of the paving, and safety fencing as deemed necessary by the city. The final plan shall be reviewed and approved by the city's community development and parks and recreation directors."

The Applicant proposed that a final sentence be added to the condition to provide as follows: "Where the site is physically constrained, the pavement width may be reduced to eight feet and the clear space on each side reduced to one foot minimum."

A motion to approve the Applicant's proposed amendment to the condition failed.

**B. Conditions of Approval 3.1 and 4.1 (Staff Report at pages 8 and 9) (VR-09-08):**

The staff-recommended condition of approval provided as follows: "The size of the Lowe's building shall be revised to allow construction of a master plan bikepath section on the west side of Periwinkle Creek from Ninth Avenue south and connected to the existing path on Kinder Park. The path shall be constructed to City standards, which includes 10 feet of pavement and a minimum of two feet of unobstructed clear space on both sides of the paving. Safety fencing shall be constructed as deemed necessary. The final plans shall be reviewed and approved by the City's Community Development and Parks and Recreation Directors." [Note: The wording in Conditions of Approval 3.1 and 4.1 are the same.]

The Applicant proposed that the first sentence in the condition be deleted and the following sentence be added: "Where the site is physically constrained, the pavement width may be reduced to eight feet and the clear space on each side reduced to one foot minimum."

*The City Council denied a motion to approve the Applicant's proposed amendments to these two conditions. The City Council's denial of the motion was based upon its desire for the path to satisfy City standards. However, at the January 13, 2010, hearing in this matter, during the deliberations before making the final decision, members of the City Council approved a motion to amend the language of these conditions to require that the path satisfy City standards but still allow some flexibility to the applicant to read as follows: " The developer or its successor*

*shall construct a master plan bikepath section on the west side of Periwinkle Creek from Ninth Avenue south and connected to the existing path on Kinder Park. The path shall be constructed to City standards, which includes 10 feet of pavement and a minimum of two feet of unobstructed clear space on both sides of the paving. Safety fencing shall be constructed as deemed necessary. The final plans for the path shall be reviewed and approved by the City's Community Development and Parks and Recreation Directors. Any changes to the site plan to accommodate the pathway shall be reviewed and approved by the Planning Division in accordance with Condition 5.1. "*

**C. Condition of Approval 1.2 (Staff Report at page 24) (SP-37-08):**

The staff-recommended condition provided as follows: "Before issuance of a building permit, the applicant shall dedicate six feet of public right-of-way along the site's frontage on Oak Street." The Applicant requested that the City Council adopt Condition of Approval 1.2 as follows: "Before issuance of building permit dedicate up to six feet of public access easement right-of-way along the site's frontage on Oak Street."

The City Council took no action on the proposed amendment to Condition of Approval 1.2 on December 9, 2009.

**D. Condition of Approval of 1.4 (Staff Report at pages 24 and 25) (SP-37-08):**

The staff-recommended condition of approval provides as follows: "Before issuance of a building permit, the applicant shall construct, or financially ensure the construction of the following for the extension of Oak Street between Ninth Avenue and Pacific Boulevard:

- "Curb, gutter, and sidewalk along both sides of the street. Sidewalk on the east side of the street may be attached to the curb in order to minimize impacts on the adjoining building."
- "Dual northbound through lanes across Ninth Avenue to become left turn lanes from Oak Street on to Pacific Boulevard. The turn lanes shall each be 12 feet in width."
- "One southbound lane at the Pacific Boulevard/Oak Street intersection. The lane shall have sufficient width to accommodate a left turn by a WB-67 truck without encroaching in to the northbound lanes."

- "Separate southbound left and through lanes on Oak Avenue at Ninth Avenue. The lanes shall each be 12 feet in width."
- "On street bike lanes in each direction. The bike lanes shall be five feet in width."

The applicant proposed to eliminate the second, third and fourth bullet points (beginning respectively "Dual northbound . . . ; One southbound lane . . . ; and "Separate southbound left and through lanes . . ." and add a new second bullet point as follows: "Number of lanes in each direction shall be a function of the Progression Analysis to be performed by Lowe's traffic engineer."

The City Council voted to tentatively approve this change and now adopts this change.

**E. Condition of Approval 1.5 (Staff Report at page 25) (SP-37-08):**

The staff-recommended condition of approval provided as follows: "In the event the City Council forms a Local Improvement Assessment District for the extension of Oak Street, the applicant shall participate in the assessment district in lieu of constructing the improvements outlined above. All required ODOT approvals and permits will still need to be acquired prior to issuance of a building permit."

The Applicant proposed that the condition be amended by adding the following sentence: "The applicant may choose to construct the Oak Street extension and receive a credit from the Assessment District for those improvements."

The City Council took no action on December 9, 2009 on the applicant's proposed amendment to Condition of Approval 1.5.

**F. Condition of Approval 5.5 (Staff Report at page 43) (SP-37-08):**

The staff-recommended condition of approval provided as follows: "To mediate the impact of the exterior lighting on the area residences, all lighting shall be high-pressure sodium fixtures with a maximum of 450 watts. Overall height of pole lighting shall be 28 feet. Before building permits are issued, the applicant shall provide a photometric diagram of the site showing the areas of light cast by on-site light fixtures. All lighting fixtures must include full cut-off shields that are oriented parallel to the adjacent ground. Angling the light fixtures is not allowed as it creates glare."

The Applicant proposed to revise the condition of approval to read as follows: "To mediate the impact of the exterior lighting on the area residents, the Applicant shall provide a photometric diagram showing that light levels at the perimeter of the site comply with the Albany Development Code. Overall height of pole lighting shall be not more than 38 feet. All lighting fixtures must include full cut-off shields that are oriented parallel to the adjacent ground. Angling the light fixtures is not allowed as it creates glare."

The City Council voted to tentatively approve the Applicant's requested change to the condition of approval, and now approves them based upon the findings described in Section II.3.

#### **5. Decision to Adopt Findings, Including Incorporation of the Staff Report.**

The City Council adopted these findings, with the modifications to the conditions of approval described above, on a motion by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_, on January 13, 2010. The City Council's final decision includes these supplemental findings and incorporates by reference the 50-page Staff Report with 17 pages of attachments dated December 2, 2009. The supplemental findings address the applicable approval criteria based upon argument and evidence received prior to and at the December 9, 2009 public hearing. In the event of a conflict between the incorporated findings and attachments in the Staff Report and these supplemental findings, these supplemental findings shall control.

### **II. Supplemental Findings.**

#### **1. Variance to ADC 4.090, Table 1, "Development Standards," to Approve an Approximately 152,236 Square Foot Building Where 100,000 Square Feet is the Maximum Building Size in the Community Commercial ("CC") Zoning District.**

ADC 2.500(1)-(5) contains the approval criteria for a variance. The variance criteria are set forth below:

- "(1) The proposal will be consistent with the desired character of the area;**
- (2) If more than one variance is being requested, the cumulative effect of the variances results in a project which is still consistent with the overall purpose of the zone;**
- (3) The requested variance is the minimum necessary to allow the proposed use of the site;**
- (4) Any impacts resulting from the variance are mitigated to the extent practical; or**

**(5) Application of the regulation in question would preclude all reasonable economic use of the site."**

**A. ADC 2.500(1).**

**Finding:**

The City Council finds that the proposal to construct an approximately 152,236-square foot building in the CC zoning district is consistent with the desired character of the area for the reasons explained below. The variance will allow a building larger than the 100,000 square foot maximum permitted by ADC 4.090, Table 1. The applicant had requested a second variance to another ADC section but has withdrawn that request.

The City Council finds that the relevant "area," as that word is used in ADC 2.500(1), is the site of this application, the sites adjacent to the application site and the sites on the east side of Oak Street SE and on the north side of Ninth Avenue SE. The City Council makes this finding because the word "area" is undefined and this definition of "area" is reasonable because it includes the site and adjacent uses that are most likely to be affected by the use.

The City Council finds that the desired character of the area is for commercial development that is aesthetically pleasing and that does not cause traffic congestion.

The City Council finds that ADC 2.500(1) does not require that the purpose of the CC district be considered for the desired character of the area because the relevant approval criterion does not require this. ORS 227.178(3) requires the City to apply the local standards and criteria applicable at the time an application was first submitted. On the date the Applicant submitted the variance application, the local standards and criteria for a variance were set forth in ADC 2.500 as listed above. The City Council takes official notice that subsequent amendments to the ADC changed the variance approval criteria to reference the purpose of the zoning district. However, as explained above, these subsequent amendments do not apply to this application so the zoning district purpose is irrelevant to the desired character of the area for this application.

**a. Compatibility.**

The properties to the north across Ninth Avenue SE are zoned CC and are developed with a variety of single-level, small to medium buildings that are on small lots in separate ownerships. The City Council finds that the separation of those properties from this site is achieved by Ninth Avenue SE and that any compatibility issues are ameliorated by the sites' separation by this arterial street because of its width and also because of the landscaping buffer on the application site adjacent to Ninth Street SE.

West of the application site, across Oak Street SE, is Ping's Restaurant. On the south side of the application site is Kinder Park, a city-owned park. To the east of the application site is Periwinkle Creek and across the creek is a multiple-tenant shopping center called "Periwinkle Plaza" and residences. The City Council finds that the use is compatible with Periwinkle Plaza because both are commercial developments. The City Council finds that the use is compatible with the existing residences to the east due to the building setback and the construction of a noise mitigation wall on the east side of the building's truck delivery area. The City Council finds that

there are no compatibility issues with Kinder Park because of the buffer on the application site to the park. Finally, the City Council finds that the use is compatible with Ping's Restaurant because the building is separated from Ping's Restaurant by Oak Street SE, the Lowe's parking lot, and the landscaping buffer on the application site. The application site has landscape buffer area along its west edge on Oak Street SE, and its north edge along Ninth Avenue SE.

**b. Traffic Congestion.**

The City Council finds that the proposed use, even though a larger building than other buildings in the area, is less likely to create a traffic congestion problem than a building that complies with the 100,000 square foot maximum size. The City Council relies on and incorporates here Finding of Fact 1.9 (Staff Report at page 5) in which the report notes that the findings determined that the trip rates in the Institute of Transportation Engineers Manual ("ITE") for a home improvement super store, such as the present application, "are lower than the trip rates for the other uses that would be allowed on the site." In other words, the City Council finds that were the site to develop with a variety of uses allowed in smaller buildings in the CC zoning district, even with a maximum of 100,000 square feet, more traffic would be generated, thereby creating the potential for more, not fewer, traffic congestion problems.

**c. Aesthetically Pleasing Development.**

The City Council finds that notwithstanding the larger size of this building, it is aesthetically interesting and pleasing to the eye with exterior architectural detail and a comfortable scale. The City Council relies on and incorporates here Findings of Fact 1.11 and 1.12 (Staff Report at page 5) noting the characteristics of the building's design and aesthetics. The City Council finds that the building is designed to fit in with the desired character of the CC zoning district because of its large setback from Oak Street SE (350 feet) and from Ninth Avenue SE (90 feet) and these characteristics make the building both compatible (consistent with the discussion above in "a") and aesthetically pleasing. The building also has multiple facade treatments (replicating a variety of storefronts), stucco columns with concrete masonry blocks at the base, changes in parapet wall height and decorative cornices to increase transparency on the north frontage (along Ninth Avenue SE) and on the west frontage (along Oak Street SE). The Staff Report found, and the City Council expressly adopts the finding here, that "[t]he variations in parapet height, decorative cornices and opening framing together give this façade the look and feel of an open and inviting commercial store front." Additionally, the City Council finds that the preservation of six (6) large trees on the site, as well as the addition of landscaping along the site's perimeters and throughout the site, will ensure an aesthetically pleasing development.

Staff Planner Janet Morris testified at the December 9, 2009 public hearing on this issue said that various characteristics of the development would mitigate the large size of the building, including the following: (1) the proposed building will be sited perpendicular to Ninth Avenue SE, so that the narrower side of the building faces this major street; (2) outdoor display is limited to plants; and (3) the proposed parking lot drive aisles are street-like, with pedestrian connections and landscaping.

**d. Conclusion.**

For the above reasons, the City Council finds that the proposal is consistent with the desired character of the area as required by ADC 2.500(1).

**B. ADC 2.500(2).**

**Finding:**

The City Council finds that this criterion is inapplicable because only one (1) variance is requested.

**C. ADC 2.500(3).**

**Finding:**

The City Council finds the proposed use of the site is a Lowe's home improvement center consisting of approximately 152,236 square feet. The home improvement portion of the building is approximately 120,578 square feet and the garden center portion is approximately 31,658 square feet. The Applicant testified that the proposed square footage was the minimum necessary for the kind of store proposed for this site. This is because the store is intended to stock approximately 40,000 products and the larger store size will provide a cleaner, wider and brighter store. The City Council rejects the argument that the proposed use is possible without fulfilling the applicant's intended use.

Without the proposed building size variance, the proposed use would not be practical or feasible on this site. The City Council relies on and incorporates here Finding of Fact 3.2 (Staff Report at page 7) in which the staff report notes that a home improvement warehouse is typically larger than other standard variety retail facilities and listed several examples. The City Council also relies on and incorporates here Findings of Fact 3.1 and 3.3 (Staff Report at page 7) as to the "minimum necessary size of the square footage to allow the proposed use of the site." At the December 9, 2009 public hearing, a member of the public testified that, in his opinion, the Applicant could reduce the size of the building. This testimony was not accompanied by evidence or argument explaining why this was possible in light of the acknowledged need for a building large enough to accommodate the product line described above. Therefore, the City Council rejects this testimony and relies on the substantial evidence recited here.

For these reasons, the City Council finds that the single requested variance to allow a building larger than the 100,000 square foot building size is the minimum necessary to allow the proposed use of the site.

**D. ADC 2.500(4) and (5).**

**Finding:**

The City Council finds that ADC 2.500(4), not ADC 2.500(5), is applicable and is satisfied for the following reasons. The potential relevant impacts of granting the building size variance are:

- Traffic congestion.
- Development that is not aesthetically pleasing or compatible with uses in the area.
- Adverse impact on uses in the area.

As to traffic congestion, the City Council relies on and incorporates here Finding of Fact 4.3 (Staff Report at page 8) and the portion of the findings under ADC 2.500(1) addressing vehicle trips to find that traffic congestion will neither be caused nor worsened by granting the variance to allow a larger building.

As to an aesthetically pleasing development and compatibility, the City Council relies on and incorporates here Finding of Fact 4.1 (Staff Report at page 8) and the portions of the findings under ADC 2.500(1) addressing aesthetically pleasing development and compatibility.

Finally, as to compatibility, the City Council relies on Finding of Fact 4.2 (Staff Report page 8) and the portions of the findings under ADC 2.500(1) addressing compatibility.

No substantial evidence to rebut these findings was presented to the City Council.

For the above reasons, the City Council finds that any impacts resulting from the variance are mitigated to the extent practicable.

#### **E. Conclusion.**

For the reasons stated above, in the Staff Report, and based upon additional evidence and argument in the record, the City Council finds that the Applicant's request for a variance to ADC 4.090 to allow an approximately 152,236-square foot building in the CC zoning district satisfies the applicable approval criteria in ADC 2.500(1)-(5).

#### **2. ADC 4.250, "Parking Standards."**

#### **Finding:**

This section sets forth the parking standards for commercial and industrial uses. ADC 5.250, Table 2, describes various commercial and industrial uses and the parking spaces required for each use category. The City Council finds that the appropriate commercial category for this application is "building material sales." ADC 4.250, Table 2, requires one off-street parking space per 500 square feet of gross floor area ("GFA"). For the size of the building proposed, the City Council finds that the minimum number of off-street parking spaces required is 281.

The City Council finds that "building material sales" is an appropriate classification of the use for off-street parking requirements for two (2) reasons. First, it is clear that the use is primarily for building materials sales rather than any other kind of commercial or industrial use listed in ADC 4.250, Table 2. The City Council relies on the description of the use as a "home improvement and garden center" found on page 1 of the Staff Report, page 4; Finding of Fact 1.1, page 20; and Finding of Fact 5.2, page 36.

Second, the City Council notes that ADC 4.250, Table 2, contains two retail parking categories. The first is "retail: shopping centers, food, drugs, hardware, variety and department stores" requiring one off-street parking space per 200 square foot of gross floor area. The second is "retail: specialty shops and other retail stores under 6,000 square feet" requiring one off-street parking space per 300 square feet of gross floor area, plus one off-street parking space per three employees." Because this site is greater than 6,000 square feet, the second category of retail parking requirement is inapplicable.

The City Council finds that the first retail category is also inappropriate for determining the off-street parking requirement for this use. First, this use is not a shopping center, food store, drug store, variety store or department store. Second, while the use includes hardware sales, its predominate characteristic is as a building material sales store. The City Council finds that this term, while undefined, is broad enough to properly include a home improvement warehouse store. The City Council notes that the evidence before it demonstrates that the use is primarily building material sales with a retail orientation and because neither of the two retail categories for off-street parking are appropriate to describe the overall use of the building, building material sales more appropriately describes the function of the store.

### **3. ADC 9.120, "Parking Area Improvement Standards."**

#### **Finding:**

ADC 9.120(1)-(16) contains the approval standards for parking area improvements. Subsection (14) reads as follows: "(14) Lighting. Any lights provided to illuminate any public or private parking area or vehicle sales area must be arranged to reflect away from any abutting or adjacent residential district."

In the Staff Report and at the December 9, 2009 public hearing in this matter, planning staff expressed concern that the Applicant's parking lot landscaping would create a strong bright white light during nighttime hours. To mitigate these impacts, staff recommended that the City Council adopt a condition of approval requiring the Applicant to install shorter lights of a yellow/orange color. At the December 9, 2009 public hearing, the Applicant presented a plan to illuminate the parking area with white lights on 38-foot tall poles. The Applicant explained that this plan would result in half the number of light standards as the staff proposal and, based upon the type and angle of the lighting, it would not impact neighboring property owners. Staff then reiterated a preference for yellow, "softer" lighting but did not otherwise rebut the Applicant's proposal with substantial evidence. The City Council thus finds that there was no substantial evidence in the record that staff's proposed condition would ensure that the standards of ADC 9.120(14) would be satisfied. The City Council further finds that the Applicant has demonstrated that, subject to the revised Condition 5.5 set forth in Section I.4.F. of these supplemental findings, the application satisfies the lighting standard of ADC 9.120(14).

### **4. ADC 9.480, "Glare and Heat."**

#### **Finding:**

This section provides as follows:

"No direct or sky-reflected glare in excess of 0.5-foot candles of light, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Code. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line of the source. Strobe lights visible from another property are not allowed, except as may be required by the Federal Aviation Administration."

In response to this section in the Staff Report, Planning staff reiterated its concerns relating to off-site lighting impacts. For the reasons set forth above in response to ADC 9.120(14), the City Council finds that these concerns are unwarranted. The City Council further finds that the Applicant has demonstrated that, subject to the revised Condition 5.5 set forth in Section I.4.F. of these supplemental findings, the application satisfies the glare standard of ADC 9.480.

**5. ADC 8.390, "Compatibility Details."**

**Finding:**

This section sets forth design requirements applicable to commercial development to ensure that it is compatible with adjacent uses. ADC 8.390(1) reads as follows: "On-site lighting is arranged so that light is reflected away from adjoining properties and/or streets." In response to this section in the Staff Report in this matter, Planning staff stated that the proposed lighting for the parking lot and exterior of the building would be too intense for the area and therefore staff proposed a condition of approval to control the direction and to reduce the intensity of all exterior lighting.

For the reasons set forth above in response to ADC 9.120(14), the City Council finds that staff's concerns regarding the off-site impacts of on-site exterior lighting are unwarranted. The City Council further finds that the Applicant has demonstrated that, subject to the revised Condition 5.5 set forth in Section I.4.F. of these supplemental findings, the application satisfies the compatibility standard of ADC 8.390.

**III. Response to Public Testimony at December 9, 2009 Hearing.**

**A. Mike Styler.**

- a. Objection to a wall next to the path.

**Finding:**

The Applicant explained that it was the Applicant's preference to not construct the wall but that the wall was needed for noise mitigation due to the store's proximity to nearby mobile homes to the east. No one rebutted the Applicant's response or otherwise identified an ADC requirement that prohibited constructing the wall. The Staff Report notes that the record includes a noise study recommending that the wall be constructed in this location to prevent the

development from exceeding Department of Environmental Quality noise standards. For these reasons, the City Council finds that the wall is needed to mitigate the noise impacts of the proposed development.

- b. Does not like tree removal.

**Finding:**

The Applicant completed an analysis of existing on-site trees and determined that only seven (7) of these trees warranted preservation. The Applicant proposes to preserve six (6) of these trees. The City Council finds that the Applicant has applied for and received approval for a Site Development Review for Tree Felling for the remainder of the existing trees.

- c. Too many parking spaces.

**Finding:**

The City Council finds that the Applicant has satisfied the minimum off-street parking requirement for a building material sales use. There is no maximum number of off-street parking spaces allowed. The City Council also finds that the off-street parking area design and number of spaces have been approved through the Site Development Review application.

- d. No analysis of improvements for Oak Street SE from Queen Avenue to Ninth Avenue SE.

**Finding:**

The City Council finds that the applicant is not required to consider improvements beyond its frontage such as this part of Oak Street SE.

- e. Control of independent truck deliveries.

**Finding:**

The City Council finds that the garden center has six (6) to eight (8) deliveries per week and they are generally made by independent truckers. While the applicant may not have control over those drivers, it is unlikely that the trucks would go east to 11th Street against a "Do Not Enter" sign, or south to Queen Avenue, since that would generally be an out-of-direction route of travel. Ninth Avenue SE to the north is the expected route of travel.

- f. The size of the building is too large for the intent of the zoning district.

**Finding:**

The City Council relies on and incorporates the findings under ADC 2.500(1) to respond to this issue and reiterates that this issue is irrelevant to the variance approval criteria.

- g. Impact of Periwinkle Creek due to fill the construct pathway.

**Finding:**

The Applicant stated it is not contemplating placing fill in the creek. The Applicant requested flexibility to reduce the constraint problems related to placing a bike path on the east side of the property. In any event, the City Council finds that the witness did not raise a relevant approval criterion for this issue.

**B. Teresa Esch.**

- a. Suggested that Lowe's be located in another location.

**Finding:**

The City Council finds that the CC district allows this use at this location.

- b. The City has a lack of affordable housing.

**Finding:**

The City Council finds that this issue is not relevant to the applicable approval criteria and Ms. Esch did not cite an applicable approval criteria for this proposition.

**C. Ping Lee.**

- a. Mr. Lee did not oppose Lowe's but expressed concern about the impact of Oak Street SE improvements on his restaurant business on the west side of Oak Street SE. He presented a staff-prepared diagram depicting impacts to his property in the event these street improvements were completed.

**Finding:**

The City Council finds, based upon the testimony of City Transportation System Analyst Ron Irish, that the diagram Mr. Lee relied upon to describe impacts to his property was conceptual and illustrated a worst-case scenario. The City Council further finds, based upon this testimony, that the precise impacts that the Oak Street SE improvements will have on Mr. Lee's property will not be known until later, and in any event, at this time, ODOT has informally advised that it is not ODOT's current intention to close any private driveways in conjunction with these improvements. The City Council further finds that the City has been considering improvements to Oak Street SE independent of the Lowe's development, and as a result, Mr. Lee's comments are not properly directed at the Lowe's applications. Finally, the City Council finds, based upon the explanation of City Attorney Delapoer at the December 9, 2009 public hearing in this matter, in the event that any governmental agency exercises the power of eminent domain to acquire land from Mr. Lee for use as public right-of-way, that agency must pay just compensation for the value of the land taken and damage to any remaining property. The City Council also notes that with a successful store across the street, Mr. Lee is likely to have more customers for his business.

**D. Rick Baker.**

- a. Mr. Baker complained about the loss of rental housing units.

**Finding:** The City Council finds that this is not a relevant approval criterion.

**E. Mark Azevedo.**

a. Mr. Azevedo noted that 16 Oregon White Oak trees were located on the site, including a "council" tree with a 4.5 foot diameter. Mr. Azevedo suggested that the trees to be retained be given "heritage" status. Further, Mr. Azevedo requested that any trees removed from the site should be donated to the Urban Forestry Program for educational purposes.

**Finding:**

The City Council finds that the applications have complied with the applicable approval criteria for tree felling through a Site Plan Review approval. Further, while the City Council appreciates Mr. Azevedo's suggestions, there is no applicable ADC criterion for designation of a "heritage" tree. Finally, during rebuttal, the Applicant agreed to donate trees that were removed from the site in accordance with Mr. Azevedo's suggestion.

b. Fish bearing creek. Mr. Azevedo testified that he was concerned about heat holding uses being next to a fish bearing creek.

**Finding:**

The City Council finds that this is not an applicable approval criterion.

**F. Brian Latta.**

a. Mr. Latta argued that the first variance criterion [(ADC 2.500(1)] described on page 4 of the staff report is not satisfied.

**Finding:**

For the reasons explained in Part II.1.A. of these findings, the City Council rejects this argument.

b. The Lowe's building exceeds the building size that was intended in the CC zoning district.

**Finding:**

For the reasons explained in Part II.1.A. of these findings, the City Council rejects this argument. The CC purpose statement is not a relevant consideration. Alternatively, if it were, these findings address this issue. ADC 4.020(3) describes the CC zoning district as follows: "The CC district recognizes the diversity of small to medium-scaled businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these

major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas."

First, the City Council notes that the ADC does not contain a definition of small to medium-scaled businesses. However, the CC zoning district description is quite clear that its intent is to "provide a coordinated enhanced community image along these major transportation corridors as they develop or redevelop." This is achieved, according to ADC 4.020(3), through design guidelines, building location and front-yard landscaping.

The City Council also finds for the reasons below, that the larger building proposed by the Applicant is consistent with the desired character of the area as expressed in ADC 4.020(3). First, the site is located on Ninth Avenue SE which is an arterial street. Thus, the City Council's desire that this site have a coordinated and enhanced community image along major transportation corridors is appropriate for redevelopment at this site. Second, the City Council relies upon Finding of Fact 1.5 (Staff Report at page 4) in which the staff review of the City of Albany case file VC-01-02 (the amendment in February, 2003 that enacted the maximum building size for the CC zoning district) expressed a desire to have new buildings that would be compatible with the existing buildings in that zone, that the uses of the new buildings would be less likely to create traffic congestion problems, that aesthetically interesting and pleasing buildings are appropriate, and that the City Council thought smaller buildings were more likely to achieve that goal. In this case, the City Council finds that the building size is what it intended in the CC district.

c. The variance criteria found on page 7 of the staff report [ADC 2.500(3)] is not met.

**Finding:**

For the reasons explained in Part II.1.C of these findings, the City Council rejects this argument.

d. The proposed use should have been categorized as a retail use and not a building material sales use.

**Finding:**

The City Council rejects this argument for two reasons. First, Mr. Latta did not describe which retail use the use should be classified under for off-street parking purposes. Second, for the reasons contained in Part II.2 of these findings, the City Council rejects this argument.

e. Mr. Latta argued that the development size could be reduced and keep the width of the pathway.

**Finding:**

The City Council rejects this argument for the reasons contained in Part II.1.C of these findings.

**G. Dwayne Strickland.**

a. Concerned about brick wall along the bike path being a place for "tagging," the amount of traffic that would use 11th Avenue off of Oak Street SE (which is not a one-way street east, but still has problems); wondered if the ground level of Oak Street SE was going to be altered; and stated the traffic increases caused by the development and the upgrade to Oak Street SE will disrupt the neighborhood.

**Finding:**

The City Council responds to Mr. Strickland's testimony as follows. First, concern about "tagging" is not relevant to an approval criterion. Second, traffic issues are addressed in Part II.1.A. of this decision. Third, alteration of the ground level of Oak Street SE is not germane to a relevant approval criterion. Finally, because the City has found that the relevant approval criteria are met, there will not be disruption to the "neighborhood" caused by traffic and relies on the findings addressing ADC 2.500(1) in making this finding.

**IV. Conclusion.**

For the reasons stated above, in the Staff Report, and based upon further testimony in the record, the City Council finds that the Applicant's applications styled as City File Nos. VR-09-08, SP-38-08, and SP-37-08 satisfy the City's applicable approval criteria and are hereby approved, subject to the conditions in the Staff Report, as specifically amended by these supplemental findings.

*G:\Current\2008\08SP37.etal.Appl.Supp.Findings.CC.1.13.10.DOC*



# Community Development Department

333 Broadalbin Street SW, P.O. Box 490  
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## STAFF REPORT

City Council's January 13, 2010, motion to approve with conditions the applications listed below references this Staff Report. Note that the Supplemental Findings adopted by the City Council at that same meeting modify some of the findings, conclusions, and conditions contained herein. In the event of a conflict between the Supplemental Findings and the Staff Report, the Supplemental Findings shall control.

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<b><u>HEARING BODY</u></b>	CITY COUNCIL
<b><u>HEARING DATE</u></b>	Wednesday, December 9, 2009
<b><u>HEARING TIME</u></b>	7:15 p.m.
<b><u>HEARING LOCATION</u></b>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

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### **GENERAL INFORMATION**

DATE OF REPORT:	December 2, 2009
FILES:	SP-37-08, SP-38-08, VR-09-08
TYPE OF APPLICATIONS:	<ol style="list-style-type: none"><li>1) <u>SP-37-08</u>. Site Plan Review to construct a Lowe's home improvement and garden center on an 11.54 acre site located at the southeast corner of Ninth Avenue SE and Oak Street SE.</li><li>2) <u>SP-38-08</u>: Site Plan Review to remove from the proposed Lowe's site 42 trees that have trunks larger than 25 inches in circumference (about 8 inches in diameter).</li><li>3) <u>VR-09-08</u>: To allow the building area of the proposed Lowe's building to be 152,236 square feet when ADC 4.090, Table 1, Development Standards, shows the maximum building area in the Community Commercial zoning district is 100,000 square feet. The building area is divided as follows: home improvement retail space is 120,578 square feet and the garden center space is 31,658 square feet.</li></ol>
REVIEW BODY:	Albany City Council
STAFF REPORT PREPARED BY:	Janet Morris, Planning Staff
PROPERTY OWNERS/ APPLICANTS:	<p><u>Tax Lot 1000</u>: Randy and Sabra Killen; Conser Homes Inc., Agent et al; c/o Conser Design and Construction; 1010 Airport Road SE; Albany, OR 97322</p> <p><u>Tax Lot 1100</u>: Phyllis Perlenfein, Trustee et al; c/o Edward Perlenfein; 2910 Alexander Lane NE; Albany, OR 97321</p> <p><u>Tax Lots 1201, 1202, 1300</u>: J Conser &amp; Sons LLC; 1010 Airport Road SE; Albany, OR 97322</p>

**APPLICANTS/  
REPRESENTATIVES:**

Baysinger Partners Architecture PC; c/o Jerry Baysinger; 1006 SE Grand Avenue, Suite 300; Portland, OR 97214

Cardno WRG; c/o Jeremy McPherson; 5415 SW Westgate Drive; Suite 100; Portland OR 97221

Lowe's Home Centers, Inc.; c/o Jack Mandel; 1605 Curtis Bridge Road; Wilkesboro, NC 28697

**ADDRESS/LOCATION:**

The development site is made up of five parcels at the southeast corner of Ninth Avenue SE and Oak Street SE. There are several existing structures within the development area that would be removed: Oakcrest Apartments (1111-1119 Oak Street SE) and a single-family home (1105 Oak Street SE).

**MAP/TAX LOTS:**

Linn County Assessor's Map No. 11S-3W-8BC; Tax Lots 1000, 1100, 1201, 1202, and 1300. (A property line adjustment has been approved, to consolidate the five subject tax lots into one parcel.)

**ZONING:**

CC (Community Commercial)

**TOTAL LAND AREA:**

11.54 acres

**EXISTING LAND USE:**

Tax Lot 1000, 1100 & 1202: Vacant land  
Tax Lot 1201: Oakcrest Apartments - 33-units (to be removed)  
Tax Lot 1300: Single-family home (to be removed)

**NEIGHBORHOOD:**

Jackson Hill

**SURROUNDING ZONING:**

North: (Across Ninth Avenue) Community Commercial  
South: RM (Residential Multiple Family)  
East: OS (Open Space)  
(Across Periwinkle Creek) RM – Residential Multiple Family and CC (Community Commercial)  
West: (Across Oak Street) OP (Office Professional) and RM

**SURROUNDING USES:**

North: Commercial businesses  
South: City of Albany Kinder Park (new public park)  
East: Periwinkle Creek, Commercial and residential uses  
West: Ping's restaurant and residential buildings

**PRIOR HISTORY:**

Zoning change in 1974 relating to Tax Lots 1100 and 1000 from R-2 (multiple-family residential) to C-2 (commercial) (files ZC-06-74/ZC-07-74). In 2002, Site Plan Review approval was given for a drive-up coffee stand on Tax Lot 1100 (file SP-49-02). In April of 2006 the Consers received approval of Comprehensive Plan and Zoning applications that changed 6.80 acres (Tax Lots 1201, 1202, 1300) of the subject 11.54 acre site from Residential Multiple Family (RM) to Community Commercial (files CP-02-05/ZC-02-05). In 2005, a Site Plan Review application (file SP-05-05) to construct two-commercial buildings on Tax Lot 1000 was voided due to no response to the incomplete issues within the mandatory 180 days. In 2008, a property line adjustment application was approved to allow the subject five parcels to be consolidated into a single parcel (file LA-13-08).

## **NOTICE INFORMATION**

**Neighborhood Meeting.** On September 3, 2008, the applicant's representatives held a neighborhood meeting on the proposed development at St. Mary's Catholic Church at 822 Ellsworth Street. SW. Thirteen people signed the attendance sheet, but there were about five other attendees that did not sign in. Project representatives were on hand to answer questions about the proposed development. Questions were raised about tree preservation, traffic impacts, and noise. None of the neighborhood attendees voiced opposition to the proposed plans and most prefaced their questions that they were "in support of the project."

## **NOTICE INFORMATION**

A Notice of Public Hearing on the applications related to a Lowe's development was mailed to property owners on November 19, 2009, in accordance with Section 1.400(4) of the Albany Development Code. The site was posted on November 25, 2009, in accordance with Section 1.410 of the Albany Development Code.

## **REVIEW PROCEDURE.**

The standard review process for these applications would be a hearing before the Planning Commission and then to City Council on appeal. Due to the expected public interest and complexity of this development proposal, and that the City Council would likely be the ultimate decision maker, on April 20, 2009, City Council moved to have the staff recommendation on the bundle of concurrent applications sent directly to them. The applicants did not object to this action.

## **STAFF RECOMMENDATIONS**

**File VR-09-08:** APPROVAL WITH CONDITIONS of the Variance application to allow the area of the proposed Lowe's commercial building to be 152,236 square feet (120,578-square-foot home improvement area and 31,658-square-foot garden center area), where ADC 4.090, Table 1, Development Standards, shows the maximum building area in the Community Commercial zoning district is 100,000 square feet. The conditions of approval are listed in the staff report.

**File SP-38-08:** APPROVAL WITH CONDITIONS of the Site Plan Review –Tree Felling application to remove 42 trees on the property that have trunks larger than 25 inches in circumference (about 8 inches in diameter) measured at 54 inches from the base ground level of the trees. The conditions of approval are listed in the staff report.

**File SP-37-08:** APPROVAL WITH CONDITIONS of the Site Plan Review application to construct the proposed 152,236-square -foot Lowe's home improvement and garden center development on an 11.54 acre site located at the southeast corner of Oak Street SE and Ninth Avenue SE. The conditions of approval are listed in the staff report.

## **APPEALS**

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice to Appeal with them not later than 21 days from the date the City mails this Notice of Decision.

## STAFF ANALYSIS

Variance File: VR-09-08

**Variance Request:** To allow the building area of the proposed Lowe's home improvement and garden center building to be 152,236 square feet when ADC 4.090, Table 1, Development Standards, shows the maximum building area in the Community Commercial zoning district is 100,000 square feet.

The Albany Development Code (ADC) contains the following review criteria which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings, conclusions, and conditions if any are needed to mitigate impacts of the development.

*Criterion (1) The proposal will be consistent with the desired character of the area.*

### FINDINGS OF FACT

- 1.1 The proposed development is a 152,236-square-foot Lowe's home improvement and garden center on 11.54 acres of land that is located at the southeast corner of Ninth Avenue SE and Oak Street SE. The home improvement portion of the building is 120,578 square feet and the garden center portion is 31,658 square feet. The maximum building size in the CC zoning district is 100,000 square feet (ADC 4.090, Table 1). The proposed building size is 52.2 percent larger than the stated maximum.
- 1.2 Staff's research on the Lowe's business found that the standard building model has a retail space of 116,000 square feet. It also has a smaller version (94,000-square-foot retail space with 26,600 square feet garden center space) for use within smaller market areas (e.g. Parkville, Maryland). The proposed development shows providing 415 parking spaces when the City's standards require only 218 spaces.
- 1.3 ADC 4.020 (3) states: "The CC district recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas."
- 1.4 The Development Code does not define "small to medium scaled businesses." CC is the only commercial zoning category that has a stated maximum building size. Ninth Avenue is classified as an arterial street. Oak Street is currently classified as a local street, but if the update to Transportation System Plan, which is currently under review, shows it being classified as a collector street.
- 1.5 The 100,000 square foot maximum building size for properties in the CC zoning district was passed by the City Council in February of 2003 as part of a package of Development Code amendments (File DC-01-02, ORD 5556). None of the other five commercial zoning districts have a building size limitation. Review of the case file shows that City Council's reasons behind setting the size limitation were as follows: (1) it was a way to differentiate this zone from other commercial zones; (2) new buildings would be compatible with the majority of the existing buildings in that zone; (3) the uses of the new buildings would be less likely to create traffic congestion problems; and (4) smaller buildings are generally more aesthetically interesting and pleasing to the eye, e.g. more exterior architectural detail and comfortable scale (less height and long expanses of blank walls). North Albany Village, which was approved for 11 separate buildings totaling 110,000 square feet of building area, was pointed out as an example of the desired outcome. Of those 11 buildings, the largest is Ray's food store at 43,789 square feet; the size of the remainder of the buildings range from 3,750 to 15,000 square feet.
- 1.6 Uses that need a larger footprint typically have a regional-customer draw. The City intends uses with a regional draw to locate within its Regional Commercial (RC) zoning district. This is demonstrated by the purpose statement of the RC district: "RC district is intended primarily for developments that serve the

wider Albany region. RC allows a wide range of retail sales and service uses, and is typically appropriate for developments that require large sites near Interstate 5. Design guidelines, building location and front-yard landscaping will provide an enhanced community image along major transportation corridors. These uses often have significant impacts on the transportation system. Sound and visual buffers may be required to protect nearby residential areas. RC districts may not be appropriate in all locations.” [ADC 4.020(4)]

- 1.7 There are a couple vacant large acreage sites in the City that are zoned RC and have uncommitted uses: (a) the “piano” property on Pacific Boulevard east of 53rd Avenue, and (b) the recently approved, but not built, “SmartCentres” site on Santiam Highway (Highway 20) at Goldfish Farm Road.
- 1.8 All of the surrounding properties of the subject site are currently zoned in compliance with the underlying Comprehensive Plan designations. The properties to the north, across Ninth Avenue, are zoned CC and developed with a variety of single-level small to medium sized buildings that are on small lots under separate ownership. West of the subject site, across Oak Street, is Ping’s restaurant. That use has a split zoning. The restaurant building is located on Office Professional (OP) zoned land and its parking lot is zoned Residential Multiple Family (RM). South of Ping’s restaurant, the land is zoned RM and has developed with one and two-family dwellings. On the south side of the proposed Lowe’s, the land is zoned RM and was recently developed by the City as a public park (“Kinder Park”). To the east of the Lowe’s site, across Periwinkle Creek, the land that abuts Ninth and Geary Streets is zoned CC and has developed with a multiple-tenant shopping center (Periwinkle Plaza). South of that shopping center, the land is zoned RM and is developed with a residential mobile home park.
- 1.9 The ITE trip rates for a *Home Improvement Superstore* (like Lowe’s) are lower than the trip rates for the other uses that would be allowed on the site. Other allowable uses may have smaller individual building foot prints, but in aggregate would occupy about the same overall building area on the site. If the trip rates for those other uses are higher, than the total number of trips they would generate would be higher as well. For comparison:

Home Improvement Superstore:	ADT = 29.80 trips per 1,000 sf., PM peak = 2.33 trips per 1,000 sf.
Shopping Center:	ADT = 42.94 trips per 1,000 sf., PM peak = 3.73 trips per 1,000 sf.
Specialty Retail:	ADT = 44.32 trips per 1,000 sf., PM peak = 2.71 trips per 1,000 sf.
- 1.10 The proposed Lowe’s combines within a single building a number of uses or businesses that separately would fit within scale of businesses and type of uses contemplated in the CC district. These uses include: paint store, lighting store, flooring store, lawn & garden store, plumbing store, electrical store, doors & window retailer, cabinet dealer, major appliance dealer, small equipment rental, lumber and building materials store and garden center. Lowe’s finds that combining these individual uses into a single building provides for a more efficient and centralized checkout and customer service system.
- 1.11 To mitigate the larger building area, the building has been designed to fit in with the intended characteristics of the zone. Each elevation of the building that is visible from the street has a well-articulated design. The building is setback about 350 feet from Oak Street and about 70 feet from Ninth Avenue. In addition to landscaping within these setbacks, the site plan shows landscaping on the perimeter of the development, including along Periwinkle Creek.
- 1.12 In an effort to reduce the mass of the building, it has been designed to include multiple façade treatments. There are stucco columns with CMU (concrete masonry unit) blocks at the base. The wall area above the columns will also be stucco and include changes in parapet wall height and decorative cornices to increase transparency on the north (Ninth Avenue) and west (Oak Street) facing elevations. Two-by-two inch wire mesh spans the areas between the columns. The mesh openings are framed with both vertical and horizontal members to mimic a storefront glazing system. The wire mesh between the columns provides security, allows views of the plant displays and the activity within the garden center, as well as providing air circulation for the perishable vegetation stocked in the garden center. The variations in

parapet height, decorative cornices and opening framing together give this façade the look and feel of an open and inviting commercial store front. Lastly, most of the garden center does not have a roof cover.

- 1.13 The City's Bikeway Master Plan shows a section of the path system is located along the west side of Periwinkle Creek. This bikeway system creates an alternative transportation network throughout the City and is also a part of a regional path system connecting Albany with surrounding areas. The pathway system can serve pedestrians as well as bicyclist. The City's standard pavement width for a bikepath is 10 feet and there is to be a minimum of two feet of unrestricted clear space on either side of the pavement.
- 1.14 An unconstructed section of the bike system is located on the east side of the applicants' property. To increase compatibility with the area, the applicants' plans show constructing the 10-foot pathway section from Ninth Avenue south across their property, and then voluntarily extending it further south across the City's property to connect it with the existing pathway at Kinder Park. However, in many places the 2 foot clear space on both sides of the path is not being provided. Landscaping and fencing will be provided within the path area to add safety and visual appeal to this section of the path corridor, as well as mitigate possible impacts on the residential properties east of Periwinkle Creek.
- 1.15 To further integrate the development into the area, the site has been designed to save six of the large trees on the site, as well as adding wide bands of landscaping and a large plaza on the north side of the development. An eight foot tall attractive wall will be constructed around the east and south ends of the building to buffer it from the residences across Periwinkle Creek and the park users.

## CONCLUSIONS

- 1.1 The Development Code states the desired character of the CC zone is to have attractive small to medium sized commercial uses located within buildings no larger than 100,000 square feet.
- 1.2 The reasons for restricting the building size in the CC zone was to differentiate it from the RC zone, retain land for smaller developments that would be more aesthetically appealing, closely match existing developments in that zone, and not create traffic burden on adjacent streets.
- 1.3 The applicant has used a variety of design, setback, landscaping and amenities to make the proposal consistent with the desired character of the area. The design of the façade, with its commercial storefront feel, is intended to coordinate with neighboring commercial developments and enhance the pedestrian experience.
- 1.4 The proposed building is larger than their standard model and has 197 more parking spaces than required.
- 1.5 The proposed Lowe's does not generate more traffic than if the uses contained within the building were divided up and put in one or more individual specialty buildings that would total the same total building square footage.
- 1.6 The character of the area includes a bike/pedestrian path on the west side of Periwinkle Creek. In consideration of making the development fit in with the desired character of the area, the applicants' plans show constructing the path from Ninth Avenue across their property, as well as the City's property, so it seamlessly connects to the existing path section on Kinder Park. The proposed path does not meet the City's minimum standards in some places.
- 1.7 The proposed development will be consistent with the desired character of the area when the following condition is met.

## CONDITION

- 1.1 The Lowe's development plans shall be revised to show the applicants constructing a City standard bike/pedestrian path on the west side of Periwinkle Creek from Ninth Avenue south to existing path on Kinder Park. The pathway shall be designed to include 10 feet of pavement, a minimum of two feet of unobstructed clear space on both sides of the paving, and safety fencing as deemed necessary by the City. The final plans shall be reviewed and approved by the City's Community Development and Parks and Recreation Directors.

*Criterion (2) If more than one variance is being requested, the cumulative effect of the variances results in a project which is still consistent with the overall purpose of the zone.*

## FINDING OF FACT

- 2.1 The applicants are seeking to vary from only one section of the Development Code. This criterion is not applicable.

*Criterion (3) The requested variance is the minimum necessary to allow the proposed use of the site.*

## FINDINGS OF FACT

- 3.1 As outlined above under Criterion 1, the proposed Lowe's development is larger than its standard business model. The buildings are sized to fit the amount of merchandise needed for the targeted market area. The store carries a wide variety of merchandise, which translates into needing to stock a wide range of materials on site. Many of the goods they sell take up considerable space (insulation, lumber, gardening supplies, appliances etc). The parking lot is correspondingly large. It has 197 parking spaces more than the City's minimum requirement for this type of store.
- 3.2 The footprint for this kind of retail store is typically larger than most standard variety retail facilities. Home Depot located on the east side of town is 120,000 square feet total: 101,500 feet is retail and the garden center is 18,500 square feet, but they have some outdoor area as well. Costco, on Killdeer Avenue, is 148,000 square feet in area. (Home Depot and Costco are on land zoned RC).
- 3.3 The applicants state that a reduction of the proposed building square footage would result in the need to eliminate the number of products sold. This may result in a loss of business as patrons have an expectation to find the same products carried by all stores of a particular chain. It would also be extremely difficult to eliminate products as all relate to the type of market they are serving (home improvement) and many products carried are interrelated. For example, it would be difficult to eliminate plumbing supplies if they still carried plumbing fixtures, or electrical supplies if they still carried lighting fixtures.
- 3.4 As noted under Finding 1.9 above, the proposed Lowe's will generate fewer traffic trips than similar uses located in separate buildings that total the same square footage overall. Even with their increased footprint, home improvements centers generally create less peak hour traffic than a standard retail store of equal or even less square footage.
- 3.5 As noted in Finding 1.14 above, the size of the building results in there not being enough room on the east to construct the planned bikepath to City standards.

## CONCLUSIONS

- 3.1 Home improvement stores are typically larger than standard retail stores due to the number and type of products sold.

- 3.2 The size of the proposed building, and the number of desired parking spaces, is self imposed by the Lowe's business model(s). A smaller development of the same type of use can be constructed on the site.
- 3.3 The size of the building results in not enough room on the east to construct a City standard bikepath along the west side of Periwinkle Creek.
- 3.4 The requested variance is the minimum necessary to allow the proposed use of the site when the following condition is met.

#### CONDITION

- 3.1 The size of the Lowe's building shall be revised to allow construction of a the master planned bikepath section on the west side of Periwinkle Creek from Ninth Avenue south and connect it to the existing path on Kinder Park. The path shall be constructed to City standards, which includes 10 feet of pavement and a minimum of two feet of unobstructed clear space on both sides of the paving. Safety fencing shall be constructed as deemed necessary. The final plans shall be reviewed and approved by the City's Community Development and Parks and Recreation Directors.

***Criterion (4) Any impacts resulting from the variance are mitigated to the extent practical.***

#### FINDINGS OF FACT

- 4.1 As outlined under Criterion 1 above, numerous architectural design tools have been used to blend the proposed development into the surrounding area of the site, reduce the visual impression of the building's size and buffer it from the right-of-way. These design tools include façade upgrades of materials and design elements to mimic a commercial storefront facade along the north and west Garden Center walls, large setbacks, ample landscaping and pedestrian areas, and no roof over a majority of the garden center portion of the building.
- 4.2 Large landscaped setbacks and screening are provided to mitigate any perceived impacts to the nearby residential uses to the east and west.
- 4.3 As outlined above under Finding 1.9 of Criterion 1, this development will not generate more traffic trips than a retail shopping center composed of several buildings that total the same square footage as Lowe's.
- 4.4 As noted in Finding 1.14 above, the size of the building results in there not being enough room on the east to construct the bikepath to City standards.

#### CONCLUSIONS

- 4.1 The visual impact of the larger sized building has been mitigated by use of architectural features, setbacks and screening. Traffic trips generated by the use would not create a larger impact than multiple buildings that together total the same square footage.
- 4.2 The size of the building impacts the east side of the site in that it does not leave enough room to construct a City standard bikepath. The impact of allowing a building larger than 100,000 square feet on this site can be mitigated when the following condition is met.

#### CONDITION

- 4.1 The size of the Lowe's building shall be revised to allow construction of the master planned bikepath section on the west side of Periwinkle Creek from Ninth Avenue south and connect it to the existing path on Kinder Park. The path shall be constructed to City standards, which includes 10 feet of pavement and

a minimum of two feet of unobstructed clear space on both sides of the paving. Safety fencing shall be constructed as deemed necessary. The final plans shall be reviewed and approved by the City's Community Development and Parks and Recreation Directors.

## STAFF ANALYSIS

### Site Plan Review –Tree Felling Application

File: SP-38-08

Background. Site Plan Review approval is required to fell five or more trees that have trunks that are larger than 25 inches in circumference (approximately 8 inches in diameter) on a single lot, or property in contiguous single ownership that is in excess of 20,000 square feet in any zone (ADC 9.207). Felling of trees with trunks smaller than just outlined is not regulated.

The applicants request to fell (remove) 42 of the 48 trees located within the development site that is in the size category that require approval to remove five or more. The list of existing trees is found under Criterion 3 below.

Definitions. (a) Tree: A living, standing, woody plant having a trunk circumference of 24 inches or more.

(b) Tree Circumference: The circumference of a tree is measured at 4.5 feet above mean ground level from the base of the trunk. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than six inches in circumferences.

(c) DBH. DBH is an acronym for “diameter at breast height” which describes a measure of a tree stem (trunk) 4.5 feet above the ground.

Review Criteria. The following review criteria [Albany Development Code (ADC) 9.208(2)] must be met for this tree felling application to be approved. The Code criteria are written in *bold italics* and are followed by Findings, Conclusions, and Conditions, if any conditions are needed to mitigate impacts of the development.

***Criterion (1) It is necessary to fell trees in order to construct the proposed improvements in accordance with an approved site plan review or conditional use review or to otherwise utilize the applicants property in a manner consistent with its zoning, this code, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry.***

## FINDINGS OF FACT

- 1.1 The subject 11.54 acre property is zoned Community Commercial. It is located on the corner of an arterial street (Ninth Avenue) and a local street (Oak Street). This size of commercially zoned property and location makes it an attractive site for locating a single or multiple commercial buildings.
- 1.2 The majority of the trees on the property are located in the middle of the site and/or near existing residential buildings that will be demolished.
- 1.3 The proposed development includes the construction of a 152,236-square-foot home improvement and garden center, paved parking and access areas, pedestrian paths and amenities, and a paved bicycle path along Periwinkle Creek. With the exception of the building size, the proposed development has been designed to meet all of the City’s development standards.
- 1.4 The applicant will protect retained trees through the construction process by use of protection devices, including those required by the Development Code, Section 9.208(5).
- 1.5 Oregon Department of Forestry (ODF) permits are required only if commercial use of the felled trees will occur (e.g. logs or firewood are sold). The applicant has not indicated that the felled trees would be sold.

## CONCLUSIONS

- 1.1 The land is intended to be developed for commercial uses.

- 1.2 It is necessary to fell trees in order to develop the property per a City approved Site Plan Review application SP-37-08. It is not known if an ODF logging permit will be needed.
- 1.3 This criterion is met when the following condition is met.

#### CONDITION

- 1.1 The applicants shall obtain an ODF logging permit if the felled trees are to be used for commercial purposes (i.e. sold).

***Criterion (2) The proposed felling is consistent with State standards and City ordinances and does not negatively impact the environmental quality of the area, including but not limited to: the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality and geological sites.***

#### FINDINGS OF FACT

- 2.1 ADC 9.207 requires City approval to remove more than five trees that have trunks that are individually or cumulatively 25 inches or larger in circumference (which is approximately 8 inches in diameter) and that are located on a property that is larger than 20,000 square feet in area.
- 2.2 Vernon Esplin, a licensed arborist for Buena Vista Arbor Care Company inventoried 48 trees over 8 inches in DBH and 2 trees less than 8 inches in DBH. The majority of the trees are located in close proximity to the existing buildings and their associated parking lots. Of the 48 trees analyzed, the arborist determined that 7 merit preservation, 30 could be preserved and the remaining 11 were recommended for removal.
- 2.3 The applicant proposes to retain 6 of the 48 trees on the site that are over 8 inches in DBH. (See attachment Sheet DD3.) Three of the six are categorized as "could be preserved," two as "merits preservation," and one as "recommended for removal."
- 2.4 The applicants' findings state the following about the condition of the trees:

Of the 27 trees deemed "could be preserved," only 11 of them were noted as having no health, structural integrity, potential of failure, or would not require monitoring or maintenance, or are not located in an undesirable location, such as under high voltage power lines. The other 16 trees were noted to have some flaw, with 12 of the 16 having various degrees of health issues. Additionally, four of the 12 were also listed as "not the best candidate for drastic preservation measures" due to the severity of the defects.

The 10 trees classified as "recommended for removal" is due to poor health and safety concerns if they were to later fail. Five trees slated for removal are deemed "merits preservation;" (trees number 16, 20, 21, 25, and 26 in the arborist report and on the Existing Tree Inventory plan -Sheet DD3). While they were deemed "merits preservation" all are located extremely close to existing structures which will be demolished to make way for the planned development. During demolition there is a very high probability that the root system or the trees themselves will sustain irreparable damage which will jeopardize the trees long term health.

With the exception of approximately six trees, all 42 proposed for removal are located extremely close to existing structures which will be demolished and will likely sustain significant damage during this process, or are located in planned parking lot aisles, stalls or pedestrian access ways. The six trees outside of this construction are considered too much of a risk to preserve, as in tree number 1, which is noted to have a "significant lean; large column of decay," "requires high voltage line clearance," and "annual inspection by an arborist in order to preserve it."

- 2.5 The findings further state that the total DBH of the existing on-site trees is 1,109 inches. The total DBH of the trees proposed for removal is 901 inches. The DBH of the approximate 191 new trees to be planted and of those existing trees to be retained, totals about 530 inches. While this is 579 inches less than the existing, the new trees will grow larger (replacing more DBH over time), will be healthy, and planted appropriate for their species growth habits. This will make the site more visually appealing than retaining the existing larger, but damaged and/or unhealthy trees.
- 2.6 The Existing Tree Inventory plan (Sheet DD3) shows that the trees to be removed do not form protection or a windbreak for other trees.
- 2.7 *Comprehensive Plan, Plate 3, Natural Vegetation and Wildlife Habitat*, does not identify this property as containing significant natural vegetation or wildlife habitat.
- 2.8 Wildlife Assessment. The applicant hired Pacific Habitat Services, Inc. (PHS) to assess the site for wildlife habitat, in particular as it relates to the Oregon white oak located in the central portion of the property. Oregon white oaks are recognized as an important species, whose numbers have been declining in Oregon and Washington. Oak woodlands can provide valuable habitat for a variety of wildlife, including those considered to be uncommon.

PHS states that their scientists are highly skilled in species identification, inventories and fish and wildlife habitat assessments.

PHS conducted the assessment using a form similar to that used through out the Portland Metropolitan area for purposes of assessing significant wildlife habitat under Statewide Planning Goal 5. The form quantifies the three major recognized components of wildlife habitat: water, food and cover.

The habitat assess for this study was specifically the oak grove, but the entire property was factored into the assessment. Larger habitat areas usually score higher than smaller one because they often have more diverse cover and their integrity is usually better because of the relatively low edge-to-interior ratio.

The subject oak grove is a small, isolated stand of trees growing closely together. A variety of weedy, herbaceous species, as well as greases, grow beneath the trees. There is no understory providing food and cover for wildlife. Periwinkle Creek is to the east but there is no cover between the grove and the creek. The grove is surrounded by development and busy roads, effectively isolating it from other habitat types. The grove does not contain habitat for sensitive or protected species. When these factors are assessed it scores 22, which means it provides low quality habitat. Although the individual trees may provide habitat for songbirds, especially when acorns are available, the overall quality of the habitat is low and should not be protected for the purpose of Statewide Planning Goal 5.

- 2.9 City utility maps show there is a public sanitary sewer line located across the mid-section of the property. This line will be abandoned.
- 2.10 Erosion control, soil retention and stability measures are reviewed the City's Public Works Department in conjunction with the applicant's *Permit For Private Construction Of Public Improvements*.
- 2.11 The development will not involve construction within the bank of the Periwinkle Creek. The applicant will construct a multi-use pathway on the west side of the creek near the top of the bank.
- 2.12 The City has not identified any mandated view or scenic corridors. Access to view Periwinkle Creek will be enhanced by the construction of a pathway on the west side of the creek.
- 2.13 There are no known geological sites in the vicinity of the subject property.

## CONCLUSIONS

- 2.1 The proposed felling is consistent with State standards and City ordinances and does not negatively impact the environmental quality of the area, including but not limited to: the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality and geological sites.
- 2.2 This criterion is met.

**Criterion (3)** *The uniqueness, size, maturity, structure and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure or historic value be preserved.*

## FINDINGS OF FACT

- 3.1 The following trees above 8 inches in DBH have been identified on the site. Six of these trees are to be retained.

Tree Number	Species	Trunk Diameter in inches	Canopy Area (sq. ft.)	Retain
1	Oregon White Oak	36	1,412	No
2	Oregon White Oak	21	1,257	No
3	Oregon White Oak	25	1,735	No
4	Douglas Fir	8.5	154	No
5	Scotch Pine	19	491	No
6	European White Birch	12	380	No
7	Douglas Fir	14.5	330	No
8	Cherry	9.5	227	No
9	Cherry	14	322	No
10	Douglas Fir	17	269	No
11	Douglas Fir	9	95	No
12	Douglas Fir	17.5	531	No
13	Douglas Fir	21	616	No
14	Douglas Fir	16	552	No
15	Scotch Pine	16	434	No
16	Cedar	15	314	No
17	Douglas Fir	14	415	No
18	Plum	27	804	No
19	Oregon White Oak	9	346	No
20	Sweetgum	14	594	No
21	Sweetgum	11.5	511	No
22	Blue Atlas Cedar	40	2,419	No
23	Sitka Spruce	22	707	No
24	Walnut	17.5	1,225	No

25	Sequoia	21	254	No
26	Sequoia	21	269	No
27	Oregon White Ash	15.5	314	Yes
28	Oregon White Ash	15	1,521	Yes
29	Oregon White Ash	11	755	No
30	Oregon White Ash	17	616	No
31	Douglas Fir	15	452	No
32	Douglas Fir	16	380	No
33	Douglas Fir	16	380	No
34	Douglas Fir	22	1,018	No
35	Oregon White Ash	9.5	299	No
36	Oregon White Oak	11	314	No
37	Oregon White Oak	35	1,964	No
38	Oregon White Oak	36	1,662	No
39	Oregon White Oak	37	4,015	No
40	Oregon White Oak	37	2,000	No
41	Oregon White Oak	27.5	1,810	No
42	Oregon White Oak	24	1,810	No
43	Oregon White Oak	32	1,964	No
44	Oregon White Oak	27	935	No
45	Oregon White Oak	35	1,385	Yes
46	Oregon White Oak	33	1,810	Yes
47	Oregon White Oak	35	2,124	Yes
48	Oregon White Ash	14	755	Yes

- 3.2 As discussed above under Criterion 1, and 2, an arborist and wildlife habitat scientists have evaluated the on-site trees. The trees do not merit preservation due to habitat qualities. The arborist identified 7 of the 48 trees as meriting preservation. Of these, six are proposed for retention due to their health, existing location in relation to buildings and the layout of the proposed development.
- 3.3 The Site Plan shows the location of trees proposed for removal in relation to other vegetation on the site and the bike/pedestrian path. The plan shows that the applicant has identified only the minimum number of trees necessary to remove in order to construct the path.
- 3.4 The City Forester, Craig Carnagey, has field checked the trees on the property and has reviewed the arborists findings. He concludes that none of the trees have unique values such as historic, species, size or structure.

## CONCLUSIONS

- 3.1 The uniqueness, size, maturity, structure, and historic value of the trees, and all options for tree preservation, have been considered.
- 3.2 This criterion will be met when the following conditions are satisfied.

CONDITIONS

- 3.1 Before any tree felling, earthmoving, or construction activity occurs on the site, the applicant shall prepare a specific plan for protection of the retained existing trees. The City Forester must approve this plan.
- 3.2 Before any tree felling, earthmoving, or construction activity occurs on the site, the City Forester must verify in the field that all tree protection measures are in place at the locations and of the types protection measures approved by him.
- 3.3 All construction plans shall include the following notes:
  - a) “All protected trees shall have protective fencing placed around them that matches the drip line of those trees. Tree protection fencing shall consist of either orange barrier fencing or chain-link fencing. Once the tree protection area is established and the protection fence is installed, it should not be moved under any circumstances unless approved by the City.”
  - b) “No grading, construction, storage of materials, underground utilities, etc., shall occur within the tree protection area.”
  - c) “Surface drainage shall not be altered in any way that directs water in or out of the tree protection area unless approved by the City Forester.”
  - d) “Any installation of public infrastructure, irrigation, or utilities within the drip line of protected trees will require construction methods that minimize impacts to the tree roots and are approved by the City Forester.”
  - e) “All tree protection measures shall be in place before there is any earthmoving or construction activity on the property.”
  - f) “Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.”
  - g) “There shall be no storage or movement of equipment, material, debris or fill within the fenced tree protection zone.”
  - h) “During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.”
  - i) “No damaging attachment, wires, signs or permits may be fastened to any retained tree.”
  - j) “The installation of utilities, irrigation lines or any underground fixture requiring excavation deeper than six (6) inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of twenty-four (24) inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in the chart below.

Tree Diameter at Breast Height (inches)	Auger Distance from Face of Tree (feet)
8-9	5

10-14	10
15-19	12
Over 19	15

- k) “Any required infrastructure improvements within ten (10) feet of the drip line of retained trees will require installation and construction methods that minimize impacts to the tree roots.” The City Forester must approve the construction method.

## STAFF ANALYSIS

### Site Plan Review Application

#### Lowe's Home and Garden Center -File SP-37-08

*Note: The following staff report was written assuming both the preceding Variance and Tree Felling applications would be approved.*

Description of the Proposed Development. The applicants propose to construct a Lowe's home improvement and garden center on 11.54 acres located at the southeast corner of Ninth Avenue SE and Oak Street SE. This acreage is currently composed of five tax lots. Two of the tax lots have structures on them, including a 33 unit apartment complex and a single-family residence. The other three tax lots are vacant. Under a separate administrative procedure, the City has approved a property line adjustment application (LA-13-08) to allow the property owners to consolidate the five properties into a single parcel. At the time of the preparing this report, the applicants have not completed the process to consolidate the parcels.

The area of the proposed Lowe's building is shown at 152,236 square feet. Of this area, 120,578 square feet would be used for home improvement merchandise and the remaining 31,658 square feet would be the garden center. Due to the size of the development site and if that parking lot was designed similar to a street, the building did not have to be oriented to one of the two abutting public streets. An example of the parking lot layout as a street is found at ADC 8.380. There is a large plaza on the north end of the building, a wide pedestrian and there are pedestrian connections to the building from both Ninth Avenue and Oak Street.

Outdoor display and sales of plant materials is allowed and is shown in front of the garden center area, as well as within the parking lot during the high gardening season. There are glassed-in storage areas of merchandise at the front of the building (west). There is a screened uncovered storage area for large merchandise, such as utility sheds and trailers, located on the south side of the development. The screening material is an 8 foot tall cement masonry wall.

The building is concrete panel construction except for the north garden center end, where there is a combination of concrete and a non-sight-obscuring wire mesh. Lowe's has two standard color palettes for its buildings: light grey and earth tone beige. To integrate better with the surrounding area, the color choice for the Lowe's in Albany is an earth-tone palette.

The applicants will construct public improvements along its Oak Street and Ninth Avenue frontages, an extension of Oak Street between Ninth and Pacific, as well as a section of the master planned multi-use Periwinkle Bikepath located on the east side of the development (Comprehensive Plan Plate 13, Master Bikeway Plan).

Site Plan Review Criteria. The Albany Development Code (ADC) contains the following review criteria which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings, conclusions and conditions, if any conditions are needed to mitigate impacts of the development.

*Criterion (1) The transportation system can safely and adequately accommodate the proposed development.*

#### FINDINGS OF FACT

- 1.1 The project is located on the southeast corner of Ninth Avenue (Highway 99E/20) and Oak Street. The project is a 120,578 square foot home improvement store with a 31,658 square foot garden center contained within a single building.
- 1.2 The Lowe's site has about 745 feet of frontage on the Ninth Avenue. The City's Transportation System Plan (TSP) classifies Ninth Avenue as a principal arterial street. This street is also classified as a Regional Highway (Highway 99E/20) and is under the jurisdiction of Oregon Department of Transportation (ODOT). Ninth Avenue is part of a couplet and is a one-way street with traffic flowing east. Pacific Boulevard forms the other half of the couplet, is located one block to the north (about 200 feet), and

traffic flows west. Ninth Avenue is constructed to City standards. The current street improvements include: curb, gutter and sidewalk; three travel lanes; and a bike lane. The posted speed limit is 35 mph.

- 1.3 The Lowe's site also has approximately 570 feet of frontage on Oak Street. Oak Street is currently classified as a local street, is under the jurisdiction of the City, and is not constructed to City standards. The street does not have curb, gutter, and sidewalk facilities. The pavement width is about 22 feet and provides for a single travel lane in each direction. The posted speed limit is 35 mph.
- 1.4 ADC 12.060 requires that all public streets adjoining a new development be improved to City standards.
- 1.5 The applicants submitted a Traffic Impact Analysis (TIA) with the application. The scope of the study was developed jointly by ODOT and City staff. The study was performed by PTV America, Inc., and is dated October 2008. In response to comments by the City and the ODOT staff, PTV America also submitted five supplemental transportation information reports: the first is dated January 2009, it was supplemented in April 2009, the third is dated July 14, 2009, the fourth is dated October 14, 2009, and the fifth is dated November 11, 2009.
- 1.6 The PTV analysis is based on an estimate that the proposed Lowe's development on the subject site would generate a total of 308 weekday PM peak-hour trips. For purposes of comparison, staff estimated the trips that could be generated from the site if it were to be developed by other uses allowed within the CC zoning designation. The site has an area of 11.54 acres. The gross floor area for a typical commercial development in Albany occupies about 25 percent of the area of the parcels on which they are located. Individual buildings in the CC zone are limited in size to 100,000 square feet without a variance, but several smaller individual buildings with a total area exceeding that amount can be clustered together on one site. That means that the total building area that could be expected to develop on this site would be about 125,670 square feet. Commercial development on the site would likely be classified under either the ITE "Shopping Center" or "Specialty Retail" categories. A 125,670 shopping center development would generate 469 PM peak hour trips. The same size specialty retail development would generate 340 PM peak hour trips. Both of these types of uses would generate more PM peak hour trips and have a greater impact on the transportation system than the proposed development.
- 1.7 The PTV America TIA analyzed the operation of the street and highway system at build-out of the development at year 2010 and at year 2025 (build out + 15 years). The first TIA and the next two supplemental reports analyzed the impacts that would result from the development based on the existing street system with frontage improvements along the development's frontage on Oak Street. The July 14, 2009, supplemental report assessed the potential benefits of extending Oak Street north to make a connection to Pacific Boulevard. The October 14, 2009, supplemental report evaluated a two-lane configuration for the extension of Oak Street to Pacific Boulevard. The November 5, 2009, supplemental report was a summary of previous analysis.
- 1.8 The first PTV America TIA, and the two supplemental reports that followed it, concluded that the street and highway system could accommodate the development while maintaining adequate intersection performance. ODOT and City staff both concluded, however, that the development would introduce unsafe weaving movements on Ninth Avenue. Drivers approaching from east of the site on Pacific Boulevard would need to merge across three lanes of traffic on Ninth Avenue to get to the site. Exiting drivers wishing to access Pacific Boulevard would similarly need to merge across two or three lanes of Ninth Avenue in order to access either eastbound or westbound Pacific Boulevard. Similar weaving movements on the section of Pacific Boulevard just west of Geary Street has resulted in that section of the highway being ranked the State's top crash site by ODOT. Later supplemental reports evaluating a northern extension of Oak Street to Pacific Boulevard showed the extension would eliminate the weaving problem by providing a direct connection (both to and from the site) to Pacific Boulevard. Those reports analyzed the benefit that would result from a two-lane extension of Oak Street to Pacific Boulevard. The intersection performance results listed below all assume that Oak Avenue is extended to Pacific Boulevard with this development.

1.9 The traffic study evaluated the performance of the following intersections:

- Pacific Boulevard/Burkhart Street
- Santiam Highway/Burkhart Street
- Pacific Boulevard/Santiam Highway
- Pacific Boulevard/Geary Street
- Ninth Avenue/Geary Street
- Ninth Avenue/Oak Street
- Pacific Boulevard/Oak Street
- Pacific Boulevard/Sherman Street
- Ninth Avenue/Sherman Street
- Pacific Boulevard/Hill Street
- Ninth Avenue/Hill Street
- 11th Avenue/Oak Street
- Queen Avenue/Oak Street

1.10 Pacific Boulevard/Burkhart Street. Pacific Boulevard is classified as a Regional Highway and is under the jurisdiction of ODOT. Burkhart Street is classified as a minor arterial and is under the jurisdiction of the City. ODOT has jurisdiction over the intersection. ODOT's performance standard for the signalized intersection is a volume to capacity (v/c) ratio of 0.85. At year 2025 PM peak hour operation with the development would be a v/c ratio of 0.69. The intersection can accommodate the development with no mitigation.

1.11 Santiam Highway/Burkhart Street. Santiam Highway is classified as a Regional Highway and is under the jurisdiction of ODOT. Burkhart Street is classified as a minor arterial and is under the jurisdiction of the City. ODOT has jurisdiction over the intersection. ODOT's performance standard for the signalized intersection is a v/c ratio of 0.85. At year 2025 PM peak hour operation with the development would be a v/c ratio of 0.62. The intersection can accommodate the development with no mitigation.

1.12 Pacific Boulevard/Santiam Highway. Pacific Boulevard and Santiam Highway are both classified as Regional Highways and are under the jurisdiction of ODOT. ODOT's performance standard for the signalized intersection is a v/c ratio of 0.85. At year 2025 PM peak hour operation with the development would be a v/c ratio of 0.69. The intersection can accommodate the development with no mitigation.

1.13 Pacific Boulevard/Geary Street. Pacific Boulevard is classified as a Regional Highway and is under the jurisdiction of ODOT. Geary Street is classified as a minor arterial and is under the jurisdiction of the City. ODOT has jurisdiction over the intersection. ODOT's performance standard for the signalized intersection is a v/c ratio of 0.85. At year 2025 PM peak hour operation with the development would be a v/c ratio of 0.70. The intersection can accommodate the development with no mitigation.

1.14 Ninth Avenue/Geary Street. Ninth Avenue is classified as a Regional Highway and is under the jurisdiction of ODOT. Geary Street is classified as a minor arterial and is under the jurisdiction of the City. ODOT has jurisdiction over the intersection. ODOT's performance standard for the signalized intersection is a v/c ratio of 0.85. At year 2025 PM peak hour operation with the development would be a v/c ratio of 0.99. The operation of the intersection is projected to exceed the ODOT performance standard. The intersection is expected to exceed the ODOT standard due to increases in background traffic, however, even if this project were not constructed. The traffic study concluded that the deficiency was not due to the proposed development.

1.15 Ninth Avenue/Oak Street. Ninth Avenue is classified as a Regional Highway and is under the jurisdiction of ODOT. Oak Street is currently classified as a local street. The City's TSP update envisions upgrading the classification of Oak Street to a minor collector. The development would install a traffic signal at the

intersection and extend Oak Street north to Pacific Boulevard. ODOT's performance standard for the signal-controlled intersection would be a v/c ratio of 0.85. At year 2025 PM peak hour operation with the development would be a v/c ratio of 0.83. The intersection would comply with the ODOT performance standard. Intersection operations would improve further if the extension of Oak Street provided for a designated southbound left turn lane and two northbound through traffic lanes across Ninth Avenue.

- 1.16 Pacific Boulevard/Oak Street. Pacific Boulevard is classified as a Regional Highway and is under the jurisdiction of ODOT. Oak Street is currently classified as a local street. The City's TSP update envisions upgrading the classification of Oak Street to a minor collector. This would be a new intersection controlled by a traffic signal and constructed with the proposed development. ODOT's performance standard for the signal-controlled intersection would be a volume to capacity (v/c) ratio of 0.85. At year 2025 PM peak hour operation with the development would be a v/c ratio of 0.81. The intersection would comply with the ODOT performance standard. Intersection operations would improve further if the extension of Oak Street provided for two northbound left turn lanes from Oak Street onto Pacific Boulevard.
- 1.17 Pacific Boulevard/Sherman Street. Pacific Boulevard is classified as a Regional Highway and is under the jurisdiction of ODOT. Sherman Street is classified as a local street and is under the jurisdiction of the City. The intersection is controlled by a stop sign on Sherman Street. ODOT's performance standard for the stop -controlled intersection is a v/c ratio of 0.80 for the worst case movement. In this case, the worst case movement is the northbound left turn from Sherman Street onto Pacific Boulevard. At year 2025 PM peak hour with the development the movement would have a v/c ratio of 1.29. The operation of the intersection is projected to exceed the ODOT performance standard. The intersection is expected to exceed the ODOT standard due to increases in background traffic even if this project were not constructed. The proposed development does not add any trips to the critical movement at the intersection. The traffic study concluded that the deficiency was not due to the proposed development.
- 1.18 Ninth Avenue/Sherman Street. Ninth Avenue is classified as a Regional Highway and is under the jurisdiction of ODOT. Sherman Street is classified as a local street and is under the jurisdiction of the City. The intersection is controlled by a stop sign on Sherman Street. ODOT's performance standard for the stop-controlled intersection is a v/c ratio of 0.80 for the worst case movement. In this case, the worst case movement is the southbound left turn from Sherman Street onto Ninth Avenue. At year 2025 PM peak hour with the development the movement would have a v/c ratio of 0.11. The proposed development does not add any trips to the critical movement at the intersection. The intersection can accommodate the development with no mitigation.
- 1.19 Pacific Boulevard/Hill Street. Pacific Boulevard is classified as a Regional Highway and is under the jurisdiction of ODOT. Hill Street is classified as a minor arterial and is under the jurisdiction of the City. ODOT has jurisdiction over the intersection. ODOT's performance standard for the signalized intersection is a v/c ratio of 0.85. At year 2025 PM peak hour operation with the development would be a v/c ratio of 0.82. The intersection can accommodate the development with no mitigation.
- 1.20 Ninth Avenue/Hill Street. Ninth Avenue is classified as a Regional Highway and is under the jurisdiction of ODOT. Hill Street is classified as a minor arterial and is under the jurisdiction of the City. ODOT has jurisdiction over the intersection. ODOT's performance standard for the signalized intersection is a v/c ratio of 0.85. The intersection analysis assumed installation of a protected southbound left turn movement planned for construction with a recently approved ODOT safety project for Pacific Boulevard. At year 2025 PM peak hour operation with the development would be a v/c ratio of 0.82. The intersection can accommodate the development with no further mitigation.
- 1.21 11th Avenue/Oak Street. Eleventh Avenue is classified as a local street and is under the jurisdiction of the City. Oak Street is currently classified as a local street. The City's TSP update envisions upgrading the classification of Oak Street to a minor collector. The intersection is controlled by a stop sign on Oak Street. Turn movements from Oak Street onto 11th Avenue are restricted due to the narrow width of 11th

Avenue right-of-way and street improvements. Exiting movements from 11th Avenue onto Oak Street are allowed. The City's performance standard for the stop-controlled intersection is a v/c ratio of 0.85 for the worst case movement. In this case, the worst case movement is the eastbound left turn from 11th Avenue onto Oak Street. At year 2025 PM peak hour with the development the movement would have a v/c ratio of 0.09. The intersection can accommodate the development with no mitigation.

- 1.22 Queen Avenue/Oak Street. Queen Avenue is classified as a minor arterial and is under the jurisdiction of the City. Oak Street is currently classified as a local street. The City's TSP update envisions upgrading the classification of Oak Street to a minor collector. The intersection is controlled by a stop sign on Oak Street. The City's performance standard for the stop -controlled intersection is a v/c ratio of 0.85 for the worst case movement. In this case, the worst case movement is the southbound left turn from Oak Street onto Queen Avenue. At year 2025 PM peak hour with the development the movement would have a v/c ratio of 0.34. The intersection can accommodate the development with no mitigation.
- 1.23 The applicants propose to secure the right-of-way dedication for, and construct, an extension of Oak Street between Ninth Avenue and Pacific Boulevard. Construction of the extension would require removal of a portion of an existing building and some alteration to the remaining portion of the structure.
- 1.24 City and ODOT staff have reviewed the traffic analysis information submitted to date. Both generally concur that that with two exceptions, study area intersections surrounding the site have the capacity to accommodate the development. The two intersections that are projected to have capacity problems (Ninth/Geary and Pacific/Sherman) would encounter those problems regardless of whether or not the proposed Lowe's development is constructed.
- 1.25 While the study-area intersections appear to have sufficient capacity to accommodate the development, a progression analysis for the highway system needs to be done. The analysis is needed to ensure that the Oak Street extension and the new traffic signals proposed at the Pacific Boulevard /Oak Street and Ninth Avenue/Oak Street intersections have sufficient capacity to avoid creation of progression problems along the highway system, or cause problems associated with over-length queues developing on the short section of Oak Street that will be constructed between Pacific Boulevard and Ninth Avenue. The applicant has agreed to provide ODOT with a progression analysis prior to ODOT issuance of a permit to construct the two new traffic signals and prior to issuance of a building permit on the site. The progression analysis may show that the Oak Street extension between Ninth Avenue and Pacific Boulevard needs to be more than the two lanes assumed by the supplemental traffic analysis performed by PTV America. The "worst case" outcome in terms of the number of lanes would be: two northbound through lanes across Ninth Avenue that transition to dual northbound left-turn lanes at Pacific Boulevard; a single southbound lane at Pacific Boulevard that can accommodate westbound left turns by large delivery trucks; and separate southbound left and through lanes from Oak Street at Ninth Avenue.
- 1.26 The applicants' site plan proposes frontage improvements to Oak Street that provide for a travel lane in each direction; a center left lane; on-street bike lanes and a curbside sidewalk. The center turn lane would end at the south boundary of the site. The existing right-of-way width on Oak Street is 60 feet. The standard street plan for a local street includes setback sidewalks. A right-of-way width of 72 feet will be needed to construct the planned improvements together with setback sidewalks. The use of setback sidewalks will require the dedication of an additional 6 feet of right of way along both sides of the Oak Street.
- 1.27 Street Trees. ADC 12.321 states that when a new public street is created in conjunction with development, street trees are required in accordance with standards provided in the Standard Construction Specifications and the Urban Forestry Management Plan.
- 1.28 Street Trees. The applicants state that changes along the development's Ninth Avenue frontage may result in the need to remove some existing street trees. They state they will replace them with whatever type, size and number of trees the City and/or ODOT require. ODOT has indicated to the City that they

would rather the City administer this street tree replacement matter as part of the overall landscaping for the site. As mentioned above in Finding 1.26, the site plan needs to be revised to reflect a 6-foot dedication of right-of-way along the development's Oak Street frontage and show a setback sidewalk rather than a curbside sidewalk in the right-of-way. This change will allow for street trees to be planted along this frontage.

- 1.29 Oak Street LID. The City Council is currently considering forming a Local Improvement Assessment District (LID) to make improvements to Oak Street. If formed, the assessment district would include: the portion of Oak Street adjoining this site; the extension of Oak Street north to Pacific Boulevard; and the construction of traffic signals at the Ninth/Oak and Pacific/Oak intersections. The assessment district may also extend improvements on Oak Street south of this site to Queen Avenue.

Bikeway/Multi-Use Path Along Periwinkle Creek.

- 1.30 Comprehensive Plan Plate 13, Master Bikeways Plan, shows a public path is to be constructed along Periwinkle Creek. The City's master bikeway plan contains numerous corridors/loops that can be used by both bikes and pedestrians connecting parks and open spaces with other transportation facilities. Existing bike and pedestrian (multi-use) corridors are shown in the City's Transportation System Plan (TSP) as well. There is an existing section of the public path system constructed on the City's Kinder Park site adjacent to the south side of this proposed development. Use of the path system will increase as new connections establish system continuity.
- 1.31 ADC 12.340 states that development adjoining or containing proposed bikeways identified on the adopted Master Bikeways Plan shall include provision for the future extension of such bikeways. Developments that will principally benefit from such bikeways may be conditioned to include bikeway improvements.
- 1.32 ADC 12.350 states that the minimum width for a bikeway not on a roadway shall be 10 feet. A reduction of standards may be allowed when the City Engineer finds that no safety hazard will be created and other special circumstances, such as physical constraints, exist.
- 1.33 Regarding design, the City also uses the State of Oregon Bicycle and Pedestrian Plan, which is an element of the State's transportation plan, which references standards of the American Association of State Highway Transportation Officials (AASHTO). The State and AASHTO standards indicate that (a) there should be a minimum of two feet clear distance on both sides of a multi-use path for safe operation and it should be graded the same slope as the path to allow recovery of errant users, and (b) when a fence or wall is needed to provide protection along steep slopes, the fencing must be a minimum height of 54 inches.
- 1.34 The proposed use sells a wide variety of products, many of which can be carried home by a pedestrian or bicyclist. The business will be providing 22 parking spaces for bicycles at the front of the building. Lowe's will benefit from constructing a section of the planned path from Ninth Avenue to the existing section of path on Kinder Park because it will provide new and existing users of the pathway system to access the business by a means other than a vehicle. The existing pathway system is already heavily used by City residents.
- 1.35 The applicants' plans show they propose to construct a section of the master planned path on the east portion of their property, as well as continuing the path south (over the City's property) to connect it with the existing path on Kinder Park. This existing path connects to other existing bike lanes and sidewalk facilities on Ninth Avenue and to the west.
- 1.36 The applicants' design for the path section includes landscaping, fencing and a wall. To provide noise mitigation, screening, and access restriction to the rear of the development where there is truck traffic, the applicants' plans show constructing a painted 8-foot split face CMU wall along the west side of most of

the path length. Near the garden center area, the wall ends and an 8-foot fence is shown continuing out to the Ninth Avenue sidewalk. The wall will have pilasters (columns) approximately every 30 lineal feet and recessed wall lights. Detail of the type and design of the fence portion was not provided. Fencing in the 10-foot front yard setback from Ninth Avenue cannot exceed 6 feet.

- 1.37 A cross-section drawing of the pathway construction area was provided (Sheet DD5-grading plan). This drawing shows that except for the southern 80 feet behind the building, there would be a 4-foot clear space between the edge of the path paving and the wall, fence or the top of the bank of Periwinkle Creek. In the southern 80 feet, the applicants' explain that due to site constraints (building size/configuration) and site improvements (parking and storage area) for Lowe's, the wall would abut the path pavement. On the east along the top of the bank, they would construct a safety handrail of undetermined height and design.
- 1.38 The cross section drawing of the path construction design does not match the site plan in that the site plan does not show 4 feet of clear space on both sides of the path.
- 1.39 The City has a storm drainage easement over some of the eastern portion of the development site. A public access easement and maintenance agreement will need to be provide over the public path section to be constructed on the applicants' property.

## CONCLUSIONS

- 1.1 The proposed development has frontage on two existing streets, Ninth Avenue and Oak Street. Ninth Avenue is under the jurisdiction of ODOT and is constructed to city standards. Oak Street is under the jurisdiction of Albany, and is not yet constructed to city standards. Oak Street lacks curb, gutter, and sidewalks.
- 1.2 The project will construct a 152,236 home improvement and garden center store comprised of 120,578 square feet of home improvement retail space and 31,658 square feet of garden center space.
- 1.3 ADC 12.060 requires all public streets adjacent to a new development be improved to city standards. Oak Street is not currently improved to city standards along the frontage of this development. The applicant has proposed making public street improvements to Oak Street along the frontage of the site with the development.
- 1.4 Improving Oak Street to City local street standards indicates a setback sidewalk is required rather than the shown curbside sidewalk. A setback sidewalk necessitates dedication of six additional feet of right-of-way along the development's Oak Street frontage. This dedication will require a modification to the parking lot layout.
- 1.5 The applicants submitted a traffic impact study and several supplemental memos with the application. The study was performed by PTV America, and is dated October 2008. The study and supplements have been reviewed by both ODOT and City staff.
- 1.6 The traffic study evaluated the performance of major intersections at day of construction as well as year 2025 along Highway 99E/20 corridor between Hill Street and Burkhart Street, and along Oak Street between Queen Avenue and Pacific Boulevard. The analysis assumed that Oak Street would be extended north of Ninth Avenue and connected to Pacific Boulevard with the development. With the exception of two intersections, all study intersection would meet both City and ODOT performance standards at year 2025. The two intersections that would not meet performance standards, Ninth Avenue/Geary Street and Pacific Boulevard/Sherman Street would have encountered capacity problems at year 2025 regardless of whether or not this development is approved.

- 1.7 The applicants have proposed to extend Oak Street north of Ninth Avenue to Pacific Boulevard with the development. The extension would involve: acquisition and dedication of right-of-way, securing ODOT approval for construction of new traffic signals at the Ninth/Oak and Pacific/Oak intersections; and construction of curb, gutter, sidewalk, and street improvements.
- 1.8 Street designs must include provision of the installation of street trees within landscape planters within the right-of-way. The applicants are responsible for installation of these trees.
- 1.9 The City Council is currently considering formation of a Local Improvement Assessment District (LID) to make improvements to Oak Street. If formed the district would include: the portion of Oak Street adjoining this site; the extension of Oak Street north to Pacific Boulevard; and the construction of traffic signals at the Ninth/Oak and Pacific/Oak intersections. The LID may also extend improvements to Oak Street south of this site to Queen Avenue.
- 1.10 The applicants propose to construct a 10-foot-wide public multi-use path on the east side of the development from Ninth Avenue south and connect it to the existing Periwinkle Bikepath at the new Kinder Park site.
- 1.11 The proposed proximity of a wall and/or fence and top of the bank of Periwinkle Creek to the path pavement create safety issues for uses of the path. The construction plans for the multi-use pathway do not demonstrate meeting the minimum AASHTO clear distance standard of two feet on both sides of the path.
- 1.12 Details on tall fencing materials has not been provided. Fencing in the 10 foot front yard setback along Oak Street and Ninth Avenue cannot exceed six feet. The path design must include providing safety fencing along Periwinkle Creek where required
- 1.13 A portion of the path improvements on the applicants' private property are not covered by any existing public access easement.
- 1.14 The transportation system can safely and adequately accommodate the proposed development when the following conditions are met.

CONDITIONS

- 1.1 Before issuance of a building permit or performance of any work within Ninth Avenue or Pacific Boulevard right-of-way, the applicants shall secure all necessary construction permits and approvals from ODOT for improvements to the Ninth Avenue/Oak Street and Pacific Boulevard/Oak Street intersections.
- 1.2 Before issuance of a building permit, the applicants shall dedicate six feet of public right-of-way along the site's frontage on Oak Street.
- 1.3 Before issuance of a building permit, the applicants shall secure and dedicate as public right-of-way the land needed for the extension of Oak Street between Ninth Avenue and Pacific Boulevard.
- 1.4 Before issuance of a building permit, the applicants shall construct, or financially assure the construction of the following for the extension of Oak Street between Ninth Avenue and Pacific Boulevard:
  - Curb, gutter, and sidewalk along both sides of the street. Sidewalk on the east side of the street may be attached to the curb in order to minimize impacts on the adjoining building.
  - Dual northbound through lanes across Ninth Avenue that become left turn lanes from Oak Street onto Pacific Boulevard. The turn lanes shall each be 12 feet in width.
  - One southbound lane at the Pacific Boulevard/Oak Street intersection. The lane shall have sufficient width to accommodate a left turn by a WB-67 truck without encroaching into the

- northbound lanes.
  - Separate southbound left and through lanes on Oak Avenue at Ninth Avenue. The lanes shall each be 12 feet in width.
  - On street bike lanes in each direction. The bike lanes shall be 5 feet in width.
- 1.5 In the event the City Council forms a Local Improvement Assessment District for the extension of Oak Street, the applicants shall participate in the assessment district in lieu of constructing the improvements outlined above. All required ODOT approvals and permits will still need to be acquired prior to issuance of a building permit.
- 1.6 Before issuance of a building permit, the applicants shall construct or financially assure the construction of the following for the improvement of Oak Street along the frontage of the development:
- Curb, gutter, and setback sidewalk along the east side of the street.
  - A 12 foot vehicle travel lane in both directions.
  - A 12 foot center turn lane together with a transition to a two lane section south of the site's southern driveway. The center lane shall be striped to provide for two northbound through lanes at the Ninth Avenue/Oak Street intersection.
  - A 6 foot bike lane in both directions.
  - Curb and gutter along the west side of the street, or a swale and drainage improvements sufficient to accommodate stormwater runoff directed to the west side of the street.
- 1.7 In the event the City Council forms an Assessment District for the improvement of Oak Street, the applicants shall participate in the assessment district. The applicant may choose to construct frontage improvements along Oak Street and receive a credit from the assessment district for those improvements.
- 1.8 Before issuance of final occupancy of the Lowe's development the applicants shall construct to City standards a 10-foot-wide multi-use path on the east side of the development from Ninth Avenue to the existing path located on Kinder Park to the south. The design of the path connection to Ninth Avenue shall: (1) include a ramp allowing cyclist's access between the path and the bike lane on Ninth Avenue; (2) meet the AASHTO clear-distance standard of a minimum of two feet between the path pavement and any adjacent barriers; (3) shall provide safety fencing as require by the City along the top of the bank of Periwinkle Creek. The final path design of all improvements related to the path shall be reviewed and approved by the Directors of the Community Development and Parks and Recreation Departments.
- 1.9 Before issuance of building permits, the applicants shall provide the City with an access easement and maintenance agreement over the public path to be constructed on the east side of the applicants' property.
- 1.10 The final landscape plans submitted to the City shall show installation of new and/or replacement street trees as the case may be within the landscape planters to be provided along the development's two street frontages of Ninth Avenue and Oak Street.

***Criterion (2) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.***

**FINDINGS OF FACT**

**Entrance and Exit Points**

- 2.1 The site plan for the development proposes three driveway access points; one to Ninth Avenue, and two to Oak Street.
- 2.2 The driveway to Ninth Avenue is located at approximately mid-point on the site's frontage and will

require approval and issuance of an access permit from ODOT. Because Ninth Avenue is a one-way street the driveway would be limited to right turn movements in and out. The design of the driveway includes installation of a short right turn lane on Ninth Avenue and installation of a “pork chop” island between the entering and exiting lanes. The island will function as a refuge for pedestrians and limit their exposure to one lane of traffic at a time as they cross the driveway. ODOT has indicated that they are willing to approve the design concept.

- 2.3 Installation of the eastbound right turn lane for the new driveway on Ninth Avenue will require relocation of existing curb, gutter, and sidewalk improvements along Ninth Avenue. In accordance with ADC 12.300 the minimum width for curbside sidewalk along an arterial street is 7 feet. In order to incorporate the turn lane and sidewalk with public right-of-way additional dedication of about 8 feet will be necessary at the turn lane/driveway location. The new right-of-way line needs to be located a minimum of 6 inches behind the new sidewalk.
- 2.4 The northern driveway to Oak Street is located approximately 250 feet south of Ninth Avenue. The driveway has single entering and exit lanes, and a throat width of 27 feet. The design and size of the driveway comply with the design standards contained in ADC 12.100.
- 2.5 The southern driveway to Oak Street is located at the site’s south boundary and is approximately 540 feet south of Ninth Avenue. The driveway has single entering and exit lanes, and a throat width of 31 feet. The driveway is intended to accommodate southbound left turns and westbound right turns by WB-67 trucks making deliveries to the development. In order to accommodate those movements, the curb on the north side of the approach has a radius of 50 feet. While larger than the curb radius typically used for driveway approaches, the proposed design complies with the design standards contained in ADC 12.100, and with Standard Detail 310 of Public Work’s Standard Construction Specifications, which call for a minimum curb radius of 15 feet. The size of the radius is also the minimum necessary to accommodate the truck movements that will occur at the site.
- 2.6 While Albany does not have a performance standard for the operation of private driveway connections to the public street system, the PTV America traffic study did include an analysis of the performance of the site’s driveway approaches. All would comply with Albany’s standard for the performance of two-way stop controlled intersections.
- 2.7 All driveways into the site are on public streets that either have or will include sidewalk facilities. All driveways are the “curb return” style and will have high vehicle crossing volumes based on the proposed use for the site. Installation of striped crosswalks across the driveways would help to define pedestrian crossing locations and reinforce the need for drivers to be aware of and yield to pedestrians at the driveways.

#### Parking Areas.

- 2.8 For parking purposes, this development is in the “building materials sales” category. ADC 4.250, Table 2, shows that under this category, such a business is to provide one parking space for each 500 square feet of sales floor area. Deductions are allowed for space used for vent shafts, court yards, stairwells, elevator shafts, restrooms, storage rooms, and rooms designed and used for the purpose of storage and operation of maintenance equipment and covered or enclosed parking areas.
- 2.9 The applicants’ findings show that the total sales floor area of the complex is 140,302 square feet (home improvement portion is 108,644 square feet and garden center portion is 31,658 square feet). The minimum number of parking spaces to be provided is 281. The site plan (Sheet DD4) shows 415 full-sized parking spaces on the west side of the building. Of these spaces, three are designated for Lowe’s rental trucks and 12 are designated for the disabled (which is three more than the minimum required by law). Shopping cart corrals are located within the parking area but were not included in the parking number count.

2.10 ADC 9.130 outlines the layout/dimensional standards for stalls and aisles within parking areas. The Site Plan shows these standards are met. The Cover Page (Sheet A-1.0) shows the location of the rental trucks (southwest corner). It also shows a planned "seasonal garden center parking lot sales area" in the northern area opposite the garden center building area. Because outdoor display of plants is allowed in this zone, and that the site has 134 more parking spaces than required; this is allowable.

2.11 Loading Areas. ADC 4.260 outlines the standards for loading areas.

- (a) The minimum loading space area for this use is 750 square feet.
- (b) Vehicles in the berths shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
- (c) The loading area shall not be less than 10 feet wide by 25 feet long and shall have an unobstructed height of 14 feet.
- (d) Loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- (e) Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting.

The site plan show the loading area is on the southeast corner of the building. There are three loading berths totaling 4,324 square feet (94 feet long by 46 feet wide) and with an unobstructed height clearance. This area will be screened from view by use of a wall and landscaping

2.12 Parking Area Improvement Standards. ADC9.120 outlines the minimum standards for all public or private parking areas, loading areas, and outdoor vehicles sales areas. These standards include requirements related to perimeter curbing, surfacing, drainage, striping, turnarounds, wheel bumpers, and landscaping. The applicant has not asked for any variance from applicable standards.

2.13 Landscaping Within Parking Areas. ADC 9.150 requires the following landscaping within parking areas:

- (1) Planter Bays. 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. Each planter shall contain 1 tree at least 10 feet high and decorative ground cover containing at least 2 shrubs for every 100 square feet of landscape area.
- (2) Entryway Landscaping. Entryways into parking lots shall be bordered by a minimum 5-foot-wide landscape planter strip meeting the same landscaping provisions as for planter bays, except that no sight obscuring trees or shrubs are permitted.
- (3) Parking Space Buffers. 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.

In addition to the above standards, the parking areas have been designed to meet the Design Standard for parking areas containing more than 75 parking spaces (ADC 8.380). The submitted preliminary Landscape Plans (Sheets DD8-DD12) show the minimum standards will be met.

2.14 Bicycle Parking. ADC 9.120(13) requires commercial development to provide parking for bicycles in the following number: At least two spaces, and one space for every ten required automobile parking spaces. Up to two motor-vehicle parking spaces may be deleted if additional sheltered bicycle parking is provided at a rate of five bicycle spaces to one motor-vehicle space. Exemptions: The Director may allow exemptions to or reductions in required bicycle spaces in connection with temporary uses or uses that are not likely to need bicycle parking.

As noted elsewhere in this staff report, the subject property lies next to a regional bike path, and will be connected to the system by an internal link. It is reasonable to conclude that some patrons will arrive by bike or foot.

- 2.15 The site plan shows that the development will be providing 415 vehicle parking spaces. Ordinarily that would result in a requirement for 42 bike parking spaces, at least 21 of which would need to be covered. The applicant has proposed providing 22 bike parking spaces (just over one half of the required amount) of which 12 would be covered. In previous land use decisions, the City granted similar requests for uses where due to proximity of the site and the types of merchandise sold, the use would tend to attract a higher percentage of customers that use automobiles as opposed to walking or biking. In those cases the City later has not received reports that the demand for bike parking exceeds the number provided.

#### Pedestrian Safety

- 2.16 ADC 9.120(15) states that walkways and access ways shall be provided in all new off-street parking lots and additions to connect sidewalks adjacent to the development to the entrance of new buildings.
- 2.17 The submitted plans show providing public street improvements, including sidewalk, along the development's two street frontages. Two pedestrian connections are shown from Oak Street through the parking lot to the building. There are three pedestrian connections to the building from the Ninth Avenue street frontage.
- 2.18 The applicants' will also construct a 10-foot-wide multi-use path along the east side of the development from Ninth Avenue south to the existing public path on the City's Kinder Park property. Some of this pathway will be on the City's property. This is addressed in detail under Criterion 1.

#### CONCLUSIONS

- 2.1 The applicants shall construct three new driveways to the public street and highway system. The location and size of the proposed driveways comply with the driveway design standards contained in AMC 12.100. Construction of the proposed driveway to Ninth Avenue will require ODOT approval and will involve construction of a short eastbound right-turn lane from Ninth Avenue into the driveway.
- 2.2 Additional right-of-way dedication is necessary along Ninth Avenue in order to allow incorporation of the new eastbound right turn lane and sidewalk into the public right-of-way. The minimum width for a curbside sidewalk along Ninth Avenue is seven feet. The new right-of-way line in this area must be located a minimum of six inches behind the new sidewalk.
- 2.3 The applicants submitted a traffic study that reviewed the operation of the site's driveways. While Albany does not have an operational performance standard for driveways, the performance of the driveways will meet the City's standard for two-way stop controlled intersections.
- 2.4 The public streets adjoining the development will include public sidewalk. All proposed driveways will be the "curb return" style. Installation of striped crosswalks across the driveways would help to define pedestrian crossing locations and reinforce the need for drivers to be aware of and yield to pedestrians at the driveways.
- 2.5 Vehicle and pedestrian access to the development is proposed from Oak Street and Ninth Avenue. Vehicle access from Ninth Avenue must be approved by ODOT.
- 2.6 The applicants will construct a multi-use pathway along the west side of Periwinkle Creek. This was addressed under Criterion 1.
- 2.7 Pedestrian connections to the building from Oak Street and Ninth Avenue will be provided as shown on the submitted plans.
- 2.8 The site plan shows providing 415 parking spaces and 22 bicycle parking spaces. A minimum of 281 vehicle parking spaces and 22 bicycle parking spaces must be provided. The loading spaces exceed the minimum dimensional requirements.

- 2.9 The parking lot has been designed to meet the minimum requirements of ADC 9.150 and ADC 8.380. A preliminary landscape plan has been submitted. A final landscape plan will be reviewed before installation of plant materials.
- 2.10 Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion. This criterion will be met when the following conditions are met.

### CONDITIONS

- 2.1 Before performing any work within Ninth Avenue right-of-way, the applicants shall secure all required approvals and permits from ODOT.
- 2.2 The three driveways proposed for construction with the project shall be designed and located in accordance with the approved site plan.
- 2.3 The applicants shall construct the eastbound right turn lane and sidewalk on Ninth Avenue as shown on the site plan. The new sidewalk shall have a minimum width of 7 feet. The applicant shall dedicate public right of way to a point 6 inches behind the new sidewalk.
- 2.4 Crosswalks that are an extension of the public sidewalk shall be striped across all three driveways proposed with the development.
- 2.5 A minimum of 281 vehicle parking spaces shall be provided to serve the proposed development (415 are shown). Accessible parking for the disabled must be provided per Oregon Transportation Commission Standards for Accessible Parking Places and the Oregon Structural Specialty Code 1103.1.e. With 415 parking spaces to be provided, nine of them must be designed and designated for the disabled.
- 2.6 Parking for a minimum of 22 bicycles shall be provided. The parking spaces must meet the standards of ADC 9.120(13).
- 2.7 Before occupancy of the building, the applicant must construct all on-site and off-site pedestrian connections.
- 2.8 Before installation of plant materials, a final landscape plan shall be submitted for staff approval. The final landscape plan must meet the shall show meeting the landscape planting requirements of parking lots per ADC 9.150 and ADC 8.380:
- (1) Parking Lot Planting Areas. Each planter shall contain 1 tree at least 10 feet high and decorative ground cover containing at least 2 shrubs for every 100 square feet (or less) of planter area
  - (2) Entryway Landscaping. Entryways into parking lots shall be bordered by a minimum 5-foot-wide landscape planter strip meeting the same landscaping provisions as for planter bays, except that no sight obscuring trees or shrubs are permitted.
  - (3) Parking Space Buffers. 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.
  - (4) Landscaping for large parking areas shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree per eight parking spaces to create a canopy effect. The total parking area includes parking spaces, travel aisle, sidewalks and abutting landscaped areas.

*Criterion (3) Public utilities can accommodate the proposed development.*

FINDINGS OF FACT

Sanitary Sewer

- 3.1 ADC 12.470 requires all new development to extend and connect to the public sanitary sewer system when service is available within 300 feet of the property.
- 3.2 City utility maps show an 8-inch public sanitary sewer main that runs in a north-south direction through the site, from Ninth Avenue to the southwest corner of the subject property. This public sewer main has historically served only those parcels and developments that have existed on the subject properties. As part of the proposed development, the existing/previous uses on the site (multi-family and single-family dwellings) have been, or will be, removed. Therefore, because it will serve only the proposed development, there will be no further need to maintain this sewer main as a public facility.
- 3.3 AMC 10.01.010 (1) states that the objective of the Albany Municipal Code (AMC) requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.
- 3.4 The applicants' proposal is to make a connection to the existing sewer main that runs through the site. Because this sewer main will no longer serve multiple parcels/uses, it will be abandoned as a "public" main. As part of the required work for the proposed development, the applicant must construct a cleanout at the property line where this main enters the subject property. This new cleanout will represent the delineation between the public and private sewer systems. The facilities lying south of this cleanout will no longer be maintained by the City. In conjunction with abandoning this sewer main, the City can then vacate/quitclaim the existing public utility easement over the main, thereby removing the encumbrance on the property over that area.

Water

- 3.5 ADC 12.410 requires all new development to extend and connect to the public water system when service is available within 150 feet of the property. Fire hydrants, mains, and related appurtenances shall be installed as required by the City Fire Marshal.
- 3.6 City utility maps show a 12-inch public water main in Ninth Avenue, and a 12-inch main along the southernmost 125 feet of the subject property's Oak Street frontage. There is a gap in the public water system of approximately 300 feet along the property's Oak Street frontage. The existing/previous uses (residential) on the properties that fronted on Oak Street are/were served by the public water system through existing water services/meters connected to the Oak Street water main. The properties that front on Ninth Avenue apparently have never been developed or connected to the public water system.
- 3.7 ADC 12.450 requires that all new development within the City, where appropriate, provide for the extension of existing water lines serving surrounding areas.
- 3.8 AMC 11.01.120 (2)(e) states that all required public water main extensions must extend to the furthest property line(s) of the development or parcel. Main 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 current or future looping of water mains, or to provide current or future service to adjacent properties. When the owner of a property is required to connect to the public water system, the water main must be extended across the property's entire frontage and/or through the interior of the property. Extension of the water across the property's frontage and through the interior of the property makes the system available to

adjacent properties. Then, when the adjoining property connects, that property owner must extend the water mains in a similar manner, making the water available to the next properties. In this way, each property owner shares proportionately in the cost of extending water mains.

- 3.9 The applicants' findings state: *"There are existing water mains adjacent to the property in 9th Avenue and Oak Street with the exception of a gap that extends south from Oak Street.... Although the gap is present, the existing single family residences and commercial properties on the west side of Oak Street adjacent to this gap already have adequate domestic and fire service required."*
- 3.10 The applicants' findings state a public water main extension to fill in this gap is not required *"as adequate service exists to serve the proposed property and the existing developed lots currently have adequate service that will not require further system expansion."*
- 3.11 ADC 12.430 states that water distribution mains must be extended along the full length of the property's frontage where necessary for system expansion and/or looping for fire flows. The City Engineer has determined that the extension of a 12-inch public water main to complete the looping of the public water system in Oak Street is required for this project. Extension of the sewer across the frontage and/or through the interior of a property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the sewer in a similar manner, making the sewer available to the next properties. In this way, each property owner shares proportionately in the cost of extending sewer mains.
- 3.12 The applicants' utility drawing submittal shows connections to the existing 12-inch public water main in Ninth Avenue for their private domestic, irrigation, and fire supply lines. While this plan appears to be generally acceptable, any connection to a public water main by a private contractor must be preceded by the acquisition of a Permit for Private Construction of Public Improvements through the City's Engineering Division of Public Works. Design details will be reviewed by the City as part of this permit process.

#### Storm Drainage

- 3.13 City utility maps show a 12- and 15-inch public storm drain mains in Ninth Avenue. Because Ninth Avenue is a State highway, these storm drainage facilities are under the jurisdiction of ODOT. Any connection to the storm drainage facilities in Ninth Avenue will require the approval of ODOT. City of Albany storm drainage facilities in this area consist of a 27-inch main running in an east-west direction near the south boundary of the subject property, and Periwinkle Creek, which runs along the property's east boundary. Because Oak Street is currently unimproved along the frontage of the subject property, no piped public storm drainage facilities exist. In addition, the proposed Oak Street connection between Ninth Avenue and Pacific Boulevard will require public storm drainage improvements in conjunction with the street construction. Public storm drainage improvements within public streets are typically designed and constructed in conjunction with the initial improvements of the streets (curb and gutter, sidewalks, storm drainage, etc.). The requirement of the applicants to make these street improvements along their Oak Street frontage and the Oak Street connection between 9th Avenue and Pacific Boulevard will include the design and construction of the necessary public storm drainage improvements associated with these sections of public street.
- 3.14 The applicants' Storm Plan shows the construction of an on-site private storm drainage collection system, including stormwater detention facilities. The plans show two separate outfalls into Periwinkle Creek. The applicant submitted a storm drainage plan that included calculations to identify the necessary capacity for the on-site detention facilities for the proposed project. The City's Engineering Division has reviewed the plan and has determined that it is adequate to serve the proposed project. The applicants have not submitted storm drainage plans for the public street (Oak Street) improvements required with this development because final design of these street improvements have not been determined. It is the opinion of the City's Engineering Division that the public storm drainage system in this area is adequate

to accommodate the anticipated runoff from the proposed development and the public street improvements that must be constructed as part of the project.

- 3.15 Currently there is no public storm drainage system in place along the east side of the development's Oak Street frontage. Runoff from Oak Street currently sheet flows onto the future Lowe's property, however, the addition of curbs and the re-grading of the future driveways will prohibit this from occurring in the future.
- 3.16 The applicants state they will be responsible to provide storm drain catchment structures (basins, curb inlets, area drains, etc.) along the proposed curb line at the necessary locations in order to comply with the City of Albany Public Works Engineering standards. The stormwater runoff collected in these structures will be conveyed through a series of public storm pipes and manholes to the connection points to the existing storm systems adjacent to the Lowe's site.

The applicants' engineering firm, Cardno WRG, anticipates that approximately 30% of Oak Street will drain towards an existing catch basin located near the PT of the curb radius on the SE corner of the 9th Avenue/Oak Street intersection. Cardno WRG anticipates that the existing catch basin will be sufficient for collection and conveyance of any additional stormwater runoff. Lowe's will be required to place a catchment structure at the PC of this curb radius if analysis finds the existing catch basin is insufficient and/or additional stormwater collection is required to prevent runoff from flowing onto 9th Avenue. If a new catchment is installed, the conveyance line will connect to the existing system in 9th Avenue and will require ODOT approval to connect to the 9th Avenue system.

The remaining 70% of the stormwater runoff from Oak Street will drain to the south and will be collected in new catchments. It is anticipated that this runoff will be conveyed to an existing manhole located within the public right-of-way approximately 235 feet south of the Lowe's frontage. Analysis will be performed to ensure that the existing 27-inch line that conveys runoff east from the manhole and outfalls into Periwinkle Creek has sufficient capacity to accept the additional runoff from the Lowe's frontage improvements. If sufficient capacity is not available, Lowe's will provide a new outfall to Periwinkle Creek to City of Albany Public Works Engineering standards.

An extension of Oak Street between Ninth Avenue and Pacific Boulevard will be required of the proposed Lowe's development. The final width and alignment of this extension has not been finalized at this time, however, the storm drainage approach shall remain the same regardless of the final extension layout.

It is anticipated that the extension will be a crown road section with stormwater runoff draining northerly towards the intersection at Pacific Boulevard. New catchments shall be located on Oak Street at the southern end of the curb returns with Pacific Boulevard on each side of the Oak Street extension. The collected stormwater runoff will be conveyed in storm pipe sized per the City of Albany Public Works Engineering standards to a satisfactory connection point in the existing 12-inch storm line in Pacific Avenue. The available capacity of the existing 12-inch storm line will need to be analyzed and increased as necessary if the line has insufficient capacity. Any storm drainage improvements within the Pacific Boulevard right-of-way will require ODOT approval.

- 3.17 The design of the outfalls into Periwinkle Creek must be included in the Permit for Private Construction of Public Improvements that will be required for all public utility work.
- 3.18 The City's Storm Drainage Master Plan shows no deficiencies downstream of the subject property. Using appropriate design provisions, as specified in the City's Engineering Design Standards, the storm drainage facilities for the proposed improvements required for this project can be made to adequately accommodate the development.
- 3.19 Water Quality. ADC 12.585 requires that a National Pollution Discharge Elimination System (NPDES) permit for subdivision construction be obtained from the Oregon Department of Environmental Quality

(DEQ). In addition, the City requires that, prior to beginning any excavation or fill on the site, the applicant must submit an erosion control/prevention plan to the City of Albany Engineering Division for review and approval

### CONCLUSIONS

- 3.1 Existing public utilities (sanitary sewer, water, and storm drainage) have adequate capacity to serve the proposed development.
- 3.2 An existing public sanitary sewer main currently lies within the subject property. This main has historically served only the previous uses on the subject properties. Because this main will no longer be needed for service to any parcel other than the subject property, the City will no longer own, or have maintenance responsibility for, the sewer facilities lying within the boundaries of the subject property. The applicants will be required to install a cleanout at the property line where this main enters the site. This cleanout will represent the delineation between the public and private sewer systems.
- 3.3 There is a gap in the public water system along the northern 300 feet of the subject property's Oak Street frontage. All development must extend public water mains along the full length of all property frontages where necessary for future system expansion and/or looping for fire flows. It is the determination of the City Engineer that the completion of this section of the public water system is necessary for fire flows and system looping for redundancy.
- 3.4 The City's Engineering Division has reviewed the applicant's private on-site storm drainage plan and has concluded that it is adequate to serve the proposed development. The City's Engineering Division has also determined that the public storm drainage system can accommodate the anticipated runoff from the proposed street improvements required for the project. The applicant has provided a preliminary review of the potential storm drainage facilities needed to serve the required public street improvements. The City's Engineering Division believes that this preliminary proposal for public storm drainage is acceptable to show that the new streets can be designed in accordance with the City's Storm Drainage Engineering Standards. Final design of the public storm drainage improvements will be reviewed at the time of street design review.
- 3.5 The applicants' responsibility to construct public storm drainage system improvements along their Oak Street frontage and the Oak Street connection between Ninth Avenue and Pacific Boulevard will be incorporated into the requirement to design and construct public street improvements along these same sections of Oak Street.
- 3.6 The applicants must obtain a *Permit for Private Construction of Public Improvements* before beginning work on any public facility. The final design details for the public facilities work must be reviewed as part of this permit process.
- 3.7 Any work performed in Ninth Avenue must be approved by ODOT.
- 3.8 Public utilities can accommodate the proposed development when the following conditions are satisfied.

### CONDITIONS

- 3.1 Before the City will issue building permits for the proposed project, the applicants must construct a 12-inch public water main along the property's west boundary (Oak Street) to complete the necessary loop in the public water system.
- 3.2 Before the City will issue building permits for the proposed project, the applicants must install a sanitary sewer cleanout at the north property line where the existing public sewer enters the subject property. This cleanout will delineate between the public sewer system (north of the subject property) and the private

sewer system (within the boundaries of the subject property). The City will afterwards have no ownership or maintenance responsibility for any sewer facilities within the boundaries of the subject property.

3.3 Before the City will issue building permits for the proposed project, the applicants must construct the necessary public storm drainage improvements that will be associated with the required street improvements along their Oak Street frontage and the Oak Street connection between Ninth Avenue and Pacific Boulevard. The design of these improvements must be included for City review as part of the required *Permit for Private Construction of Public Improvements*.

3.4 Before the City will issue building permits for the proposed project, the applicants must submit detailed engineering drawings for all public utility work associated with this project. This includes, but is not limited to: public water extension in Oak Street, connections to the public water system in Ninth Avenue, installation of sewer cleanout at north property boundary, public storm drainage improvements in the required street construction (Oak Street), and storm drainage outfalls to Periwinkle Creek.

Note: As an alternative to constructing the public improvements, the applicant must provide financial assurances for the required improvements before building permits will be issued. The financial assurance must be in a form approved by the City Attorney.

3.5 Ninth Avenue is an ODOT right-of-way. Any work to be done in an ODOT right-of-way must be approved and permitted by ODOT.

3.6 Before doing any site work, the applicants must obtain a National Pollution Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality (DEQ). In addition, the City requires that, prior to beginning any excavation or fill on the site, the applicant must submit an erosion control/prevention plan to the City of Albany Engineering Division for review and approval.

**Criterion (4)** *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

4.1 Topography. *Comprehensive Plan Plate 7: Slopes*, shows there are no steep slopes on the property except related to the banks of Periwinkle Creek on the east. No development will occur in the Creek, although a multi-use pathway will be constructed on the west side of the channel. The main body of the site is relatively level. The elevations range from 225 feet to 218 feet (not counting the bank of Periwinkle Creek on the east).

4.2 Hazards - Floodplain. *Comprehensive Plan Plate 5: Floodplains*, shows none of the upland area of the property is in the 100-year floodplain. FEMA/FIRM Community Panel Number 410137 0004 F, dated July 7, 1999, shows the majority of the subject property is in Zone X, an area determined to be outside a 500-year floodplain. A portion of the adjacent Periwinkle Creek on the east is within the development boundary. The Creek is shown as Zone A and "contained within the channel." Zone A which means that no base flood elevations (BFE) have been determined. The applicant did not submit any elevation information on the floodplain of Periwinkle Creek.

ADC 6.080 states that the floodplain regulations in Article 6 of the Development Code apply to areas depicted on the federal Flood Insurance Rate Maps (FIRMS) and Floodway Maps by the letter A, AE, or AO. This section further states that when elevation data is not available through FEMA, or another authorized source and the development consists of four or more acres, the applicant shall generate and have certified by a registered engineer the base flood elevation.

- 4.3 Vegetation and Wildlife Habitat. *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat*, shows no areas of concern on the subject property.

*Vegetation.* Within the site area there are 48 trees with trunks over 8 inches in diameter; 2 trees with less than 8 inch in diameter and one tree on the inventory that was subsequently removed with a City permit. See staff analysis of the tree felling application SP-38-08 below regarding the applicant's request to remove 42 of the 48 larger-diameter trees. Approval to remove the smaller trees is not required.

*Wildlife Habitat.* In February of 2009, wildlife biologists Amy Hawkins and John van Staveren, of Pacific Habitat Services, Inc., submitted findings of their wildlife habitat assessment of the subject development site. This was done to see if the numerous Oregon white oak trees located in the central portion of the property provide valuable habitat for a variety of wildlife, including those considered to be uncommon. The analysis form they used is similar to that used throughout the Portland Metropolitan area and the City of Corvallis for purposes of assessing significant wildlife habitat under Statewide Planning Goal 5. The form quantifies the three major recognized components of wildlife habitat: water, food and cover.

The findings state that the oak grove is a small isolated stand of trees growing closely together. A variety of weedy, herbaceous species, as well as grasses grow beneath the trees. There is no understory providing food and cover for the wildlife. Periwinkle Creek is to the east, but there is no cover between the grove and the creek. The grove is surrounded by development and busy roads, effectively isolating it from other habitat types. The grove does not contain habitat for sensitive or protected species. When the factors were assessed, it scores 22, which means it provides low quality habitat. The assessment was summed up with the following statement: Although the individual trees may provide habitat for songbirds, especially when acorns are available, the overall quality of the habitat is low and should not be protected for purposes of Statewide Planning Goal 5.

- 4.4 Wetlands. *Comprehensive Plan Plate 6: Wetland Sites*, does not show any areas of concern on the subject property with the exception of the channel of Periwinkle Creek on the east side of the property. The U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory (NWI) map dated 1994, shows the creek is a wetland. The City has not done a Local Wetland Inventory (LWI) study in this area of town.

In 2005, Jim Conser/Conser Homes & Sons LLC, filed a joint permit application with the Department of State Lands (DSL) and the US Army Corps of Engineers (ACOE) to fill in found wetlands on the site. Rawley Voorhies, a project engineer for Cardno WRG, states in a communication to staff dated October 23, 2008, that ACOE did not require a permit and DSL issued a Removal/Fill permit (#33868-RF) which is valid until July 18, 2009. He also stated that the mitigation has already been completed and the removal/fill process is being wrapped up.

- 4.5 Archaeological and Historic Sites. *Comprehensive Plan Plate 9: Historic Districts*, shows the subject property is not in a historic district. There are no known archaeological sites on the property.

## CONCLUSIONS

- 4.1 The portion of the site that will be developed does not have steep slopes. The channel of Periwinkle Creek on the east contains steep slopes, but the development will not encroach into the bank of the creek.
- 4.2 There is no base flood elevation information related to Periwinkle Creek located on the east side of the development.
- 4.3 Onsite wetlands have been filled per a permit from DSL.

- 4.4 Evidence has been provided that the trees and vegetation on the site have low wildlife habit qualities and should not be protected. Tree removal has been reviewed under a separate application (SP-38-08).
- 4.5 The site is not in a historic district and there are no known archeological sites on the property.
- 4.6 Special features of the site have been adequately considered and utilized with this development proposal. This criterion is met when the following condition is met.

CONDITION

- 4.1 Before applying for building permits, the applicant must generate and have certified by a registered engineer, the base flood elevation of Periwinkle Creek on the east. A copy of this certified base flood elevation information must be provided with first construction plans submitted to the City for review. If it is found that the floodplain is located beyond the top of the bank of the Creek, all site and building plans must meet the standards for construction in the floodplain.

*Criterion (5) 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

- 5.1 The site of the proposed Lowe's development is currently composed of five parcels. The property owners have received City approval to remove the internal property lines. This will result in a single parcel. At the time of preparing this staff report the final documents have not been recorded, but the staff report has been written based on the property lines being removed before construction begins.
- 5.2 Overview. The proposed development is construction of a Lowe's home improvement and garden center on the eastern portion of the subject 11.54 acre site at Ninth Avenue and Oak Street. The building is setback about 350 feet from Oak Street and about 70 feet from Ninth Avenue. A 415 stall parking lot is shown on the west side of the building. Parking for 22 bicycles also will be provided. Multiple pedestrian connections are shown from both abutting streets. The applicants are seeking approval from ODOT for a right-in/right-out access on Ninth Avenue. Two accesses into the property are shown on Oak Street. The improvements include a paved 10-foot-wide multi-use path along the west side of Periwinkle Creek from Ninth Avenue and connecting with the existing path on the Kinder Park property to the south. Truck traffic will be from Oak Street. The loading area for truck delivery is on the south and east side of the building. On the south side of the building, a screened area is shown for storage of large bulky inventory such as storage sheds. This area is screened by an 8-foot-tall painted split-face cement block wall that continues around the south and east sides of the development to provide screening and noise mitigation. There is a large paved plaza on the north side of the garden center. Along the front of the building (west) there are wide paved areas where islands of plant materials may be displayed. A portion of the parking lot may be used for a seasonal plant display/sales area as well. The parking area and perimeter of the site will be landscaped.
- 5.3 Compatibility. Site Plan Review is intended to promote functional, safe, and attractive developments that maximize compatibility with surrounding developments and uses and with the natural environment. Site Plan Review mitigates potential land use conflicts resulting from proposed development through specific conditions attached by the review body. It is not intended to evaluate the proposed use or the structural design of the proposal. Rather, the review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping (ADC 2.600). Compatibility issues related to traffic impacts are addressed above under Criterion 1.

#### 5.4 Surrounding Development.

North: The development site abuts Ninth Avenue. Across Ninth Avenue the land is zoned commercial (Community Commercial-CC) and all of the uses are commercial.

South: The property along the south boundary of the Lowe's site is zoned residential multiple family (RM), but the Comprehensive Plan shows it as intended for a public facility. The City owns all of that abutting land and has constructed a public park ("Kinder Park"), which includes ball fields and a parking area.

East: Periwinkle Creek is on the east side of the development. The width of the creek (top-of-bank to top-of-bank) ranges from about 50 to 65 feet. The portion of Periwinkle Creek that is on the subject property is zoned CC. The adjacent tax lot to the south containing the creek is owned by the City and is zoned OS (open space). On the other side (east) of Periwinkle Creek, is a shopping center zoned CC and residential homes (Periwinkle Mobile Home Park) located on multiple-family zoned land (RM). There are residences south of the mobile home park site.

West: To the west the property abuts Oak Street. The land on the other side Oak Street, directly across from the proposed development, the land is zoned commercial (OP-Office Professional) and residential (RM). The OP zoned land has developed with Ping's restaurant and parking serving the restaurant. South of Ping's parking lot, is one duplex and single-family homes. Continuing further south on that side of the street, the properties have developed with single-family homes.

#### 5.5 Building Description. The overall building area is 152,236 square feet. The front of the building is 520 feet long. Counting some glassed in enclosures on the front of the building, the depth ranges from 350 feet to 260 feet. (See Site Plan Sheet DD4 or Cover Sheet A-1.0.)

The building is predominantly concrete wall panels with multiple building treatments. There are stucco columns with CMU (concrete masonry unit) blocks at the base. The wall area above the columns will also be stucco and include changes in parapet wall height and decorative cornices to increase transparency on the north (Ninth Avenue) and west (Oak Street) facing elevations. Two-by-two inch wire mesh spans the areas between the columns. The mesh openings are framed with both vertical and horizontal members to mimic a storefront glazing system. The wire mesh between the columns provides security, allows views of the plant displays and the activity within the garden center, as well as providing air circulation for the perishable vegetation stocked in the garden center. The variations in parapet height, decorative cornices and opening framing together give this façade the look and feel of an open and inviting commercial store front. Lastly, most of the garden center does not have a roof cover. There are large glass enclosed areas along main frontage of the building that will provide inside space for seasonal inventory such as BBQ's, lawnmowers, etc. There is a covered merchandise pick-up area on the south end of the front of the building.

The building will be painted using three shades of brown from beige to milk chocolate. Metal roofing accents and wall signage will be a navy blue.

#### 5.6 Building Height. Unless the property is in the Airport Approach overlay area, the maximum building height in the CC zoning district is 50 feet. This property is not in the Airport Approach District. The elevation drawings show the maximum building height (to the tallest point) is 48 feet 2 inches. The predominant height of the building is 31 feet 4 inches. The highest portion of the buildings is at the center of the front of the building where a parapet wall extends the building height to 48 feet 2 inches.

#### 5.7 Lot Coverage. The maximum lot coverage for Community Commercial (CC) zoned land is 90 percent. Lot coverage includes building footprints, parking, access, and sidewalks. The site plan shows the lot coverage of the 11.54 acres is 85 percent.

- 5.8 Setbacks from Property Lines. In the CC zone the front yard setback is 10 feet and the interior yard setback is zero (unless it abuts residentially zoned land). Buildings, travel aisles, and parking areas are not allowed in setbacks.

This site has two front yards: Oak Street and Ninth Avenue. The Site Plan shows that the north end of the building is about 70 feet from its Ninth Avenue property line, and the parking lots are setback a minimum of 10 feet from the Oak Street and Ninth Avenue property lines.

The subject site abuts residentially zoned land (RM) on the south. This property has developed as a City park, not a residential use. The setback for a building from RM zone land is one foot for each foot of wall height. At the nearest, the south wall of the building is setback from the south property 40 feet. The highest portion of the south wall is 31 feet 4 inches.

- 5.9 Lighting. It is recognized that the site needs to provide exterior lighting of the building and in the parking lot for security and safety. ADC 9.120(14) states: "Any lights provided to illuminate any public or private parking area or vehicle sales area must be arranged to reflect the light away from any abutting or adjacent residential district."

The applicants have submitted a plan (Sheet E-1) that shows where lighting will be located, and catalog copies of most of the light fixtures. There are numerous pole lights shown within the parking area and in the back (east side) of the building. The light fixtures on the poles are a "shoebox" style which have the light mechanism itself recessed so the bulb is not visible below the encasement, but it appears some of light cover extends below the encasement. The light poles are 28 to 38 feet tall. It appears from the catalog information submitted that each light fixture would contain a 1000 watt metal halide bulb. Regarding wall lighting, a note on the lighting plan states "70 watt recessed wall lights will be placed on 30-foot centers on the eastern and southern walls."

The applicants' findings state: "All on-site lighting will be arranged and/or shielded so that the light is reflected away from adjoining properties and/or streets." A photometric plan of the light pattern of the chosen light fixtures and wattages was not submitted. This type of plan shows the pattern of light cast by the fixtures to demonstrate the light is contained on site. The parking lot is located in the vicinity of residences to the east and west. Businesses of this size tend to have the exterior lighting set with timers to go on at dusk and turn off at dawn. Given the number, heights and intensity of the proposed parking lot lights, the area will be bathed in a strong bright white light during hours when homeowners will be trying to sleep.

To mitigate impact of the exterior lighting on the surrounding residential area, staff recommends all lights have full cut off shields, an overall height for pole lighting of 28 feet, and less intense type of light by use of 450 watt high-pressure sodium (HPS) fixtures. HPS lighting is an easier on the eye yellow/orange light. As a frame of reference, the street lights at intersections along the state highway system in Albany are 30-35 feet high and use high pressure sodium 250 watt bulbs. Along the freeway, ODOT uses the same type of light, but with 400 watt bulbs. The parking lot lights at City Hall are 250 watt HPS fixtures.

- 5.10 Glare and Heat. ADC 9.480 states: "No direct or sky-reflected glare in excess of 0.5-foot candles of light, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Code. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line of the source. Strobe lights visible from another property are not allowed, except as may be required by the Federal Aviation Administration."

The Development Code does not have a definition for "glare." In those instances we use the dictionary. *American Heritage® Dictionary of the English Language, Fourth Edition*, has the following definition: "To shine intensely and blindingly". And *Webster's Collegiate Dictionary*, tenth edition states: "a harsh uncomfortable bright light."

The applicants' findings state: "There will be no high temperature processes such as combustion or welding taking place on the site. There will be no direct or sky reflected glare associated with the development. There will be no emission or transmission of heat or heated air and no strobe lights visible from another property."

As noted above under "Lighting," the lights will be arranged and or shielded so that the light is reflected away from adjoining properties and/or streets. As indicated in Finding 5.9 above, staff is recommending a softer light source and full cut-off shields to reduce the effects of lighting such a large area all night long.

- 5.11 Noise. (ADC 9.440) The property directly abuts a residentially zoned property to the south (RM- city park property), and commercial (CC) and Open Space (OS-Periwinkle Creek) zoned property on the east.

Due to the residences on the east side of Periwinkle Creek, however, a noise study was commissioned and found that without mitigation, on the east side of the property (truck area) the DEQ noise standards would be exceeded. To mitigate the sound level, the noise study recommended an 8 foot high barrier wall. The site plan (Sheet DD4) shows providing an 8 foot high concrete masonry wall along the east and south portions of the development.

- 5.12 Visible Emissions. ADC 9.450 states: "Within the mixed-use, commercial, IP and WF zoning districts, there shall be no use, operation, or activity which results in a stack or other point source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line."

The applicant's findings state: "The project does not include the use, operation, or any activity which would result in a stack or other point-source emission."

- 5.13 Vibrations. ADC 9.460 states: Continuous, frequent, or repetitive vibrations that exceed 0.002g peak may not be produced.

Exceptions. Vibrations from temporary construction and vehicles that leave the site (such as trucks, trains, or aircraft) are exempt; vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.

Measurements. Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration

The applicants' findings state: "The propose use is retails sales and services. The tenant will not have on-site vehicles and any equipment will be small in scale and located interior to the building."

- 5.14 Odors. ADC 9.470 states: "Continuous, frequent, or repetitive odors or the emission of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. Odor is regulated by the Department of Environmental Quality. Exceptions: An odor detected for less than 15 minutes per day is exempt."

The applicant's findings state: The proposed use is retail sales and service that will not be generating odorous gases.

- 5.15 Insects and Rodents. ADC 9.490 states: "All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard."

The applicants' state: "All materials including wastes will be stored in lidded containers so as to not attract or aid in the propagation of insects or rodents or create a health hazard."

- 5.16 Hazardous Waste. ADC 9.500 states: "Hazardous wastes are subject to the regulations of OAR 340.100-110, Hazardous Waste Management."

The applicants' findings state: "The proposed use is retail sales and service that will not generate hazardous waste."

- 5.17 Screening of Refuse Containers. ADC 4.300 states: "The following standards apply to all development, except for one- and two-family dwellings. Any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least 6 feet tall. All refuse materials must be contained within the screened area. Refuse disposal areas may not be located in required setbacks or buffer yards and must be placed at least 15 feet from any dwelling window."

There are no exterior dumpsters or trash receptacles proposed as Lowe's uses a trash compactor for all its waste disposal needs. The compactor is located on the east elevation and its visibility will be obscured from the north, east and south either by landscaping, the building itself, or as mentioned above, an 8 foot high concrete masonry wall.

- 5.18 Outside Storage/Display-ADC 4.290(2) and (5).

- (2) In the CC zones, outside storage is allowed if screened from the public rights-of-way with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material. This provision excludes automobile and plant sales. Display of goods is not permitted.
- (5) Where outside storage is permitted,
  - (a) Materials and equipment stored as permitted in this subsection may be no more than 14 feet in height above the elevation of the storage area.
  - (b) Outside storage over six feet in height must be screened by landscaping in accordance with 9.250.

- 5.19 Proposed Storage/Display Areas. The proposed Lowe's will have an enclosed garden center as well as outside raised islands for display of plants along the front (west) side of the building. The displays are located so they do not interfere with pedestrian access along this frontage (Sheet A-1.1). The sidewalk along the front of the building ranges from 7 to 47 feet wide. There is also a seasonal plant display area in the parking area west of the garden center.

Based upon staff personally having visited other Lowe's sites in Oregon and Colorado, the applicants and representatives were advised early in the process that Lowe's standard use of the outdoor spaces for display of a variety of merchandise other than plants did not fit the City's standards.

This resulted in the design of the site including a screened outside storage area for utility trailers and buildings on the south side of the building. For it not to be considered "display of goods" this merchandise will be screened from public view from the street by either an 8 foot tall concrete wall or the main building.

The applicants indicated that the business also needs additional storage areas for seasonal product inventory, such as barbeques, lawnmowers, etc., besides what can be placed inside the building. Since outside display of goods is not allowed, the proposal includes these types of product being contained within glass enclosures attached to the front of the building.

- 5.20 Mechanical Equipment Screening. The applicants' findings state that: "All exterior vents and mechanical devices will be adequately screened." This is a vague statement that could mean screened by a physical barrier like a parapet wall, or painting to match the building.
- 5.21 Fences. (ADC 4.310) An 8 foot tall painted split-face concrete masonry wall is shown screening the east and south sides of the building. This height is necessary to mitigate truck noise generated on the east side of the building. After the wall, the site plan shows an 8-foot fence of some other unknown type going out to Ninth Avenue. A 42-inch black vinyl-coated chain link fence is shown along some of the southern portions of the site. Fences cannot exceed six feet in the 10-foot front yard setbacks.
- 5.22 Landscaping Within Front Yard Setbacks. (ADC 4.270) Commercial property must landscape all yards adjacent to a street (exclusive of access ways and other permitted intrusions) before occupancy is permitted. The minimum front yard setback along Ninth Avenue and Oak Street is 10 feet.

The following is the minimum landscaping acceptable *per 1,000 square feet of required front yard area*:

- a. Five 5-gallon or eight 1-gallon shrubs, trees, or accent plants; and
  - b. The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).
  - c. One tree at least six feet in height for every 30 feet of street frontage.
- 5.23 Buffering and Screening Between Uses. (ADC 9.210) To reduce impacts on adjacent uses which are of a different type, buffering and screening is required in accordance with a matrix found in Article 9 of the Development Code. Where a use would be abutting another use, except when separated by a street, buffering, but not screening, shall be required as specified in the matrix. Where a proposed use abuts undeveloped property, one half of the buffer width shall be required.

Minimum buffer landscaping requirements:

- a. At least one row of trees. These trees will be no less than 10 feet tall at time of planting for deciduous trees, and spaced no more than 30 feet apart and 5 feet tall at time of planting for evergreen trees, and spaced no 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 ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs).

Where screening is also required, "b." above is replaced with one of the following:

- One row of evergreen shrubs which will grow to form a continuous hedge at least four feet in height within two years of planting, *or*
- A minimum five-foot-tall fence or masonry wall to provide a uniform sight-obscuring screen, *or*
- An earth berm combined with evergreen plantings or a fence that will form a sight and noise buffer at least six feet in height within two years of installation.

5.24 Buffer and Screening Analysis for this project:

North:	Ninth Avenue (arterial street), then commercial	Yes, buffer required
South:	City owned land- "Kinder Park"	No, neither required *
East:	Commercial and Periwinkle Creek (OS)	No, neither required
West:	Oak Street (local street), commercial and residential	Yes, buffering and screening of parking lot located across from residential uses.

\*Note: The land along the south boundary of the development is zoned residential (RM), but the Comprehensive Plan shows it as intended for public/or semi-public uses, not residential. And the City has constructed the first phase of a public park named "Kinder Park." Since the use is not residential and not likely to be in the future, buffer and/or screening is not needed. The site and landscape plans show that the

Lowe's development is providing both landscaping and selective screening along the south boundary anyway.

5.25 Landscape Plans – (Sheets DD10-DD12). The applicant has submitted a preliminary landscape plan that shows the intent to meet and/or exceed the City's minimum requirements. Before installation of any plantings, a final landscape plan is needed that reflects changes to the site plan. A final landscape plan must be submitted for staff approval before plant installation.

5.26 Irrigation. All landscaped areas must be provided with a piped underground water supply irrigation system *unless* a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation (ADC 9.160).

Irrigation systems installed in the public right-of-way along Oak Street require an encroachment permit from Albany Public Works Department. Irrigation systems installed in the public right-of-way along Ninth Avenue require an encroachment permit from ODOT.

5.27 Landscape Maintenance. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained. Trees or shrubs growing in the right-of-way or on private property must be trimmed to maintain a minimum canopy height of 8 feet above sidewalks or 14 feet above streets or alleys (ADC 9.200 and 9.300).

5.28 Clear Vision Areas. ADC 12.180 outlines the City's standards to ensure clear vision for motorist and pedestrians at intersections of streets and private driveways. Included are height restrictions of items placed in these areas, including, but not limited to landscaping, fences and signs.

5.29 Business Signs. Signage allowance for commercial zoned property is found in at ADC 13.422-13.425. The Site Plan shows the intent to construct a 30 foot tall freestanding sign along the Ninth Avenue frontage. A second freestanding sign would be allowed on the Oak Street frontage. However, in consideration of the residential properties in the vicinity, the applicant states they will not apply for a freestanding sign on the Oak Street frontage, but will have wall signs on the west elevation of their building.

In order to facilitate turning movements, each of the driveways on the Oak Street frontage may have a one-foot by two-foot sized directional sign. The intent of the directional sign is to say Enter or Exit, or an arrow, or both. Fifty percent of the sign may be used for the business name. The directional signage may have low intensity internal illumination.

5.30 Building Colors. Color renderings have been submitted that show the building would be painted in three tones of brown ranging from beige to milk chocolate. Accents (signage and some roof panels) will be a navy blue.

## CONCLUSIONS

- 5.1 The property line adjustment process to remove internal property lines has not been completed.
- 5.2 Lighting, noise, outside display/storage, and signage have been identified as compatibility issues. All of these compatibility issues can be mitigated with conditions.
- 5.3. The applicant has submitted a preliminary landscape and irrigation plans. A final landscape and irrigation plan must be approved by the City before installation.
- 5.4 This criterion is met when the following conditions are satisfied.

## CONDITIONS

- 5.1 Except as modified by any conditions of approval, the development shall be constructed as shown on the reviewed plans. Any changes must have prior approval by the Planning Division.
- 5.2 Before issuance of building permits, provide the City with evidence that the property line adjustment (file LA-13-08) has been completed and the necessary documents recorded at Linn County to consolidate the tax lots into a single parcel.
- 5.3 The color pallet of the exterior of the building will be three shades of brown with blue accents as shown on the submitted rendering.
- 5.4 Outdoor display of merchandise is restricted to plants. All other products and merchandise must be located behind the enclosed areas or screened as shown on the reviewed and approved plans.
- 5.5 To mediate the impact of the exterior lighting on the area residences, all lighting shall be high-pressure sodium fixtures with a maximum of 450 watts. Overall height of pole lighting shall be 28 feet. Before building permits are issued, the applicant shall provide a photometric diagram of the site showing the areas of light cast by on-site light fixtures. All lighting fixtures must include full cut-off shields that are oriented parallel to the adjacent ground. Angling the light fixtures is not allowed as it creates glare.
- 5.6 Rooftop mechanical equipment that is not screened from public view by parapet walls shall be painted to match the color of the building walls. Other mechanical equipment and vents, such as, but not limited to, exterior drain pipes and electrical equipment/meters, shall be screened from public view either by use of paint, landscaping, or other type of screening acceptable to City staff.
- 5.7 All fences and screening walls must be installed before building occupancy. Fences and walls must be maintained by the property owner. No fence is allowed to become or remain in a condition of disrepair including, but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines. Fencing cannot exceed the location and height standards of the Development Code.
- 5.8 Signage along the Oak Street frontage shall be restricted to a one-foot by two-foot directional sign (e.g. enter/exit) for each driveway. The directional signage may have low intensity internal illumination.
- 5.9 Signage for the building and a freestanding sign on Ninth Avenue shall follow the regulations found in Article 13 of the Albany Development Code for development within the Community Commercial zoning district.
- 5.10 Minimum landscaping required within the **Ninth Avenue** front yard setback (10 feet x approximately 700 feet) and it includes buffer landscaping due to abutting arterial:
  - a. A row of either deciduous or evergreen trees. If deciduous trees: 23 trees that are not less than 10 feet high at time of planting, and spaced 30 feet apart.  
If evergreen trees: 46 trees that are not less than 5 feet high at time of planting and spaced 15 feet apart; **and**
  - b. 35 five-gallon shrubs **or** 70 one-gallon shrubs; **and**
  - c. The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, etc.).

Minimum landscaping required within the **Oak Street** front yard from Ninth Avenue south to the first driveway (10 feet x approximately 235 feet):

  - a. 2 trees not less than six feet high at time of planting; **and**
  - b. 12 five-gallon shrubs **or** 19 one-gallon shrubs; **and**
  - c. The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, etc.).

Minimum landscaping required within the **Oak Street** front yard south of the northern driveway to the southern driveway plus the south side of that driveway: (10 feet x approximately 225 + 13 = 238 feet); includes buffering and screening due to residential across from parking lot.

- a. A row of either deciduous or evergreen trees. If deciduous trees: 8 trees that are not less than 10 feet high at time of planting, and spaced not more than 30 feet apart. If evergreen trees: 16 trees that are not less than 5 feet high at time of planting and spaced not more than 15 feet apart; and
- b. one of the following:
  - One row of evergreen shrubs which will grow to form a continuous hedge at least four feet in height within two years of planting, *or*
  - A minimum five-foot-tall fence or masonry wall to provide a uniform sight-obscuring screen, *or*
  - An earth berm combined with evergreen plantings or a fence that will form a sight and noise buffer at least six feet in height within two years of installation
- c. The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, etc.).

Where planting counts overlap (such as at corners) the planting can be counted against each requirement rather than requiring both requirements.

- 5.11 The applicant will need to replace removed or damaged street trees located in the Ninth Avenue right-of-way planter strip. City Staff will work with the applicant as to appropriate locations along the frontage.
- 5.12 All landscaping and fencing must meet the vision clearance standards of ADC 12.180.
- 5.13 Before landscaping is installed Planning staff must approve a final landscape plan for the development. The final plan must show the location of all plants and ground cover, include a legend that identifies the quantity of each type of plant, their common and botanical names, the pot size at time of planting (gallons/inches), and the spacing between plants. Landscaping must not conflict with vision clearance standards found at ADC 12.180.
- 5.14 All landscaped areas must be provided with a piped underground water supply irrigation system. This must be identified on the final landscape plan.
- 5.15 Any irrigation system installed in the Ninth Avenue public right-of-way requires a permit from ODOT. Any irrigation system installed in the Oak Street public right of way requires a City encroachment permit.
- 5.16 All landscaping and irrigation must be installed as shown on the approved final plans. If occupancy is requested between December 1 and March 1, the Development Code allows a short-term deferral on installation of the landscaping subject to meeting certain conditions outlined at ADC 9.190.
- 5.17 It shall be the continuing obligation of the property owner to maintain the landscaping as approved and keep it free of weeds and noxious vegetation. Trees or shrubs growing in the right-of-way or on private property must be trimmed to maintain a minimum canopy height of 8 feet above sidewalks or 14 feet above streets or alleys.

## COMMERCIAL DESIGN STANDARDS.

In addition to the above review criteria, the commercial development must meet the following Design Standards. **Note:** If there is a checked box symbol (☑) preceding a standard, it means that staff has compared the applicant's findings and plans to the standard(s) and find the standard(s) is met without comment. If the box is unchecked (☐), staff has provided findings as to the reason(s) why the standard is not met. "NA" preceding the standard means it is not applicable to this particular development. Conditions of approval may follow at the end related to unmet standards.

NA *Relationship to Downtown Historic Overlay Districts (ADC 8.320).* *Commercial property inside the Downtown Historic Overlay District; See Article 7 for additional historic review criteria.*

☑ *Building Orientation (ADC 8.330).* *Building orientation and maximum setback standards are established to help create an attractive streetscape and pleasant pedestrian environment.*

- (1) *New commercial buildings shall be oriented to existing or new public streets. Building orientation is demonstrated by placing buildings and their public entrances close to streets so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.*
  - (a) *On sites smaller than 3 acres, commercial buildings shall be oriented to the public street/sidewalk and off-street parking shall be located to the side or rear of the building(s), except where it is not feasible due to limited or no street frontage or where there are access restrictions.*
  - (b) *Buildings on larger sites may be set back from the public street and oriented to traffic aisles on private property, if the on-site circulation system is developed like a public street with pedestrian access, landscape strips, and street trees.*
- (2) *At least one major public entrance shall be visible from the abutting public street. Corner entrances may be used to provide orientation to two streets. Customer entrances should be clearly defined, highly visible, using features such as canopies, porticos, arcades, arches, wing walls, and planters.*

☑ *General Building Design (ADC 8.340).* *New commercial buildings shall provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided, except when not feasible.*

- (1) *Ground floor windows shall be provided along frontages adjacent to sidewalks. The main front elevation(s) of buildings shall provide windows or transparency at the pedestrian level in the following minimum proportions: CC 25% transparency. The minimum window and door requirements are measured between 2 and 8 feet from the ground. Only the glass portion of doors may be used in the calculation.*
- (2) *Walls that are visible from a public street shall include a combination of architectural elements and features such as offsets, windows, entry treatments, wood siding, brick stucco, synthetic stucco, textured concrete block, textured concrete, and landscaping.*

☑ *Street Connectivity and Internal Circulation (ADC 8.350).* *The following standards emphasize the importance of connections and circulation between uses and properties. The standards apply to both public and private streets.*

- (1) *New commercial buildings may be required to provide street or driveway stubs and reciprocal access easements to promote efficient circulation between uses and properties, and to promote connectivity and dispersal of traffic.*
- (2) *The internal vehicle circulation system of a commercial development shall be a continuation of the adjacent public street pattern wherever possible and promote street connectivity. The vehicle circulation system shall mimic a traditional local street network and break the development into numerous smaller blocks.*

- (3) *Traffic lanes shall be internal to the site and shall not be located between the building(s) and the sidewalk(s), except as provided in (4) below.*
- (4) *Where drop-off facilities are provided, they shall be designed to meet the requirements of the Americans with Disabilities Act, but still provide for direct pedestrian circulation.*
- (5) *Internal roadways shall be designed to slow traffic speeds. This can be achieved by keeping road widths to a minimum, allowing parallel parking, and planting street trees to visually narrow the road.*

**Pedestrian Amenities (ADC 8.360).** *Amenities, such as awnings, seating, special paving, and planters can have a dramatic affect on the pedestrian environment. Commercial developers should give as much thought to the pedestrian environment as they give to vehicle access, circulation, and parking. The standards for pedestrian amenities are related to the scale of the development and also provide the flexibility for the developer to select the most appropriate amenities for the particular site and use.*

- (1) *All new commercial structures and improvements to existing sites shall provide pedestrian amenities. The number of pedestrian amenities shall comply with the following sliding scale:*

<u>Size of Structure or Improvement.....</u>	<u>Number of Amenities</u>
<i>More than 50,000 square feet.....</i>	<i>4</i>

- (2) *Acceptable pedestrian amenities include the following improvements. No more than two of any item may be used to fulfill the requirement:*

*Sidewalks at least 10 feet wide with ornamental treatments (e.g., brick pavers),  
or sidewalks which are 50% wider than required by the Code.*

*Benches and public outdoor seating for at least four people.*

*Sidewalk planter(s) enclosing a total of 8 square feet.*

*Pocket parks or decorative gardens (minimum usable area of 300 square feet).*

*Plazas (minimum usable area of 300 square feet).*

*Street trees that are 50 percent larger than required by the Code.*

*Weather protection (awnings, etc.).*

*Other pedestrian amenities that are not listed but are similar in scale and benefit.*

**Pedestrian Connections (ADC 8.370).**

- (1) *New retail, office, and institutional buildings at or near existing or planned transit stops shall provide for convenient pedestrian access to transit.*
- (2) *Walkways shall be provided connecting building entrances and streets adjoining the site.*
- (3) *Pedestrian connections to adjoining properties shall be provided except where such a connection is impractical. Pedestrian connections shall connect the on-site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential of redevelopment, streets, access ways, and walkways on site shall be laid out or stubbed to allow for extension the adjoining property.*

**Large Parking Areas (ADC 8.380).** *This applies to commercial development where more than 75 parking spaces are proposed. The subject development will create more than 75 parking spaces.*

- (1) *Walkways are necessary for persons who will access the site by walking, biking or transit. A continuous pedestrian walkway at least 7 feet wide shall be provided from the primary frontage sidewalk to the customer entrance for each building. This internal walkway shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least 50% of the length of the walkway. The walkways must be designed for access by disabled persons. If the walkway crosses a parking area or vehicle aisle, the standards in subsection (2) below apply.*
- (2) *For the safety of pedestrians, parking lots shall be designed to separate pedestrians from vehicles and include protected pedestrian walkways from parking areas to building entrances. Walkways shall be protected by landscaping or parking bumpers. Walkways shall have a minimum width of 7 feet with no car overhang or other obstruction; 9 feet 6 inches for car overhang on one side; 12 feet for car overhang on both sides. Walkways may cross a vehicle aisle if distinguished by a*

color, texture or elevation different from the parking and driving areas. Walkways shall not share a vehicle aisle.

- (3) The parking area shall be divided into pods of no more than 50 spaces each with landscape strips, peninsulas, or grade separations to reduce the visual impact of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walkways.
- (4) Pods may have access at one or both ends. A pod may be U-shaped with double access at one end.
- (5) Pods shall be separated with physical breaks by providing one or more of the following:
  - (a) Landscape strips between parallel parking rows that are a minimum 5 feet in width with no car overhang and 10 feet in width with a car overhang. When incorporating pedestrian walkways, such strips shall be a minimum of 20 feet in width to accommodate vehicular overhangs, walkways, lights, posts and other appurtenances.
  - (b) Building pads, landscaped pedestrian walkways, interior streets or other site features.
- (6) Landscaping for large parking areas shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree per eight parking spaces to create a canopy effect. The total parking area includes parking spaces, travel aisles, sidewalks and abutting landscaped areas.

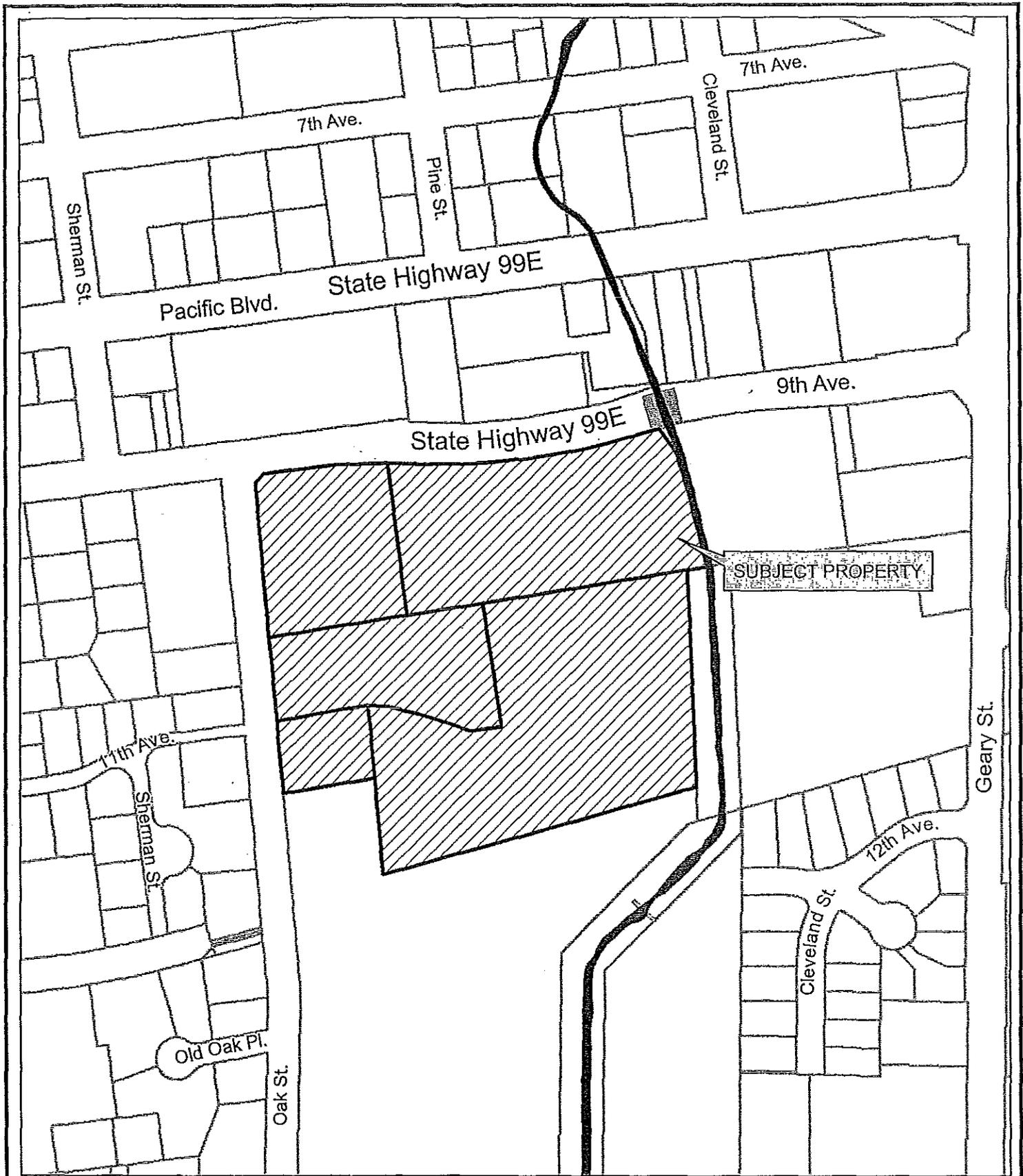
**Compatibility Details (ADC 8.390).** Attention to detail can significantly increase the compatibility of commercial development with adjacent uses. Commercial development shall be designed to comply with the following applicable details and any other details warranted by the local conditions:

- (1) On-site lighting is arranged so that light is reflected away from adjoining properties and/or streets.
- (2) Any undesirable impacts produced on the site, such as noise, glare, odors, dust, or vibrations have been adequately screened from adjacent properties.
- (3) The site is protected from any undesirable impacts that are generated on abutting properties.
- (4) Unsightly exterior improvements and items, such as trash receptacles, exterior vents, and mechanical devices, have been adequately screened.
- (5) Storage areas, trash collection facilities, and noise generating equipment, are located away from public streets, abutting residential districts or development, or sight-obscuring fencing has been provided.
- (6) Where needed, loading facilities are provided on-site and are of sufficient size and number to adequately handle the delivery or shipping of goods or people. Where possible, loading areas should be designed so that vehicles enter and exit the site in a forward motion.

**Finding Of Fact.** As noted above under Criterion 5, Findings 5.9 and 5.10, the proposed lighting for the parking lot and exterior of the building are too intense for the area. A condition of approval has been added to control the direction and to reduce the intensity of all exterior lighting.

**Attachments:**

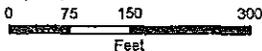
- Site location Map
- Cover Sheet (Sheet A-1.0)
- Site Plan (Sheet DD4)
- Outdoor Merchandise & Display (Sheet A-1.1)
- Elevation Drawings (Sheet A-2.0; A-2.1)
- Preliminary Landscape Plans (Sheets DD9-DD12)
- Tree Inventory and Felling Plan (Sheet DD3)
- Lighting Plan (Sheet E-1)
- Drawings of site and building 1– 6 sheets



**PROPOSED LOWE'S HOME IMPROVEMENT AND GARDEN CENTER**



The City of Albany's brochures, maps, notices, and other documents have been prepared and every endeavor was made to ensure that they are accurate, complete, and up-to-date. All the information provided represents current information to the best of our knowledge. While the information provided is generally believed to be accurate, consistency in the data cannot be guaranteed, and the user is advised to verify the information provided. It is specifically advised that any reliance on the information provided is at the user's own risk.



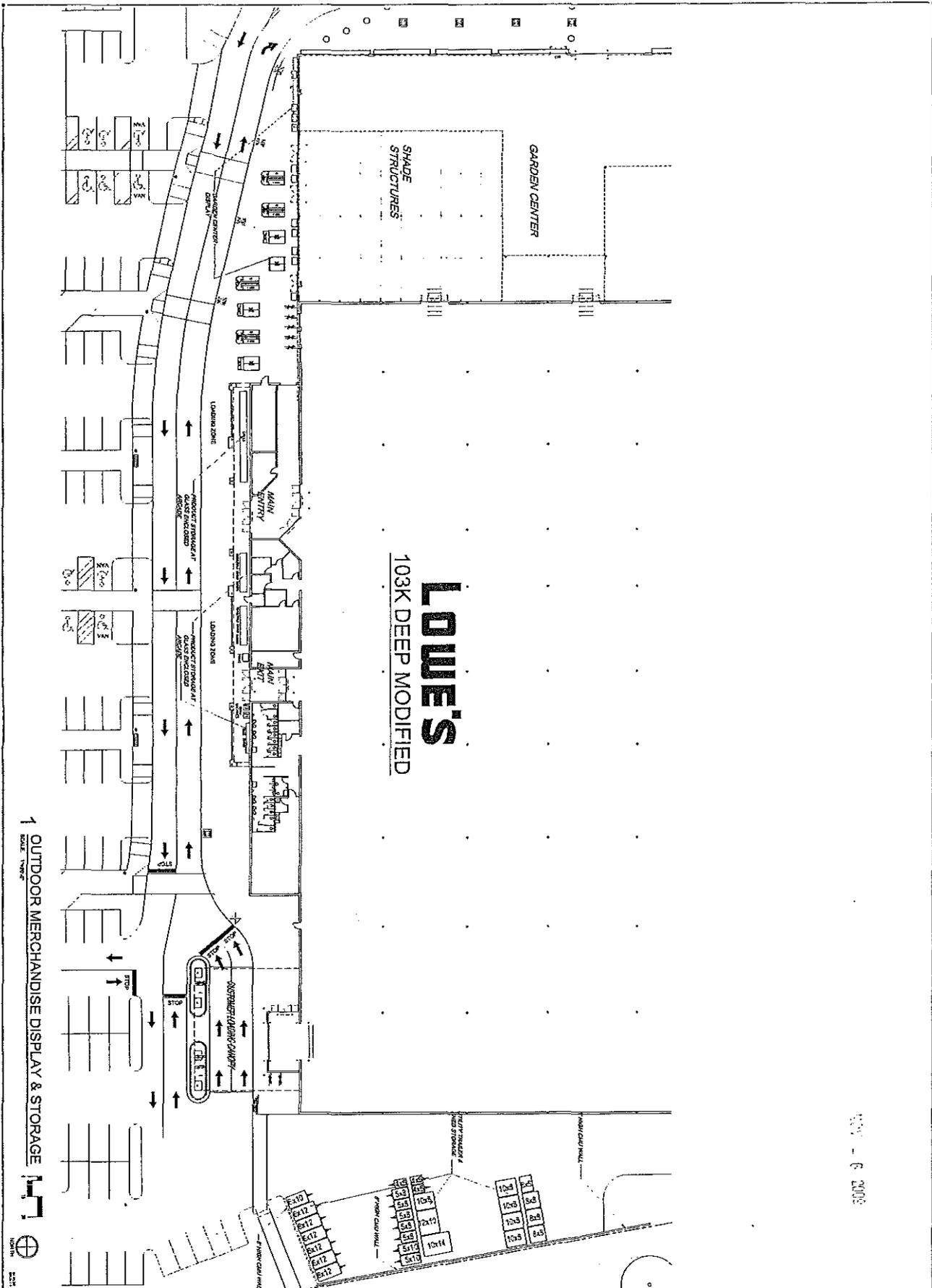
Files: SP-37-08, SP-38-08, VR-09-08

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917-7676







**LOWE'S**  
103K DEEP MODIFIED

1 OUTDOOR MERCHANDISE DISPLAY & STORAGE  
SCALE: 1/8" = 1'-0"

NOV - 6 2006

	<p><b>REVISIONS</b></p> <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION										<p><b>B</b> BAYSINGER PARTNERS</p> <p>BAYSINGER PARTNERS ARCHITECTURE PC 1705 SE Grand Ave., Suite 200 Portland, OR 97214 Phone: 503-546-5608 Fax: 503-546-5251 © BaySingerPartners.com</p>		<p>OUTDOOR MERCHANDISE DISPLAY &amp; STORAGE LOWE'S OF ALBANY ALBANY, OREGON</p> <p>PROJECT NO. LG 0001 DRAWN BY: JAV CHECKED BY: JMW</p> <p>DATE: 10/26/06 SCALE: AS SHOWN DRAWN DATE: 10/26/06 CHECK DATE: 10/26/06</p> <p>A-1.1</p>
NO.	DATE	DESCRIPTION														

**LOWE'S**  
H.W. INC.

**REVISIONS**

NO.	DATE	DESCRIPTION
1	11/06/09	ISSUED FOR PERMIT
2	11/06/09	ISSUED FOR PERMIT
3	11/06/09	ISSUED FOR PERMIT
4	11/06/09	ISSUED FOR PERMIT

**LOWE'S**

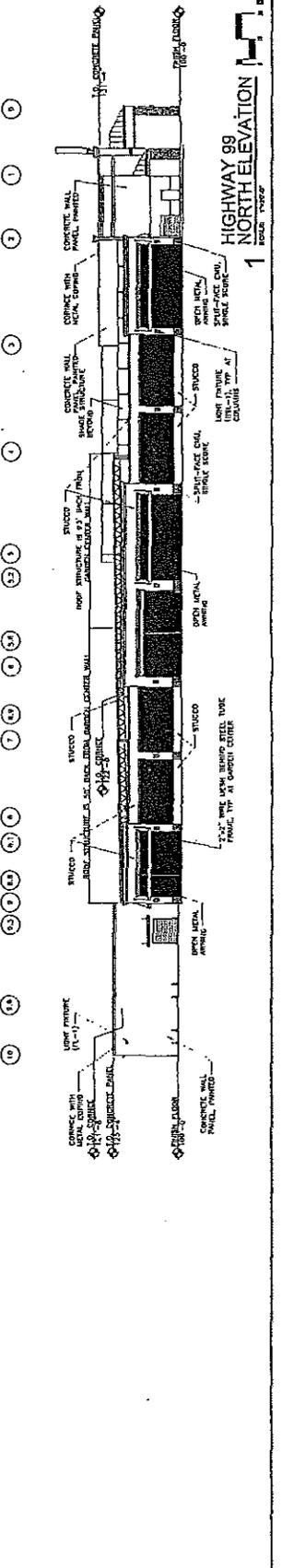
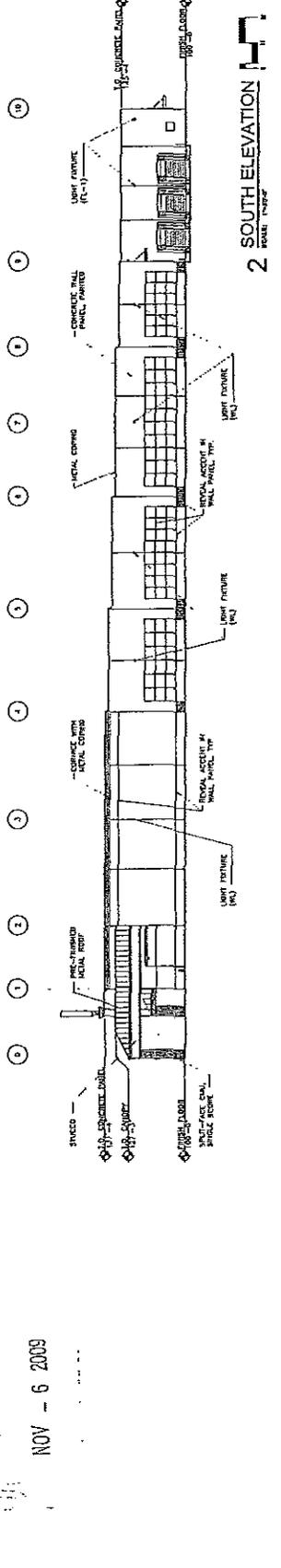
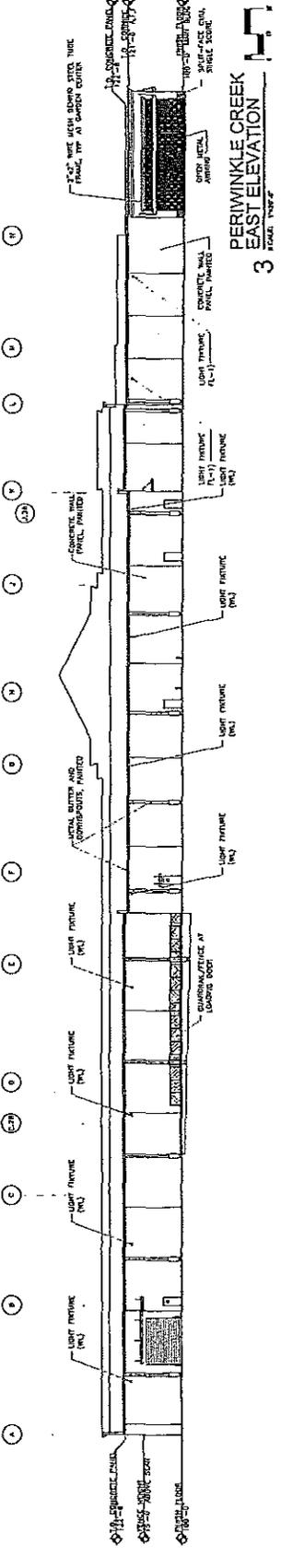
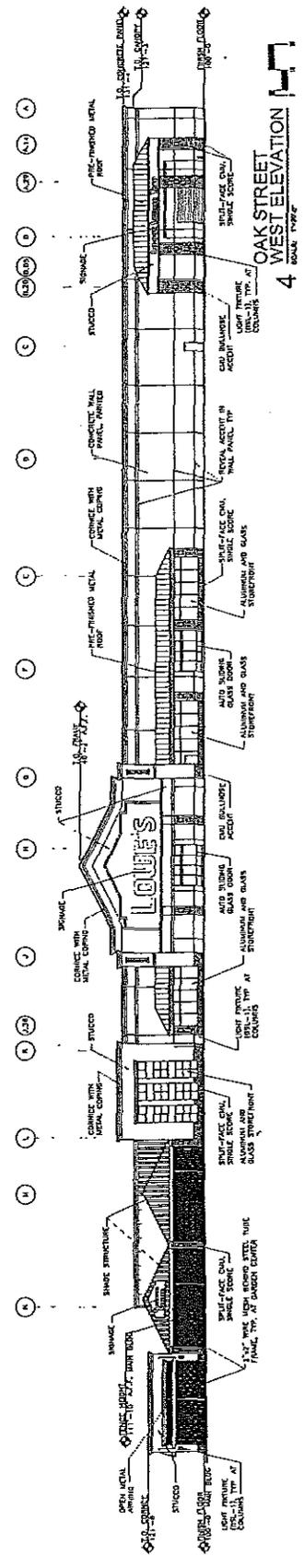
BAYSINGER PARTNERS ARCHITECTURE PC  
3000 N. W. 10th St., Suite 100  
Fort Lauderdale, FL 33309  
Tel: 754.467.1234  
Fax: 754.467.1235

**LOWE'S**

EXTERIOR ELEVATIONS  
LOWE'S OF ALBANY  
ALBANY, OREGON

**A-2.0**

DATE: 11/06/09  
PROJECT: LOWE'S OF ALBANY  
DRAWN BY: [Name]  
CHECKED BY: [Name]



NOV - 6 2009









**REVISIONS**

NO.	DATE	DESCRIPTION
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20	07/15/2003	ISSUED FOR PERMITS



5415 SE 84th St  
 Portland, Oregon 97216  
 Phone: 503.251.1000  
 Fax: 503.251.1000  
 www.lowes.com

LOWE'S  
 145 HANCOCK AVE. SUITE 100  
 SAN JOSE, CA 95128  
 TEL: 415.353.1000



PLANTING PLAN  
 ALBANY, OREGON  
 DATE: 10.20.03  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

DD12  
 12 OF 13 SHEETS

**PLANT SCHEDULE**

SYMBOL	PLANT NAME
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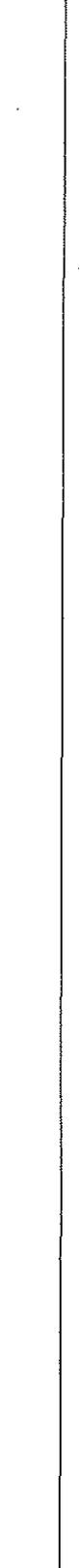
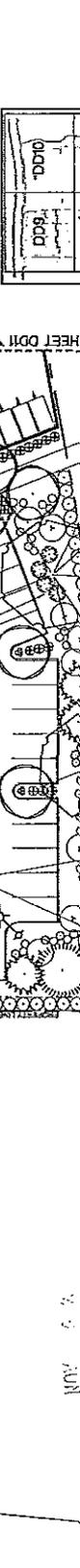
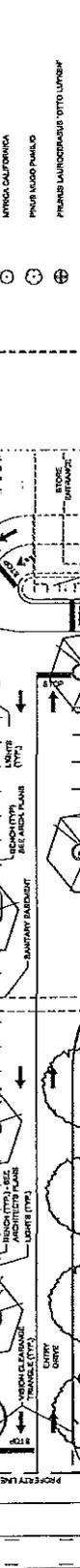
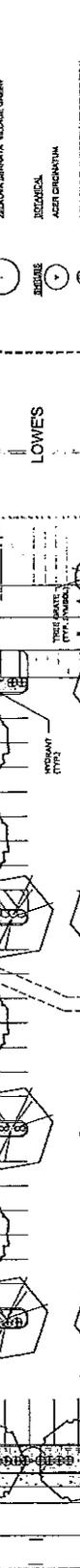
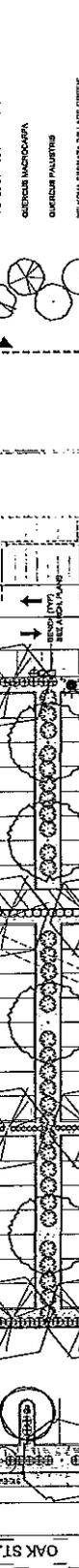
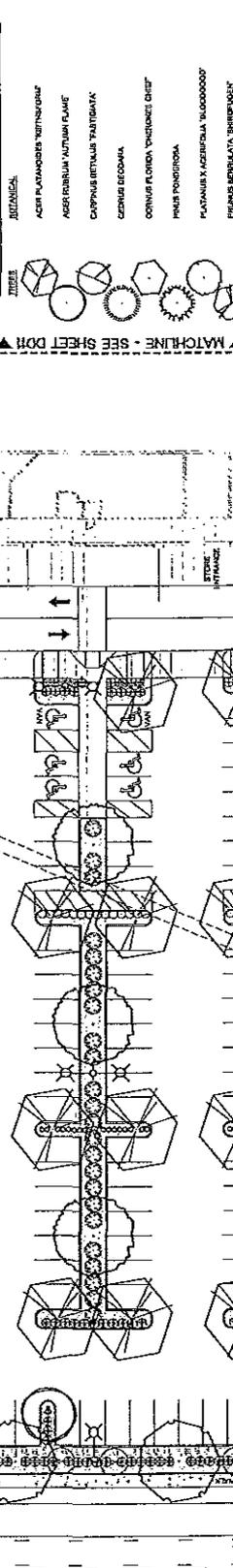
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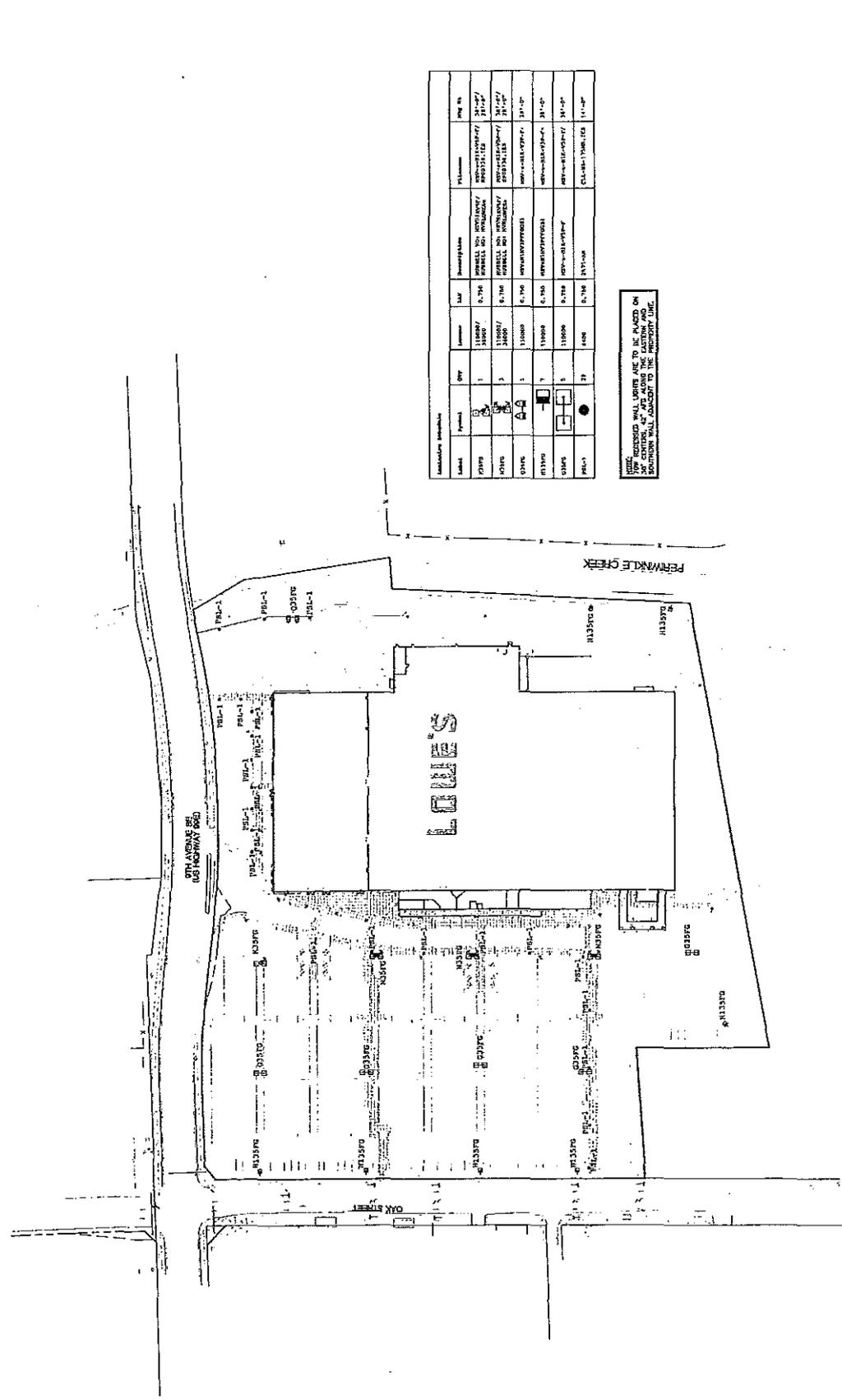
LOWE'S OF ALBANY, OREGON  
 PROJECT NO. 2008  
 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
 SITE LIGHTING LAYOUT PLAN



**PAGE**  
**INTERWORKS, P.A.**  
 ENGINEERS & CONSULTANTS  
 223 MAIN STREET, N. WACARUS, NC 27888  
 PHONE: 336-657-4225 FAX: 336-657-1333

**REVISIONS**

NO.	DATE	DESCRIPTION
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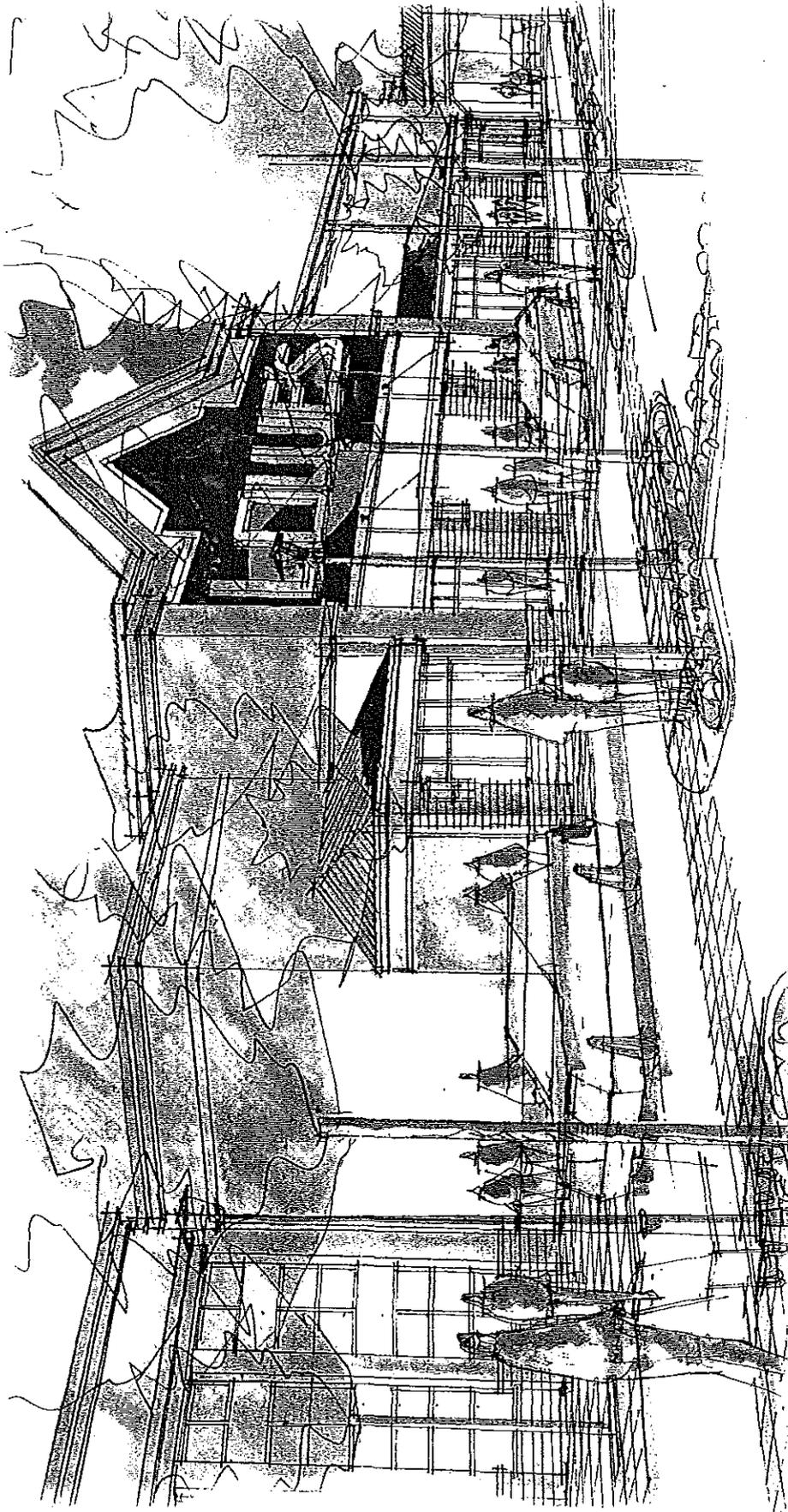


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NOTE: ALL LIGHTING FIXTURES TO BE PLACED ON OR WITHIN THE LOT AS SHOWN AND LOCATIONS WILL ADJUST TO THE PROPERTY LINE.

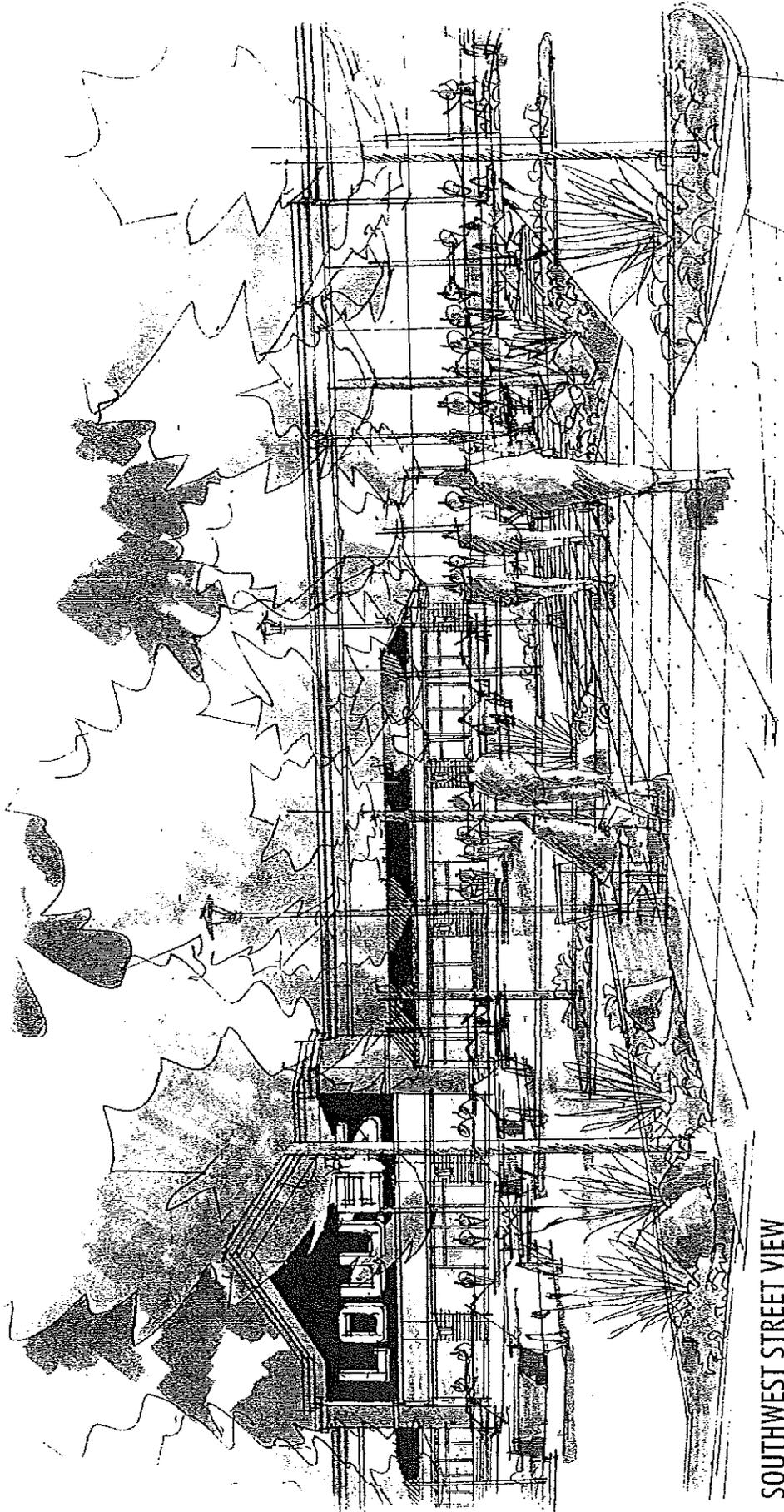
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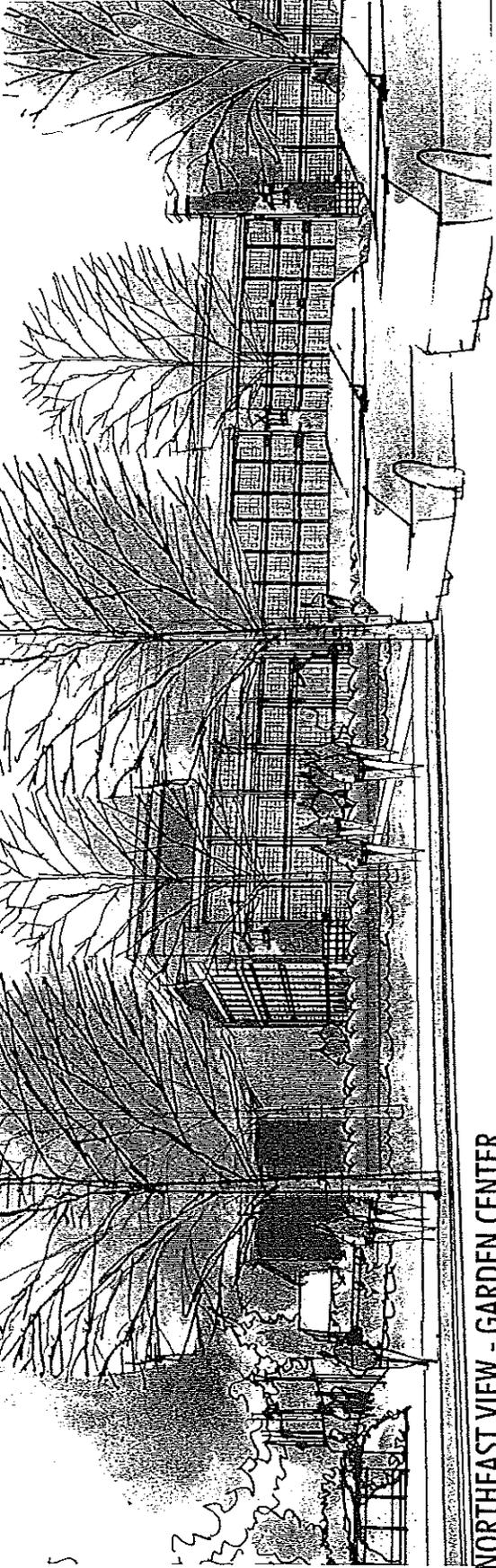




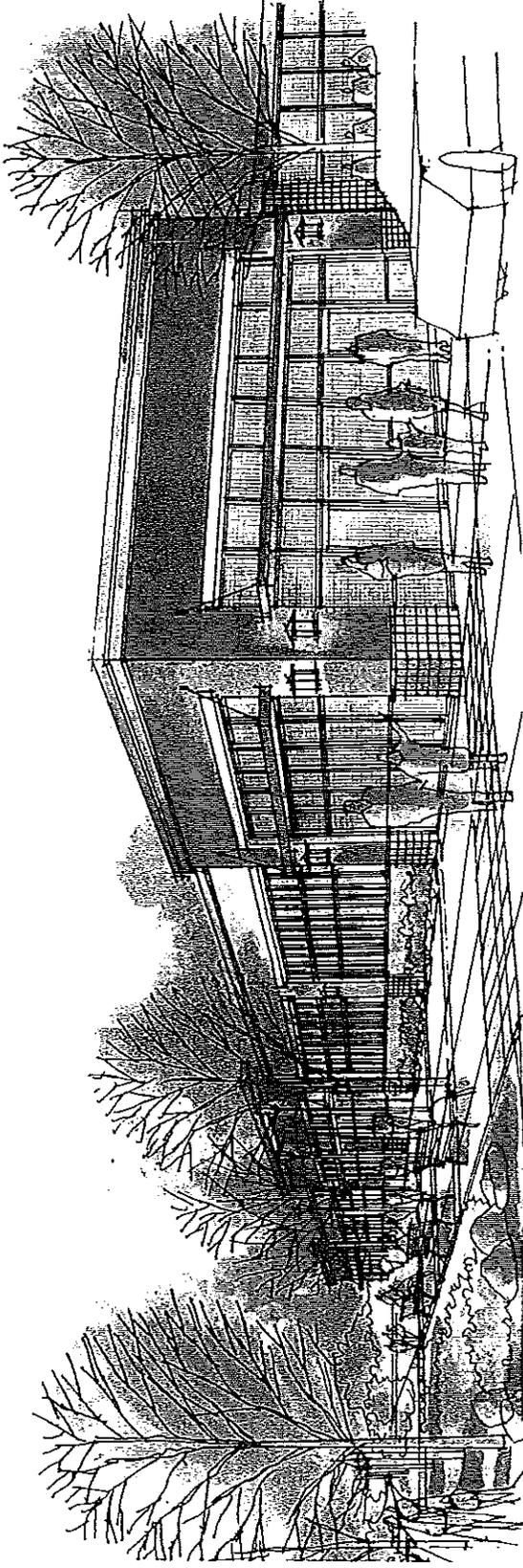
NORTHWEST STREET VIEW

SOUTHWEST STREET VIEW



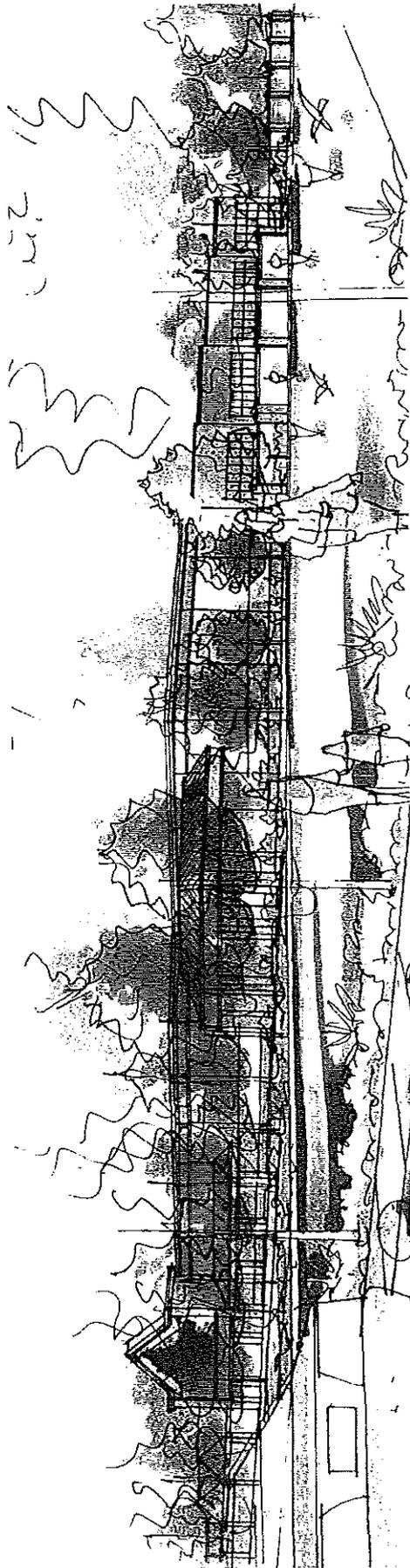


NORTHWEST VIEW - GARDEN CENTER

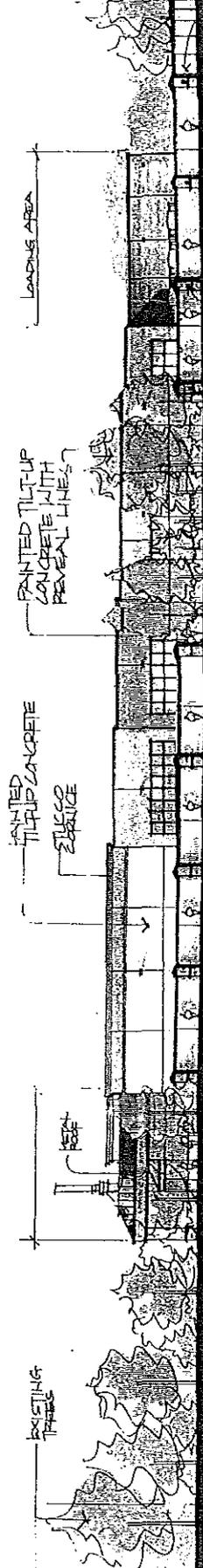


NORTHEAST VIEW - GARDEN CENTER

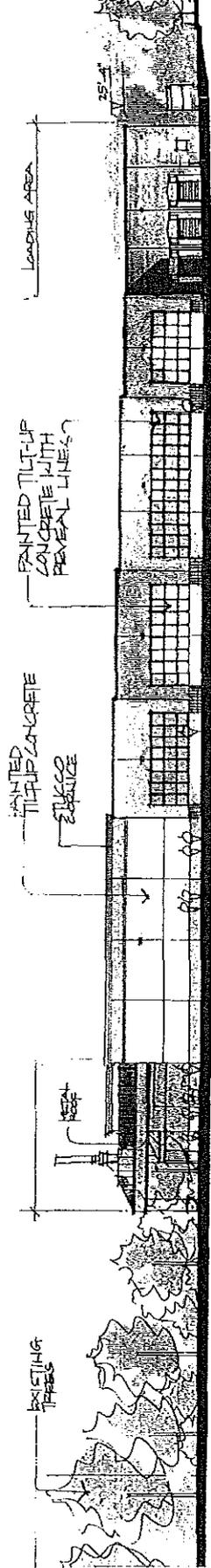




OAK STREET SOUTHWEST VIEW



SOUTH ELEVATION with ENCLOSURE AND FENCE



SOUTH ELEVATION

**SUMMARY OF TENTATIVE CONDITIONS OF APPROVAL – LOWE’S  
AS MODIFIED BY CITY COUNCIL**

**VARIANCE APPLICATION – VR-09-08**

- 1.1 The Lowe's development plans shall be revised to show the applicants constructing a City standard bike/pedestrian path on the west side of Periwinkle Creek from Ninth Avenue south to existing path on Kinder Park. The pathway shall be designed to include 10 feet of pavement, a minimum of two feet of unobstructed clear space on both sides of the paving, and safety fencing as deemed necessary by the City. The final plans shall be reviewed and approved by the City's Community Development and Parks and Recreation Directors.
  
- 3.1 The developer or its successor shall construct a master plan bikepath section on the west side of Periwinkle Creek from Ninth Avenue south and connected to the existing path on Kinder Park. The path shall be constructed to City standards, which includes 10 feet of pavement and a minimum of two feet of unobstructed clear space on both sides of the paving. Safety fencing shall be constructed as deemed necessary. The final plans for the path shall be reviewed and approved by the City's Community Development and Parks and Recreation Directors. Any changes to the site plan to accommodate the pathway shall be reviewed and approved by the Planning Division in accordance with Condition 5.1.
  
- 4.1 The developer or its successor shall construct a master plan bikepath section on the west side of Periwinkle Creek from Ninth Avenue south and connected to the existing path on Kinder Park. The path shall be constructed to City standards, which includes 10 feet of pavement and a minimum of two feet of unobstructed clear space on both sides of the paving. Safety fencing shall be constructed as deemed necessary. The final plans for the path shall be reviewed and approved by the City's Community Development and Parks and Recreation Directors. Any changes to the site plan to accommodate the pathway shall be reviewed and approved by the Planning Division in accordance with Condition 5.1.

**SITE PLAN REVIEW APPLICATION –SP-37-08 (THE DEVELOPMENT OVERALL)**

- 1.1 Before issuance of a building permit or performance of any work within Ninth Avenue or Pacific Boulevard right-of-way, the applicants shall secure all necessary construction permits and approvals from ODOT for improvements to the Ninth Avenue/Oak Street and Pacific Boulevard/Oak Street intersections.
  
- 1.2 Before issuance of a building permit, the applicants shall dedicate six feet of public right-of-way along the site's frontage on Oak Street.
  
- 1.3 Before issuance of a building permit, the applicants shall secure and dedicate as public right-of-way the land needed for the extension of Oak Street between Ninth Avenue and Pacific Boulevard.

- 1.4 Before issuance of a building permit, the applicants shall construct, or financially assure the construction of the following for the extension of Oak Street between Ninth Avenue and Pacific Boulevard:
- Curb, gutter, and sidewalk along both sides of the street. Sidewalk on the east side of the street may be attached to the curb in order to minimize impacts on the adjoining building.
  - Number of lanes in each direction shall be a function of the Progression Analysis to be performed by Lowe's Traffic Engineer.
  - On street bike lanes in each direction. The bike lanes shall be 5 feet in width.
- 1.5 In the event the City Council forms a Local Improvement Assessment District for the extension of Oak Street, the applicants shall participate in the assessment district in lieu of constructing the improvements outlined above. All required ODOT approvals and permits will still need to be acquired prior to issuance of a building permit.
- 1.6 Before issuance of a building permit, the applicants shall construct or financially assure the construction of the following for the improvement of Oak Street along the frontage of the development:
- Curb, gutter, and setback sidewalk along the east side of the street.
  - A 12 foot vehicle travel lane in both directions.
  - A 12 foot center turn lane together with a transition to a two lane section south of the site's southern driveway. The center lane shall be striped to provide for two northbound through lanes at the Ninth Avenue/Oak Street intersection.
  - A 6 foot bike lane in both directions.
  - Curb and gutter along the west side of the street, or a swale and drainage improvements sufficient to accommodate stormwater runoff directed to the west side of the street.
- 1.7 In the event the City Council forms an Assessment District for the improvement of Oak Street, the applicants shall participate in the assessment district. The applicant may choose to construct frontage improvements along Oak Street and receive a credit from the assessment district for those improvements.
- 1.8 Before issuance of final occupancy of the Lowe's development the applicants shall construct to City standards a 10-foot-wide multi-use path on the east side of the development from Ninth Avenue to the existing path located on Kinder Park to the south. The design of the path connection to Ninth Avenue shall: (1) include a ramp allowing cyclist's access between the path and the bike lane on Ninth Avenue; (2) meet the AASHTO clear-distance standard of a minimum of two feet between the path pavement and any adjacent barriers; (3) shall provide safety fencing as require by the City along the top of the bank of Periwinkle Creek. The final path design of all improvements related to the path shall be reviewed and approved by the Directors of the Community Development and Parks and Recreation Departments.
- 1.9 Before issuance of building permits, the applicants shall provide the City with an access easement and maintenance agreement over the public path to be constructed on the east side of the applicants' property.
- 1.10 The final landscape plans submitted to the City shall show installation of new and/or replacement street trees as the case may be within the landscape planters to be provided along the development's two street frontages of Ninth Avenue and Oak Street.
- 2.1 Before performing any work within Ninth Avenue right-of-way, the applicants shall secure all required approvals and permits from ODOT.

- 2.2 The three driveways proposed for construction with the project shall be designed and located in accordance with the approved site plan.
- 2.3 The applicants shall construct the eastbound right turn lane and sidewalk on Ninth Avenue as shown on the site plan. The new sidewalk shall have a minimum width of 7 feet. The applicant shall dedicate public right of way to a point 6 inches behind the new sidewalk.
- 2.4 Crosswalks that are an extension of the public sidewalk shall be striped across all three driveways proposed with the development.
- 2.5 A minimum of 281 vehicle parking spaces shall be provided to serve the proposed development (415 are shown). Accessible parking for the disabled must be provided per Oregon Transportation Commission Standards for Accessible Parking Places and the Oregon Structural Specialty Code 1103.1.e. With 415 parking spaces to be provided, nine of them must be designed and designated for the disabled.
- 2.6 Parking for a minimum of 22 bicycles shall be provided. The parking spaces must meet the standards of ADC 9.120(13).
- 2.7 Before occupancy of the building, the applicant must construct all on-site and off-site pedestrian connections.
- 2.8 Before installation of plant materials, a final landscape plan shall be submitted for staff approval. The final landscape plan must meet the shall show meeting the landscape planting requirements of parking lots per ADC 9.150 and ADC 8.380:
- (1) Parking Lot Planting Areas. Each planter shall contain 1 tree at least 10 feet high and decorative ground cover containing at least 2 shrubs for every 100 square feet (or less) of planter area
  - (2) Entryway Landscaping. Entryways into parking lots shall be bordered by a minimum 5-foot-wide landscape planter strip meeting the same landscaping provisions as for planter bays, except that no sight obscuring trees or shrubs are permitted.
  - (3) Parking Space Buffers. 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.
  - (4) Landscaping for large parking areas shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree per eight parking spaces to create a canopy effect. The total parking area includes parking spaces, travel aisle, sidewalks and abutting landscaped areas.
- 3.1 Before the City will issue building permits for the proposed project, the applicants must construct a 12-inch public water main along the property's west boundary (Oak Street) to complete the necessary loop in the public water system.
- 3.2 Before the City will issue building permits for the proposed project, the applicants must install a sanitary sewer cleanout at the north property line where the existing public sewer enters the subject property. This cleanout will delineate between the public sewer system (north of the subject property) and the private sewer system (within the boundaries of the subject property). The City will afterwards have no ownership or maintenance responsibility for any sewer facilities within the boundaries of the subject property.
- 3.3 Before the City will issue building permits for the proposed project, the applicants must construct the necessary public storm drainage improvements that will be associated with the required street improvements along their Oak Street frontage and the Oak Street connection between Ninth

- Avenue and Pacific Boulevard. The design of these improvements must be included for City review as part of the required *Permit for Private Construction of Public Improvements*.
- 3.4 Before the City will issue building permits for the proposed project, the applicants must submit detailed engineering drawings for all public utility work associated with this project. This includes, but is not limited to: public water extension in Oak Street, connections to the public water system in Ninth Avenue, installation of sewer cleanout at north property boundary, public storm drainage improvements in the required street construction (Oak Street), and storm drainage outfalls to Periwinkle Creek.  
Note: As an alternative to constructing the public improvements, the applicant must provide financial assurances for the required improvements before building permits will be issued. The financial assurance must be in a form approved by the City Attorney.
- 3.5 Ninth Avenue is an ODOT right-of-way. Any work to be done in an ODOT right-of-way must be approved and permitted by ODOT.
- 3.6 Before doing any site work, the applicants must obtain a National Pollution Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality (DEQ). In addition, the City requires that, prior to beginning any excavation or fill on the site, the applicant must submit an erosion control/prevention plan to the City of Albany Engineering Division for review and approval.
- 4.1 Before applying for building permits, the applicant must generate and have certified by a registered engineer, the base flood elevation of Periwinkle Creek on the east. A copy of this certified base flood elevation information must be provided with first construction plans submitted to the City for review. If it is found that the floodplain is located beyond the top of the bank of the Creek, all site and building plans must meet the standards for construction in the floodplain.
- 5.1 Except as modified by any conditions of approval, the development shall be constructed as shown on the reviewed plans. Any changes must have prior approval by the Planning Division.
- 5.2 Before issuance of building permits, provide the City with evidence that the property line adjustment (file LA-13-08) has been completed and the necessary documents recorded at Linn County to consolidate the tax lots into a single parcel.
- 5.3 The color pallet of the exterior of the building will be three shades of brown with blue accents as shown on the submitted rendering.
- 5.4 Outdoor display of merchandise is restricted to plants. All other products and merchandise must be located behind the enclosed areas or screened as shown on the reviewed and approved plans.
- 5.5 To mediate the impact of the exterior lighting on the area residences, the applicant shall provide a photometric diagram showing the light levels at the perimeter of the site complies with the Albany Development Code. Overall height of pole lighting shall be not more than 38 feet. All lighting fixtures must include full cut-off shields that are oriented parallel to the adjacent ground. Angling the light fixtures is not allowed as it creates glare.
- 5.6 Rooftop mechanical equipment that is not screened from public view by parapet walls shall be painted to match the color of the building walls. Other mechanical equipment and vents, such as, but not limited to, exterior drain pipes and electrical equipment/meters, shall be screened from public view either by use of paint, landscaping, or other type of screening acceptable to City staff.

- 5.7 All fences and screening walls must be installed before building occupancy. Fences and walls must be maintained by the property owner. No fence is allowed to become or remain in a condition of disrepair including, but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines. Fencing cannot exceed the location and height standards of the Development Code.
- 5.8 Signage along the Oak Street frontage shall be restricted to a one-foot by two-foot directional sign (e.g. enter/exit) for each driveway. The directional signage may have low intensity internal illumination.
- 5.9 Signage for the building and a freestanding sign on Ninth Avenue shall follow the regulations found in Article 13 of the Albany Development Code for development within the Community Commercial zoning district.
- 5.10 Minimum landscaping required within the **Ninth Avenue** front yard setback (10 feet x approximately 700 feet) and it includes buffer landscaping due to abutting arterial:
- a. A row of either deciduous or evergreen trees. If deciduous trees: 23 trees that are not less than 10 feet high at time of planting, and spaced 30 feet apart. If evergreen trees: 46 trees that are not less than 5 feet high at time of planting and spaced 15 feet apart; **and**
  - b. 35 five-gallon shrubs **or** 70 one-gallon shrubs; **and**
  - c. The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, etc.).

Minimum landscaping required within the **Oak Street** front yard from Ninth Avenue south to the first driveway (10 feet x approximately 235 feet):

- a. 2 trees not less than six feet high at time of planting; **and**
- b. 12 five-gallon shrubs **or** 19 one-gallon shrubs; **and**
- c. The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, etc.).

Minimum landscaping required within the **Oak Street** front yard south of the northern driveway to the southern driveway plus the south side of that driveway: (10 feet x approximately 225 + 13 = 238 feet); includes buffering and screening due to residential across from parking lot.

- a. A row of either deciduous or evergreen trees. If deciduous trees: 8 trees that are not less than 10 feet high at time of planting, and spaced not more than 30 feet apart. If evergreen trees: 16 trees that are not less than 5 feet high at time of planting and spaced not more than 15 feet apart; **and**
- b. one of the following:
  - One row of evergreen shrubs which will grow to form a continuous hedge at least four feet in height within two years of planting, *or*
  - A minimum five-foot-tall fence or masonry wall to provide a uniform sight-obscuring screen, *or*
  - An earth berm combined with evergreen plantings or a fence that will form a sight and noise buffer at least six feet in height within two years of installation
- c. The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, etc.).

Where planting counts overlap (such as at corners) the planting can be counted against each requirement rather than requiring both requirements.

- 5.11 The applicant will need to replace removed or damaged street trees located in the Ninth Avenue right-of-way planter strip. City Staff will work with the applicant as to appropriate locations along the frontage.
- 5.12 All landscaping and fencing must meet the vision clearance standards of ADC 12.180.

- 5.13 Before landscaping is installed Planning staff must approve a final landscape plan for the development. The final plan must show the location of all plants and ground cover, include a legend that identifies the quantity of each type of plant, their common and botanical names, the pot size at time of planting (gallons/inches), and the spacing between plants. Landscaping must not conflict with vision clearance standards found at ADC 12.180.
- 5.14 All landscaped areas must be provided with a piped underground water supply irrigation system. This must be identified on the final landscape plan.
- 5.15 Any irrigation system installed in the Ninth Avenue public right-of-way requires a permit from ODOT. Any irrigation system installed in the Oak Street public right of way requires a City encroachment permit.
- 5.16 All landscaping and irrigation must be installed as shown on the approved final plans. If occupancy is requested between December 1 and March 1, the Development Code allows a short-term deferral on installation of the landscaping subject to meeting certain conditions outlined at ADC 9.190.
- 5.17 It shall be the continuing obligation of the property owner to maintain the landscaping as approved and keep it free of weeds and noxious vegetation. Trees or shrubs growing in the right-of-way or on private property must be trimmed to maintain a minimum canopy height of 8 feet above sidewalks or 14 feet above streets or alleys.

**SITE PLAN REVIEW–TREE FELLING APPLICATION– SP-38-08**

- 1.1 The applicants shall obtain an ODF logging permit if the felled trees are to be used for commercial purposes (i.e. sold).
- 3.1 Before any tree felling, earthmoving, or construction activity occurs on the site, the applicant shall prepare a specific plan for protection of the retained existing trees. The City Forester must approve this plan.
- 3.2 Before any tree felling, earthmoving, or construction activity occurs on the site, the City Forester must verify in the field that all tree protection measures are in place at the locations and of the types protection measures approved by him.
- 3.3 All construction plans shall include the following notes:
  - a) “All protected trees shall have protective fencing placed around them that matches the drip line of those trees. Tree protection fencing shall consist of either orange barrier fencing or chain-link fencing. Once the tree protection area is established and the protection fence is installed, it should not be moved under any circumstances unless approved by the City.”
  - b) “No grading, construction, storage of materials, underground utilities, etc., shall occur within the tree protection area.”
  - c) “Surface drainage shall not be altered in any way that directs water in or out of the tree protection area unless approved by the City Forester.”
  - d) “Any installation of public infrastructure, irrigation, or utilities within the drip line of protected trees will require construction methods that minimize impacts to the tree roots and are approved by the City Forester.”

- e) "All tree protection measures shall be in place before there is any earthmoving or construction activity on the property."
- f) "Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance."
- g) "There shall be no storage or movement of equipment, material, debris or fill within the fenced tree protection zone."
- h) "During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees."
- i) "No damaging attachment, wires, signs or permits may be fastened to any retained tree."
- j) "The installation of utilities, irrigation lines or any underground fixture requiring excavation deeper than six (6) inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of twenty-four (24) inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in the chart below.

<b>Tree Diameter at Breast Height (inches)</b>	<b>Auger Distance from Face of Tree(feet)</b>
8-9	5
10-14	10
15-19	12
Over 19	15

- k) "Any required infrastructure improvements within ten (10) feet of the drip line of retained trees will require installation and construction methods that minimize impacts to the tree roots." The City Forester must approve the construction method.

## SUGGESTED MOTION

### CITY COUNCIL FINAL DECISION

#### MOTION TO APPROVE WITH CONDITIONS

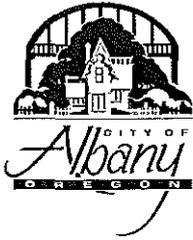
I MOVE that the City Council APPROVE WITH CONDITIONS the Site Plan Review application to construct a Lowe's home improvement and garden center on 11.54 acres of land located at the southeast corner of Oak Street SE and Ninth Avenue SE, the Site Plan Review--Tree Felling application to remove 42 identified trees from the development site, and the Variance application to allow the area of the Lowe's building to be 152,236 square feet when 100,000 square feet is the standard (Files SP-37-08, SP-38-08 and VR-09-09).

I ALSO MOVE that the Council amend Conditions of Approval 3.1 and 4.1 for VR-09-08 to read as follows: "The developer or its successor shall construct a master plan bikepath section on the west side of Periwinkle Creek from Ninth Avenue south and connected to the existing path on Kinder Park. The path shall be constructed to City standards, which includes 10 feet of pavement and a minimum of two feet of unobstructed clear space on both sides of the paving. Safety fencing shall be constructed as deemed necessary. The final plans for the path shall be reviewed and approved by the City's Community Development and Parks and Recreation Directors. Any changes to the site plan to accommodate the pathway shall be reviewed and approved by the Planning Division in accordance with Condition 5.1."

I ALSO MOVE that the Council adopt the Findings of Fact, Conclusions, and Conditions set forth in the Staff Report, as modified by the Supplemental Findings, including the conditions set forth therein.

This motion is based upon the evidence and testimony in the record, including the written and oral testimony presented at the December 9, 2009, public hearing, and the Supplemental Findings presented to the City Council at their January 13, 2010, meeting.

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TO: Albany City Council

VIA: Wes Hare, City Manager  
Greg Byrne, Community Development Director

FROM: Don Donovan, Planning Manager  
Ronald G. Irish, Transportation Systems Analyst  
Jeni Richardson, P.E., Civil Engineer III

DATE: January 6, 2010

SUBJECT: File CP-02-09, Comprehensive Plan Amendment  
Goal 12: Transportation, Revise Text and Adopt Transportation System Plan

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods; Safe City; Effective Government

RELATES TO: • City's Periodic Review Work Program

Action Requested:

Hold a public hearing on adoption of the revised Transportation System Plan (TSP) and related Comprehensive Plan amendments. Close the hearing and deliberate. Direct staff to make further revisions if necessary. The final decision to adopt will be made at a future meeting.

Discussion:

The public hearing and Council consideration of adoption of the revised Transportation System Plan (TSP) and related Comprehensive Plan amendments was originally scheduled for the December 9, 2009, City Council meeting. At the December 9, 2009, meeting, the Council opened the hearing and continued it to the January 13, 2009, meeting.

The new Transportation System Plan (TSP) for the city is ready for adoption. The City's Engineering Division started working on an update of the TSP in 2006. More than 50 meetings related to the update have been held in the last three years to ask for comments and provide information to the public about the TSP update. The City Council has been involved in many of the meetings about the TSP and served as an advisory board during the update process.

One of the recent meetings was a joint meeting between the Planning Commission and City Council on August 27, 2009. At that meeting Jeni Richardson and Ron Irish went over highlights of the TSP and answered questions. Since the August 27 meeting, Jeni and Ron have made some revisions to the TSP in response to the City Council, Planning Commission, and public comments and questions. An addenda list that explains the revisions is included with the staff report that follows this memo. A new version of the TSP dated October 9, 2009, that incorporates these changes has been available for review on the City's web site at [www.cityofalbany.net/tmp](http://www.cityofalbany.net/tmp).

On November 16, 2009, the Planning Commission held a public hearing on the proposed Comprehensive Plan amendments. At the hearing, the Engineering staff reported on a letter from ODOT with final comments on the TSP. The letter is attached to the staff report as Attachment #8 along with six project sheets that were revised to address ODOT's comments. Engineering staff also reported on four other revised sheets at the public hearing. Those four sheets are attached to

the staff report as Attachment #9. The revised sheets in Attachment #8 and #9 will be included in the TSP if the City Council approves them.

Two citizens testified at the Planning Commission public hearing in relation to the proposed amendments. The Planning Commission decided that one project should be changed after hearing and discussing the citizen comments. The Planning Commission recommendation is that the City Council adopt the new TSP and related amendments, with the revisions submitted by the Engineering staff, except Projects L17 and L18 which should be revised to show Timber Street extended north instead of Expo Parkway. The Planning Commission hearing and recommendation are discussed in more detail on page 1 and 2 of the attached staff report. Engineering staff explained the Expo Parkway/Timber Street projects at the December 7, 2009, City Council work session.

The attached ordinance was written so that the City Council could adopt the TSP and related Comprehensive Plan amendments at the January 13, 2010, City Council meeting. But, we realize that the City Council will likely ask for a few additional revisions before adoption. As you can see under the heading "Action Requested" above, we expect to make revisions and then come back for final adoption at a future meeting. It is staff's intention to come back to the next upcoming meeting that is feasible depending on the time it will take to make requested revisions.

If you have questions about anything in the TSP, please call Jeni Richardson at 967-7637. If you have questions about the review process or anything else planning-related, please call Don Donovan at 917-7561. **Please bring the copy of the TSP that you received for the August 27, 2009, meeting with you to the January 13, 2010, meeting.**

Budget Impact:

None.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 4477, WHICH ADOPTED THE ALBANY COMPREHENSIVE PLAN, BY ADOPTING THE OCTOBER 2009 TRANSPORTATION PLAN WITH REVISIONS, BY REVISING TEXT IN THE COMPREHENSIVE PLAN CHAPTER 5, BY REPLACING A MAP IN THE MASTER STREET PLAN, BY INCLUDING A MAP IN THE MASTER BIKEWAY PLAN, AND ADOPTING FINDINGS; AND DECLARING AN EMERGENCY

WHEREAS, on August 27, 2009, the Albany City Council and the Planning Commission held a joint work session to discuss a revised Transportation System Plan prepared by City of Albany staff and consultants Kittleson & Associates; and

WHEREAS, on November 16, 2009, the Planning Commission held a public hearing on adoption of the revised Transportation System Plan and related Albany Comprehensive Plan amendments and recommended the City Council adopt the Transportation System Plan and related amendments; and

WHEREAS, Albany Development Code (ADC) Section 1.580, says the Albany City Council may make changes to the Comprehensive Plan by legislative act where such changes affect a large number of persons, properties, or situations and are applied over a large area; and

WHEREAS, on December 9, 2009, the Albany City Council opened a public hearing on adoption of the Transportation System Plan and related Comprehensive Plan amendments; and

WHEREAS, on January 13, 2010, the Albany City Council continued a public hearing on the on adoption of the Transportation System Plan and related Comprehensive Plan amendments and any testimony presented and then deliberated; and

WHEREAS, on January XX, 2010, the Albany City Council voted to adopt this ordinance.

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

Section 1: The Transportation System Plan, dated October 2009, prepared by City of Albany staff and consultants Kittleson & Associates, is hereby adopted, including the revisions listed on the addenda sheet, attached to the staff report as Attachment #1 and the revisions attached to the staff report as Attachments #8 and #9 in the staff report reviewed by the City Council and agreed upon at their December 9, 2009, meeting. The staff report is attached to this ordinance as Exhibit A.

Section 2: The existing text in Comprehensive Plan Chapter 5: Transportation, pages 5-1 through 5-7 is deleted and replaced with revised text. The text that will be deleted is included with the staff report as Attachment #3. The text that will replace the deleted text is included with the staff report as Attachment #4.

Section 3: Existing Comprehensive Plan Plate 12, Master Street Plan is deleted and replaced with the Roadway Functional Classification Map included in the new TSP. The plate that will be deleted is attached to the staff report as Attachment #5. The new Functional Classification Map that will be the new Plate 12 is attached to the staff report as Attachment #6.

Section 4: Existing Comprehensive Plan Plate 13, Master Bikeways Plan is deleted. A new Planned Bicycle and Pedestrian Improvements map is included in the TSP (Figure 7-5, page 79). The plate that will be deleted is attached to the staff report as Attachment #7.

Section 5: The Findings of Fact and Conclusions included in the staff report are adopted in support of the City Council decision.

Section 6: Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: \_\_\_\_\_

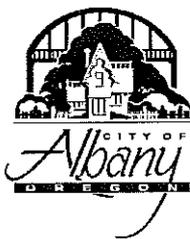
Approved by the Mayor: \_\_\_\_\_

Effective Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



# Community Development Department

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

Phone: 541-917-7550 Facsimile: 541-917-7598  
[www.cityofalbany.net](http://www.cityofalbany.net)

## STAFF REPORT Comprehensive Plan Amendment

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<b><u>HEARING BODY</u></b>	CITY COUNCIL
<b><u>HEARING DATE</u></b>	Wednesday, January 13, 2010
<b><u>HEARING TIME</u></b>	7:15 p.m.
<b><u>HEARING LOCATION</u></b>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

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### **GENERAL INFORMATION**

DATE OF REPORT:	January 6, 2010
FILE:	CP-02-09
TYPE OF APPLICATION:	Amendments to the Albany Comprehensive Plan that will revise the text of Chapter 5: Transportation and adopt the Albany Transportation System Plan, dated October 2009, as a supporting document to the Comprehensive Plan.
REVIEW BODY:	City Council
STAFF REPORT PREPARED BY:	Don Donovan, Planning Manager
APPLICANT:	City of Albany; PO Box 490; Albany, OR 97321
APPLICANT REP:	Jeni Richardson; City of Albany Public Works Department, Engineering Division; PO Box 490; Albany, OR 97321
PRIOR HISTORY:	The current Transportation System Plan was adopted by the City Council in 1997.

### **NOTICE INFORMATION**

A Notice of Public Hearing was published in the Albany Democrat-Herald on November 4, 2009. On November 6, 2009, a Notice of Public Hearing was mailed to people on the Planning Division's list of people who are typically interested in changes to planning documents, and emailed to the list of people who had participated in previous meetings on the TSP and asked to be included on the email list. The notices identified December 9, 2009, as the City Council hearing date. At the December 9, 2009, City Council meeting, the Council opened the public hearing and continued it to the January 13, 2010, meeting.

### **PLANNING COMMISSION PUBLIC HEARING**

On November 16, 2009, the Planning Commission held a public hearing on the proposed Comprehensive Plan amendments. Two citizens testified in relation to the proposed amendments, specifically about projects included in the TSP. Planning Commissioners also discussed two other projects.

Bob Scheler testified that he thinks Timber Street should be extended north instead of Expo Parkway. Projects L17 and L18 (in Appendix E, "Roadway Links" section of the TSP) show Expo Parkway should be extended north. The Planning Commission decided to recommend to the City Council that Timber Street be extended north instead of Expo Parkway. An owner of property at Knox Butte Road and Century Drive has written a letter to us that expresses concern about extending Expo Parkway north instead of Timber Street. The letter is attached to this staff report as Attachment #10. The Engineering staff scheduled time at the December 7, 2009, City Council work session to discuss the implications of this recommendation with the City Council. Staff will further explain why the choice is to extend Expo Parkway instead of Timber Street at the January 13, 2010, City Council public hearing.

Tara Gaitaud testified that she thinks the bicycle and pedestrian path shown as project M5 (in Appendix E, "Multiuse Bike/Ped" section of the TSP) a "medium-term" project should be a "short-term" project instead. She thinks there is a need for the path sooner rather than later. No revisions were agreed upon.

Planning Commissioner Mike Styler mentioned that work is needed at the intersection of Oak Street and Queen Avenue. Oak Street is not aligned at 90 degrees where it intersects Queen Avenue, and Mr. Styler thinks this creates sight-distance problems, especially for people driving south on Oak Street that want to turn left on to Queen Avenue. No revisions were agreed upon.

Planning Commissioners also discussed whether a roundabout was the appropriate solution to traffic congestion at the intersection of Salem Avenue and 3rd Avenue at Main Street (included in Appendix E, "Intersections," as project I1). No revisions were agreed upon.

#### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission made a decision to recommend that the City Council adopt the proposed Comprehensive Plan amendments, with the following revision:

1. Revise Projects L17 and L18 (in Appendix E, "Roadway Links" section of the TSP) to show Timber Street extended north instead of Expo Parkway.

#### **CITY COUNCIL DECISION**

*[NOTE TO CITY COUNCIL: CHOOSE ONE FROM THE MOTIONS LISTED BELOW.]*

#### **MOTION TO APPROVE**

*If the City Council finds the proposed Comprehensive Plan amendments related to the new TSP are acceptable and that the findings and conclusions in the staff report adequately address any issues raised at the public hearing, the City Council may approve the proposed Comprehensive Plan amendments based on the findings and conclusions of the staff report.*

I MOVE that the City Council adopt the ordinance that will APPROVE the amendments to the Albany Comprehensive Plan that will revise the text of Chapter 5: Transportation and adopt the Albany Transportation System Plan, dated October 2009, as a supporting document to the Comprehensive Plan. The revisions summarized on the addenda sheet dated November 9, 2009, and the revisions included in Attachment #8 and #9 in the staff report are incorporated in the TSP here by reference. This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

## MOTION TO DIRECT STAFF TO PREPARE ADDITIONAL FINDINGS FOR APPROVAL

*If new information is presented at the public hearing or if the City Council believes additional findings are needed to address issues raised at the public hearing, the City Council may direct staff to prepare additional findings for review at a future meeting. If the additional findings are found to be satisfactory, the City Council would then approve the proposed Comprehensive Plan amendments based on the staff report, testimony at the public hearing, and the additional findings.*

I MOVE that the City Council direct staff to prepare additional findings for approval of the amendments to the Albany Comprehensive Plan that will revise the text of Chapter 5: Transportation and adopt the Albany Transportation System Plan, dated October 2009, as a supporting document to the Comprehensive Plan. The addenda sheet dated November 9, 2009, and the revisions included in Attachment #8 and #9 in the staff report are incorporated in the TSP here by reference. The additional findings will address *[Note to City Council: Insert appropriate review criteria where you feel additional findings are needed]*. The findings will be brought back to the City Council for consideration at a future meeting.

## APPEALS

An appeal of the City Council decision would be to the Land Conservation and Development Commission since the proposed amendments are related to a Periodic Review work task (OAR 660-025-0040).

**STAFF ANALYSIS**  
**COMPREHENSIVE PLAN AMENDMENT**  
**FILE CP-02-09**

Background Information

Periodic Review: Oregon Revised Statutes (ORS) 197.628(1) says “It is the policy of the State of Oregon to require the periodic review of comprehensive plans and land use regulations in order to respond to changes in local, regional and state conditions to ensure that the plans and regulations remain in compliance with the statewide planning goals adopted pursuant to ORS 197.230, and to ensure that the plans and regulations make adequate provision for economic development, needed housing, transportation, public facilities and services and urbanization.”

The City of Albany is currently in periodic review of the Albany Comprehensive Plan. The state Department of Land Conservation and Development (DLCD) has written Oregon Administrative Rules (OAR) that apply to periodic review. DLCD has approved a periodic review work program for the City of Albany under OAR 660-025-0110(4).

Adoption of TSP: OAR 660-012-0015(1) says the City must adopt the TSP as part of the Comprehensive Plan. Work Program Task #4 requires the City to adopt a new Transportation System Plan (TSP). The City began work on an update to the TSP in 2006 and has now completed the update. Copies of the TSP, dated July 2009, have been distributed to the Planning Commission and City Council. An addenda sheet that includes revisions that have been made in response to DLCD, Oregon Department of Transportation (ODOT), and City Council comments since July 2009 is attached to this staff report as Attachment #1. The pages that have been revised are attached as Attachment #2. Additional revisions have been made since the Planning Commission meeting; those revisions are attached to the staff report and Attachment #8 and Attachment #9.

Citizen Involvement: OAR 660-025-0080 says the City must use its acknowledged or otherwise approved citizen involvement program to provide adequate participation opportunities for citizens and other interested persons in all phases of the local periodic review. The City’s acknowledged citizen involvement program, included in Albany Development Code (ADC) Section 1.580, says the Albany City Council may make changes to the Comprehensive Plan by legislative act where such changes affect a large number of persons, properties, or situations and are applied over a large area.

Review Process: ADC 1.590 says the review of legislative actions, such as amendments to the Comprehensive Plan, are done in accordance with the Type IV land use process (described in ADC 1.370). The requirements for notice and hearings on proposed amendments are set out in ADC 1.600 - 1.660. The Type IV land use process includes hearings before the Planning Commission and City Council.

Recent Comments from ODOT on the TSP: On November 5, 2009, as Planning staff was finalizing the staff report that went to the Planning Commission, the Engineering staff received a letter with final comments on the TSP from ODOT. The letter is attached to this staff report as Attachment #8. Staff addressed ODOT’s comments at the Planning Commission hearing. Six project sheets included in the TSP were revised to address some of the ODOT comments. With this City Council staff report, we have attached the six project sheets revised in response to ODOT comments behind the ODOT letter in Attachment #8. The revised sheets will be included in the TSP if the City Council approves them. Here is information on those revised project sheets:

*Project S2: Hwy 20 Corridor and Downtown Refinement Plan.* The description was clarified that the analysis should go all the way to Interstate-5.

*Project I24: OR99E/Waverly Avenue and Project I26: US 20/Waverly Drive.* These two intersections are among the most congested in the city. A southbound, right turn lane has been added to project I24 and an additional

northbound through lane has been added to I26 to provide more capacity. A disclaimer was added to each project that we would look at this capacity improvement in the event of redevelopment of the impacted parcels.

*Project I14 and Project I28: OR99E/34th Ave.* This intersection used to have I14 and I28 improvements that have been combined to a new I14 project sheet. A new I28 improvement will install a second southbound left-turn lane from the highway onto 34th Avenue.

*Project I40: OR99E/53rd Avenue.* This new intersection project provides a second southbound left-turn from the highway to 53rd Avenue.

**Additional Project Sheet Revisions:** Engineering staff has also revised four other sheets since the City Council last reviewed the TSP. These four sheets are attached to this staff report as Attachment #9. The revised sheets will be included in the TSP if the City Council approves them. Information on the revised sheets is as follows:

*Project L21: Knox Butte Road Widening.* A comment was added that “alternative access to the RV Park located on Expo Parkway should be considered as traffic volumes on Expo Parkway increase.” This was addressed during neighborhood meetings that occurred months ago where a concern was raised about large RVs mixing with traffic from the commercial property to the west on Expo Parkway. While analysis indicated that Expo Parkway was adequate for the expected traffic, it was noted that additional access to the RV Park’s easterly boundary from the signal at Timber should be considered to provide an additional location for large RVs to gain access to Knox Butte Road.

*Project M4: South Waterfront Trail.* This project was modified to eliminate the path link from the dead end of Oak Street to the west end of Bowman Park. This part of Project M4 had severe constraints with a steep grade, was not popular with residents where the trail would be constructed, and the Parks Department was not particularly interested in making this connection.

*Project Maps: Figures 7-1 and 7-5.* These maps from the draft TSP are reproduced in 11-inch x 17-inch format. They include all changes in the October 2009 version of the TSP, but do not include the project modifications in staff report Attachments #8 and #9.

**Submittal to DLCD:** OAR 660-025-0130 requires the City to submit completed work tasks to DLCD. The TSP will be submitted to DLCD after it is adopted by the City Council.

#### Proposed Revisions

The proposed amendments to the Comprehensive Plan will:

1. Delete the text in Comprehensive Plan Chapter 5: Transportation, pages 5-1 through 5-7. Replace the deleted text with revised text. The text that will be deleted is attached as Attachment #3. The text that will replace the deleted text is attached as Attachment #4.
2. Adopt the Albany Transportation System Plan, dated October 2009, as a supporting document to the Comprehensive Plan (the October 2009 version of the TSP includes the changes listed on the addenda sheet, Attachment #1 and the revisions found on Attachments #8 and #9 . The October 2009 version is available on the City’s web site at [www.cityofalbany.net/tmp](http://www.cityofalbany.net/tmp)).
3. Delete Comprehensive Plan Plate 12, Master Street Plan. Replace the deleted plate with the Roadway Functional Classification Map included in the new TSP. The plate that will be deleted is attached as Attachment #5. The new Functional Classification Map that will be the new Plate 12 is attached as Attachment #6. It is important to include this map in the Comprehensive Plan because identifying streets by class and function is the most basic element of defining how Albany's transportation system works.

Each class in the classification hierarchy (arterial, collector, local) functions differently and serves a different type of land use.

4. Delete Comprehensive Plan Plate 13, Master Bikeways Plan. A new Planned Bicycle and Pedestrian Improvements map is included in the TSP (Figure 7-5, page 79). The plate that will be deleted is attached as Attachment #7.

#### Review Criteria

The Albany Development Code (ADC) includes the following review criteria which must be met for this legislative Comprehensive Plan Amendment to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

- (1) *A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.*

#### FINDINGS OF FACT

##### Statewide Planning Goals

- 1.1 The TSP references Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) that apply to how the TSP is written and explains how the Albany TSP complies with the applicable ORS and OAR sections (TSP, page 2 and 3).
- 1.2 Goal 1: Citizen Involvement. "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." OAR 660-025-0080 says the local government must use its acknowledged or otherwise approved citizen involvement program to provide adequate participation opportunities for citizens and other interested persons in all phases of the local periodic review. OAR 660-025-0080(b) says citizens and interested persons must have the opportunity to comment in writing or present comments orally at one or more hearings on a periodic review work task.

Planning for the TSP update began in late 2004. Field data collection and conversations with residents and other stakeholders began in 2006. A total of about 50 meetings were held on the TSP prior to taking the completed document to the Planning Commission on November 16, 2009, for a recommendation to the City Council on adoption. The meetings leading up to the Planning Commission hearing included a variety of groups and individuals. A complete list of the meetings that were held is included in the TSP in Appendix B. The meetings included presentations to neighborhood groups, civic groups such as the Chamber of Commerce, home builders, City Council, and a joint City Council/Planning Commission work session. Notice was also given to DLCD representatives and ODOT representatives and they attended many of the meetings.

Notice of the meetings was provided in the local newspaper (Albany Democrat-Herald), on the City's website, and by regular mail and e-mail to people who expressed interest in the project. The notification list as of November 2009 includes about 168 people and groups.

- 1.3 Goal 2: Land Use Planning. "To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The TSP will be adopted by the City Council as a supporting document to the Albany Comprehensive Plan. The TSP will be used to guide the planning, design, and construction of all transportation facilities in Albany.

- 1.4 Goal 9: Economic Development. “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.”

Transportation systems support economic development by providing the means of transporting goods and people to the locations of manufacturing and other business centers throughout the city. The vision for Albany's transportation system is “a safe, diversified, and efficient transportation system that serves the needs of anticipated growth while protecting and enhancing Albany's economy, neighborhood quality, and natural and build environment” (TSP, page 8). The TSP includes goals and objectives that will be included in the Comprehensive Plan text. For example, Goal 4 is “Provide a transportation system that balances financial resources with community livability and economic vitality. (The revised text is attached to this staff report as Attachment #4.)

- 1.5 Goal 12: Transportation. “To provide and encourage a safe, convenient and economic transportation system.”

OAR 660-12-0015 through OAR 660-12-0040 describe the elements that must be included in a TSP.

Each of these elements is addressed in the Albany TSP as described in the TSP (TSP, Appendix A, Table 1).

OAR 660-12-0045 describes how the TSP is to be implemented. OAR 660-12-0045 says “Each local government shall amend its land use regulations to implement the TSP.”

The City's land use regulations are included in the Albany Development Code (ADC). The ADC was reviewed upon completion of the TSP update to determine if immediate revisions/amendments were needed to implement the TSP. It was found that immediate revisions/amendments to the ADC are not necessary to implement the TSP. For example, “The street design standards in Article 12 of the Albany Development Code were reviewed as part of the TSP update process. No specific changes, other than those noted on page 81, were identified as being necessary” (TSP, page 75).

The TSP (page 81) says:

“...the City Council has identified the following updates to the Albany Development Code or Engineering Design Standards that they intend to address:

- Update signal spacing standards and roadway spacing standards for collectors and arterials
- Include roadway operations standards
- Encourage infill growth
- Pursue a system-wide wetland mitigation bank
- Update arterial and collector street design standards
- Consider requirements for meandering streets
- Update access standards to arterial and collector streets
- Update parking standards on residential streets

Staff evaluation and the Planning Commission and the City Council consideration of these changes will be scheduled beginning in January 2010.

#### Goals and Policies of the Comprehensive Plan

- 1.6 Goal 1: Citizen Involvement. “Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.” Policies intended to implement this goal follow in the Comprehensive Plan (Comprehensive Plan, page 9-3).

See the discussion under the statewide goals above about how citizen involvement has been incorporated in the TSP update process (Findings 1.2).

- 1.7 Goal 2: Land Use Planning. "Undertake Periodic Review and Update of the Albany Comprehensive Plan to ensure the Plan..." Policies intended to implement this goal follow in the Comprehensive Plan (Comprehensive Plan, page 9-7).

See the discussion under the statewide goals above about how adopting the new TSP will promote efficient and effective land use planning (Findings 1.3).

- 1.8 Goal 9: Economic Development. "Enhance the value and diversity of Albany's economy through building on Albany's status as a regional center of manufacturing, retail services, finance, health care, tourism, and government; creating a readily identifiable downtown core that is unique and vibrant with a mixture of entertainment, housing, specialty shops, offices, and other commercial uses; and achieving a healthy balance of housing and jobs." Policies intended to implement this goal follow in the Comprehensive Plan (Comprehensive Plan, page 3-1).

See the discussion under the statewide goals above about how adopting the new TSP will further economic development (Findings 1.4).

- 1.9 Goal 12: Transportation. "Provide a safe, diversified, economical, and efficient transportation system that protects and enhances Albany's economy, environment, neighborhood quality, cultural, and scenic values. For the purposes of this document, a transportation system includes auto, transit, bicycles, pedestrian, rail and air transportation." Policies intended to implement this goal follow in the Comprehensive Plan (Comprehensive Plan, page 5-6).

The Albany Comprehensive Plan currently includes Goals, Policies, and Implementation Measures related to Goal 12: Transportation. The purpose of updating the TSP is to address changes that have occurred since the last TSP was adopted in 1997. Part of the update will include revisions to the text in Comprehensive Plan Chapter 5, which includes Goal 12: Transportation. New goals and policies are included in the revisions. (The revised text is attached to this staff report as Attachment #4.)

See further discussion under the statewide goals above how adopting the new TSP will implement the goals and policies of the Comprehensive Plan regarding transportation (Findings 1.5).

#### Relevant Area Plans Adopted by the City Council

- 1.10 The City Council has not adopted area plans for Albany. Several refinement-type plans have been done, but the practice has been to implement the plans by adopting new Comprehensive Plan Map and Zoning Map designations and Comprehensive Plan text changes, and amendments to the Albany Development Code.

For example, the Town Center Plan (File CP-03-95), the Balanced Development Patterns project (File CP-01-02), and the North Albany Refinement Plan (File CP-02-03) were all implemented this way.

#### CONCLUSIONS

- 1.1 Adoption of the TSP is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.
- 1.2 This review criterion is met.

(2) *A legislative amendment is needed to meet changing conditions or new laws.*

## FINDINGS OF FACT

2.1 The most recent version of the TSP was adopted in 1997 (File CP-04-97). Since that time the population of Albany has grown from about 38,000 people to about 49,000 people. (Source: Portland State University Center for Population Research and Census).

The TSP addresses transportation needs out to the year 2030. The TSP uses an estimate of 63,820 people for Albany's population in 2030. The 2030 projection was developed by creating a straight-line growth assumption from the 2020 projected population coordinated with Linn and Benton Counties to 2030 based on the average growth rate of 1.51 percent per year between 1997 and 2020. A similar method was used to project growth in employment and households.

2.2 The methodology used to prepare the TSP included creating an inventory of existing transportation facilities and projecting changes in future demand for these facilities (e.g., streets, sidewalks, bikeways). This approach provides the method by which changing conditions are identified (TSP, page 6).

2.3 The TSP then includes future plans for street, bicycle, and pedestrian networks throughout the city.

2.4 The Most Likely Land Use Concept (Alternative #4) used in the model to project future traffic impacts for the TSP includes assumptions about three areas in the Urban Growth Boundary where Comprehensive Plan Map and Zoning Map amendments are expected in the future. These three areas are: 1) expansion of the Regional Commercial site at the northeast corner of Century Drive and Knox Butte Road by approximately 4 acres; 2) re-zoning from residential single-family to office professional the "hospital property" located east of Interstate 5, north of Santiam Highway (U.S. Highway 20); and 3) annexation and adoption of city Comprehensive Plan Map and Zoning Map amendments for the property included in the South Albany Refinement Plan (formerly Oak Creek Refinement Plan) area. These three areas are identified and discussed in the TSP under the heading Forecast Growth, in Table 5-3 titled Comprehensive Plan and Zoning Map Change Assumptions (TSP, pages 35-37 and in Appendix C).

Because these future land use changes have been assumed in future year travel demand modeling for the TSP, an additional Transportation Planning Rule (TPR) analysis under OAR 660-12-0060 will not be necessary when any of these land use map amendments are made in the future.

2.5 Oregon Revised Statutes and Oregon Administrative Rules that apply to TSP's have been revised in some places between 1997 and now.

## CONCLUSIONS

2.1 Revisions to the TSP and adoption of the TSP are necessary to meet changing conditions and new laws.

2.2 This review criterion is met.

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Changes since the Joint PC/CC Work Session that are incorporated into the October 2009 Draft TSP

Site	Description
All figures	Remove the "Update" reference from the title block of all figures.
Pg 2, Par 1	"This plan will be adopted <u>as a supporting document to into</u> the Comprehensive Plan
Pg 2, Par 2	"The Oregon Revised Statutes ....Plan land <u>uses</u> and must also...."
Pg 2, Par 3	"...a Transit Master Plan is being developed and <u>when completed will be adopted into become part of the TSP as a separate document</u> ; therefore, ..."
Pg 3, Par 4	"In addition to these meetings, ..... and were held at key junctures...."
Pg 3, Par 4	"In addition, two neighborhood <u>meetings</u> were held to ....."
Pg 3, Par 6	"The City of Albany, <del>Oregon</del> is located in...."
Pg 6, Par 2	Spell out "urban growth boundary (UGB)" in the last sentence since this is the first time used. State that a detailed financial plan will be presented as a separate document.
Pg 8, Bul 1	Add a period at the end of the first bullet
Pg 9, Par 1	Under a <u>no-plan</u> and no-build scenario out to the future year 2030, ...."
Pg 9, Par 2	"The Transportation System Plan is the <u>instrument vehicle</u> to analyze, ....."
Pg 9, Bul 3	" <u>Ease of mobility</u> ; through volume-to-capacity ( <u>v/c</u> ) ratios and delay (level-of-service, <u>LOS</u> ) for..."
Pg 10, end	"Each of these planned ..... over a <u>no-build</u> option, ....."
Fig 3-1	Add street names. Change "Grand Prairie" to red (Albany). Change Ellingson, Lochner, and Columbus in the southern area to red (Albany). Add local street "7 Mile Lane" in light gray.
Pg 27, bullets	Add v/c standard to each bullet. 0.75, 0.85, 0.85.
Pg 31	Add footnote to Table 4-3 that the 2008 SPIS Table is in Appendix X.
Table 5-1	Change Row 7 Project Name: OR 99E, from <del>Geary Chicago</del> Street to SPRR. Change Row 7 Description: <u>Signing, changes to travel lanes, and access management components</u>
Table 5-2	Add footnote to clarify that the 2030 projections were based on a straight-line growth assumption from the 2020 coordinated population projection (and a similar method for employment and households.
Pg 36	Include new paragraph "None of the land use alternatives resolve future problems on the existing street system. On the state system in particular, this is primarily due to the influence of trips that pass through Albany without an origin or destination in Albany (such as traffic traveling on Highway 20 from the Corvallis area to I-5)."
Pg 38, Par Last	Add page number: "Intersection demand-capacity analysis was conducted .... (presented in Section 6, <u>page 48</u> )..."
Pg 39	Before the sentence that starts "Once Albany is designated as a MPO...", insert new sentence "The applicable performance standard on the highway system in Albany may change in the event Albany is designated or included in an MPO."
Pg 45 – 48	Minor modifications to add clarity to roadway & intersection alternative discussion
Pg 48	Add Timber Street to the list of sketches presented.
Table 6-2	Add sources (on page 57 first paragraph in transit commute trips section) to a footnote beneath Table 6-2
Pg 48, 65, 76	State that the project alignments shown in Appendix D, Figure 7-1 and Figure 7-5 are conceptual in nature and subject to modification during design."
Fig 7-1	Update map based on the changes in this summary.
Pg 72	Add statement about the 2004 US-20/ORE 99 Interchange Area Management Plan (IAMP) (see Technical memorandum #1 in the Volume 2 Appendix) that was adopted and remains part of the TSP.

Pg 73	Specify that Figs 5.1-2 and 5.2-2 in ODOT's February 2008 "Albany I-5 Corridor Refinement Plan and Existing Environmental/Cultural Features" document are endorsed as part of the TSP until amended by the current I-5 Corridor Environmental Assessment. Under Functional Classification section (2 <sup>nd</sup> paragraph), add "The design of arterial and collector streets with the same functional classification should vary based on several factors including: adjoining land uses, volume, access, and speed."
Pg 75	Under Intersection Operations Standards, clarify that the ODOT mobility standards for intersections under ODOT jurisdiction are those contained in the Oregon Highway Plan. Under Street Design Standards, state that Article 12 of the Albany Development Code was reviewed and no specific changes other than those noted on page 81 were identified as being necessary.
Table 7-2	Change name of M5 and M6 to "Albany-Corvallis Multiuse Path"
Fig 7-5	Update map to show M5 a medium-term project.
Pg 80	Planned Studies – change reference to Figure 7-1. Add discussion about refinement plans.
Pg 81	Add to list of Albany Development Code considerations: *Consider requirements for meandering streets. *Update parking standards on residential streets. Clarify that City Council has identified this list of updates that they intend to address.
Table 8-1	Update cost table based on cost changes in this summary. Add a footnote to table "Additional details about these projects can be found in Section 7 and on the project prospectus sheets in Appendix E."
Pg 83	State that a detailed financial plan will be presented as a separate document.
Pg 84	Add "and market rates" to end of bullet on Interest on Investments.
Pg 85	Par 2: delete the words "that are assessed and collected at the pump,". Add brief discussion of HB2001 that prohibits cities from enacting or raising fuel taxes between now and 2014. Par 3, 3 <sup>rd</sup> sentence: "Fees are typically assessed by usage (e.g., average number of vehicle trips per...."
Appendix A	Add OAR 660-012-0045 requirements and comments
Appendix B	Add: Review road, bike, & pedestrian costs, priorities, & growth (SDC) eligibility Oct 20, 2008 Council Work Session Oct 21, 2008 North Albany Neighborhood Association Oct 30, 2008 Willamette Valley Homebuilding Association Nov 6, 2008 Albany Area Chamber of Commerce Governmental Affairs Committee Nov 5, 2008 Community Open Houses TSP Adoption Steps & Policies Jan 21, 2009 Council Work Session Project priorities Feb 4, April 13, April 27, May 7, 2009 Council Work Sessions TSP Adoption Process Memo May 11, 2009....Planning Commission Meeting Review Draft TSP July 27, 2009 Planning Commission Meeting Discuss Draft TSP August 27, 2009 Joint Planning Commission-City Council Meeting
Appendix C	Add information from Table 5-3 to the appropriate maps in Appendix C
Appendix D	6.8: Timber Street is misspelled in the title block for Figure 6-8 6.9: The Oak St Extension figure 6.9 is half color and half black and white. 6-10 a-e: Add a note to all the Waverly sketches that the TSP project is new alternative developed after the Open House.
Appendix E	Remove the "update" from the prospectus sheets header. B20, B21: Add sentence to descriptions "This project is contingent upon ODOT approval,

	<p>inclusion of sharrows in the MUTCD, and the associated guidance in the MUTCD.”</p> <p>I9: Add sentence to description “Design of the intersection should allow for right-turns on red for southbound vehicles if feasible.”</p> <p>I10: Change description to “If warranted, install an interim traffic signal. This signal may be removed when the intersection is reconstructed by ODOT.”</p> <p>I13: Add “install exclusive eastbound right-turn lane on US 20” and adjust costs.</p> <p>I24: Add to description “Install exclusive northbound right-turn lane and overlap signal phasing.” Adjust cost.</p> <p>I38: Add new project at Salem Avenue/Geary Street.</p> <p>I39: Add new project at OR 99E/Lyon Street.</p> <p>I8-I9, I12-I14, I20-I31, I37: Update v/c information bubbles</p> <p>L21 &amp; L22: remove underscore from text in description</p> <p>L23 &amp; L24: delete the last sentence in description</p> <p>L26: change Category to Add Lane(s) /Urban Upgrade</p> <p>L30: Modify the description: “Extend Oak Street north from 9<sup>th</sup> Street to Pacific Boulevard, including sidewalk, curb, gutter, and bike lanes from Pacific Avenue to Queen Avenue. Install traffic signals at 9<sup>th</sup>/Oak and Pacific/Oak. Construct 150-foot northbound right-turn lane on Oak at 9<sup>th</sup>.” Modify the cost. Remove I32 from the map.</p> <p>L33: remove reference to SDC eligibility in description. ROW is assumed to be dedicated.</p> <p>L46: change ROW width in spreadsheet and adjust the ROW cost.</p> <p>L49: add “Project cost assumes ROW for the three-lane section will be dedicated.”</p> <p>L52: Correct ROW width in spreadsheet and adjust costs.</p> <p>L55: remove underscore from the SDC text in description</p> <p>L58: Recalculate project cost. Remove I32 from the map.</p> <p>L61: Add to Link Table of Contents.</p> <p>P2, P3, &amp; M12: Add “Installation of pedestrian crossing traffic signals is subject to ODOT approval.”</p> <p>S2: Increase cost to \$250,000</p> <p>S3: Cost should be \$30,000.</p> <p>S5: Change first sentence of STA description to “Pursue STA status for ODOT mobility standard exemption on US 20 (Ellsworth and Lyons Streets) from 1<sup>st</sup> through 3<sup>rd</sup> Avenue due to the downtown location, need to keep...”</p> <p>S9 &amp; S10: Change Albany’s cost share to \$100,000 each. Change “I-5 EIS” to “I-5 EA”. Drop the second reference to IAMP. Insert text reinforcing that once the I-5 corridor refinement plan is completed it will be adopted by the city of Albany.</p> <p>Recalculate cost summaries</p>
Appendix F	Modify STA boundary map

Transportation System Plan

# **Albany 2030 Transportation System Plan**

Albany, Oregon

# **Draft**

**October 2009**

## Introduction

### OVERVIEW

The City of Albany initiated an update of the City's Transportation System Plan in 2006. This Transportation System Plan (TSP) will guide the management and development of appropriate transportation facilities within Albany, incorporating the community's vision, while remaining consistent with state and other local plans. This plan will be adopted as a supporting document to the Comprehensive Plan providing the majority of the required transportation elements of a comprehensive plan.



The Oregon Revised Statutes require that the TSP be based on the current Comprehensive Plan land uses and must also provide a transportation system that accommodates the expected 20-year growth in population and employment that will result from implementation of the land use plan. The contents of this TSP are guided by Oregon Revised Statute (ORS) 197.712 and the Department of Land Conservation and Development (DLCD) administrative rule known as the Transportation Planning Rule (TPR, OAR 660-012). These laws and rules require that jurisdictions develop the following:

- a road plan for a network of arterial and collector streets;
- a bicycle, pedestrian, and transit plan;
- an air, rail, water, and pipeline plan;
- a transportation financing plan; and
- policies and ordinances for implementing the Transportation System Plan.

Plans for the road, bicycle and pedestrian networks are contained herein. The rail system has been assessed through the plans review and existing and future conditions. Known committed rail projects have been identified however, the City of Albany has not identified additional projects as the rail system is under private ownership and beyond the City's control. Existing transit condition and policy guidance is provided; however, a Transit Master Plan is being developed and when completed will become part of the TSP; therefore, this document only contains existing conditions information and policy guidance for the upcoming transit plan. An Airport Master Plan and Water and Wastewater Master Plans have already been completed and are already part of the City's Comprehensive Plan. A discussion of potential and existing funding sources is contained herein and a detailed financial plan for capital, operations and maintenance of the transportation system will be presented as a separate document.

The TPR requires that alternative travel modes be given consideration along with the automobile, and that reasonable effort be applied to the development and enhancement of the alternative modes in providing the future transportation system. In addition, the TPR requires that local jurisdictions

adopt land use and subdivision ordinance amendments to protect transportation facilities and to provide bicycle and pedestrian facilities between residential, commercial, and employment/institutional areas. It is further required that local communities coordinate their respective plans with the applicable county, regional, and state transportation plans. *A memo summarizing how the TSP and implementing ordinances are compliant with the TPR is provided in Appendix A.*

## **PUBLIC INVOLVEMENT**

The TSP planning process included opportunities to obtain City Council input at each step of the process. The citizens of Albany were also provided with opportunities to identify their priorities for future transportation projects within the City through a variety of forums available throughout the planning process.

The planning process was guided by City staff with review and input from ODOT and DLCD on the technical aspects of the TSP. They reviewed a total of twelve memoranda and convened for meetings at nearly each step of the process. Additional meetings were held with the Albany Bike and Pedestrian Commission. One meeting discussing the regional need for Willamette River crossing capacity was held and included representatives from ODOT, DLCD, Linn County, Benton County, Corvallis Area Metropolitan Planning Organization (CAMPO), and the City of Millersburg.

In addition to these meetings, five sets of public meetings (total of nine meetings) were held at key junctures in the process to obtain public comment regarding transportation concerns and priorities. The City's website, as well as an e-mail list of interested citizens, businesses, City staff, boards/commissions, and agencies, was used to announce public meetings, disseminate information, and solicit input/feedback from the community. In addition, two neighborhood meetings were held to address neighborhood impacts of specific projects. All comments received through this process were addressed in the alternatives analysis and final plan development.

In addition, City staff met with the City Council to present each of the ten technical memorandum leading up to the TSP document (a total of over 15 meetings). *Details of the public involvement process are provided in Appendix B.*

## **PLAN AREA**

The City of Albany is located in the mid-Willamette Valley of Oregon, along the Interstate 5 and Union Pacific Railroad mainline corridors, approximately 25 miles south of the City of Salem and about 12 miles northeast of Corvallis, Oregon. The City of Albany lies within two counties (Benton County and Linn County). The Willamette River runs through the City and serves as a boundary between the two counties. The area of the City northwest of the Willamette River (frequently referred to as North Albany) is located within Benton County. The rest of the City is located within Linn County. Three state highways traverse the City of Albany; US Highway 20 (US 20), Oregon Highway 99E (OR 99E), and Interstate 5 (I-5). Figure 1-1 shows the location of Albany in relation to the regional highways and Linn and Benton Counties.

## **TSP ORGANIZATION AND METHODOLOGY**

The development of the City of Albany's 2030 Transportation System Plan began with a review of the local and statewide plans and policies that guide land use and transportation planning in the City. Next, the project vision, goals, objectives, and measures were determined. These are presented in **Section 2** of this plan. Next, an inventory of the existing transportation system was performed. This inventory documented all major transportation-related facilities and services within the UGB. The system inventory and documentation of existing deficiencies of the non-roadway modes are presented in **Section 3** of this report.

The transportation system inventory allowed for an objective assessment of the current roadway system's operational performance, safety, and general function, which is summarized in **Section 4**. Development of long-term (year 2030) transportation system forecasts relied heavily on the City's population growth projections. Based on these projections, and with input from City community development and public works directors, reasonable assumptions were drawn as to the potential for and location of future development activities. **Section 5** of this report details the development of anticipated long-term future transportation needs within the urban growth boundary (UGB).

**Section 6** documents the development of alternative measures to mitigate identified safety and capacity deficiencies, as well as projects that would enhance the multi-modal aspects of the City's transportation system. The impact of each of the identified alternatives was considered on the basis of its potential costs and benefits, as well as its conformance with and potential conflicts to the City's transportation system and land uses. Ultimately, based on comments received from the Albany City Council, agency advisors, and the community, a preferred plan was developed that reflected a consensus on which elements should be incorporated into the City's long-term transportation system.

Having identified a preferred set of alternatives, the next phase of the planning process involved presenting and refining the individual elements of the TSP through a series of decisions and recommendations. The recommendations identified in **Section 7** include a Roadway System Plan and a Pedestrian and Bicycle System Plan, as well as plans for other transportation modes serving Albany.

**Section 8** provides summary of the potential and existing funding sources to finance the identified transportation system improvements. A detailed financial plan for capital, operations and maintenance of the transportation system will be presented as a separate document.

Sections 1 through 8, in combination with Appendices A through G, comprise **Volume 1** of the TSP and provide the main substance of the plan. These are supplemented by **Volume 2** which includes the technical memoranda documenting the existing conditions analysis, forecast needs, and alternatives analysis.

## Vision, Goals, Objectives

Albany's vision for the transportation system is a *safe, diversified, and efficient transportation system that serves the needs of anticipated growth while protecting and enhancing Albany's economy, neighborhood quality, and natural and built environment.*

The purpose of the Albany 2030 Transportation System Plan (2030 TSP) is to support this vision by logically providing for the systematic care and expansion of the multi-modal transportation system. Section 7 of this document contains the prioritized list of actions and improvement projects desired to meet the future travel needs within the community.

The City's vision is translated into the following four goals, each being supported by measurable objectives that are used to determine appropriate actions and preferred alternatives.

**Goal 1. Provide an efficient transportation system that facilitates the local and regional movement of people and goods.**

- Reduce miles of travel and travel time through improved connectivity where "barriers" exist (such as Interstate 5, railroads, waterways, or neighborhoods).
- Maintain acceptable roadway and intersection operations where feasible considering environmental, land use, and topographical factors.

**Goal 2. Provide a safe transportation system.**

- Improve safety at locations with known safety issues.
- Minimize conflicts along high volume and/or high speed corridors.

**Goal 3. Provide a diversified transportation system that ensures mobility for all members of the community and provides alternatives to automobile travel.**

- Improve the quality of available transit service as measured by coverage, hours of service and frequency.
- Develop bicycle and pedestrian facilities that encourage non-vehicular travel.
- Provide direct off-roadway pedestrian and bicycle routes and connections.
- Maintain and support the Albany airport as a regional facility.
- Maintain and support the Albany Station as a regional facility.

**Goal 4. Provide a transportation system that balances financial resources with community livability and economic vitality.**

- Preserve and protect corridors of local and regional significance that are identified for vehicular and non-vehicular routes.
- Establish priorities and define the incremental steps needed for investment of ODOT and Federal revenues to address safety and major capacity problems on the State and Interstate transportation system.

## TRANSPORTATION SYSTEM PLAN OUTCOMES

Without a proactive Transportation System Plan, the community is left without a means to identify and plan for real needs within the system. Under a no-plan and no-build scenario out to the future year 2030, a steady degradation in the quality of service by the transportation system would be experienced. This would include longer trips due to increased congestion, longer waits at traffic signals, increased safety concerns due to increased traffic, and ultimately a gap in the transportation system between new development and the existing transportation system to service homes, businesses, and community facilities.

The Transportation System Plan is the instrument to analyze, identify, and appropriately prioritize improvements to the transportation network to facilitate the vision, goals, and objectives shown in the previous section. All this will contribute to a better quality of life for the system users within Albany.

The following key measures were used to evaluate the Albany Transportation System Plan:

- **System Efficiency**
  - *Ease of mobility*; through volume-to-capacity (v/c) ratios and delay (level-of-service, LOS) for corridors and intersections.
  - *Network connectivity*; through vehicle miles traveled (VMT), and number of river/interstate/and grade-separated rail crossings.
- **System Safety**
  - *Rate of crashes*; through comparing the number of crashes to the amount of travel on a facility.
  - *Sidewalk and bike lane gaps*; where a sidewalk or bike lane would likely address the safety concern, based on crash history or higher risk location.
- **System Diversity**
  - *Transit service*; through adequacy of coverage area, hours of service, and frequency of service.

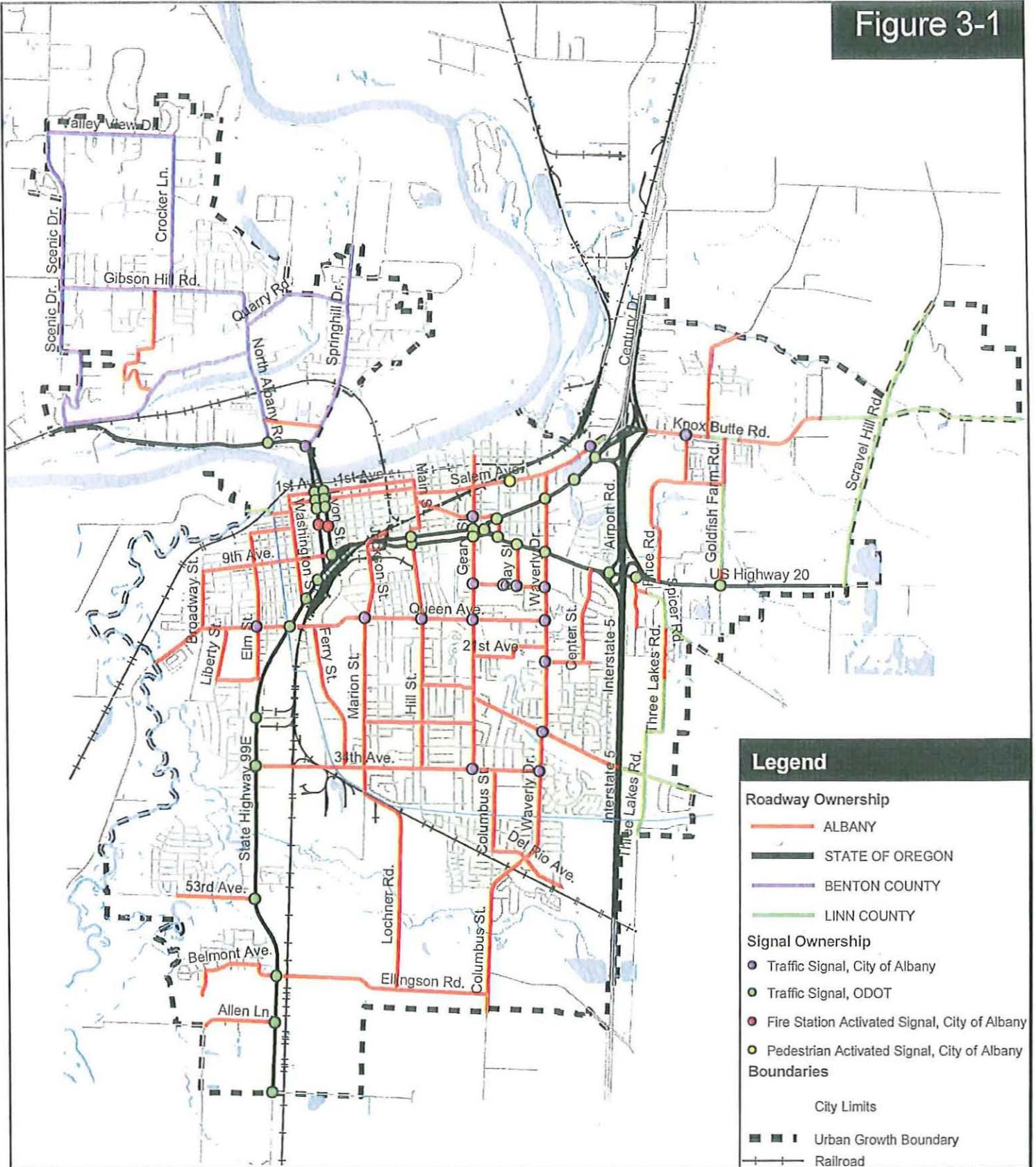
- *Sidewalk and bike lane gaps*; measured by number of ped/bike generators not directly connected by sidewalks and bike lanes to transit and arterial/collector ped/bike network.
- *Off-roadway pedestrian and bike connections*; measured by miles of off-roadway multi-use paths.

By using these measures to evaluate the needs and variations within the Albany Transportation System, specific treatments and projects were developed that fit favorably with this evaluation criteria, addressing congestion, delay, safety, connectivity, and diversity concerns within the system. The types of treatments and projects identified within the TSP include:

- Intersection capacity improvements (new turn lanes, installing a new traffic signal or roundabout, etc.)
- Intersection safety improvements (flashing yellow arrow signal heads, installing a new traffic signal or roundabout, improving pavement markings and signage, etc.)
- Roadway link capacity and safety improvements (new roadways, new through or turn lanes, median installations, etc.)
- Pedestrian capacity and safety improvements (new sidewalks, pedestrian esplanades, pedestrian bridges, etc.)
- Bicycle capacity and safety improvements (new bike lanes, designating bike boulevards, bike “sharrows”, etc.)
- Additional studies required to determine the appropriate transportation solutions in specific areas (refinement plans, interchange area management plans, speed studies, etc.)

Each of these planned improvements as a part of this TSP represent a significant improvement over a no-build option, which would occur without this plan. Section 7 of this document identifies the specific projects and locations as a result of this TSP effort within the City of Albany.

Figure 3-1



developed from existing count volumes, which are seasonally adjusted and then balanced so that the 30<sup>th</sup> highest hour (yearly) of traffic is represented in the analysis. Figure 4-1 shows the existing weekday p.m. peak hour traffic volumes and associated level-of-service for the study intersections under the City of Albany jurisdiction. Figure 4-2 shows the existing weekday p.m. peak hour traffic volumes and associated volume-to-capacity ratios for the study intersections under ODOT jurisdiction.

As shown in Figure 4-1, all signalized intersections under Albany’s jurisdiction currently operate at a LOS “D” or better. As shown in Figure 4-2, the following intersections under ODOT jurisdiction currently exceed ODOT’s performance standard for the intersection (varies from 0.75 to 0.85 as described above and shown in Figure 4-2).

- OR 99E/Queen Avenue (0.82 v/c ratio, LOS D – Standard = 0.75 v/c)
- US 20/Waverly Drive (0.87 v/c ratio, LOS C – Standard = 0.85 v/c)
- US 20/1<sup>st</sup> Avenue (0.92 v/c ratio, LOS C – Standard = 0.85 v/c)

### Statewide Priority Index System

The Statewide Priority Index System (SPIS) is a method developed by ODOT for identifying hazardous locations on state highways with consideration of crash frequency, crash rate, and crash severity. As described in ODOT’s SPIS description, a roadway segment becomes a SPIS site if a location has three or more crashes or one or more fatal crashes over the three-year period. Under this method, all state highways are analyzed in 0.10 mile segments to determine SPIS sites. Statewide, there are approximately 6,000 SPIS sites. SPIS sites are typically intersections, but can also be roadway segments.

SPIS scores from all sites are ranked and nine SPIS sites in the City of Albany rank in the 90<sup>th</sup> percentile or higher of all statewide SPIS sites. These intersections are shown below in Table 4-3, along with their ranking among statewide.

Intersections with high SPIS scores are generally considered candidates for safety improvements. Two of these intersections, OR 99E/Hill Street and OR 99E/Geary Street, have SPIS scores that rank among the 30 worst intersections in the state, and four are among the worst 100. SPIS scores are not available for City of Albany intersections on non-ODOT highways. Thus, comparisons between ODOT and non-ODOT facilities are not possible using SPIS ratings.

**TABLE 4-3 CITY OF ALBANY SPIS INTERSECTIONS**

Route	Intersection	Total Crashes	Fatalities	2004 ADT	SPIS Score	Statewide Ranking*
OR 99E	Hill Street	50	0	18,700	84.13	23
OR 99E	Geary Street/US20	43	0	16,500	83.49	28
US20	Waverly Drive	28	0	21,500	76.19	86
OR 99E	Queen Avenue	26	0	28,900	74.92	99
OR 99E	34 <sup>th</sup> Avenue	16	0	23,700	69.72	156
OR 99E	I-5 Frontage Road	24	0	23,000	61.08	239
OR 99E	Waverly Drive	20	0	21,700	57.34	296
US20	Burkhart Street	16	1	18,900	55.16	328
US20	Price Road	4	0	10,000	46.92	527

\*Statewide Ranking is based on SPIS scores. The 2008 SPIS Map is provided as an attachment to the Technical Memorandum #3 Appendix B in the TSP Volume 2 Appendix.

### Roadway Safety Deficiencies

A detailed safety analysis was completed for the roadway system that evaluated crashes involving vehicles, pedestrians, bicyclists, trucks, and trains. Crash data was provided by ODOT and the City of Albany and includes all reported crashes that occurred in the City of Albany for the four-year period from January 1, 2000 to December 31, 2003. A summary of the most significant intersection, roadway, and railroad crossing safety deficiencies (as compared to other locations within the City of Albany) is provided in Figure 4-3. Additional details about the safety analysis are provided in Technical Memorandum #3 in Volume 2 of the TSP Appendix.

## Forecast Traffic Conditions

This section describes already planned and funded changes in the transportation system and the anticipated future growth in travel demand and how the system is anticipated to operate with the additional traffic. The forecast transportation conditions assume City growth to its estimated year 2030 population and employment, but that no improvements other than those currently funded have been made. The result reveals the major weaknesses in the transportation system, for which long-term improvements should be planned and funded.



### COMMITTED TRANSPORTATION IMPROVEMENTS

In order to assess future conditions, the existing transportation network was modified to reflect improvements that are “committed.” Committed projects are not built, but funding for their construction is already secured. Therefore, these projects are assumed to be completed under all 2030 analysis. Table 5-1 shows the committed transportation projects within the Albany UGB.

**TABLE 5-1 CITY OF ALBANY 2030 COMMITTED PROJECTS**

Mode	Project Name	Description	Year
Roadway	North Albany Road and West Thornton Lake Road	New traffic signal on North Albany Road at the entrance to North Albany Middle School.	2006 <sup>1</sup>
Roadway/ Pedestrian/ Bicycle	Second Street Crossing of Periwinkle Creek	Replace the failing culvert at 2 <sup>nd</sup> Street and Periwinkle Creek and construct a new bridge allowing 2 <sup>nd</sup> Street to be reopened. Improvement will result in increased connectivity.	2006 <sup>1</sup>
Roadway	North Albany Road and Hickory Road	Install traffic signal	2006 <sup>1</sup>
Roadway	I-5 Albany Interchange	Repair bridges	2006
Roadway/ Pedestrian/ Bicycle	Grand Prairie Road Street Improvements	Construct road to city standards, including sidewalks.	2007 <sup>1</sup>
Roadway	I-5 MP 234 in north Albany	Install variable message sign for I-5 at north Albany (MP 234)	2007
Roadway	OR 99E, from Chicago Street to SPRR	Signing, changes to travel lanes, and access management components	2008
Pedestrian/ Bicycle	Multimodal Phase III – Swanson Park Path	Construct pathway from Rail Depot Building to Swanson Park	2007 <sup>1</sup>
Transit	Bus Barn Relocation	Design and construct a new bus barn to replace the existing structure.	2006
Transit	Multimodal Phase II – REA Building/Site Work	Rehabilitate the existing REA building located at the Multimodal Transportation Center.	2008
Transit	North Albany Park and Ride	Replace the existing Albany Park and Ride with a paved and lighted lot at North Albany Road/Hickory Road.	2008

<sup>1</sup> This project has already been constructed but is identified because it was not included in the existing conditions analysis.

## FORECAST MODEL

Because population and employment are forecast to appreciably increase by 2030, it is anticipated that travel demand, by many modes, will also increase. Forecasts of future travel demand are influenced by the anticipated location, type, and intensity of growth. The complexity of travel demand forecasting substantially increases with the size of the planning area and the features of the transportation system that serves the demand.

The City of Albany is a large enough urban area, equipped with a multimodal transportation system, and expected to grow at a rate such that the use of a travel demand forecasting model is warranted. This tool is used to represent the effects of growth (by location, type, and intensity) on travel demand and the transportation system provided to accommodate it.

Future transportation demand within the City of Albany UGB was estimated based on a traffic forecasting model developed by the Oregon Department of Transportation (ODOT), Transportation Planning and Analysis Unit (TPAU). TPAU built and calibrated the model specifically for use in the Albany TSP. This model is only capable of estimating travel demand that results in vehicle trips (auto and freight truck) on the roadway network. Non-auto trips (transit, pedestrian, and bicycle) are not forecast and are assumed to remain consistent with existing conditions as a percentage of overall trips. *Details on the model structure, model process, and data post-processing methodology are provided in Technical Memorandum #4 in Volume 2 of the TSP Appendix.*

## FORECAST GROWTH

The travel demand model for Albany was constructed using 2006 household and employment data and 2006 traffic counts as its base. Future year analysis uses year 2030 household and employment forecasts approved by the state and counties for each TAZ within the model area, based on the Comprehensive Plan. Table 5-2 summarizes the 2006 and 2030 model socioeconomic data.

**TABLE 5-2 HOUSEHOLD, POPULATION AND EMPLOYMENT FORECASTS**

	Households			Population			Employment		
	2006	2030 <sup>1</sup>	Annual Growth	2006	2030 <sup>1</sup>	Annual Growth	2006	2030 <sup>1</sup>	Annual Growth
<b>Within UGB</b>	18,875	24,765	1.3%	47,630	63,820	1.4%	19,060	25,235	1.3%
<b>Outside UGB</b>	2,050	2,980	1.9%	5,350	7,870	1.9%	3,645	4,670	1.2%
<b>Total</b>	20,925	27,745	1.4%	52,980	71,695	1.5%	22,700	29,905	1.3%

<sup>1</sup> The 2030 projections were developed by creating a 'straight-line' growth assumption from the 2020 coordinated population projection to 2030 based on the average annual growth rate (AAGR) of 1.51% per year between 1997 (the base year) and 2020. A similar method was used for employment and households.

To develop the 2030 Forecast Transportation Conditions, a series of four land use alternatives were tested within the regional transportation model to test the impacts of a variety of potential growth scenarios that could occur. The goal of this sensitivity testing of land use was to determine if there is a desired growth pattern that will facilitate shorter trips, reducing vehicle miles traveled, as well as avoid existing or projected congestion problems on the transportation system. The land use

alternative testing considered pre-existing regional plans such as the East I-5 Plan and the Oak Creek Refinement Plan.

None of the land use alternatives resolve future problems on the existing street system. On the state system in particular, this is primarily due to the influence of trips that pass through Albany without an origin or destination in Albany (such as traffic traveling on Highway 20 from the Corvallis area to I-5). Generalized summaries of the four land use alternatives tested are presented below:

**Land Use Alternative #1:** Analyzed the possibility that Millersburg will grow at a rate faster than reflected in their comprehensive plan, given the number of recent proposed developments which would significantly increase Millersburg's size. Although the City of Albany does not have control over land use policies or growth rates in Millersburg, its close proximity means increased growth will impact both Cities' transportation systems.

**Land Use Alternatives #2 and 3:** Assume higher growth in East I-5 and Oak Creek areas because there are less capacity constraints, particularly in the Oak Creek area, than other areas of the City. Growth in East I-5 will place additional demand at the two I-5 interchanges at Santiam Highway and Knox Butte. Replacing growth in North Albany with growth in the East I-5 and Oak Creek Areas would reduce congestion on critical roadways in North Albany, especially Willamette River bridges.

**Most Likely Land Use Concept (Alternative #4):** Alternative #4 was deemed the "Most Likely Land Use Alternative." It is based on the combined lessons learned from Land Use Alternative #1, 2, and 3, as well as practical consideration of likely Comprehensive Plan amendments in order to comply with DLCD standards. The requirement to be consistent with the population forecast agreed upon by the counties and the state also contributed to the assumptions and selection of Alternative #4. Overall, the Most Likely Land Use Alternative is similar to Alternative #3 in that it shifts additional growth to the East I-5 and Oak Creek Areas, while recognizing that some of the projected growth in North Albany may shift to less congested areas of the City.

Most of the scenarios including the *Most Likely Land Use Scenario* shift the location of where growth will occur by 2030. There are three of these locations in the *Most Likely Land Use Scenario*. Some of the employment related assumptions for these three areas require Comprehensive Plan and Zoning map amendments. They are described in Table 5-3. *Maps specifying the specific parcels included in these area are shown in Appendix C.*

Roadway capacity is estimated based on a variety of factors. Such factors include the number of travel lanes, the frequency and spacing of traffic signals, the characteristics of adjacent land uses (frequency and use of driveways), the mix of traffic (particularly trucks), and the presence of other modes (pedestrians, bicyclists, and transit). A capacity has been estimated for every roadway segment represented in the Albany Committed Roadway Network.

Where traffic demands exceed a roadway's capacity, only a volume equal to that roadway's capacity would actually travel along that roadway; the remaining vehicles would accumulate as a queue extending back from the point where demand first exceeded capacity, or more likely, the motorists would deviate to a less congested roadway to continue their travel.

If only the committed improvements are built, as previously described, and if growth occurs as assumed in the 2030 *Most Likely Land Use Scenario*, then the following sections of roadways may have demand that exceeds their capacity by the year 2030:

- North Albany Road (Gibson Hill Road to US 20)
- Springhill Drive (Quarry Road to US 20)
- US 20 (west City limits to Willamette River)
- US 20 - Ellsworth Street (Willamette River bridge to OR 99E)
- US 20 - Lyons Street (Willamette River bridge)
- 2<sup>nd</sup> Street (Lyons Street to Washington Street)
- Main Street (Salem Avenue to 1<sup>st</sup> Avenue)
- Knox Butte Road (Timber Street to Goldfish Farm Road)
- OR 99E (I-5 Knox Butte interchange)
- Airport Road (I-5 Southbound off-ramp to OR 99E)
- OR 99E (Burkhart Street to Geary Street)
- US 20 (Burkhart Street to Geary Street)
- US 20/OR 99E (Madison Street to US 20/OR 99E interchange)
- US 20/OR 99E interchange ramp - NB OR 99E to/from US 20 and Downtown Albany
- Geary Street (Pacific Boulevard to Queen Avenue)
- Queen Avenue (Geary Street to Hill Street)
- 14<sup>th</sup> Avenue (Geary Street to Clay Street)
- Waverly Drive (Queen Avenue to Grand Prairie Road)

The capacity of a roadway is ultimately limited by the capacity of the intersections. Intersection demand-capacity analysis was conducted on the above corridors during the Alternatives Analysis (presented in Section 6, page 48) to determine if the corridor would in fact operate over capacity in the future. Mitigations were identified, where feasible, to mitigate the study intersections to the existing standards. The City of Albany does not have adopted level-of-service standards for

signalized and unsignalized intersections. For signalized and all-way stop controlled intersections under the City's jurisdiction LOS "D" or better (representing no more than 55 seconds of average delay) was considered acceptable operations. For two-way stop controlled intersections, a v/c of up to 0.85 was considered to be acceptable operations.

Intersections under ODOT jurisdiction on OR 99E and US 20 were considered to have acceptable operations if they met the existing ODOT performance standards of 0.75 in areas where the posted speed limit is 45 miles per hour or greater, 0.80 for posted speed limits of 40 miles per hour, or 0.85 for posted speed limits of 35 miles per hour or less. Mitigations were identified, where feasible, to meet these standards. The applicable performance standard on the highway system in Albany may change in the event Albany is designated or included in an MPO. If designated as or included in a MPO, the standard at all intersections along OR 99E and US 20 would be 0.85, regardless of the posted speed. Mitigations at intersections where the standard changes may be unnecessary under the potential future standards and should be reevaluated at that time.

packages of improvements; however, Alternative #5 and pieces of Alternative #6 did continue to be considered as elements of the Draft Preferred Alternative (Alternative #7). Alternative #1 and #4 had additional evaluation and discussion to determine which would be included as part of the Draft Preferred Alternative (Alternative #7). The findings of these analyses are described below.

### **Early Screened Alternatives**

Alternative #2 (New I-5 Overcrossing) was found to have limited value as it failed to serve significant traffic and therefore was not included in the Preferred Alternative. However, should significant future development occur in Albany east of I-5 and south of 18<sup>th</sup> Avenue, the concept of an additional I-5 crossing at 21<sup>st</sup> Avenue should be revisited during future TSP updates.

Alternative #3 (7-Mile Lane Interchange) provided significant benefits on Ellingson Road, Columbus Street, Waverly Drive, 21<sup>st</sup> Avenue, and Center Street. However, these roadways (with the exception of Waverly Drive) were not projected to have capacity deficiencies in the 2030 horizon. This alternative provided no benefit to the most significant network deficiencies in North Albany and Central Albany; therefore, this alternative was not included in the Preferred Alternative. However, refinements should be made in the travel demand model (i.e. how the model distributes external trips to new roadways) in advance of the next TSP update to further test the attractiveness of this improvement concept.

Alternative #5 (Local Improvements) modeled a package of roadway projects on local facilities, including improvements to existing roadways as well as construction of new roadways in areas with high projected growth. The local improvements do not mitigate the capacity deficiencies on the ODOT system but in combination have the potential to significantly effect change. The local improvements considered in this alternative were carried forward into the preferred alternative.

Alternative #6 (ODOT Facilities Improvements) included expansion of existing ODOT facilities and did not consider the possibility of building entirely new facilities, such as a new Willamette River crossing. Modeling these widening projects served to establish the added capacity that would be required for the ODOT facilities in Albany to meet ODOT operating standards in year 2030. The improvements required to existing facilities if a new Willamette River crossing is not provided include the following:

- Widen US 20 in North Albany to two lanes in each direction from North Albany Road west to the UGB boundary;
- Widen US 20 in North Albany to three lanes in each direction from North Albany Road to Willamette River Bridges;
- Widen both the Lyon Street and Ellsworth Street Willamette River bridges to three lanes;
- Widen Lyon Street in downtown Albany to three lanes between the Willamette River and Oregon 99E;
- Widen Ellsworth Street in downtown Albany to three lanes between the Willamette River and Oregon 99E;

- Widen the on-ramp from southbound Ellsworth Street to eastbound Oregon 99E from one lane to two lanes;
- Widen US 20/99E to three lanes in each direction from the US 20/99E interchange to Madison Street; and
- Widen eastbound US 20 from Geary Street to Burkhart Street to three lanes.

This package of improvements would have significant impacts on many of the community's physical, economic, social, and environmental assets and was not included in the preferred alternative.

### **Alternatives for Additional Consideration**

Alternative #1 (New Willamette River Crossing North of the UGB) and Alternative #4 (New Willamette River Crossing in Downtown) are alternatives of interest to the City as compared to widening of the existing Willamette River bridges (Alternative #6) because of the impact of Alternative #6 to the downtown and the ability of a new bridge to eliminate the need for capacity enhancements to the existing bridges and bridge approaches. In addition, a new crossing in either location would provide an additional route for emergency services, improvement to homeland security, an alternative route for construction detours, and increased capacity for vehicular access to the downtown and central business district to support denser development and additional commercial use in the downtown.

Due to the regional impacts and multiple agencies that would be involved with the approval and construction of a new bridge, the City of Albany hosted a regional discussion on June 5, 2007 to discuss the need for an additional river crossing and the benefits and tradeoffs associated with each of the two new bridge location alternatives. There was general interest at the meeting in both alternatives; however, it was determined that a bridge alternative outside of the City's UGB would require an exception to the State's land use planning goals protecting rural lands as well as an update to the County's TSP to include the new bridge and that likely corridors should be preserved while the regional discussion continued. It was agreed upon with City Council and ODOT that a refinement plan involving Albany's regional partners is necessary to determine the best location for additional bridge capacity. For all subsequent analysis, the benefits of additional bridge capacity were modeled within the City's UGB in order to comply with the State's land use planning goals.

### **Draft Preferred Alternative**

Based on the above discussion, the Draft Preferred Alternative (Alternative #7) included a combination of improvements from Alternative #4 (New Willamette River Crossing) and Alternative #5 (Local Improvements). Alternative #7 was refined during the intersection analysis to become Alternative #8: Refined Draft Preferred Alternative. The refinements include modification to the allowable turning movements at the I-5/Knox Butte interchange per the 1997 TSP and the Albany I-5 Corridor Refinement Plan and the removal of the Lochner Road-Hill Street Connector (a local improvement project in Technical Memorandum #6A in Volume 2 of the Appendix). Alternative #8 provides a package of improvements that serves to mitigate most of the capacity-related

deficiencies projected for Albany's roadway system. However, for a variety of reasons described herein, a new Willamette River crossing was not included in the final Preferred Alternative.

### **Additional Evaluation**

Discussions with ODOT, DLCD, and City staff determined that a new bridge should not be included as part of the TSP Preferred Alternative for the following reasons:

- (1) the need for a refinement plan to more thoroughly consider bridge locations, system impacts, and costs;
- (2) the need to identify a legitimate, reasonable funding source for a new bridge or bridge crossing improvements; and,
- (3) the ability to delay the need for additional bridge capacity through Special Transportation Area (STA) designations for downtown Albany and Oregon Highway Plan Policy 1.R.5 treatments such as removing on-street parking and adjusting signal timing to improve progression along US 20 from North Albany Road to the Highway 99E interchange.

Additional analysis of Alternative #8 (Refined Draft Preferred Alternative) was conducted to evaluate the proposed transportation system with and without an additional Willamette River crossing assuming no widening of the existing bridges. These were modeled as Alternative #9 (Dual Crossing) and Alternative #10 (Single Crossing). Additional review of these alternatives confirmed that regardless of additional surrounding transportation improvements, a single crossing (Alternative #10) of the Willamette River, without additional capacity at that crossing, will not provide adequate capacity to meet ODOT operating standards in year 2030.

*Additional details on the modeled transportation improvement scenarios are provided in Technical Memorandum #6A and #6D in Volume 2 of the TSP Appendix.*

### **Preferred Alternative**

Operating under direct guidance provided by ODOT staff, Alternative #10 was selected as the Final Preferred Alternative, despite the fact that some highway corridors would not meet ODOT mobility standards in 2030. ODOT and the City agreed to include a US 20 Corridor Refinement Plan to more thoroughly consider bridge locations, system impacts, and costs and identify a legitimate means of funding a Refinement Plan within three years of adopting the 2030 TSP. In the meantime, both agencies will collaboratively work to secure a Special Transportation Area (STA) designation for downtown Albany and pursue other appropriate policy actions within the Oregon Highway Plan.

The Final Preferred Alternative (Alternative #10), which is described in Section 7 of the TSP, includes a combination of feasible, effective projects gleaned from several improvement alternatives. Alternative #5 (Local Improvements) provided most of the local roadway segment and corridor improvements, while many of the intersection improvements and low-cost improvements along the state system were determined from Alternatives #7 through #10. Many of the US20 improvements are identified to help sustain acceptable operations along the corridor until the US 20

Corridor Refinement Plan can be completed and the ultimate solution for the corridor is determined. It should be noted that these improvements to the state system will delay the need for major system improvements such as a new Willamette River bridge(s), but will not last until the TSP horizon year of 2030. These short-term improvements will not allow the system to operate sufficiently during the critical weekday p.m. peak hour of 2030, if forecast travel demands are realized. *Details of the short-term improvements to the state system are provided in Technical Memorandum: Summary of Downtown Albany TSP Improvements in Volume 2 of the TSP Appendix.*

## INTERSECTION ANALYSIS

Intersection improvements were evaluated for three of the roadway network alternatives above. This additional level of analysis was completed in order to identify low-cost, incremental improvements that would reasonable extend the functional life of roadway facilities.

- Alternative #8 (Refined Draft Preferred Alternative) - The intersection improvements necessary under Alternative #8 are presented in *Technical Memorandum #6C in Volume 2 of the TSP Appendix.*
- Alternative #9 and 10 (Dual and Single Crossings) - The intersection improvements necessary under Alternatives #9 and #10 are presented and compared in *Technical Memorandum #6D in Volume 2 of the TSP Appendix.*
- Final Preferred Alternative - The intersection improvements necessary under the Final Preferred Alternative (Local Improvements plus Low Cost State System Improvements) are documented in the *Summary of Downtown Albany TSP Improvements memo in Volume 2 of the TSP Appendix.*

The improvements presented in the Transportation System Plan (Section 7) are based on a combination of the findings from these three technical memoranda. Not all study intersections were included in all three memoranda. The analysis was conducted in chronological order as identified above. In general, the last (most current) analysis documents the selected improvement for each intersection. For example, most city jurisdiction intersections are only presented in Technical Memorandum #6C and the improvements presented became part of the Transportation System Plan. Many of the ODOT jurisdiction intersections were documented in two or three of the memoranda and the last (most current) analysis for each intersection is presented in the Transportation System Plan (Section 7).

Several of the intersection (and associated roadway segment) improvements were developed into sketches for the purpose of depicting the proposed improvements at Public Open Houses and neighborhood meetings, as described in Appendix B. Those included improvements along Knox Butte Road, US 20 in downtown, Waverly Drive, Timber Street, and an Oak Street northern extension, and improvements at the intersections of OR 99E/Waverly Drive, OR 99E/Queen Avenue, US 20/Waverly Drive, Main Street/Santiam Road/Salem Road, and Queen Avenue/Geary Street. *Sketches of these alternatives are provided in Appendix D.* These are consistent with the Transportation System Plan presented in Section 7 with the exception of the Waverly Drive alternatives for which a new alternative became the preferred alternative. The sketches provided in Appendix D are conceptual in nature and subject to modification during design.

**TABLE 6-2 PREDOMINANT COMMUTE FLOWS FOR ALBANY RESIDENTS AND WORKERS**

	Total	Percent		Total	Percent
<b>Albany Residents (Employed)</b>	18,676	N/A	<b>Total Albany Workers</b>	19,238	N/A
<i>Work in:</i>			<i>Live in:</i>		
Albany	7,193	38.5%	Albany	7,193	37.4%
Corvallis	3,002	16.1%	Corvallis	1,406	7.3%
Salem	1,220	6.5%	Lebanon	924	4.8%
Portland	874	4.7%	Salem	693	3.6%
Millersburg	852	4.6%	Eugene	435	2.3%
Lebanon	399	2.1%	Portland	363	1.9%
Eugene	379	2.0%	Sweet Home	307	1.6%
Springfield	173	0.9%	Springfield	187	1.0%
Hillsboro	152	0.8%	Tangent	162	0.8%
Beaverton	134	0.7%	Keizer	150	0.8%
All Other Locations	4,298	23.0%	All Other Locations	7,418	38.6%

Source: US Census Bureau - 2004 Longitudinal Employer-Household Dynamics (LEHD)

Table 6-2 shows that the most common city in which to work for Albany residents (other than Albany) is Corvallis, with over 16% of Albany residents working there. This is more than twice that of the next closest city. This high percentage indicates that additional transit service for commuters between Albany and Corvallis may be justified, in addition to the existing Linn-Benton Loop Bus. Moreover, employment in Corvallis is concentrated amongst three major employers. Hewlett-Packard (804 employees), Good Samaritan Regional Medical Center (439 employees), and Oregon State University (363 employees) are the destinations for over half of the Albany residents commuting to Corvallis. This concentration increases the viability of transit.

Less than half as many people live in Corvallis and work in Albany compared to the reverse, with only 7% of Albany workers living in Corvallis compared to 16% of Albany residents working in Corvallis. This means that transit serving Corvallis to Albany commuters is less likely to be practical. Additionally, workplaces in Albany are more dispersed than in Corvallis, with only one single Albany location (LBCC) employing more than 200 Corvallis residents. This condition may cause the need for a transfer from the Corvallis to Albany commuter route to a local service route to deliver employees to their final destinations.

Table 6-2 also shows that approximately 17% of Albany residents commute north to Salem, Millersburg, and the Portland Metro area to work. While this represents a large number of commuters, the destinations are so dispersed and commute distances so high, that frequent fixed-route transit service is unlikely to be viable. However, limited fixed-route service may be viable, and the City should explore the possibility of providing such service through Cherriots or CARTS. More practically, ride-matching services, such as that currently provided through the Cascades

- Long-term or Development Driven: These projects will be needed to accommodate anticipated growth. They should be planned for likely implementation within the 20-year planning horizon. The timeline for development driven projects is unknown and the improvements will not be necessary prior to development within the area surrounding the project. Projects may move up in priority order if development occurs in the near or mid-term and may not be needed once Albany becomes part of a Metropolitan Planning Organization (MPO).

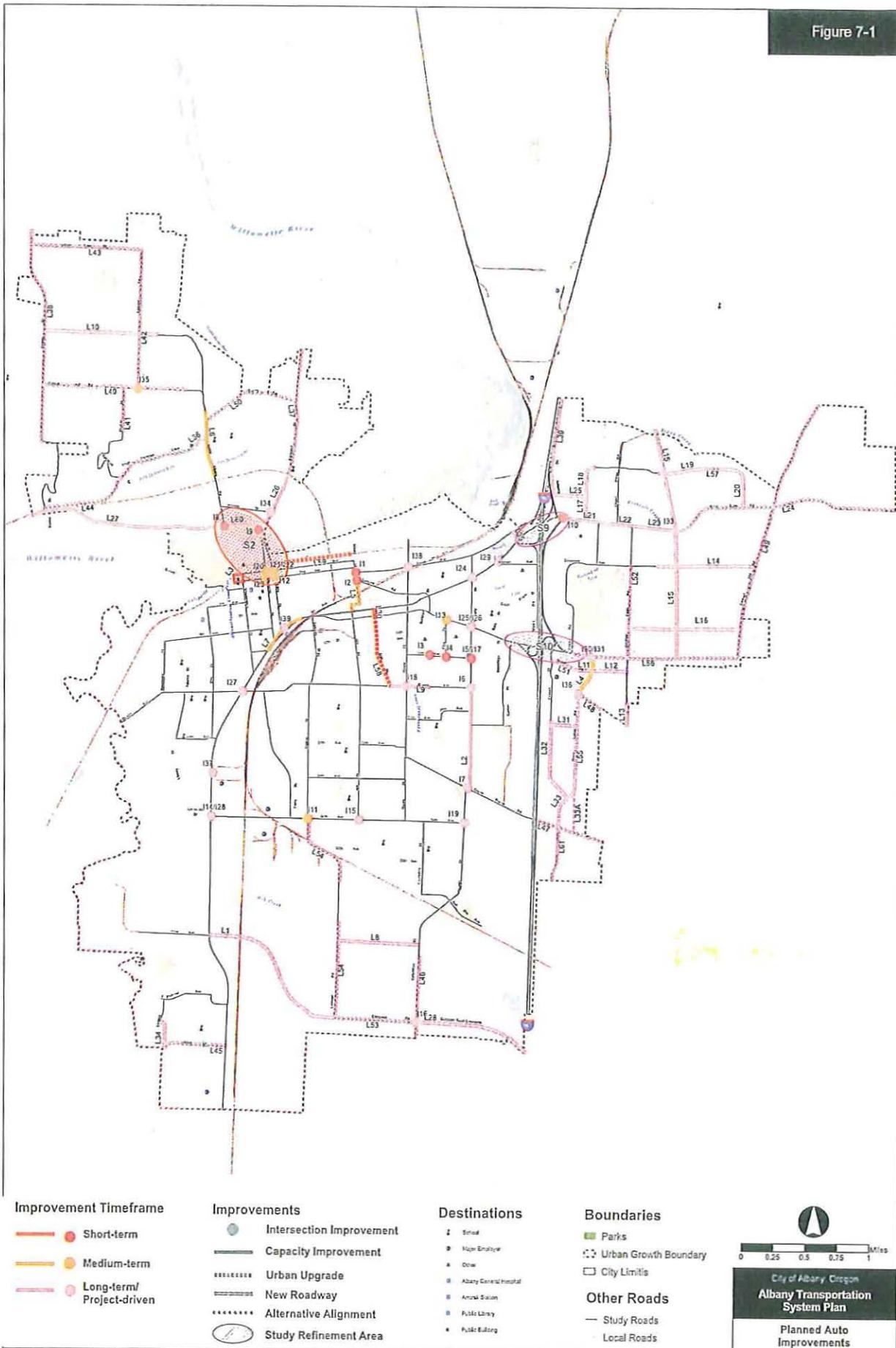
## ROADWAY SYSTEM PLAN

The City of Albany’s roadway system plan provides guidance on how to best facilitate roadway travel over the next 20 years, as well as identifying key elements of a future vision of transportation facilities serving the City. This plan is based on the identified existing and anticipated future operational and circulation needs. A map of the roadway plan including both roadway link projects as well as intersection projects is provided in Figure 7-1. The roadway alignments in Figure 7-1 are conceptual in nature and subject to modification during design. A table including all of the roadway project names and types is provided in Table 7-1. *Additional details about these projects can be found on the project prospectus sheet in Appendix E.* Figure 7-2 and Figure 7-3 provide the 2030 weekday p.m. peak hour two-way roadway link volumes and demand-to-capacity ratios for the Preferred Plan, respectively.

**TABLE 7-1 LINK AND INTERSECTION IMPROVEMENT PROJECTS**

ID	Project Name	Project Type
I1	Main Street/Salem Avenue/3rd Avenue	Intersection Control Change
I2	Main Street/Santiam Avenue/4th Avenue	Intersection Control Change
I3	14th Avenue/Heritage Mall Access	Intersection Control Change
I4	14th Avenue/Clay Street	Intersection Control Change
I5	Waverly Avenue/14th Avenue	Intersection Control Change
I6	Waverly Avenue/Queen Avenue	Intersection Add Lane(s)
I7	Waverly Avenue/Grand Prairie	Intersection Add Lane(s)
I8	US 20/North Albany Road	Intersection Add Lane(s)
I9	US 20/Springhill Drive	Intersection Add Lane(s)
I10	Knox Butte/Century Drive	Intersection Control Change
I11	34th Avenue/Marion Street	Intersection Control Change
I12	US 20 (Lyon Street)/2nd Avenue	Intersection Add Lane(s)
I13	US 20/Clay Street	Safety
I14	OR 99E/34th Avenue	Intersection Add Lane(s)
I15	34th Avenue/Hill Street	Intersection Control Change
I16	Ellingson Road/Columbus Street	Intersection Control Change
I17	Waverly Avenue/14th Avenue	Intersection Add Lane(s)
I18	Queen Avenue/Geary Street	Intersection Add Lane(s)
I19	Waverly Avenue/34th Avenue	Intersection Add Lane(s)

Figure 7-1



## State Highways

Three ODOT highways cross through the City of Albany: Interstate-5 (I-5), OR 99E (Pacific Highway), and US 20 (Santiam Highway). ODOT also has jurisdiction over Century Drive and Airport Road. The TSP identifies several projects on state facilities. All projects on state facilities are subject to ODOT procedures and standards and will require approval and permitting by ODOT.

Several areas of the State Highway System have undergone additional refinement since the 1999 TSP, are undergoing additional refinement or are in need of additional refinement. The 2004 US-20/ORE 99 Interchange Area Management Plan (IAMP) (see Technical memorandum #1 in the Volume 2 Appendix) was adopted by the City of Albany and remains part of the TSP. The ongoing and needed refinement studies are identified in the “Planned Studies” section of this plan and are described in more detail below.

### US 20 (Willamette River to OR 99E)

The current cross-section of US 20 across the Willamette River and through the downtown to the interchange with OR 99E is two lanes in each direction. This corridor is projected to operate over capacity during the critical weekday p.m. peak hour by the year 2030. The City of Albany and its’ regional partners have acknowledged the need for additional capacity across the Willamette River. The City’s preferred plan is to have additional capacity provided at a new river crossing location (as opposed to widening the existing structures) due to the severe impacts to the downtown that would result from widening Highway 20 and the costs of replacing and widening two bridge structures (one in each direction) as well as reconstructing the US 20/OR 99E Interchange (see discussion on these improvement needs in Section 6).

Discussions with ODOT, DLCD, and City staff determined a new bridge should not be included as part of the TSP at this time. Rather, the TSP includes the identification of a US 20 Corridor and Downtown Refinement Plan (Project #S2) to more thoroughly consider bridge locations, system impacts, and costs.

The Transportation System Plan also includes low-cost improvements along the state system that will help sustain acceptable operations along the corridor until a corridor study can be completed and the ultimate solution for the corridor is determined. These projects include #I8, #I9, #I12, #I20-23, #L7, #L27, #L60. It should be noted that these improvements to the state system will delay the need for major system improvements such as a new Willamette River bridge(s), but will not last until the TSP horizon year of 2030. These short-term improvements will not allow the system to operate sufficiently during the critical weekday p.m. peak hour of 2030 if all the anticipated growth is realized. *Additional details about these projects can be found on the project prospectus sheet in Appendix E.*

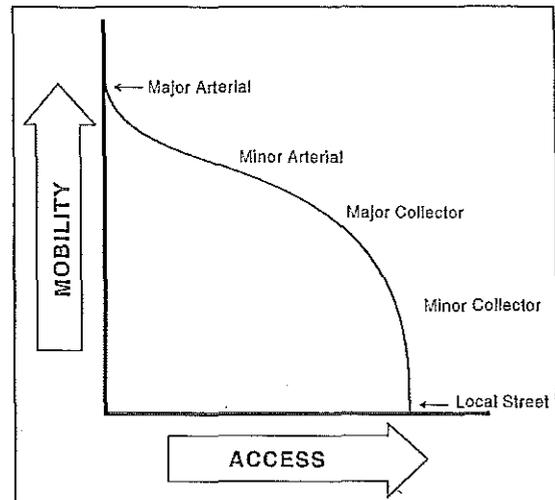
The ability to delay the need for additional bridge capacity is supported through Special Transportation Area (STA) designations for downtown Albany (Project #S5) and Oregon Highway Plan Policy 1.F.5 treatments such as removing on-street parking and adjusting signal timing to improve progression along US 20 from North Albany Road to the OR 99E interchange (including projects #I12, #I20–23).

### I-5 at US 20 and OR 99E

The interchanges of Interstate-5 with US 20 and OR 99E are currently undergoing refinement plans as part of the I-5: Santiam River to Hwy 34 Environmental Impact Statement (an ODOT project). The City of Albany is participating in this project and will ultimately adopt the Interchange Area Management Plans for the two interchanges into the Transportation System Plan. Figures 5.1-2 and 5.2-2 in ODOT's February 2008 "Albany I-5 Corridor Refinement Plan and Existing Environmental/Cultural Features" document are endorsed as part of the TSP until the Albany I-5 Corridor Refinement Plan is completed and adopted by the City of Albany. Albany's future contribution to the local implementation of these plans is acknowledged in the TSP and identified in the project map and prospectus sheets as Projects #S9 and #S10.

## FUNCTIONAL CLASSIFICATION PLAN

The purpose of classifying roadways is to create a mechanism through which a balanced transportation system can be developed that facilitates mobility for all modes of transportation as well as access to adjacent land uses. A roadway's functional classification determines its intended purpose, the amount and character of traffic it is expected to carry, the degree to which non-auto travel is emphasized, and the roadway's design standards and overall management approach. It is imperative that a roadway's classification considers the adjacent land uses and the transportation modes that should be accommodated.



The functional classification plan for the City of Albany is shown in Figure 7-4. The functional classification plan incorporates four functional categories: interstate, arterials (principal and minor), collectors (major and minor), and local streets. The design of arterial and collector streets with the same functional classification should vary based on a several factors including: adjoining land uses, volume, access, and speed.

It should be noted that two of the principal arterials in Albany are state highways (OR 99E and US 20). As such, they are subject to ODOT plans, policies, and standards, and improvements are to be undertaken according to ODOT approval and permitting processes.

The downtown section of US 20 has special characteristics resulting in a modified designation. The OHP provides for the designation of Special Transportation Areas (STAs) to accommodate central business districts and other activity centers oriented to non-auto travel. In such areas, growth management considerations justify flexibility in mobility, access spacing and design policies. All policy and design elements in this TSP that pertain specifically to the STA are subject to the approval of the STA designation by the Oregon Transportation Commission (*See Appendix F for the application for the special highway designation*).

## **INTERSECTION OPERATIONS STANDARDS**

The City of Albany does not currently have adopted level-of-service standards for signalized and unsignalized intersections. For signalized intersections and all-way stops under the City's jurisdiction a standard of LOS "D" or better (representing no more than 55 seconds of average delay) was used to evaluate intersection performance in the Transportation System Plan and is recommended to be adopted into the Development Code. For two-way stop unsignalized intersections under the City's jurisdiction a volume-to-capacity ratio of 0.85 for the critical movement was used to evaluate intersection performance in the TSP and is recommended to be adopted into the Development Code. Because intersections are the controlling factor of a roadway link's capacity, no roadway link operational standard is recommended.

Mobility standards for intersections under ODOT jurisdiction are contained in the Oregon Highway Plan.

## **STREET DESIGN STANDARDS**

Street design standards support the functional and operational needs of streets such as travel volume, capacity, operating speed, and safety. The standards also are established to accommodate pedestrian and bicycle travel modes. They are necessary to ensure that the system of streets, as it develops, will be capable of safely and efficiently serving the traveling public while also accommodating the orderly development of adjacent lands.

City of Albany typical roadway sections including right-of-way, streetscape width, number of travel lanes, bicycle lanes, sidewalks, on-street parking, and tree wells or landscape strips are provided in Article 12 of the Albany Development Code. Sidewalks are required on all public streets within the city limits (local level and above). Bicycle lanes are required on all minor collector level streets and above.

The street design standards in Article 12 of the Albany Development Code were reviewed as part of the TSP update process. No specific changes, other than those noted on page 81, were identified as being necessary.

## **ACCESS MANAGEMENT STANDARDS**

As the City of Albany continues to grow, its street system will become more heavily traveled. Consequently, it will become increasingly important to manage access on the arterial and collector street system as new development occurs, in order to preserve street function for carrying through traffic. ODOT has legal authority to regulate access points along OR 99E, US 20, Century Drive, and Airport Road.

The City of Albany independently manages access on all other arterial, collector and local streets under its jurisdiction. The City coordinates with Linn and Benton Counties on access decisions on County roads within the City's UGB.

The Oregon Transportation Planning Rule (TPR) defines access management as a set of measures regulating access to streets, roads, and highways, from public roads and private driveways. The TPR requires that new connections to arterials and state highways be consistent with designated access management categories. The City of Albany access management policies that maintain and enhance the integrity (capacity, safety, and level of service) of the city's streets can be found in Article 12 of the Albany Development Code. The Access Spacing Standards identify the minimum public street intersection and private access spacing standards for the City of Albany roadway network as they relate to new development and redevelopment. County facilities within the City's UGB are planned and constructed in accordance with these street design standards.

Access management standards vary depending on the functional classification and purpose of a given roadway. Roadways on the higher end of the functional classification system (i.e., arterials and major collectors) tend to have higher spacing standards, while facilities such as minor collectors and local streets allow more closely spaced access points. These standards apply to new development or redevelopment; existing accesses are allowed to remain as long as the land use does not change. As a result, access management is a long-term process in which the desired access spacing to an existing street slowly evolves over time as redevelopment occurs.

In implementing access management standards, parcels cannot be land-locked but must have some way of accessing the public street system. This may mean allowing shorter access spacing than would otherwise be allowed, but the possibility of providing shared access with a neighboring parcel should also be explored. Where a property has frontage on two roadways, access on the roadway of lower classification is preferred, all other things being equal.

### **ODOT Access Management Standards**

The OHP specifies an access management classification system for state facilities based on a highway classification system. The OHP classifies OR 99E and US 20 as Regional Highways. Century Drive and Airport Road are designated as District Highways. Future developments along OR 99E, US 20, Century Drive, and Airport Road (new development, redevelopment, zone changes, and/or comprehensive plan amendments) will be required to meet the OHP Access Management policies and standards.

## **PEDESTRIAN, BICYCLE & MULTI-USE TRAIL SYSTEM PLAN**

The City of Albany's pedestrian, bicycle, and multi-use trail system plan provides guidance on how to best facilitate pedestrian and bicycle travel over the next 20 years. A map of the pedestrian, bicycle, and multi-use trail system plan is provided in Figure 7-5. The multi-use trail alignments in Figure 7-5 are conceptual in nature and subject to modification during design. A table including all of the project names and types is provided in Table 7-2.

Figure 7-5 also identifies one transit project, T1, in a map inset which has been included separate from the Transit Master Plan as it relates to pedestrian access to transit stops. T1 includes pedestrian crossing improvements at 28 bus stop locations to improve pedestrian facilities for transit riders at bus stop locations located on higher volume roadways and further than 200 feet from the nearest marked pedestrian crossing. Pedestrian crossing improvements and/or stop relocations to place bus

stops closer to pedestrian crossings are recommended at these stops. Pedestrian crossing improvements are also recommended near the bus stop on Clay Street north of 14<sup>th</sup> Street based on comments from ATS bus drivers to enable transit customers to cross Clay Street between Heritage Mall and Fred Meyer. A sidewalk connection approximately 200 feet connecting to the hospital and a paved bus-stop pad on which passengers may wait is also recommended at the transit stop located on the north side of 7<sup>th</sup> Street at Takena Street.

Prioritization of bike, pedestrian and multi-use path projects was based on a number of factors:

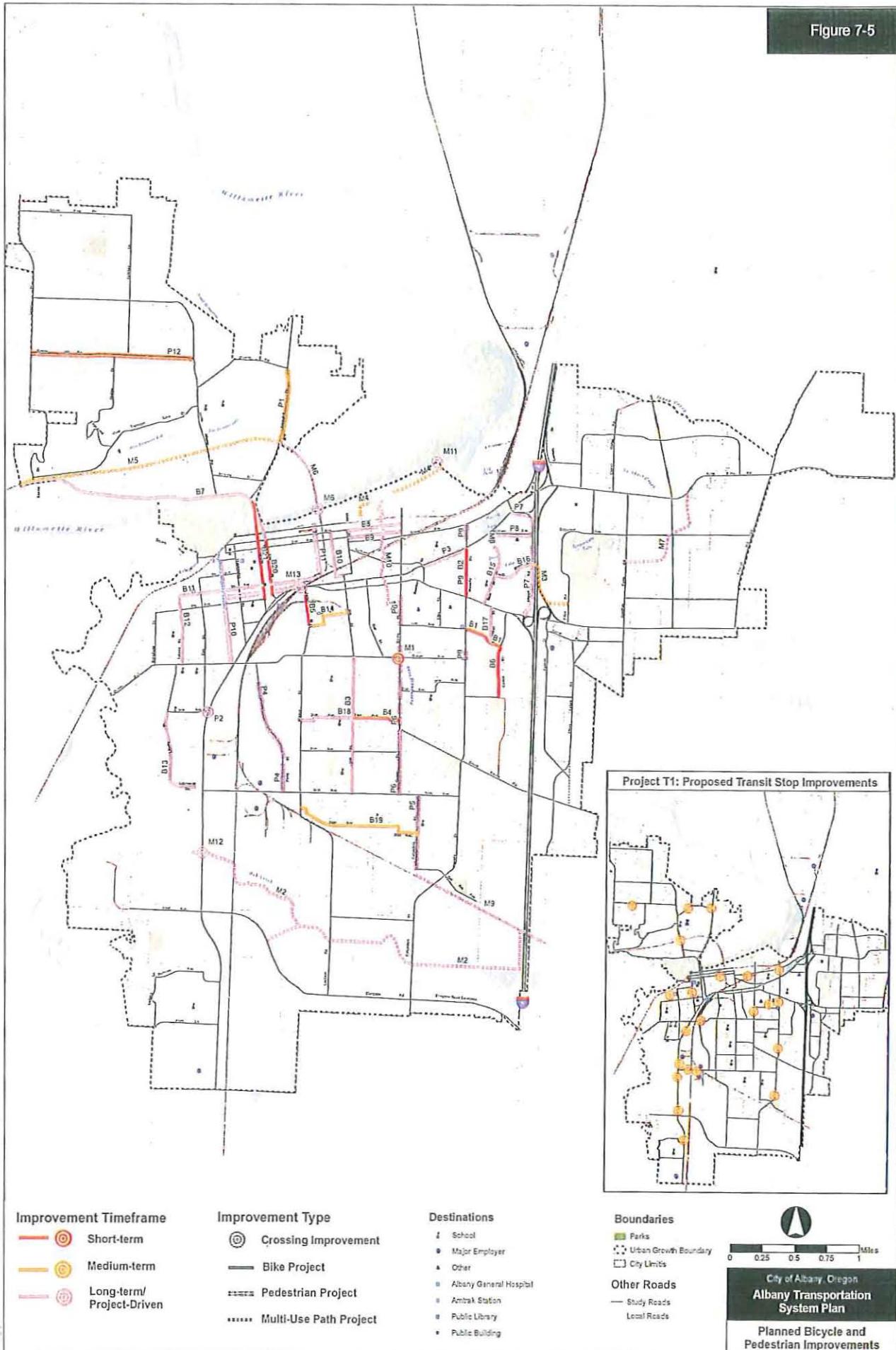
- the proximity of the proposed connection to trip attractors that create high demand;
- whether a given street serves as a transit route, since transit routes typically attract pedestrians walking to or from bus stops and since buses have bike racks; and,
- whether there are safety issues such as high vehicular traffic volumes, crash history or poor sight distances.

It should be noted that the design standard for all roads within the City of Albany Urban Growth Boundary includes sidewalks and bicycle lanes on both sides of public streets. Many roadways within the Urban Growth Boundary that do not currently have sidewalks have not been upgraded to an urban standard. When these roads are upgraded to an urban standard (either by the City, County or private development), sidewalks will be included. All new roadways built within the Urban Growth Boundary will include sidewalks and all new collectors and arterials will include bicycle lanes, unless an exception to design standards is granted. Therefore, failure of the Pedestrian, Bicycle, and Multi-Use Trail System Plan to identify a facility without sidewalks or bicycle lanes on the project list, does not indicate that sidewalks and bicycle lanes are not required on this facility. *Additional details about these pedestrian, bicycle, and multi-use path projects can be found on the project prospectus sheets in Appendix E.*

**TABLE 7-2 PEDESTRIAN, BICYCLE, AND MULTI-USE TRAIL PROJECT TABLE**

ID	Project Name	Project Type
P1	Springhill Drive	Sidewalk
P2	99E/24th Avenue	Crossing Improvement
P3	Oregon 99E: Burkhart to Waverly	Crossing Improvement
P4	Ferry Street	Sidewalk
P5	Columbus Street	Sidewalk
P6	Geary Street	Sidewalk
P7	Airport Road	Sidewalk
P8	Killdeer Street	Sidewalk
P9	Waverly Drive	Sidewalk
P10	Albany-Santiam Canal Pedestrian Esplanade	Pedestrian Esplanade
P11	Thurston Street Canal Pedestrian Esplanade	Pedestrian Esplanade
P12	Gibson Hill Road	Sidewalk
B1	14th Avenue	Sharrows

Figure 7-5



Note: This map shows stand-alone projects only. All new roadway and urban upstarts

## PLANNED STUDIES

A number of transportation planning and engineering studies have been included on the TSP project list as future needs. Each of the study locations are described in Table 7-3. Several of the study locations are shown on Figure 7-1. *Additional details about these projects can be found on the project prospectus sheets in Appendix E.*

**TABLE 7-3 STUDY PROJECT TABLE**

ID	Project Name	Project Type
S1	ADA Accessibility Audit	Pedestrian ADA Audit Plan
S2	Hwy 20 Corridor and Downtown Refinement Plan	Refinement Plan
S3	Safety Audit	Safety Analysis
S4	OR 99E Speed Study	Speed Study
S5	Downtown STA	STA Policy Designation
S6	Albany TSP MPO Update	Plan
S7	Major Corridors	ROW Preservation
S8	Wayfinding	Bike Wayfinding Plan
S9	Interstate 5 / OR 99E / Knox Butte	Refinement Plan
S10	Interstate 5 / US 20 (Santiam)	Refinement Plan

S- Study Project

The 1997 Albany TSP anticipated improvements to the I-5 interchange areas and to the US 20 corridor. These improvements have been shown, once again, to achieve ODOT mobility standards and have thus been included in this update of the TSP. Table 7-3 includes three refinement plans that are focused on the same ODOT facilities (two I-5 interchange areas and the US 20 corridor). These refinement plans are anticipated to address issues such as timing of need, function, feasibility, alignment, cross-section, phasing, environmental impact, and funding. Upon their conclusion, the City will take appropriate actions, which may include amendments to the TSP. Please refer to the City of Albany's TSP Financial Plan for additional detail on project funding and processes.

## TRANSIT PLAN

See the Albany Transit Master Plan anticipated to be adopted in 2010.

## AIRPORT PLAN

See the Albany Airport Master Plan.

## PIPELINE AND TRANSMISSION SYSTEMS PLAN

See the Albany Water Facility Plan and Albany Wastewater Facility Plan.

## IMPLEMENTATION PLAN

The Department of Land Conservation and Development (DLCD) administrative rule known as the Transportation Planning Rule (TPR, OAR 660-012) outlines the requirements for developing and implementing Transportation System Plans. The following items should occur in order to implement the TSP in compliance with OAR 660-012.

- The TSP should be adopted through a process for legislative actions with public notice and opportunity for testimony. The proposed legislation shall be heard by the Planning Commission and City Council.
- A staff report shall be prepared prior to adoption of the TSP to reflect the actual efforts completed to address compliance with applicable statewide planning goals and comprehensive plan policies.

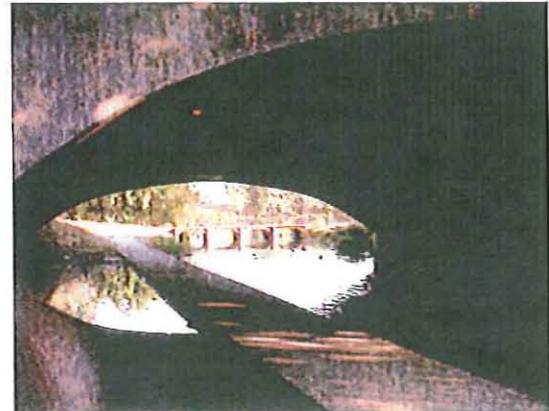
In addition, City Council has identified the following updates to the Albany Development Code or Engineering Design Standards that they intend to address:

- Update signal spacing standards and roadway spacing standards for collectors and arterials
- Include roadway operations standards
- Encourage infill growth
- Pursue a system-wide wetland mitigation bank
- Update arterial and collector street design standards
- Consider requirements for meandering streets.
- Update access standards to arterial and collector streets
- Update parking standards on residential streets.

*Additional details on how the TSP conforms with OAR660-012 is provided in Appendix A.*

## Transportation Finance Element

Funding for transportation projects is increasingly in short supply even as existing infrastructure ages and transportation demands increase. The TPR requires that the Albany TSP address transportation funding, including the following elements:



- a list of planned transportation facilities and major improvements;
- a general estimate of the timing for planned transportation facilities and major improvements;
- determination of rough cost estimates for the transportation facilities and major investments identified in the TSP; and,
- a discussion of existing and potential financing sources to fund the development of each transportation facility and major improvement (which can be described in terms of guidelines or local policies).

The finance element provides a means for evaluating the likelihood that projects can be funded within the timelines identified in the TSP. Frequently, the costs for improvement projects exceed available funding. The financing element provides a context for evaluating projects and defining priorities in order to build on available opportunities and preserve existing infrastructure. A detailed financial plan for capital, operations and maintenance of the transportation system will be presented as a separate document. A summary of the total transportation improvements costs identified in Section 7 is provided in Table 8-1. As shown in Table 8-1, the total cost of the improvements included in the TSP is approximately \$238,000,000.

**TABLE 8-1 TSP IMPROVEMENT TOTAL COSTS**

	Short-Term (0-5 years)	Mid-Term (6-10 years)	Long-Term (11-20 years)	Total (0-20 years)
Roadway Link & Intersection Projects	\$15,908,000	\$8,405,000	\$187,852,000	\$212,165,000
Ped, Bike, Multi-Use & Transit Projects	\$964,000	\$1,782,000	\$22,401,000	\$25,147,000
Study Projects	\$305,000	\$350,000	\$225,000	\$880,000
<b>Total Costs</b>	<b>\$17,177,000</b>	<b>\$10,537,000</b>	<b>\$210,478,000</b>	<b>\$238,192,000</b>

Additional details about these projects can be found in Section 7 and on the project prospectus sheets in Appendix E.

### HISTORIC ALBANY TRANSPORTATION FUNDING REVENUES

Transportation capital improvements are typically funded through a combination of state, city, and private funds. This section documents Albany’s historic revenue trends for transportation. These funds are used primarily for operations, maintenance, services and materials. In typical years, only a small portion is available for capital improvements.

During the past five years (FY '03-04 through FY '08-09), average annual revenues for Albany's transportation system have totaled approximately \$4,150,000 (2009 dollars). These revenues have come from five primary sources. Table 8-2 shows a breakdown of the amounts and percentages of the total received from each of these sources.

**TABLE 8-2 HISTORIC FUNDING SOURCES: TRANSPORTATION SYSTEM OPERATIONS, MAINTENANCE, & IMPROVEMENTS (2009 DOLLARS)**

Source of Funds	Average Annual Revenues FY '03-04 through FY '08-09	Percentage of Total Average Annual Revenues	Typical Use of Funds (Operating or Capital)
State Motor Vehicle Fund	\$2,095,000	47%	Operating
In Lieu of Franchise Fees	\$808,000	18%	Operating
G.O. Bond Proceeds <sup>1</sup>	\$0	0%	Capital
State and Federal Grants	\$387,000	9%	Capital
Transportation SDCs	\$861,000	19%	Capital
Interest on Investments	\$302,000	7%	Capital
<b>Total (All Major Sources)</b>	<b>\$4,453,000</b>	<b>100%</b>	

<sup>1</sup> The last GO bonds for street construction were in 1999.

- The **State Motor Vehicle fund** has provided and will likely continue to provide a significant portion of the funding for Albany's transportation system. A major component of the State Motor Vehicle fund is a fuel tax (per gallon).
- **In Lieu of Franchise Fees** are transferred from the water and sewer fund as compensation for the use of City-owned rights-of-way. Effective July 1, 1999, the amount has been five percent of the water and sewer user receipts.
- **State and federal grants** are normally targeted for specific types of projects and their availability is inconsistent. Grant opportunities should continue to be pursued when appropriate for projects needed by the City.
- **Transportation Systems Development Charges (SDCs)** are an excellent source of revenues for growth-required needs, but SDCs are only collected on development activity, so the revenues stream from SDCs may be volatile depending on market conditions. A new SDC methodology and fee should be developed based on the project list in Section 7.
- **Interest on investments** is entirely dependent on the amount of funds that are available for investment and market rates.
- **General Obligation (G.O.) Bonds** require voter approval, but they are a good source of funding for transportation improvements and major renovation projects. G.O. Bonds have not been used for the past ten years but should be considered for these types of projects in the future.

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## **POTENTIAL FUNDING SOURCES**

Some additional potential local transportation system funding sources the City may wish to consider include: 1) local vehicle fuel taxes, 2) transportation utility fees, and/or 3) local improvement districts (LIDs). Each of these alternative funding sources is described below.

### ***Local Vehicle Fuel Tax***

Previously, local governments in Oregon could adopt local vehicle fuel taxes, just like the state vehicle fuel taxes. Funds from these taxes could be used for the City's improvements, operations and maintenance of transportation facilities used by motor vehicles. House Bill 2001 prohibits cities from enacting or raising fuel taxes between now and 2014. Unless additional legislation is passed regarding local vehicle fuel taxes, local governments will be able to enact a local fuel taxes again in 2014 but it will require a vote of the citizens.

### ***Transportation Utility Fee***

A growing number of cities in Oregon are adopting transportation utility fees. These fees are based on consideration of transportation systems as utilities just like public water, wastewater, or stormwater systems. Fees are typically assessed by usage (e.g., average vehicle trips per development type), with revenues used for the City's transportation system improvements, operations and maintenance.

### ***Local Improvement Districts (LIDs)***

LIDs are used to construct or improve streets and other transportation facilities, with benefiting properties assessed a fee to pay the costs. LIDs are frequently used to fund local and collector streets, sidewalks, and other transportation facilities.

**Appendix A**  
TPR Requirements  
Summary

**Table 2 Land Use Regulations Required by the TPR**

<b>OAR 660-012-0045: Implementation of the Transportation System Plan</b>	
(1) Each local government shall amend its land use regulations to implement the TSP.	
<p>(a) The following need not be subject to land use regulations except as necessary to implement the TSP and, under ordinary circumstances do not have a significant impact on land use:</p> <ul style="list-style-type: none"> <li>operation maintenance, and repair of existing transportation facilities identified in the TSP,</li> <li>dedication of right-of-way, construction of facilities that are consistent with dimensional standards,</li> <li>uses permitted outright,</li> <li>changes in frequency of transit, rail or airport services;</li> </ul>	
(b) If a transportation facility concerns the application of a comprehensive plan provision or land use regulation, it may be allowed without further land use review if it is permitted outright or does not require interpretation or exercise of judgment;	
(c) If a transportation improvement has a "significant impact" on land use and requires interpretation of policies, the local government shall provide a review and approval process consistent with 660-012-0050. Each local government shall amend its land use regulations to provide for consolidated review of land use decisions required to permit a transportation project.	Section 1.200 of the ADC provides for a consolidated review and approval process for land use decisions that involve transportation issues requiring an interpretation of policies.
(2) Local governments shall adopt land use or subdivision ordinance regulations to protect transportation facilities. Such regulations shall include:	
(a) Access control measures such as driveway, road, and signal spacing;	Section 12.100 of the ADC includes spacing and design standards for driveway access to public streets. Section 12.230 of the ADC includes additional access requirements specific to arterial streets. Section 12.110 of the ADC requires that the location of all arterial and collector streets conform with the TSP.
(b) Standards to protect future operations of roads and major transit corridors;	The ADC will be amended to include intersection performance standards as recommended by this TSP update.

<p>(c) Measures to protect public airports by controlling land uses within the airport noise corridor and limit physical hazards to air navigation;</p>	<p>Section 6.020 – 6.060 of the ADC (Airport Approach overlay district) provides protection for the Albany Municipal Airport.</p>
<p>(d) A process for coordinated review of land use decisions affecting transportation facilities;</p>	<p>The Type II, III, and IV procedures in ADC Article 1 provide for coordinated review of land use decisions affecting transportation facilities.</p>
<p>(e) A process to apply conditions to development proposals to minimize impacts and protect transportation facilities,</p>	<p>Section 2.040 of the ADC provides the ability to apply conditions of approval.</p>
<p>(f) Regulations to provide notice to public transportation service providers and agencies, MPOs and ODOT of: land use applications that require public hearings, subdivision and partition applications, other applications which affect private access to roads, and other applications within airport noise corridors and other areas which affect airport operations;</p>	<p>Section 1.215 of the ADC provides notice to agencies and city departments identified by the Director as having possible interest in reviewing and commenting on the development proposal. This applies to all Quasi-Judicial Land Use Applications.</p>
<p>(g) Regulations that assure amendments to land use designations, densities, and design standards are consistent with the TSP.</p>	<p>Section 1.050 of the ADC requires consistency with the Albany Comprehensive Plan, of which the TSP is part.</p>
<p>(3) Local governments shall adopt land use or subdivision regulations to provide for pedestrian, bicycle and vehicular circulation consistent with access management standards and the street function to ensure that new development provides on-site facilities that provide direct routes for pedestrians and bicycles where travel is likely if connections are provided.</p>	<p>Section 11.090 and Article 12 of the ADC require subdivisions and new development provide for an interconnected transportation system that accommodates all modes of travel.</p>
<p>(a) Bicycle parking facilities as part of new multi-family residential developments, new retail, office and institutional developments, and at all transit transfer stations and park-and-ride lots;</p>	<p>Section 9.120(13) requires that new multi-family, commercial, office, and industrial development provide bicycle parking facilities.</p>
<p>(b) On-site pedestrian and bicycle facilities shall provide access from within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts to adjacent residential areas and transit stops, and to neighborhood activity centers (NAC) within one-half mile of the development. Single-family residential developments shall generally include streets and accessways. Pedestrian circulation through parking lots should generally be provided in the form of accessways:</p>	<p>Article 8 of the ADC provides design standards intended to enhance the environment for walking and cycling. Article 9 of the ADC provides on-site development standards. Section 9.120 (13) of the ADC establishes minimum bicycle parking requirements. Articles 11 and 12 provide street design standards, which satisfy (B), (C), (D) and (E).</p>

<p>NACs include schools, parks, shopping areas, transit stops or employment centers,</p> <p>bikeways shall be required along arterials and major collectors. Sidewalks shall be required along all streets, including local streets, in urban areas with the exception of freeways,</p> <p>cul-de-sacs and other dead-end streets may be used if consistent with a roadway spacing or other standard,</p> <p>local governments shall set street spacing or other standard such as a standard for excessive out-of-direction travel,</p> <p>streets and accessways are not required where a physical or topographic condition makes it impractical, existing development preclude a connection, where they would violate a lease, easement or other agreement;</p>	
<p>(c) Where off-site road improvements are required as a condition of development approval, they shall accommodate pedestrian and bicycle travel along arterials and major collectors;</p>	<p>Section 12.290 of the ADC addresses sidewalks and Section 12.340 addresses bikeways.</p>
<p>(d) Safe and convenient pedestrian and bicycle routes means they are free from hazards, provide a reasonably direct route between uses such as a transit stop and a store, and consider that optimum trip length of pedestrians is generally ¼ to ½ mile;</p>	<p>Section 12.040 provides this definition of safe and convenient routes for pedestrians and bicycles.</p>
<p>(e) Internal pedestrian circulation within new office parks and commercial developments shall be provided through clustering of buildings, construction of accessways, and similar techniques.</p>	<p>Sections 8.360, 8.370, and 8.380 provide substantial pedestrian design standards for commercial developments.</p>
<p>(4) To support transit in urban areas containing a population greater than 25,000, where a determination has been made that a public transit system is feasible, local governments shall adopt land use and subdivision regulations as provided in (a)-(g) below:</p>	
<p>(a) Transit routes and facilities shall have bus stops, pullouts and shelters, optimum road geometrics, on-road parking restriction and similar facilities, as appropriate;</p>	<p>The transit plan currently in development will include recommendations regarding needed changes to the ADC to address these provisions.</p>

<p>(b) New retail, office and institutional buildings at or near major transit stops shall provide convenient pedestrian access to transit through:</p> <p>walkways connecting building entrances and adjoining streets,</p> <p>pedestrian connections shall be provided unless impracticable as provided in OAR 660-012-034(3)(b)(E) and shall stub at undeveloped or properties with redevelopment potential,</p> <p>In addition, sites at major transit stops shall provide buildings within 20 feet of the transit stop, a transit street, intersecting street, or pedestrian plaza, an accessible transit passenger landing pad, an easement or dedication for a passenger shelter if requested by the transit provider, and lighting at the transit stop;</p>	<p>Section 8.370 (4) of the ADC essentially restates this requirement.</p>
<p>(c) Local governments may implement (4)(b)(A) and (B) through the designation of pedestrian districts with appropriate implementing measures for development within the pedestrian district that comply with (4)(b)(C);</p>	
<p>(d) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;</p>	<p>The transit plan currently in development will include recommendations regarding needed changes to the ADC to address these provisions.</p>
<p>(e) Existing development shall be allowed to redevelop a portion of existing parking areas for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities, where appropriate;</p>	<p>This is provided by the ADC Section 9.040.</p>
<p>(f) Road systems for new development shall be provided that can be adequately served by transit, including provision of pedestrian access to existing and identified future transit routes, including separate accessways to minimize travel distance where appropriate;</p>	<p>The transit plan currently in development will include recommendations regarding needed changes to the ADC to address these provisions.</p>
<p>(g) Along existing or planned transit routes, designation of types and densities of land uses adequate to support transit.</p>	<p>Land use designations along transit routes are intended to result in sufficient density to support transit operations.</p>

<p>(6) In developing TSP pedestrian and bicycle circulation plans, local governments shall identify improvements to facilitate bicycle and pedestrian trips to meet local travel demand needs in developed areas. Specific measures include, for example, construction of walkways between cul-de-sacs and adjacent roads, providing walkways between buildings, and providing direct access between adjacent uses.</p>	<p>The TSP includes bicycle and pedestrian projects intended to facilitate those travel modes result in an interconnected transportation system. ADC 12.190 requires new development to provide walkways from the ends of cul-de-sacs to the nearest street.</p>
<p>(7) Local governments shall establish standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility. Street standards shall be reviewed and excessive standards reduced. The standards shall provide for emergency vehicle access while discouraging inappropriate traffic volumes and speeds and which accommodate pedestrian and bicycle circulation.</p>	<p>Sections 12.120-12.130 of the ADC provide for street design standards that reduce unnecessary pavement and right-of-way widths.</p>

**Appendix B**  
Public Involvement  
Process for TSP  
Update

Deliver/Accept 2030 roadway needs analysis (Memo #6C) & Neighborhood meeting documents	February 11, 2008 February 25, 2008 March 24, 2008	Albany City Council
Project status update	August 20, 2008	Albany City Council
Review mobility standard impacts & new bridge crossing	September 5, 2008	ODOT, DLCD
Receive project descriptions, costs & priorities	October 6, 2008	Albany City Council
Review road, bike & pedestrian costs, priorities & growth (SDC) eligibility	October 20, 2008 October 21, 2008  October 30, 2008  November 6, 2008  November 5, 2008	Council Work Session North Albany Neighborhood Association Willamette Valley Homebuilding Association Albany Area Chamber of Commerce Governmental Affairs Committee Community Open House
TSP Adoption Steps & Policies	January 21, 2009	Council Work Session
Project Priorities	February 4, 2009 April 13, 2009 April 27, 2009 May 7, 2009	Council Work Sessions
TSP Adoption Process Memo	May 11, 2009	Planning Commission Meeting
Review Draft TSP	July 27, 2009	Planning Commission Meeting
Review Draft TSP	August 27, 2009	Joint Planning Commission-City Council Meeting

On-going communication was conducted through the following venues:

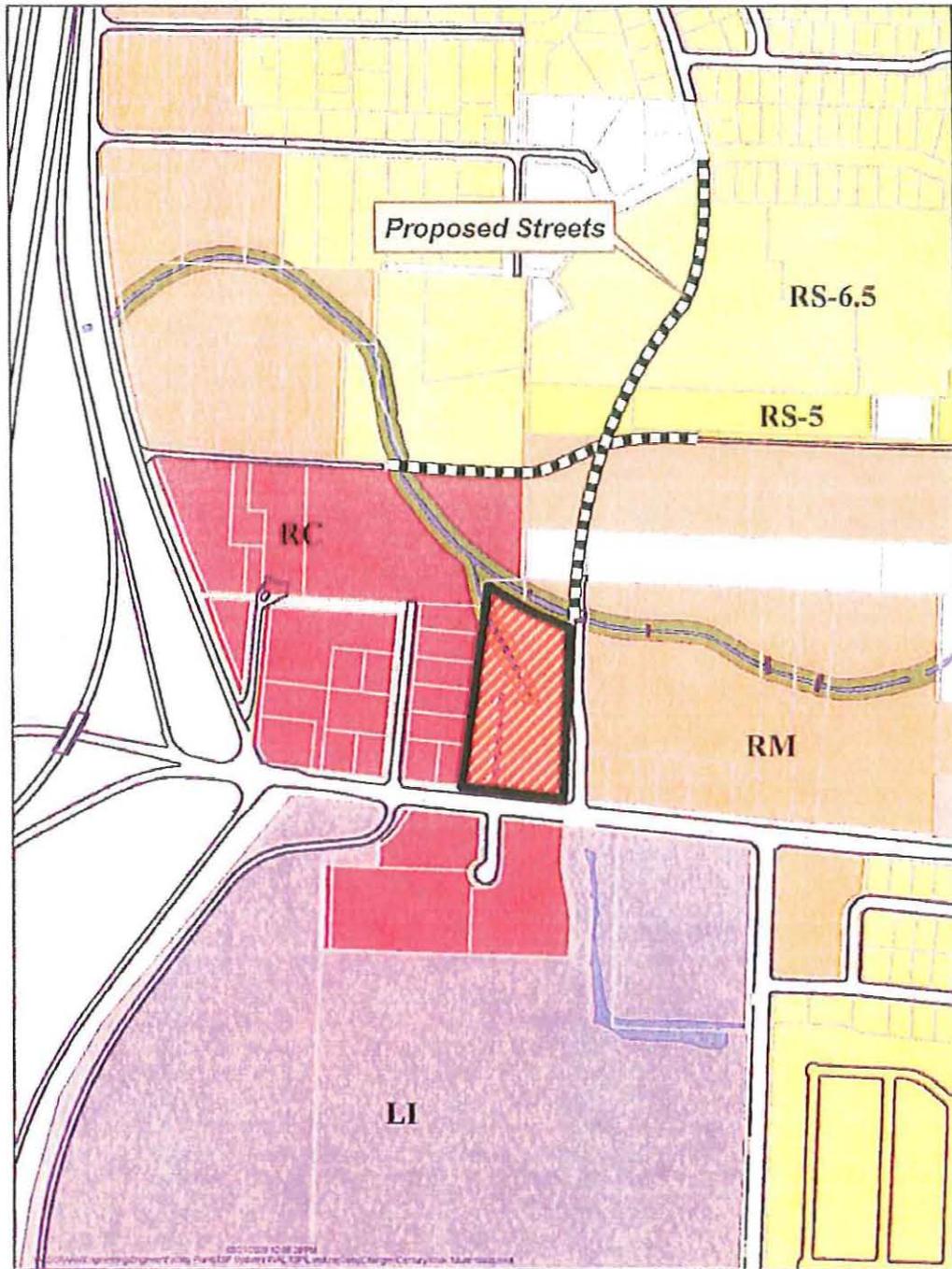
- Albany Democrat Herald news releases, articles, and blogs
- TSP project website  
([http://www.cityofalbany.net/publicworks/streets/management\\_plan/index.php](http://www.cityofalbany.net/publicworks/streets/management_plan/index.php))
- Email lists for 78 interested citizens, 37 business contacts, 21 members of boards and commissions, 59 contacts with state and local agencies, and 28 contacts within the city

Additional outreach to 4<sup>th</sup> and 5<sup>th</sup> grade students at North Albany Elementary School and Central Albany School included the following lessons:

- March 21, 2007 – introduction to maps
- March 22, 2007 – build an edible road cross-section
- June 11, 2007 – introduction to bridges and folding paper bridges
- June 12, 2007 – build a spice drop-toothpick bridge
- October 10, 2007 – Transit – routes, fares, and a ride around the city
- October 23, 2007 – Bike safety and helmets

**Appendix C**  
Comprehensive Plan  
and Zoning Map  
Changes

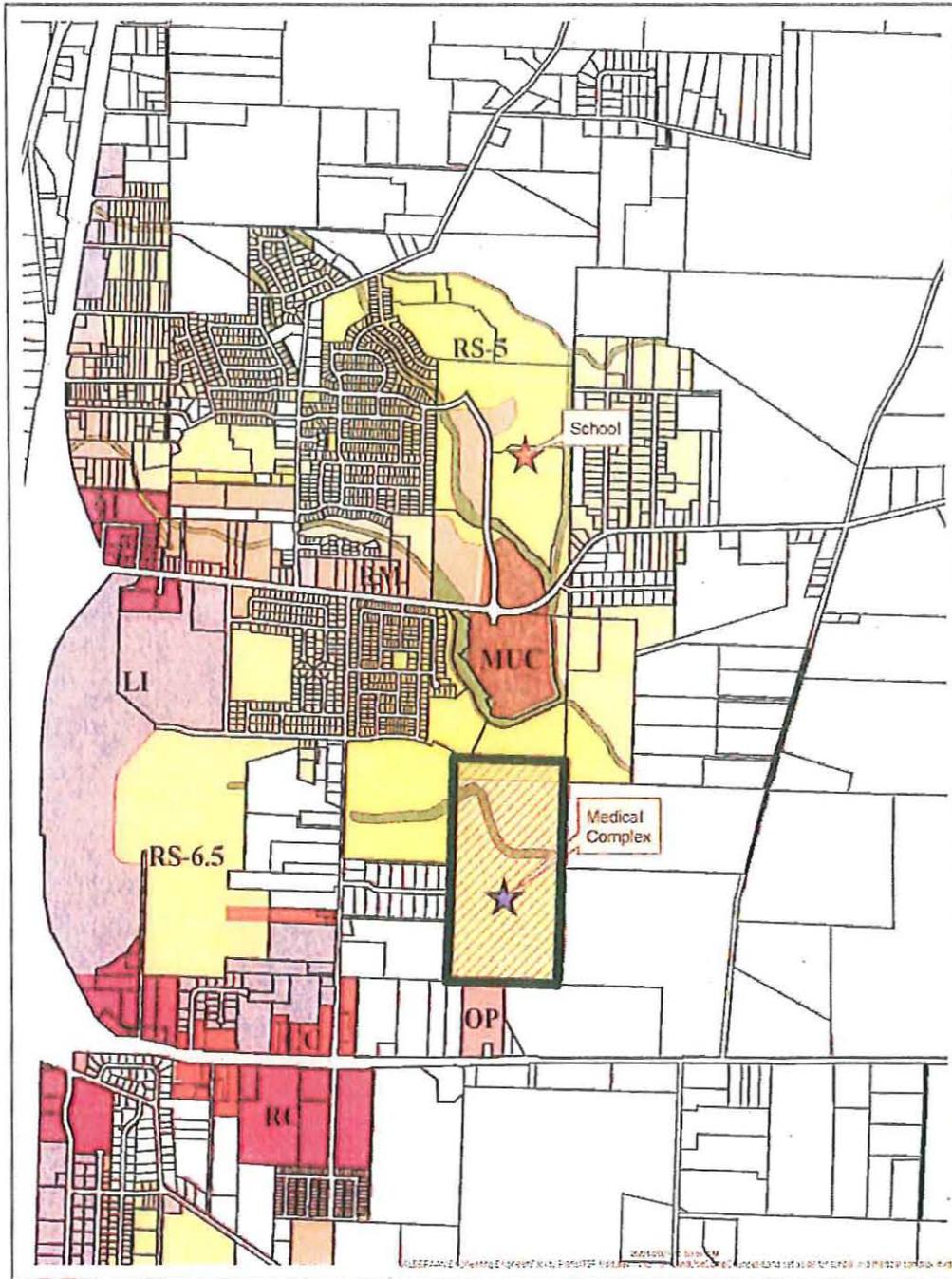
## AREA 1 – EXPANSION OF REGIONAL COMMERCIAL SITE



**COMPREHENSIVE PLAN AND ZONING MAP CHANGE ASSUMPTIONS**

Area	Type	General Location	TAZ	Site Info	Inside City?	Existing Zoning	Future Zoning
1	Expansion of Regional Commercial Site	North of Knox Butte Road & West of Expo Parkway	165	Approximately 4 acres	Yes	Residential Medium Density	Regional Commercial

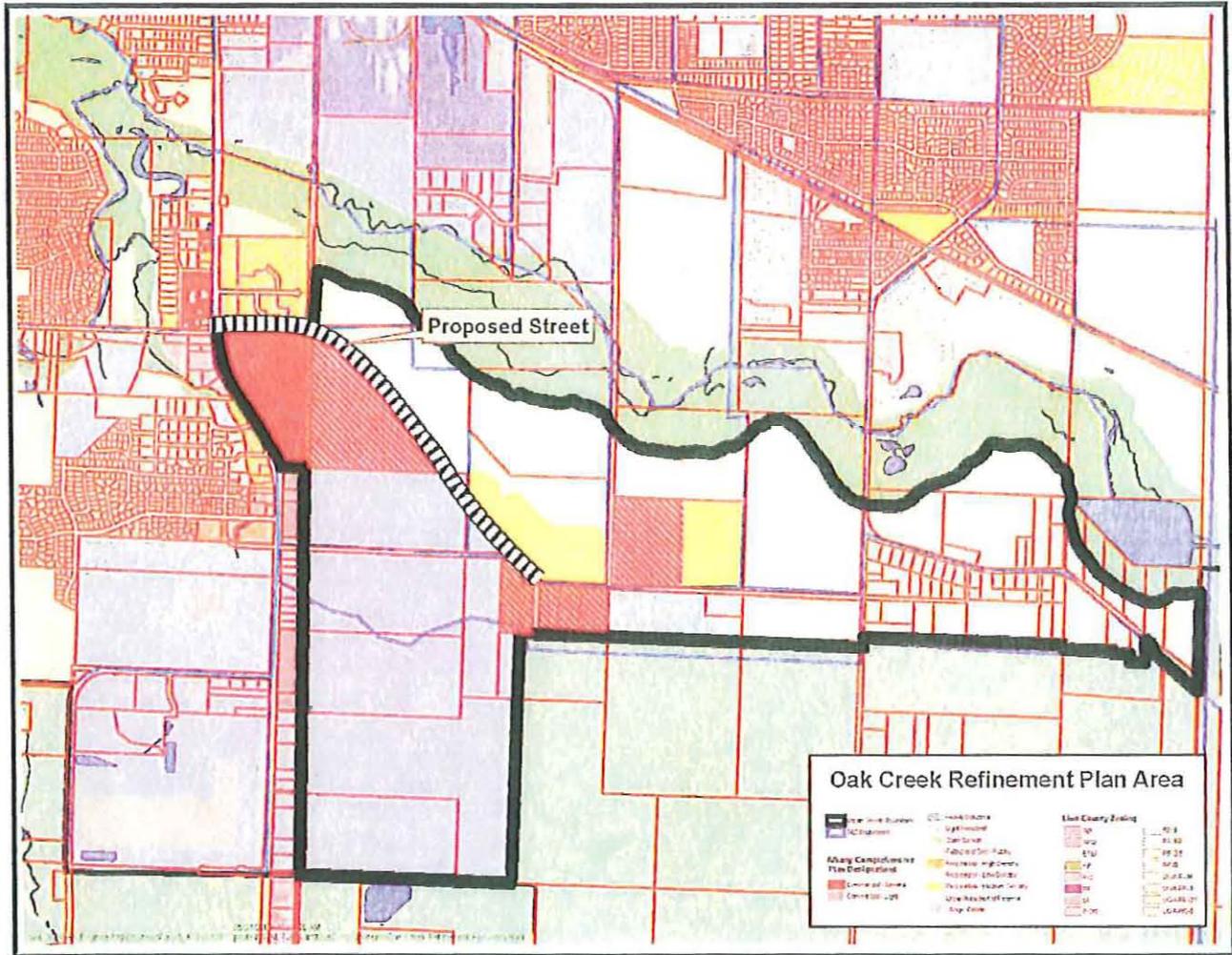
## AREA 2 – HOSPITAL PROPERTY



**COMPREHENSIVE PLAN AND ZONING MAP CHANGE ASSUMPTIONS**

Area	Type	General Location	TAZ	Site Info	Inside City?	Existing Zoning	Future Zoning
2	Hospital Property	East of I-5 & North of US 20	457 458	Map 11S-3W-10 Tax lot 200	Yes	Residential Single Family	Office Professional

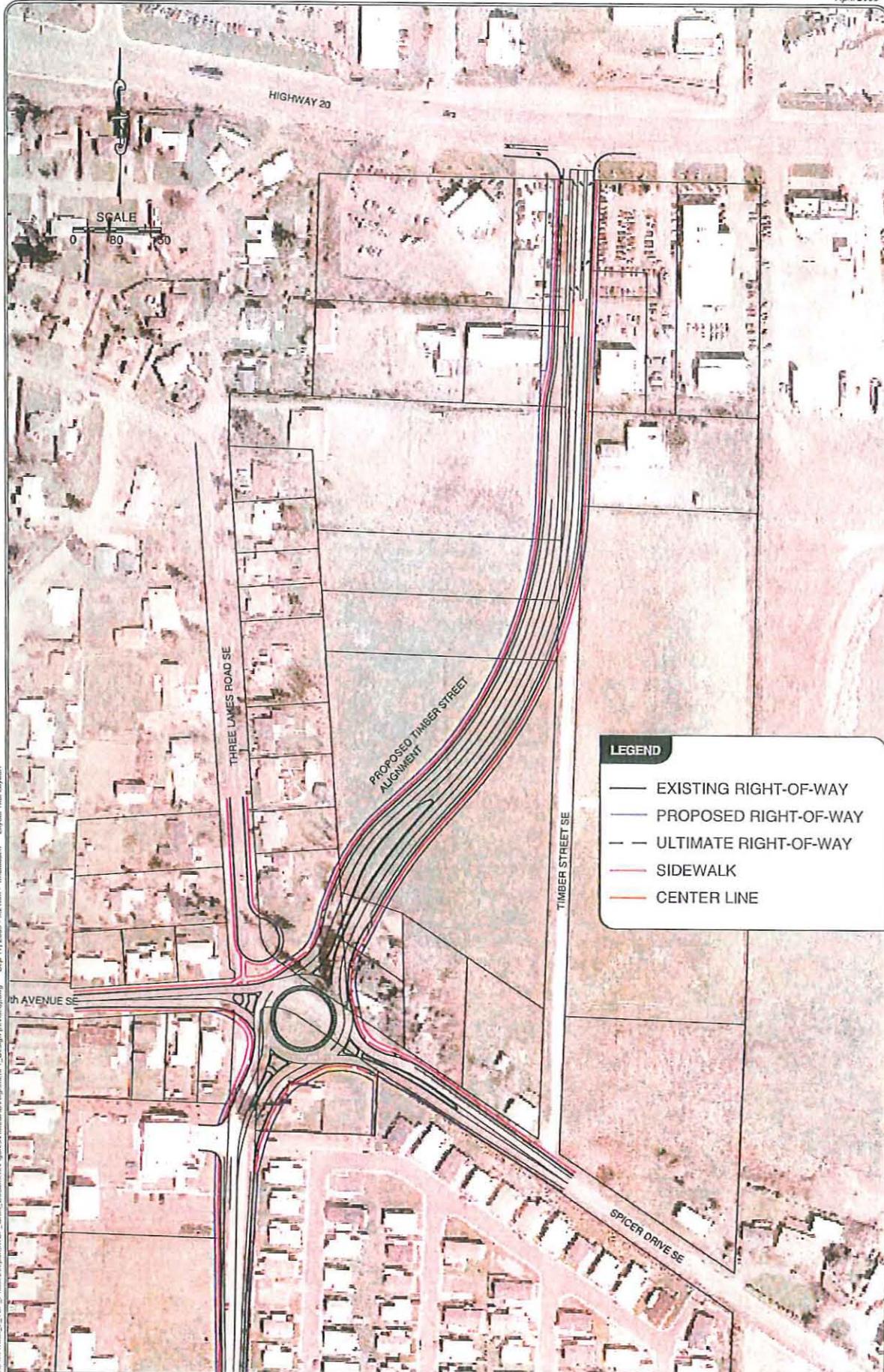
## AREA 3 – OAK CREEK REFINEMENT PLAN AREA



### COMPREHENSIVE PLAN AND ZONING MAP CHANGE ASSUMPTIONS

Area	Type	General Location	TAZ	Site Info	Inside City?	Existing Plan Designation	Future Plan Designation/ Zoning
3	Oak Creek Refinement Plan Area	South Albany	326	Approx. 50 acres south of planned 53 <sup>rd</sup> /Ellingson alignment	No	Urban Residential Reserve	Light Industrial Designation/ Industrial Park Zoning
			322 333 325	30-40 acres at Ellingson and Lochner	No		Village Center Designation/ Mixed Use Commercial Zoning

**Appendix D**  
Open House Design  
Sketches



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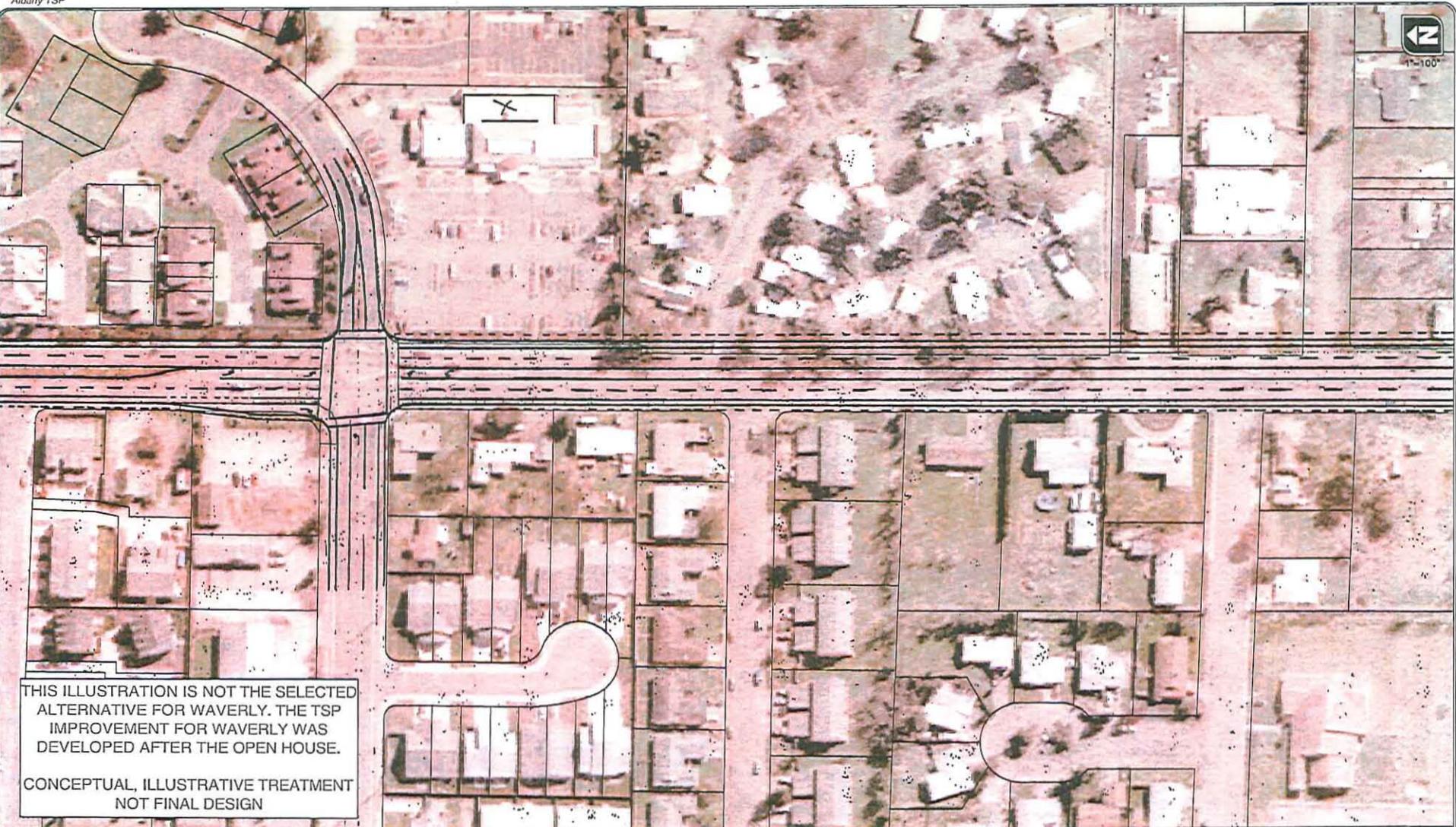
TIMBER STREET ALTERNATIVE ALBANY, OREGON **FIGURE 6-8**



CONCEPTUAL, ILLUSTRATIVE TREATMENT  
NOT FINAL DESIGN

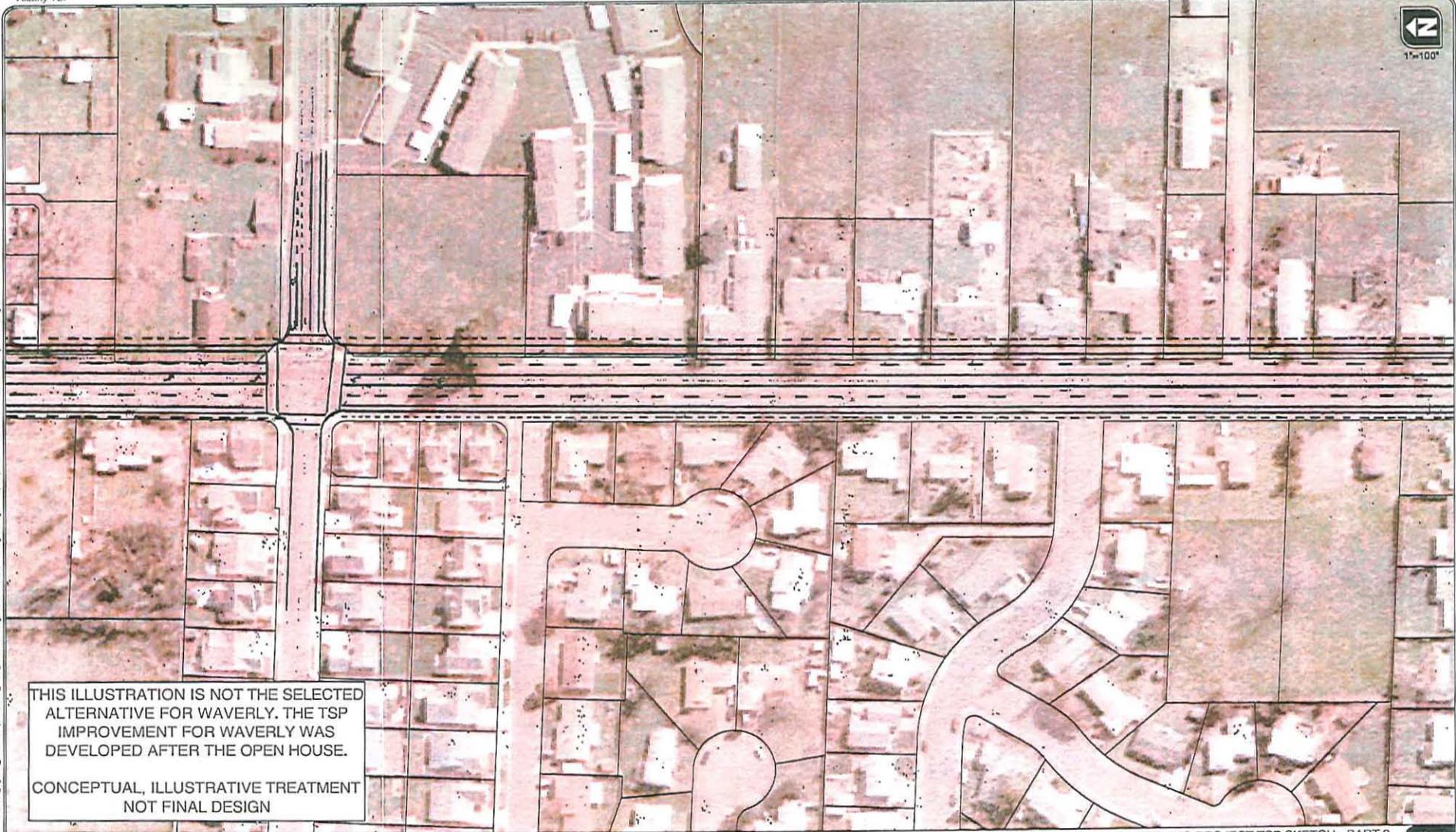
OAK ST EXTENSION ALTERNATIVE AT OR 99E  
ALBANY, OREGON

FIGURE  
6-9



THIS ILLUSTRATION IS NOT THE SELECTED ALTERNATIVE FOR WAVERLY. THE TSP IMPROVEMENT FOR WAVERLY WAS DEVELOPED AFTER THE OPEN HOUSE.  
CONCEPTUAL, ILLUSTRATIVE TREATMENT NOT FINAL DESIGN

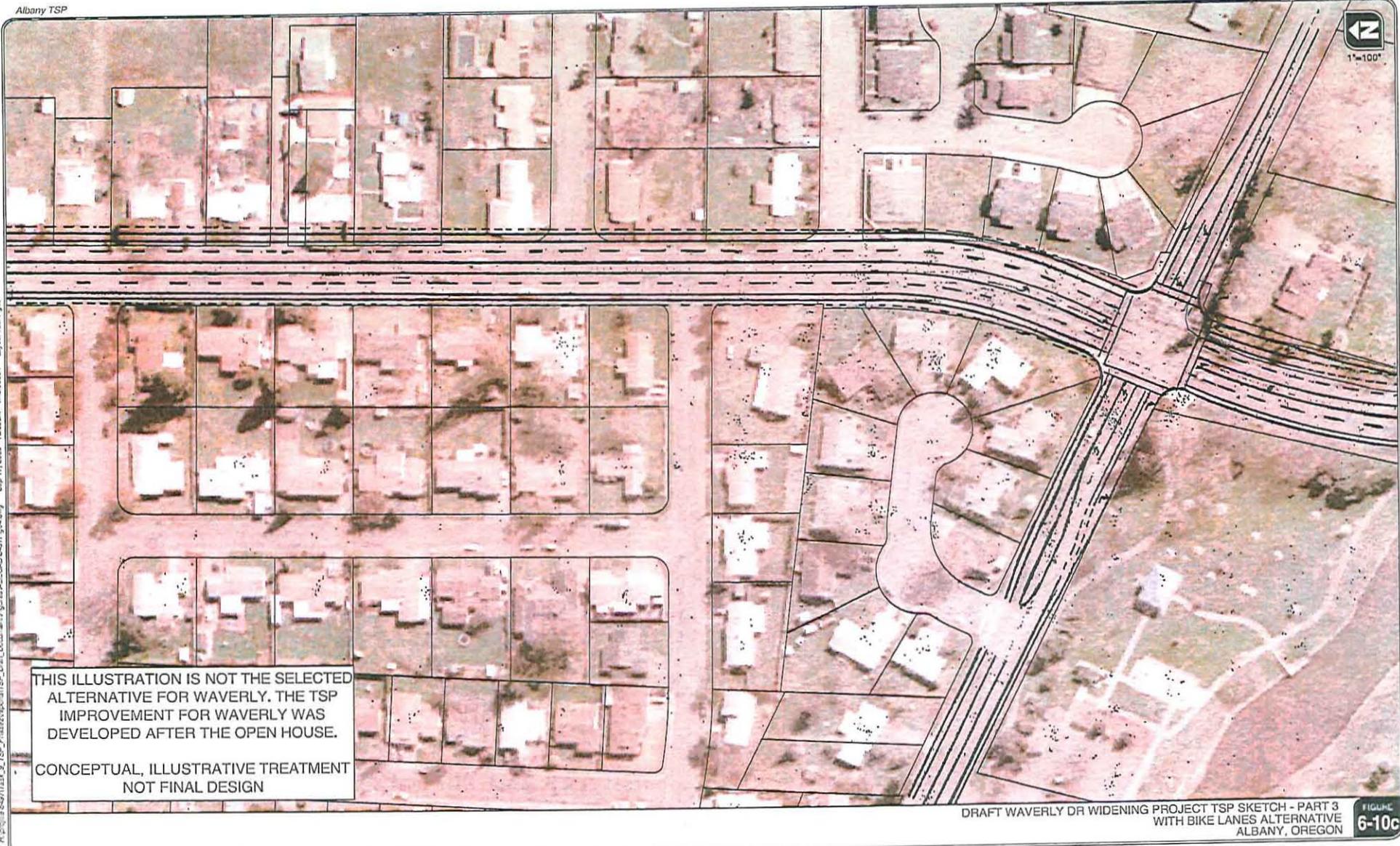
DRAFT WAVERLY DR WIDENING PROJECT TSP SKETCH - PART 1 WITH BIKE LANES ALTERNATIVE ALBANY, OREGON **FIGURE 6-10a**



THIS ILLUSTRATION IS NOT THE SELECTED ALTERNATIVE FOR WAVERLY. THE TSP IMPROVEMENT FOR WAVERLY WAS DEVELOPED AFTER THE OPEN HOUSE.  
CONCEPTUAL, ILLUSTRATIVE TREATMENT NOT FINAL DESIGN

DRAFT WAVERLY DR WIDENING PROJECT TSP SKETCH - PART 2 WITH BIKE LANES ALTERNATIVE ALBANY, OREGON

FIGURE 6-10b

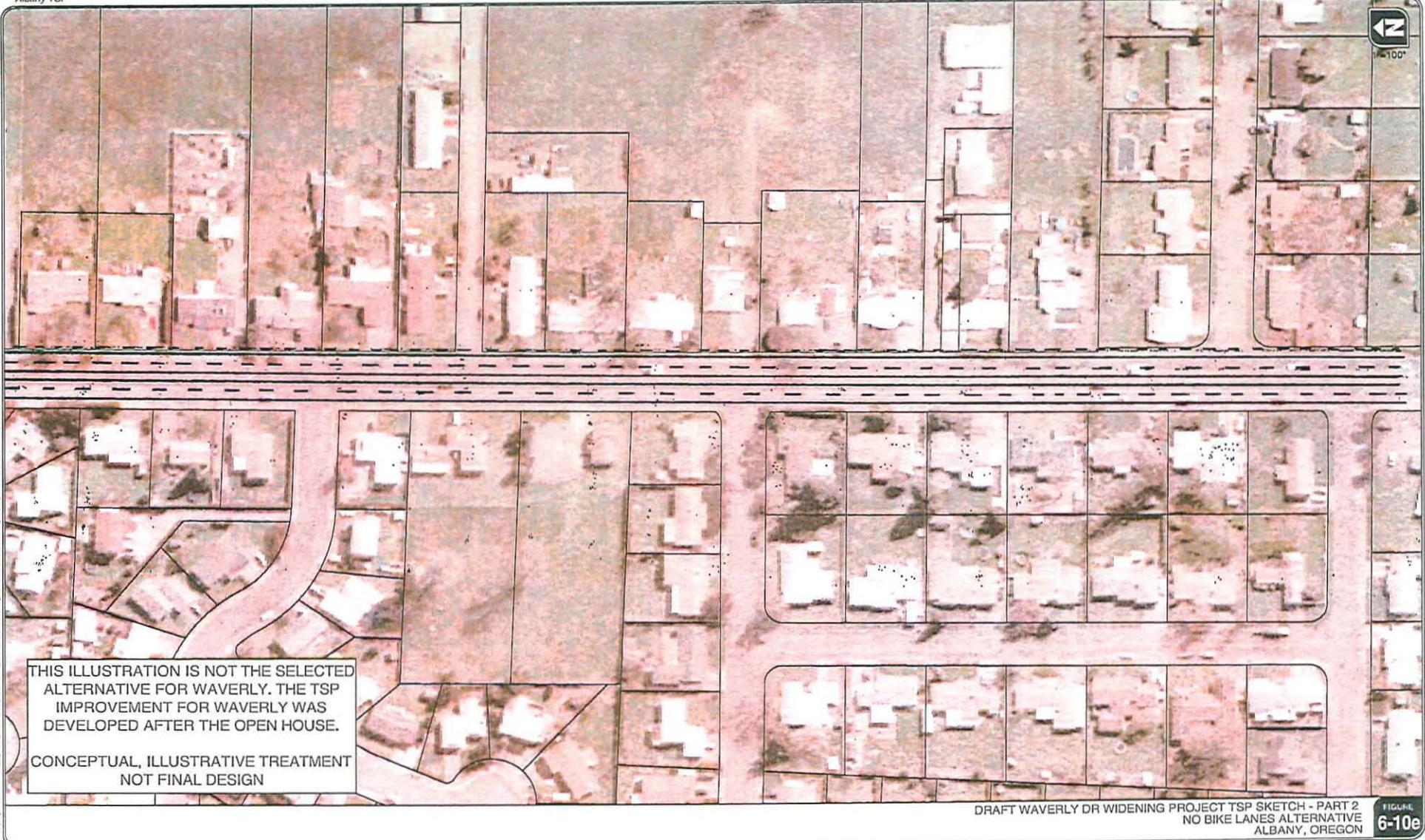


THIS ILLUSTRATION IS NOT THE SELECTED ALTERNATIVE FOR WAVERLY. THE TSP IMPROVEMENT FOR WAVERLY WAS DEVELOPED AFTER THE OPEN HOUSE.  
CONCEPTUAL, ILLUSTRATIVE TREATMENT NOT FINAL DESIGN

DRAFT WAVERLY DR WIDENING PROJECT TSP SKETCH - PART 3 WITH BIKE LANES ALTERNATIVE ALBANY, OREGON **FIGURE 6-10c**

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THIS ILLUSTRATION IS NOT THE SELECTED ALTERNATIVE FOR WAVERLY. THE TSP IMPROVEMENT FOR WAVERLY WAS DEVELOPED AFTER THE OPEN HOUSE.

CONCEPTUAL, ILLUSTRATIVE TREATMENT NOT FINAL DESIGN

DRAFT WAVERLY DR WIDENING PROJECT TSP SKETCH - PART 2  
 NO BIKE LANES ALTERNATIVE  
 ALBANY, OREGON

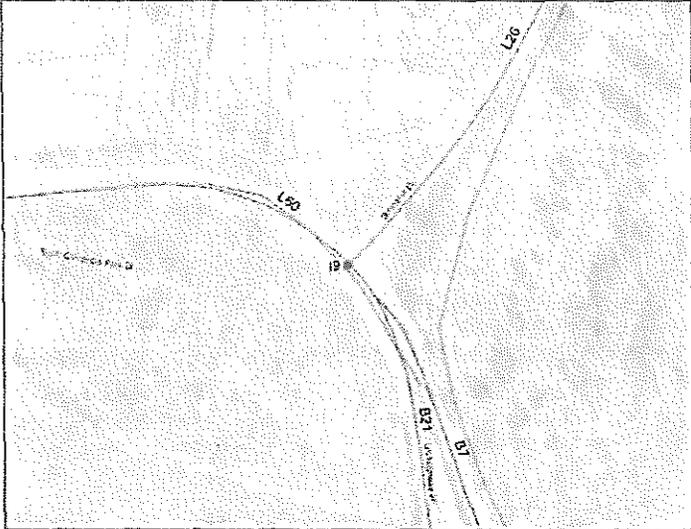
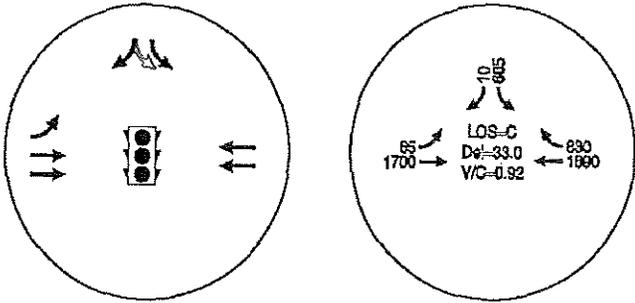
FIGURE 6-10e

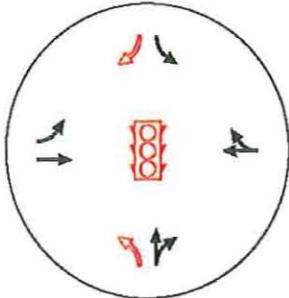
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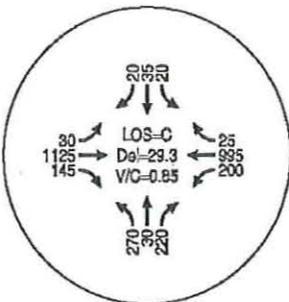
**Appendix E**  
Transportation  
Improvement Project  
Prospectus Sheets

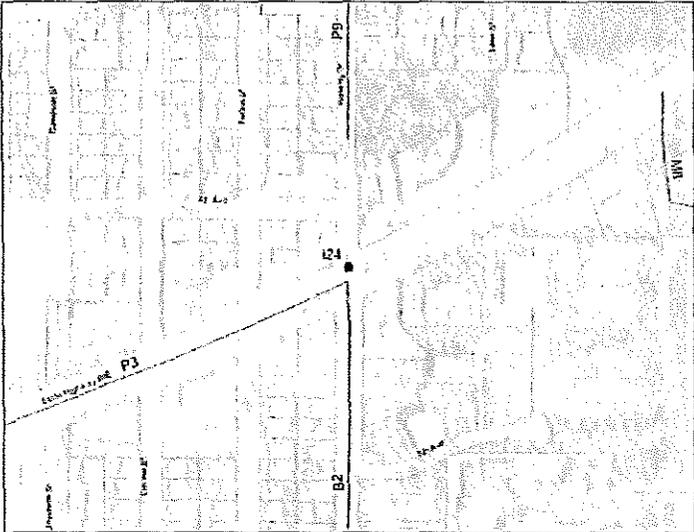
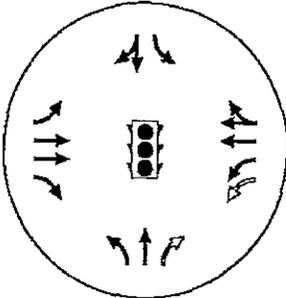
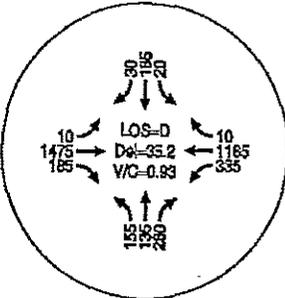
Project #: B20		Lyon Street			
<p><b>Description:</b> Install painted "Sharrows" in the bike lane gaps on Lyon Street from 9th Avenue to the Willamette River (no sharrows needed on bridge due to shoulder). Painting a shared right-of-way (sharrow) symbol on the pavement does not require parking removal. This project is contingent upon ODOT approval, inclusion of sharrows in the MUTCD, and the associated guidance in the MUTCD.</p>					
<b>Category:</b> Sharrows		<b>Classification:</b> Principal Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Short-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$2,000	\$0	\$0	\$2,000	100%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> B7, B11, P11, I12, I21, I22		
					
<b>Illustrative Section:</b>					
					

Project #: B21		Ellsworth Street			
<p><b>Description:</b> Install painted "Sharrows" in the bike lane gaps on Ellsworth Street from 9th Avenue to Springhill Drive, including Ellsworth Street bridge. Painting a shared right-of-way (sharrow) symbol on the pavement does not require parking removal. This project is contingent upon ODOT approval, inclusion of sharrows in the MUTCD, and the associated guidance in the MUTCD.</p>					
<b>Category:</b> Sharrows		<b>Classification:</b> Principal Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Short-term
<b>Project Costs:</b>	<b>Const./Eng.</b>	<b>ROW</b>	<b>Other</b>	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$4,000	\$0	\$0	\$4,000	100%
<b>Project Goals Met:</b>					
<b>Efficiency</b> <input type="checkbox"/>	<b>Capacity</b> <input type="checkbox"/>	<b>Safety</b> <input checked="" type="checkbox"/>	<b>Transit</b> <input type="checkbox"/>	<b>Ped/Bike</b> <input checked="" type="checkbox"/>	<b>Livability</b> <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> B11, P11, I9, I20, I23, L60		
					
<b>Illustrative Section:</b>					
					

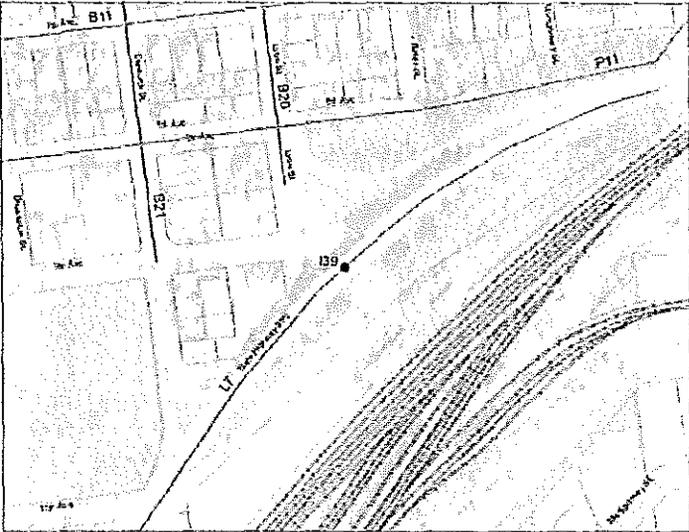
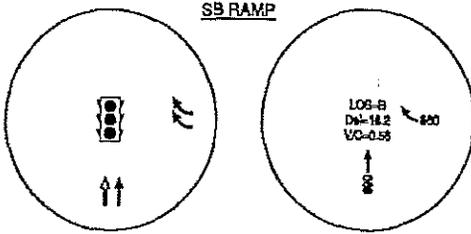
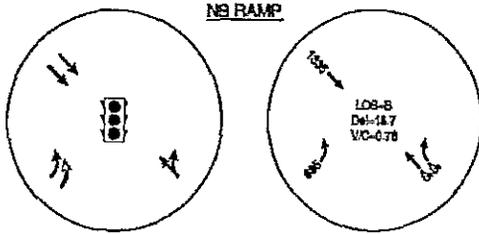
<b>Project #:</b> I9	<b>US 20/Springhill Drive</b>				
<b>Description:</b> Convert southbound right-turn to a shared left-right lane, creating dual-southbound lefts on Springhill Road. Relocate westbound stop bar on US 20 of inside lane 10-20 feet east of current location. Lengthen cycle length to 120 seconds and develop coordination between North Albany Road and Springhill Road along US 20. Design of the intersection should allow for right-turns on red for southbound vehicles if feasible.					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial/ Minor Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Short-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$14,000	\$0	\$0	\$14,000	23%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> B7, B21, L26, L60, S2		
					
<b>Illustrative Section:</b>					
					

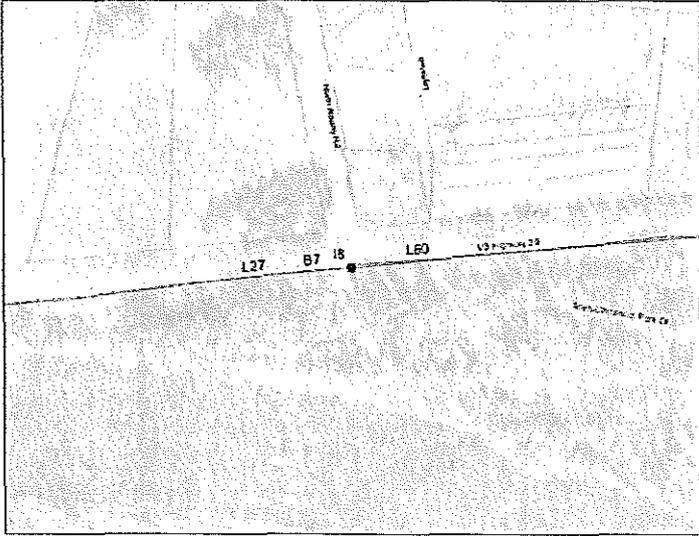
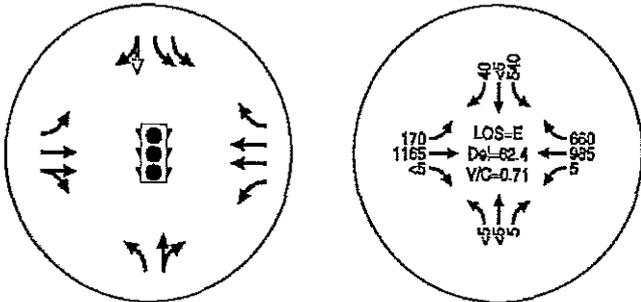
<b>Project #:</b> I10	<b>Knox Butte/Century Drive</b>				
<b>Description:</b> If warranted, install an interim traffic signal. This signal may be removed when the intersection is reconstructed by ODOT.					
<b>Category:</b> Intersection Control Change		<b>Classification:</b> Minor Arterial/ Major Collector		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Short-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$345,000	\$0	\$0	\$345,000	0%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> S9, L21		
					
<b>Illustrative Section:</b>					
					

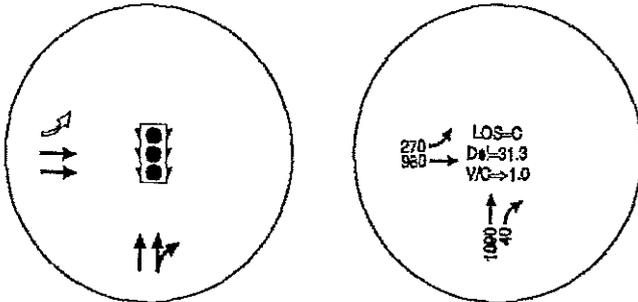
<b>Project #:</b> I13		<b>US 20/Clay Street</b>			
<b>Description:</b> Restripe intersection lane markings and convert left-turn phasing on Clay Street to protected-permissive with the flashing yellow arrow signal head. Install exclusive eastbound right-turn lane on US 20.					
<b>Category:</b> Safety / Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial/ Major Collector		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Medium-Term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$95,000	\$90,000	\$0	\$185,000	20%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b>		
			n/a		
<b>Illustrative Section:</b>					
					

Project #: I24		OR 99E/Waverly Avenue			
Description: Install second westbound left-turn lane on OR 99E & second southbound receiving lane on Waverly Avenue. Install exclusive northbound right-turn lane and overlap signal phasing.					
Category: Intersection Add Lane(s)		Classification: Principal Arterial / Minor Arterial		Agency Coordination: ODOT	Time Frame: Long-term
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$498,000	\$192,000	\$100,000	\$790,000	27%
Project Goals Met:					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
Project Location:			Related Projects: B2, P3		
					
Illustrative Section:					
					

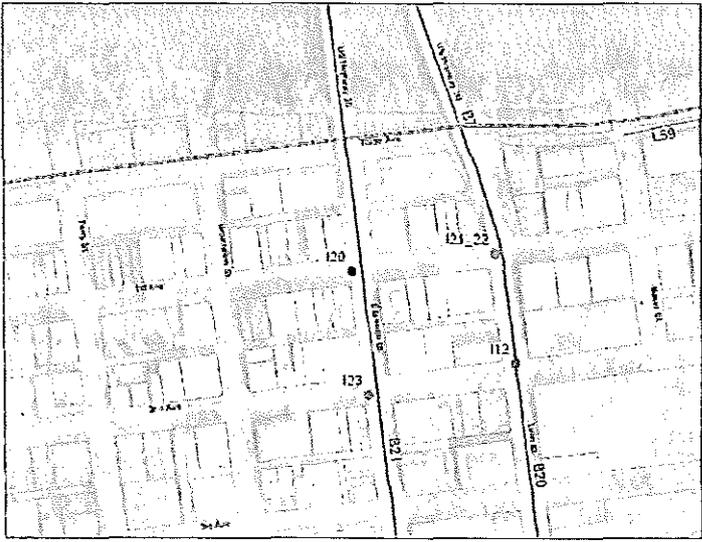
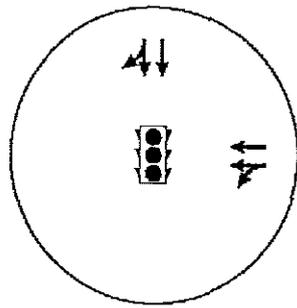
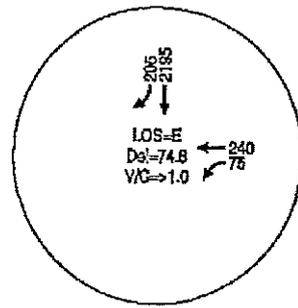
<b>Project #:</b> I38	<b>Salem Avenue/Geary Street</b>				
<b>Description:</b> Construct traffic signal at intersection of Salem Ave./Geary St. This intersection is not forecast to meet volume warrants but should be monitored for safety warrants. The "other" costs for the signal include installation of detection along the railroad track for traffic signal pre-emption. Factors increasing the cost of the detection for rail crossing signal pre-emption include the number of tracks (two at this location), train speed, number of approaches requiring pre-emption (two at this location). \$500,000 is assumed but could be exceeded. Additional analysis is required to refine this cost					
<b>Category:</b> Intersection Control Change		<b>Classification:</b> Minor Arterial / Minor Arterial		<b>Agency Coordination:</b> ODOT Rail	<b>Time Frame:</b> Long-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$345,000	\$0	\$500,000	\$845,000	28%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b>		
<b>Illustrative Section:</b>					

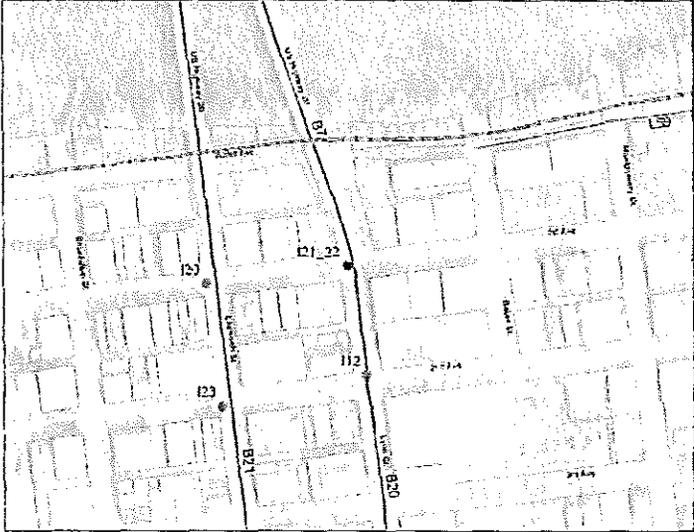
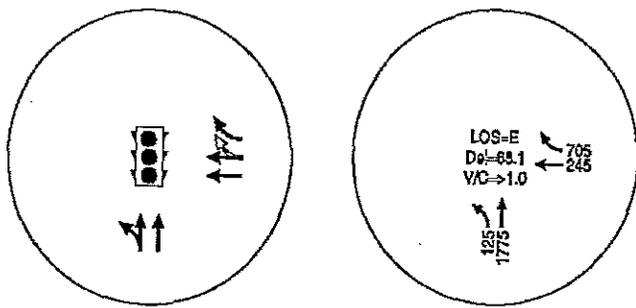
Project #: I39		OR 99E/Lyon Street			
Description: NB Ramp: Install a second northbound left-turn lane from the 99E off-ramp and a second receiving lane NB on Lyon Street. SB Ramp: Install second NB through lane on Lyon Street.					
Category: Intersection Add Lane(s)		Classification: Principal Arterial		Agency Coordination: ODOT	Time Frame: Long-term
* Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$161,000	\$43,000	\$0	\$205,000	16%
Project Goals Met:					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
Project Location:			Related Projects: L7, B20, M13		
					
Illustrative Section:					
<p>SB RAMP</p> 		<p>NB RAMP</p> 			

<b>Project #:</b> I8	<b>US 20/North Albany Road</b>				
<b>Description:</b> On North Albany Road: eliminate split-phasing, convert southbound right to shared through-right lane & convert southbound through-left to left-only lane, creating dual southbound left-turns. Install westbound right-turn overlap phasing. Implement actuated-coordinated signal control, and develop signal coordination between Springhill Road and North Albany Road for better traffic progression along US 20 during peak periods.					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial/ Minor Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Short-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$38,000	\$0	\$2,000	\$40,000	13%
<b>Project Goals Met:</b>					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> B7, L27, L60, S2		
					
<b>Illustrative Section:</b>					
					

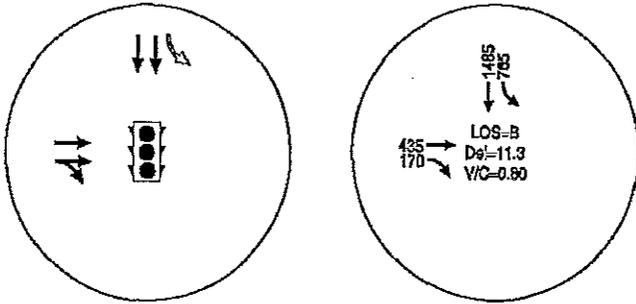
<b>Project #:</b> I12	<b>US 20 (Lyon Street)/2nd Avenue</b>				
<b>Description:</b> Restripe for a new 100-foot eastbound exclusive left-turn lane, removing a portion of on-street parking on 2nd Avenue. Extend cycle length to 70 seconds, and develop timing plans with offsets that facilitate northbound and eastbound progression.					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial / Minor Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Medium-Term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$23,000	\$0	\$0	\$23,000	16%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b>		
			I20, I21, I22, I23, B7, B20, B21, S2		
<b>Illustrative Section:</b>					
					



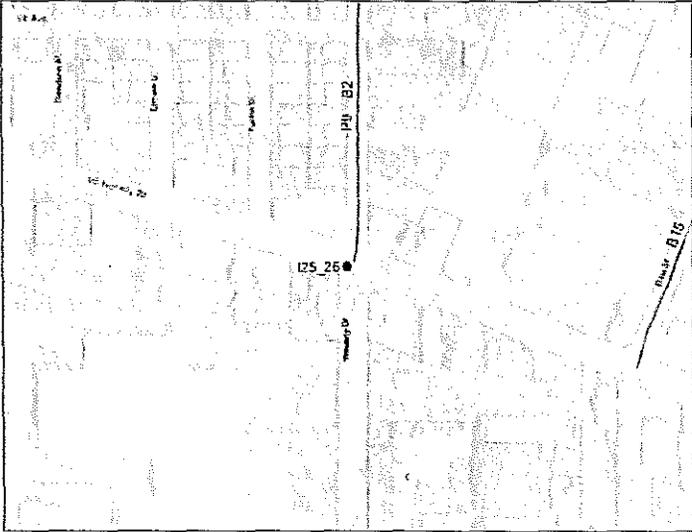
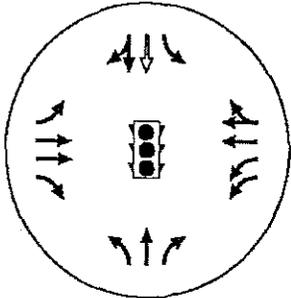
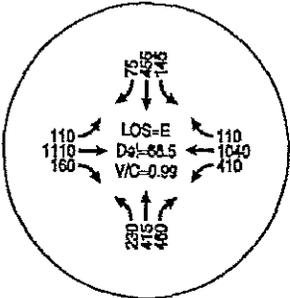
<b>Project #:</b> I20	<b>US 20 (Ellsworth Street)/1st Avenue</b>				
<b>Description:</b> Implement actuated-coordinated signal control. Shorten pedestrian crossing distance across Ellsworth Street. Extend cycle length to 70 seconds, and develop timing plans with offsets that facilitate southbound and westbound progression.					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial / Minor Arterial / Major Collector		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Medium-Term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$18,000	\$0	\$0	\$18,000	22%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> I12, I21, I22, I23, B21, S2		
					
<b>Illustrative Section:</b>					
					

<b>Project #:</b> I21	<b>US 20 (Lyon Street)/1st Avenue</b>				
<b>Description:</b> Convert northern westbound through lane to a shared thru-right lane on 1st Avenue					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial / Minor Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Medium-Term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$11,000	\$0	\$0	\$11,000	23%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> I12, I20, I22, I23, B20, S2		
					
<b>Illustrative Section:</b>					
					

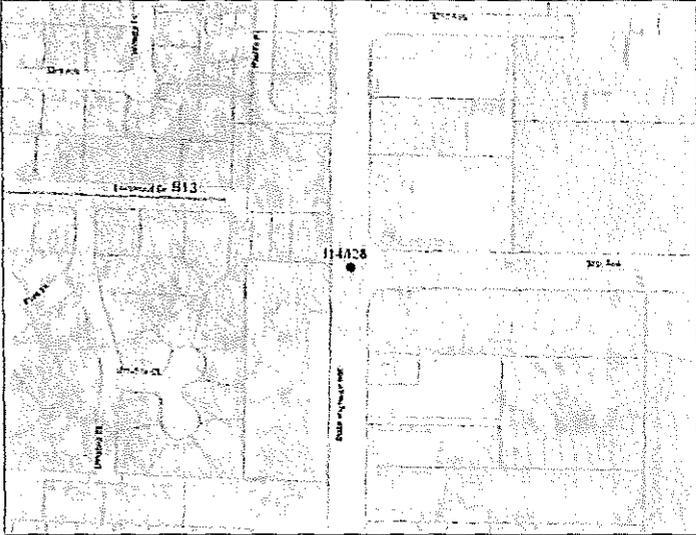
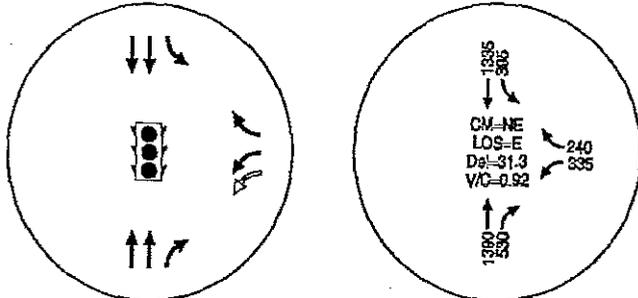
<b>Project #:</b> I22	<b>US 20 (Lyon Street)/1st Avenue</b>				
<b>Description:</b> Close crosswalk on north leg of intersection. Restripe for a new 100-foot northbound exclusive left-turn lane, removing a portion of on-street parking on west side of Lyon Street. Extend cycle length to 70 seconds, and develop timing plans with offsets that facilitate northbound and westbound progression.					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial / Minor Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Medium-Term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$10,000	\$0	\$0	\$10,000	23%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> I12, I20, I21, I23, B20, S2		
<b>Illustrative Section:</b>					

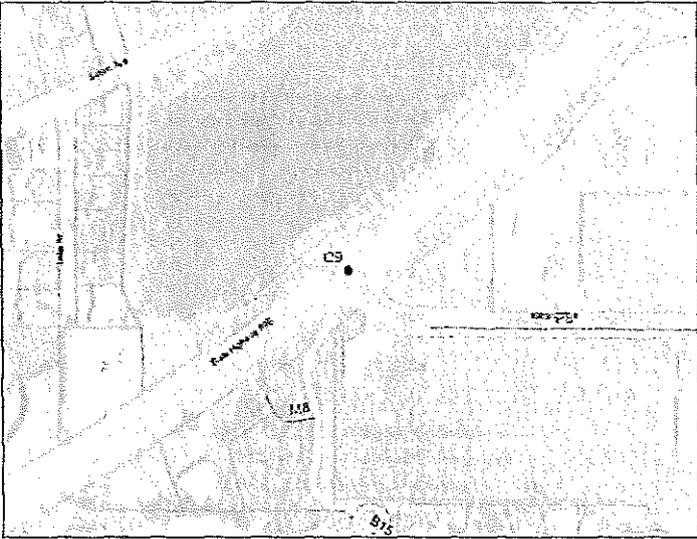
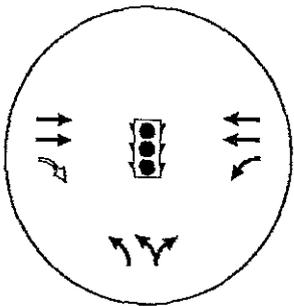
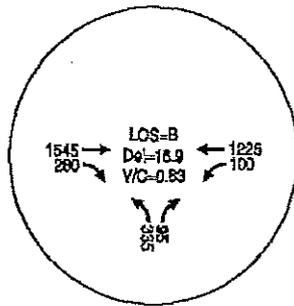
<b>Project #:</b> I23	<b>US 20 (Ellsworth Street)/2nd Avenue</b>				
<b>Description:</b> Restripe for a new southbound exclusive left-turn lane on Ellsworth, removing a portion of on-street parking on eastside of Ellsworth Street. Initially restripe only 100 feet from intersection, but may need to extend to 250 feet (full block length) due to 2030 projected queuing. (Cost estimates are based on 250 feet restriped lane) Extend cycle length to 70 seconds, and develop timing plans with offsets that facilitate southbound and westbound progression.					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial / Minor Arterial / Major Collector		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Medium-Term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$17,000	\$0	\$0	\$17,000	23%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b>		
			I12, I20, I21, I22, B21, S2		
<b>Illustrative Section:</b>					
					

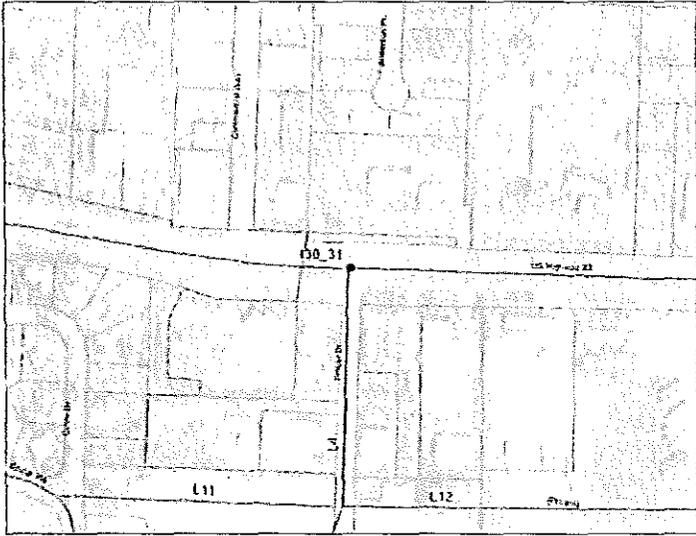
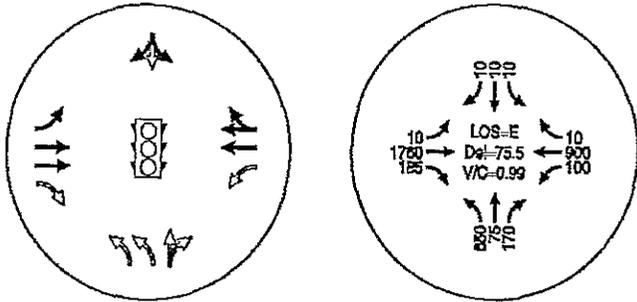
<b>Project #:</b> I25	<b>US 20/Waverly Drive</b>				
<b>Description:</b> Install second westbound left-turn lane and eastbound right-turn lane on US 20					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial / Minor Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Long-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$261,000	\$467,000	\$125,000	\$853,000	29%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> I26, P9, B2		
<b>Illustrative Section:</b>					

Project #: I26	US 20/Waverly Drive				
Description: Install northbound right-turn overlap, add another southbound through lane on Waverly Drive					
Category: Intersection Add Lane(s)		Classification: Principal Arterial / Minor Arterial		Agency Coordination: ODOT	Time Frame: Long-term
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$67,000	\$50,000	\$0	\$118,000	29%
Project Goals Met:					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
Project Location:			Related Projects: I25, P9, B2		
					
Illustrative Section:					
					

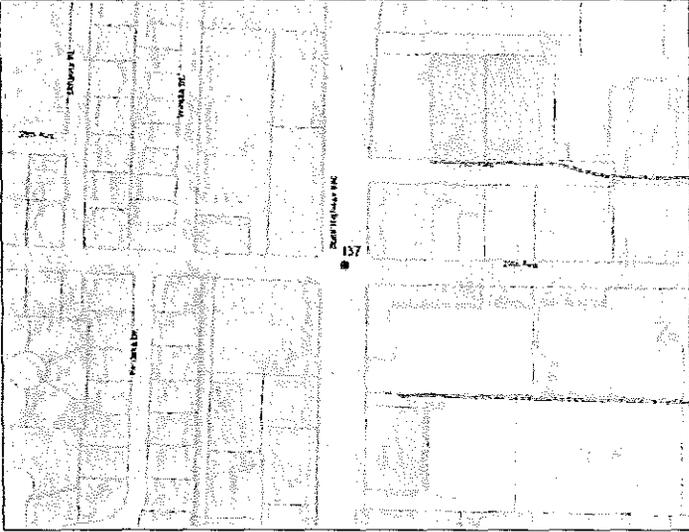
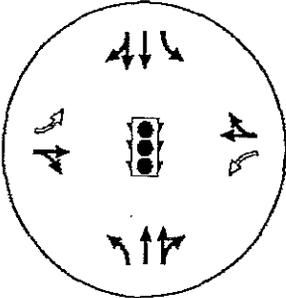
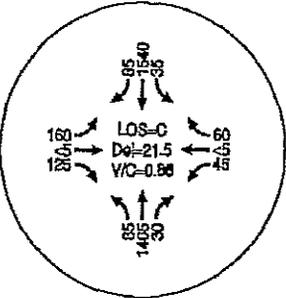


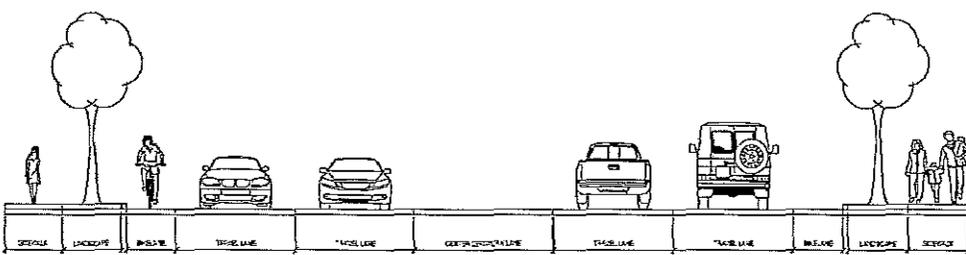
Project #:	I28					OR 99E/34th Avenue
Description: Install second westbound 175-foot left-turn lane on 34th Avenue. Assumes current YMCA access is closed and moved east along 34th Avenue.						
Category: Intersection Add Lane(s)		Classification: Principal Arterial/Minor Arterial		Agency Coordination: ODOT		Time Frame: Long-term
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:	
	\$21,000	\$0	\$0	\$21,000	32%	
Project Goals Met:						
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>	
Project Location:				Related Projects: I14, B13		
						
Illustrative Section:						
						

Project #: I29	OR 99E/Killdeer Avenue				
Description: Install 100 foot eastbound right-turn lane on Hwy 99E. Only if needed to meet OHP mobility standards.					
Category: Intersection Add Lane(s)		Classification: Principal Arterial / Major Collector		Agency Coordination: ODOT	Time Frame: Long-term
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$3,207,000	\$0	\$0	\$3,207,000	28%
Project Goals Met:					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
Project Location:			Related Projects: P8, S4		
					
Illustrative Section:					
					

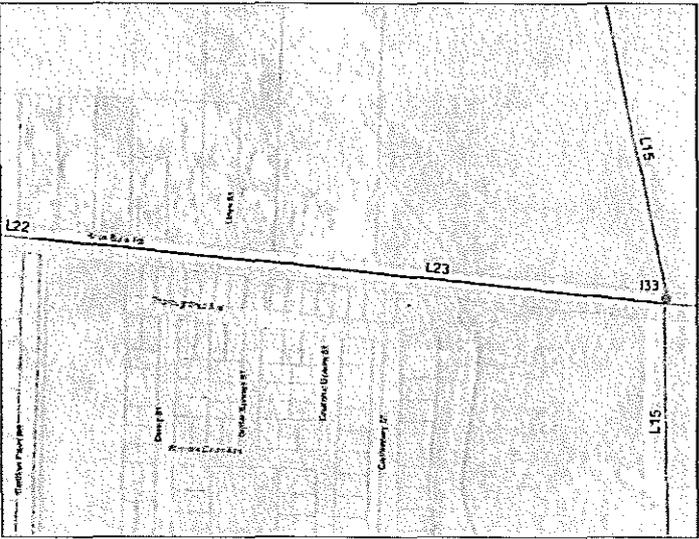
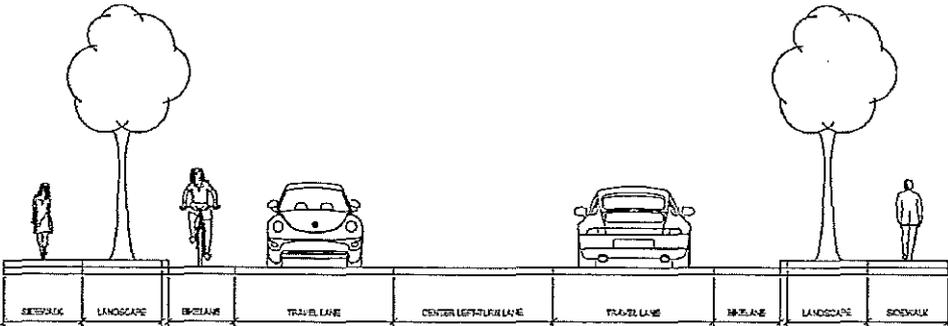
<b>Project #:</b> I30	<b>US 20/Timber Street</b>				
<b>Description:</b> Develop a traffic signal once warrants are met and once Timber Street extension (link project #L4) is complete. Install 125 foot eastbound right-turn lane and overlap phasing.					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial / Minor Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Long-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$571,000	\$0	\$0	\$571,000	44%
<b>Project Goals Met:</b>					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> I31, L4, L56, S10		
					
<b>Illustrative Section:</b>					
					

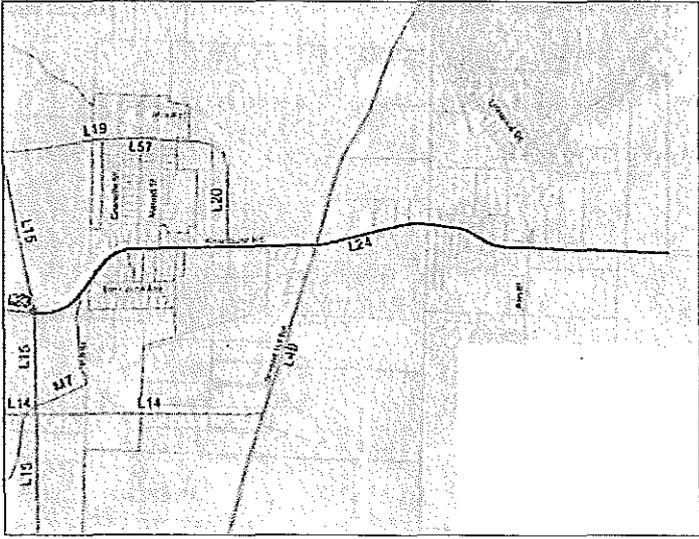
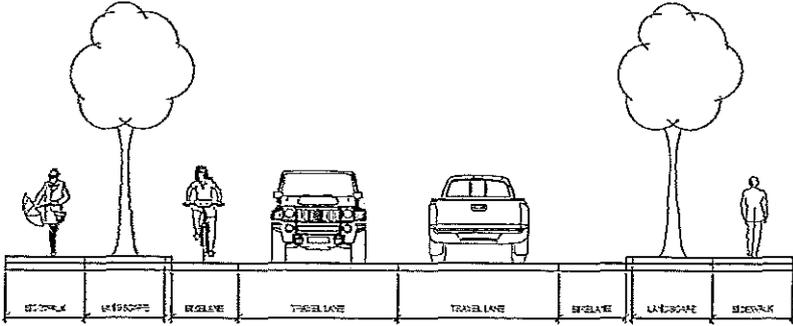


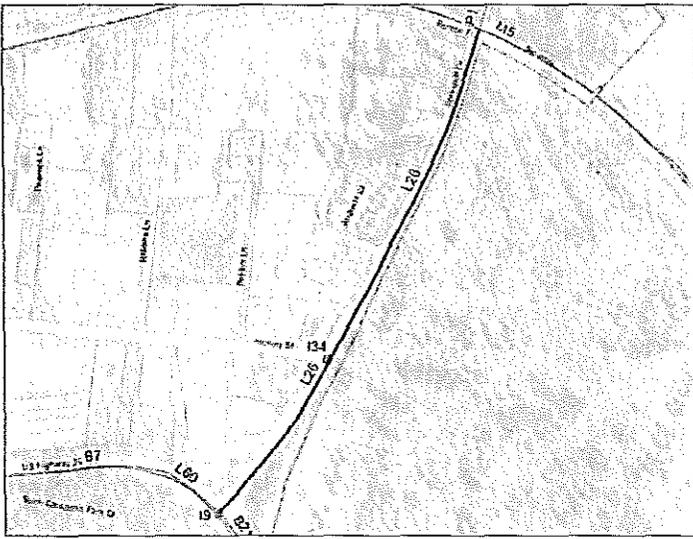
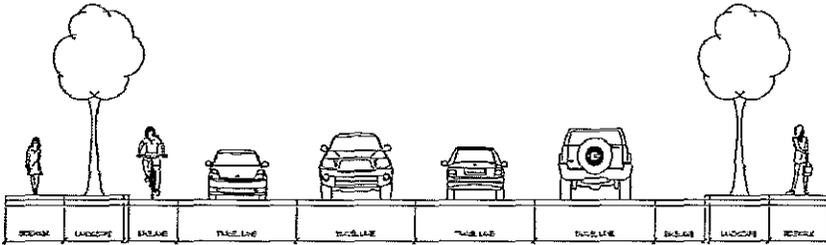
<b>Project #:</b> I37	<b>OR 99E / 29th Ave</b>				
<b>Description:</b> Restripe both eastbound and westbound approaches to include an exclusive left-turn lane and a shared through-right on 29th Ave. Increase curb return radius and relocate signal poles as needed.					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial / Local Road		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Long-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$21,000	\$0	\$85,000	\$106,000	28%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b>		
			n/a		
<b>Illustrative Section:</b>					
					

<b>Project #:</b> L21	<b>Knox Butte Road Widening</b>				
<b>Description:</b> Widens Knox Butte Road to five lanes eastbound from I-5 to Clover Ridge Road. Includes bike lanes, sidewalks, curb, and gutter on both sides of the roadway. Right-of-way acquisition will occur in the short-term (and be 100% SDC eligible) with construction occurring in the long-term.					
<b>Category:</b> Add Lane(s) / Urban Upgrade		<b>Classification:</b> Minor Arterial		<b>Agency Coordination:</b>	
				<b>Time Frame:</b> ROW - Short-term, Construction - Long-term	
<b>Project Costs:</b>	<b>Const./Eng.</b>	<b>ROW</b>	<b>Other</b>	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$3,169,000	\$228,000	\$1,250,000	\$4,647,000	60%
<b>Project Goals Met:</b>					
<b>Efficiency</b> <input type="checkbox"/>	<b>Capacity</b> <input checked="" type="checkbox"/>	<b>Safety</b> <input checked="" type="checkbox"/>	<b>Transit</b> <input type="checkbox"/>	<b>Ped/Bike</b> <input checked="" type="checkbox"/>	<b>Livability</b> <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> I10, L17, L22, L25, L39, S9		
					
<b>Illustrative Section:</b>					
					

Project #: L22		<b>Knox Butte Road Widening</b>			
<p><b>Description:</b> Widens Knox Butte Road to four lanes from Clover Ridge Road to Goldfish Farm Road. Includes bike lanes, sidewalks, curb, and gutter on both sides of the roadway. Right-of-way acquisition will occur in the short-term (and be 100% SDC eligible) with construction occurring in the long-term.</p>					
<b>Category:</b> Add Lane(s) / Urban Upgrade		<b>Classification:</b> Minor Arterial		<b>Agency Coordination:</b> Linn County	<b>Time Frame:</b> ROW - Short-term, Construction - Long-term
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$825,000	\$31,000	\$0	\$856,000	56%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b>		
			L21, L23		
<b>Illustrative Section:</b>					

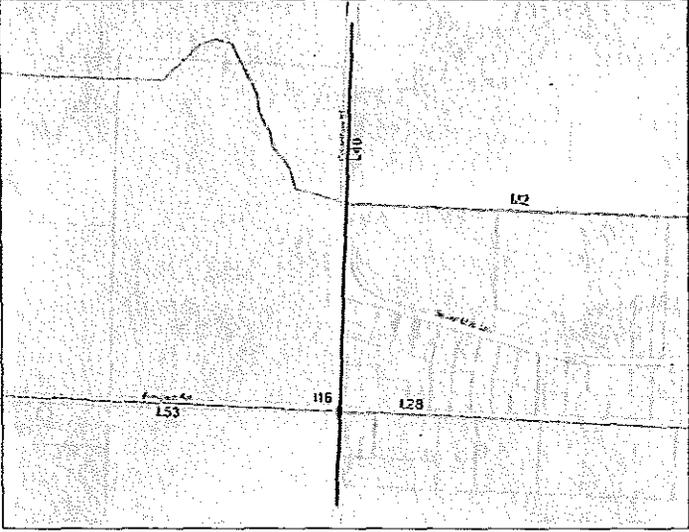
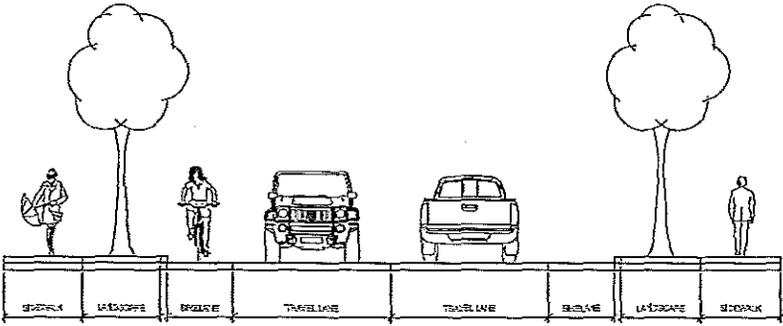
<b>Project #:</b> L23	<b>Knox Butte Road Widening</b>				
<b>Description:</b> Widens Knox Butte Road to three lanes from Goldfish Farm Road to the new North/South Collector including the Burkhart Creek bridge. Includes bike lanes, sidewalks, curb, and gutter on both sides of the roadway.					
<b>Category:</b> Add Lane(s) / Urban Upgrade		<b>Classification:</b> Minor Arterial		<b>Agency Coordination:</b>	<b>Time Frame:</b> long/dev
<b>Project Costs:</b>	<b>Const./Eng.</b>	<b>ROW</b>	<b>Other</b>	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$1,256,000	\$0	\$0	\$1,256,000	52%
<b>Project Goals Met:</b>					
<b>Efficiency</b> <input type="checkbox"/>	<b>Capacity</b> <input checked="" type="checkbox"/>	<b>Safety</b> <input checked="" type="checkbox"/>	<b>Transit</b> <input type="checkbox"/>	<b>Ped/Bike</b> <input checked="" type="checkbox"/>	<b>Livability</b> <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> L15, L22, L24, I33		
					
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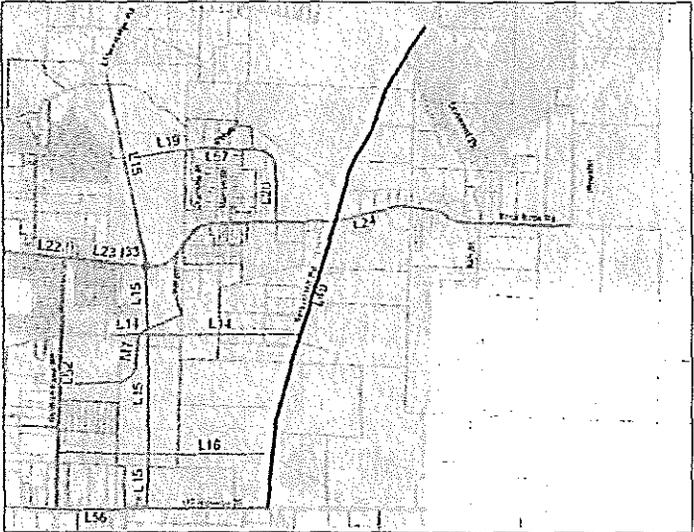
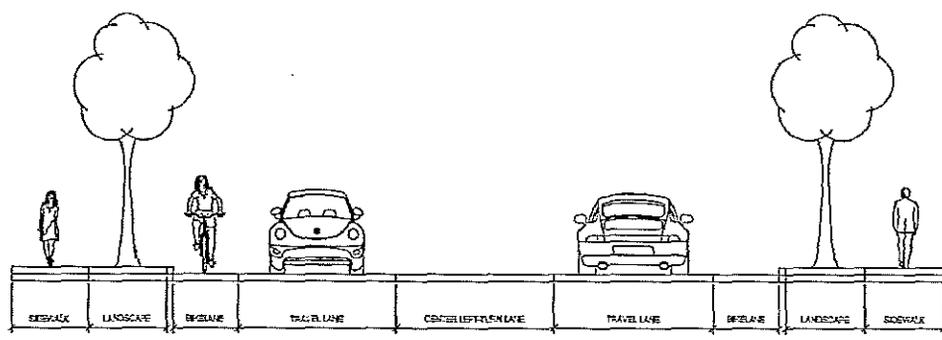
Project #: L24		<b>Knox Butte Road Widening</b>			
<p><b>Description:</b> Urban upgrade of Knox Butte Road from the new North/South Collector to the urban growth boundary. Includes bike lanes, sidewalks, curb, and gutter on both sides of the roadway.</p>					
<b>Category:</b> Add Lane(s) / Urban Upgrade		<b>Classification:</b> Minor Arterial		<b>Agency Coordination:</b> 	
				<b>Time Frame:</b> long/dev	
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$7,688,000	\$0	\$0	\$7,688,000	47%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> L15, L20, L49, I33, M7		
					
<b>Illustrative Section:</b>					
					

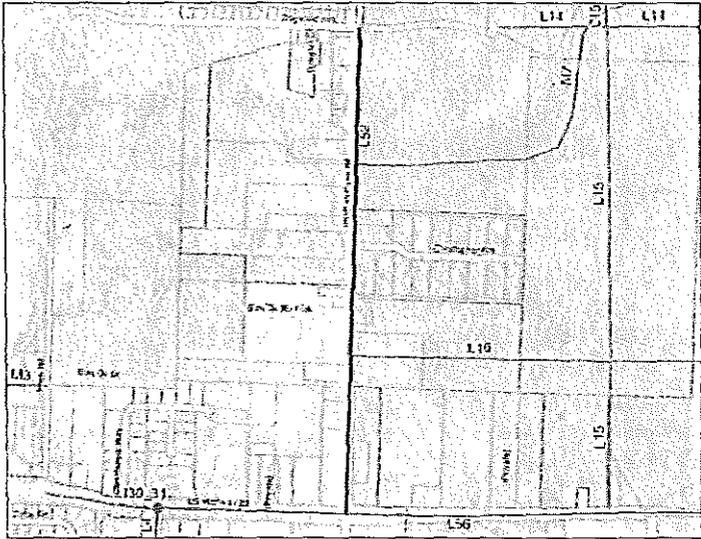
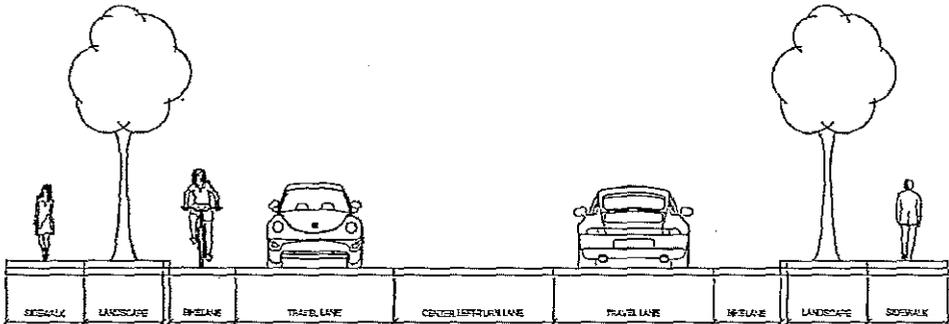
<b>Project #:</b> L26	<b>Springhill Road Widening</b>				
<b>Description:</b> Widens Springhill Road to two lanes northbound and southbound from US 20 to north of Hickory Road then transition to three lanes across the rail crossing. Springhill Road is under Benton County jurisdiction and this project is not in their 2001 TSP.					
<b>Category:</b> Add Lane(s) / Urban Upgrade		<b>Classification:</b> Minor Arterial		<b>Agency Coordination:</b> Benton County	<b>Time Frame:</b> Long-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$3,207,000	\$200,000	\$0	\$3,406,000	61%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> I9, I34, L37, L60, B21, P1, M5		
					
<b>Illustrative Section:</b>					
					

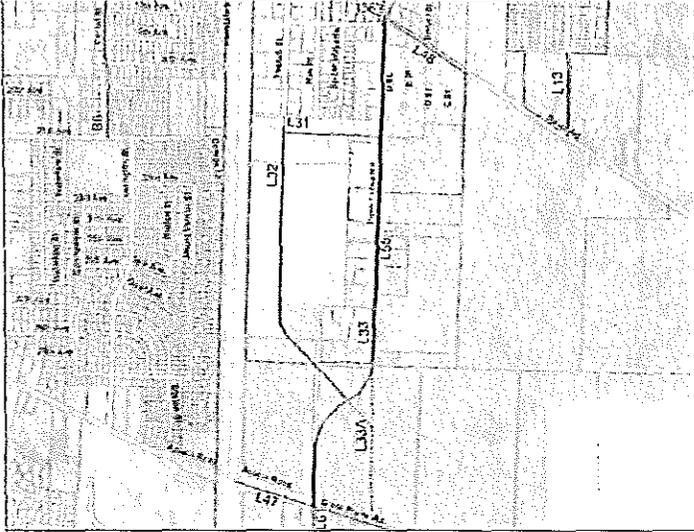
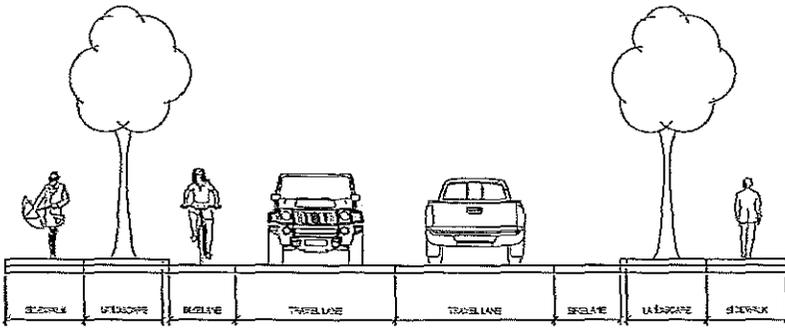
Project #: L30		Oak Street			
<b>Description:</b> Extend Oak Street north from 9th Street to Pacific Boulevard including sidewalk, curb, gutter, and bike lanes. Install traffic signals at 9th Street/Oak Street and Pacific Boulevard/Oak Street when warranted. Construct a 150-foot northbound right-turn lane on Oak Street at 9th Street.					
<b>Category:</b> New Road or Alignment		<b>Classification:</b> Minor Collector		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Short-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$1,005,000	\$750,000	\$75,000	\$1,830,000	100%
<b>Project Goals Met:</b>					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> L58		
<b>Illustrative Section:</b>					

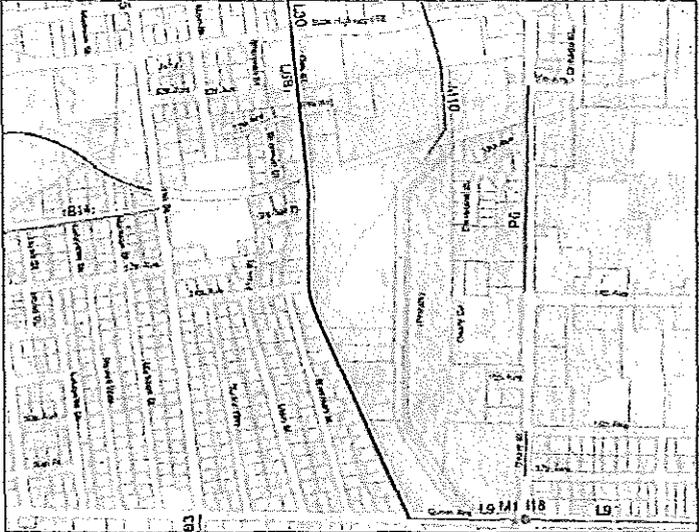
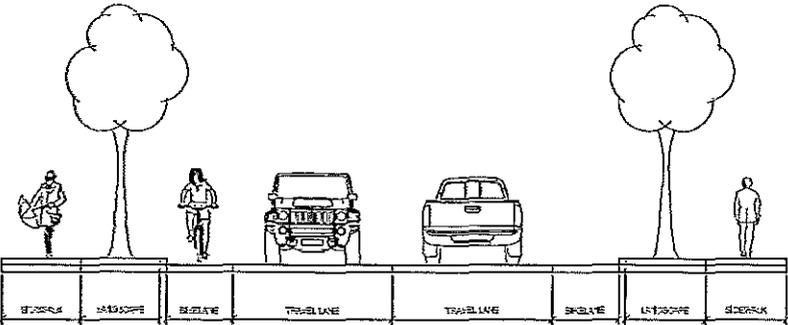
Project #: L33		Three Lakes Road Realignment			
<p><b>Description:</b> Realign the short roadway segment that includes the 90-degree curves to a typical three-lane roadway to improve the horizontal alignment. Project cost assumes ROW will be dedicated.</p>					
<p><b>Category:</b> New Road or Alignment</p>		<p><b>Classification:</b> Minor Arterial</p>	<p><b>Agency Coordination:</b> Linn County</p>		<p><b>Time Frame:</b> ROW - Short-term, Construction - Long-term</p>
<p><b>Project Costs:</b></p>	<p>Const./Eng.</p>	<p>ROW</p>	<p>Other</p>	<p>Total Cost</p>	<p>SDC Eligible:</p>
	<p>\$1,868,000</p>	<p>\$0</p>	<p>\$0</p>	<p>\$1,868,000</p>	<p>59%</p>
<p><b>Project Goals Met:</b></p>					
<p>Efficiency <input checked="" type="checkbox"/></p>	<p>Capacity <input type="checkbox"/></p>	<p>Safety <input checked="" type="checkbox"/></p>	<p>Transit <input type="checkbox"/></p>	<p>Ped/Bike <input type="checkbox"/></p>	<p>Livability <input type="checkbox"/></p>
<p><b>Project Location:</b></p>			<p><b>Related Projects:</b> L32, L55, L61</p>		
<p><b>Illustrative Section:</b></p>					

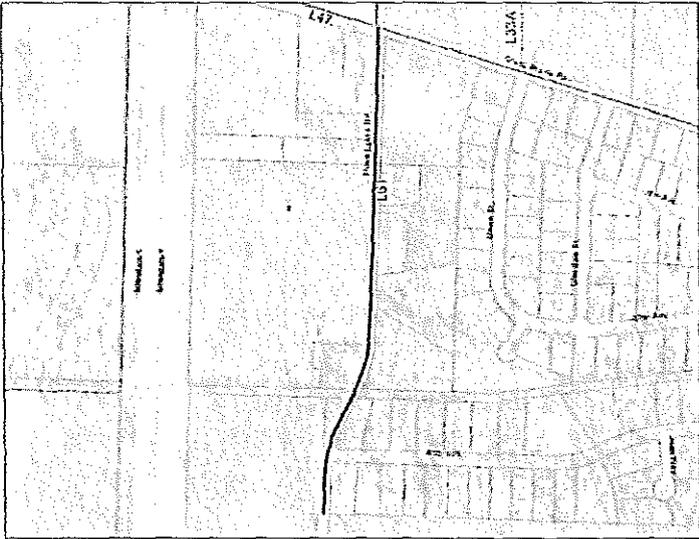
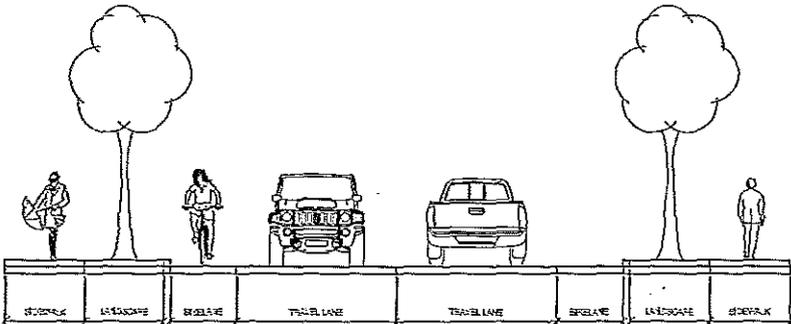
Project #: L46		Columbus Street			
Description: Add sidewalk, curb, and gutter from Waverly Drive to urban growth boundary, west side of roadway only.					
Category: Urban Upgrade		Classification: Minor Arterial		Agency Coordination: Linn County	Time Frame: Long-term
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$2,687,000	\$40,000	\$0	\$2,727,000	49%
Project Goals Met:					
Efficiency <input type="checkbox"/>	Capacity <input type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input checked="" type="checkbox"/>
Project Location:			Related Projects: L28, L53, I16, M2		
					
Illustrative Section:					
					

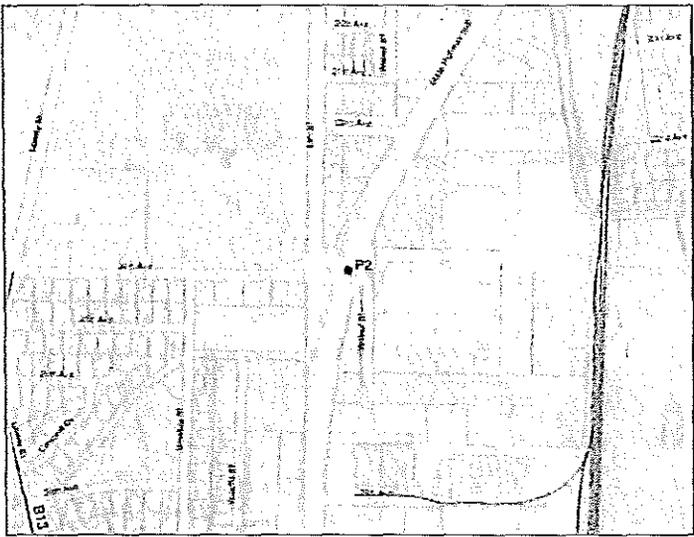
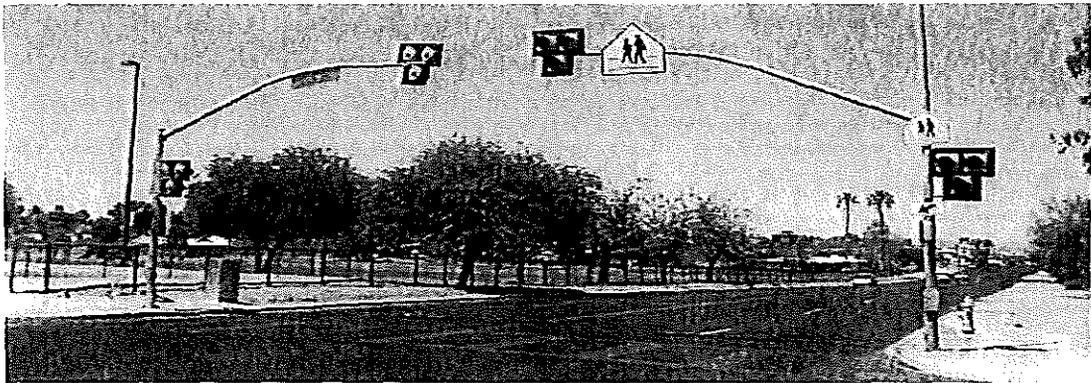
<b>Project #:</b> L49		<b>Scravel Hill Road</b>			
<b>Description:</b> Add sidewalk, curb, and gutter from US 20 (Santiam Hwy) to the urban growth boundary with a three-lane section from US 20 to north of Knox Butte Road and a two-lane section from north of Knox Butte Road to the UGB. Project cost assumes ROW for the three-lane section will be dedicated.					
<b>Category:</b> Urban Upgrade		<b>Classification:</b> Minor Arterial		<b>Agency Coordination:</b> Linn County	<b>Time Frame:</b> Short-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$9,699,000	\$0	\$0	\$9,699,000	21%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> L14, L16, L24, L56		
					
<b>Illustrative Section:</b>					
					

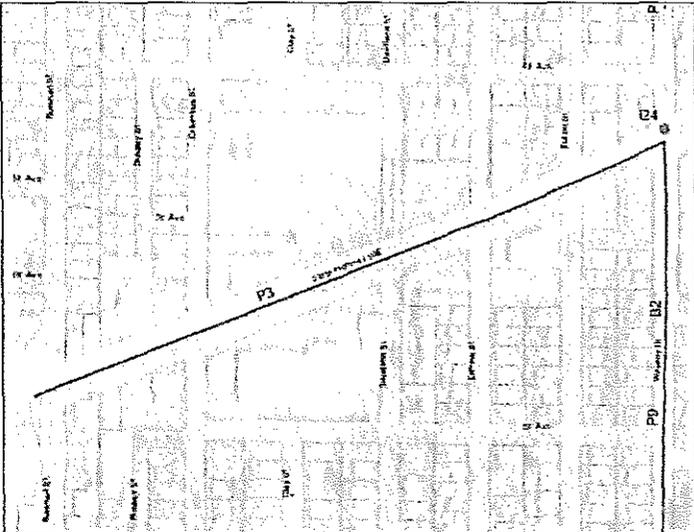
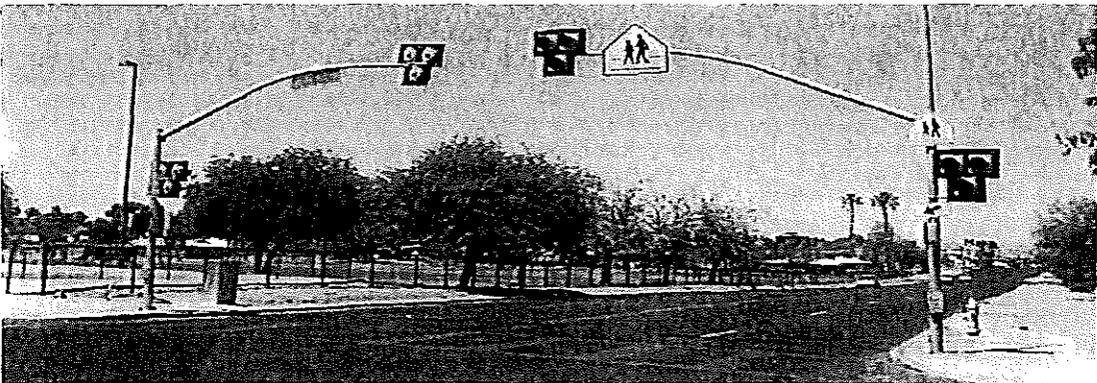
Project #: L52	Goldfish Farm Road				
Description: Add sidewalk, curb, and gutter from Dogwood Avenue to US 20.					
Category: Urban Upgrade		Classification: Minor Arterial		Agency Coordination: Linn County	Time Frame: Long-term
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$3,959,000	\$485,000	\$0	\$4,444,000	82%
Project Goals Met:					
Efficiency <input type="checkbox"/>	Capacity <input type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input checked="" type="checkbox"/>
Project Location:			Related Projects: L16, L56, M7		
					
Illustrative Section:					
					

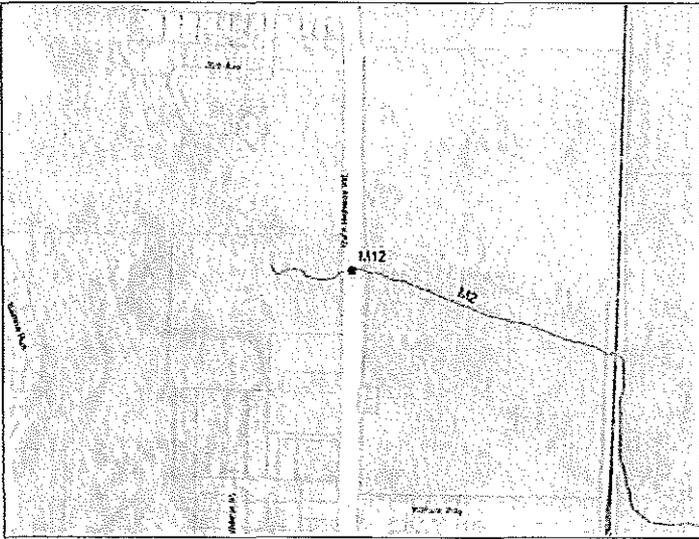
<b>Project #:</b> L55		<b>Three Lakes Road</b>			
<b>Description:</b> Add sidewalk, curb, gutter, and bike lanes from Spicer Road to Grand Prairie Road, excluding Three Lakes Road realignment at 90-degree curves. Right-of-way acquisition will occur in the short-term (and be 100% SDC eligible) with construction occurring in the long-term. Consider a roundabout as the potential intersection treatment at the Three Lake Road/Grand Prairie Road intersection.					
<b>Category:</b> Urban Upgrade		<b>Classification:</b> Minor Arterial		<b>Agency Coordination:</b> Linn County	<b>Time Frame:</b> ROW - Short-term, Construction - Long-term
<b>Project Costs:</b>		Const./Eng.	ROW	Other	Total Cost
		\$4,569,000	\$287,000	\$0	\$4,856,000
					<i>SDC Eligible:</i> 42%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input checked="" type="checkbox"/>
<b>Project Location:</b>				<b>Related Projects:</b> L4, L31, L33, L47, L48, L61, I36	
					
<b>Illustrative Section:</b>					
					

Project #: L58		Oak Street			
Description: Add sidewalk, curb, gutter, and bike lanes from 9th Avenue to Queen Avenue.					
Category: Urban Upgrade		Classification: Minor Collector		Agency Coordination: Time Frame: Short-term	
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$2,394,000	\$51,000	\$0	\$2,445,000	65%
Project Goals Met:					
Efficiency <input type="checkbox"/>	Capacity <input type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input checked="" type="checkbox"/>
Project Location:			Related Projects: L9, L30, I32		
					
Illustrative Section:					
					

<b>Project #:</b> L61	<b>Three Lakes Road</b>				
<b>Description:</b> Add sidewalk, curb, gutter, and bike lanes from Grand Prarie Road to the urban growth boundary. Right-of-way acquisition will occur in the short-term with construction occurring in the long-term. Consider a roundabout as the potential intersection treatment at the Three Lake Road/Grand Prarie Road intersection.					
<b>Category:</b> Urban Upgrade	<b>Classification:</b> Minor Arterial		<b>Agency Coordination:</b> Linn County	<b>Time Frame:</b> Long-term	
<b>Project Costs:</b>	Const./Eng.	ROW	Other	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$1,768,000	\$111,000	\$0	\$1,879,000	0%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> L4, L31, L33, L47, L48, L55, I36		
					
<b>Illustrative Section:</b>					
					

<b>Project #:</b> P2	<b>99E/24th Avenue</b>				
<b>Description:</b> Construct a pedestrian signalized crossing improvement at Oregon 99E/24th Avenue					
<b>Category:</b> Crossing Improvement		<b>Classification:</b> Principal Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Long-term
<b>Project Costs:</b>	<b>Const./Eng.</b>	<b>ROW</b>	<b>Other</b>	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$129,000	\$0	\$0	\$129,000	70%
<b>Project Goals Met:</b>					
<b>Efficiency</b> <input type="checkbox"/>	<b>Capacity</b> <input type="checkbox"/>	<b>Safety</b> <input checked="" type="checkbox"/>	<b>Transit</b> <input type="checkbox"/>	<b>Ped/Bike</b> <input checked="" type="checkbox"/>	<b>Livability</b> <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> n/a		
					
<b>Illustrative Section:</b>					
					

<b>Project #:</b> P3	<b>Oregon 99E: Burkhardt to Waverly</b>				
<b>Description:</b> Construct pedestrian crossing improvement on Oregon 99E between Burkhardt Street and Waverly Drive					
<b>Category:</b> Crossing Improvement		<b>Classification:</b> Principal Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Long-term
<b>Project Costs:</b>	<b>Const./Eng.</b>	<b>ROW</b>	<b>Other</b>	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$129,000	\$0	\$0	\$129,000	70%
<b>Project Goals Met:</b>					
<b>Efficiency</b> <input type="checkbox"/>	<b>Capacity</b> <input type="checkbox"/>	<b>Safety</b> <input checked="" type="checkbox"/>	<b>Transit</b> <input type="checkbox"/>	<b>Ped/Bike</b> <input checked="" type="checkbox"/>	<b>Livability</b> <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> I24, B2		
					
<b>Illustrative Section:</b>					
					

Project #: M12		99E/Oak Creek			
Description: Construct hybrid pedestrian signalized crossing improvement at Oregon 99E/Oak Creek Trail					
Category: Crossing Improvement		Classification: Principal Arterial		Agency Coordination: ODOT	Time Frame: Long-term
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$129,000	\$0	\$0	\$129,000	70%
Project Goals Met:					
Efficiency <input type="checkbox"/>	Capacity <input type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input checked="" type="checkbox"/>
Project Location:			Related Projects: M2		
					
Illustrative Section:					
					

Project #: S2		Hwy 20 Corridor and Downtown Refinement Plan			
Description: Conduct a Highway 20 Corridor and Downtown Refinement Plan to look at regional bridge capacity needs, potential locations, and continue through permitting process.					
Category: Refinement Plan		Classification: Principal Arterial		Agency Coordination: ODOT	Time Frame: Short-term
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$250,000	\$0	\$0	\$250,000	100%
Project Goals Met:					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input checked="" type="checkbox"/>
Project Location:			Related Projects: L27, L60, L7, I8, I9, I12, I20, I21, I22, I23, I27		
Illustrative Section:					

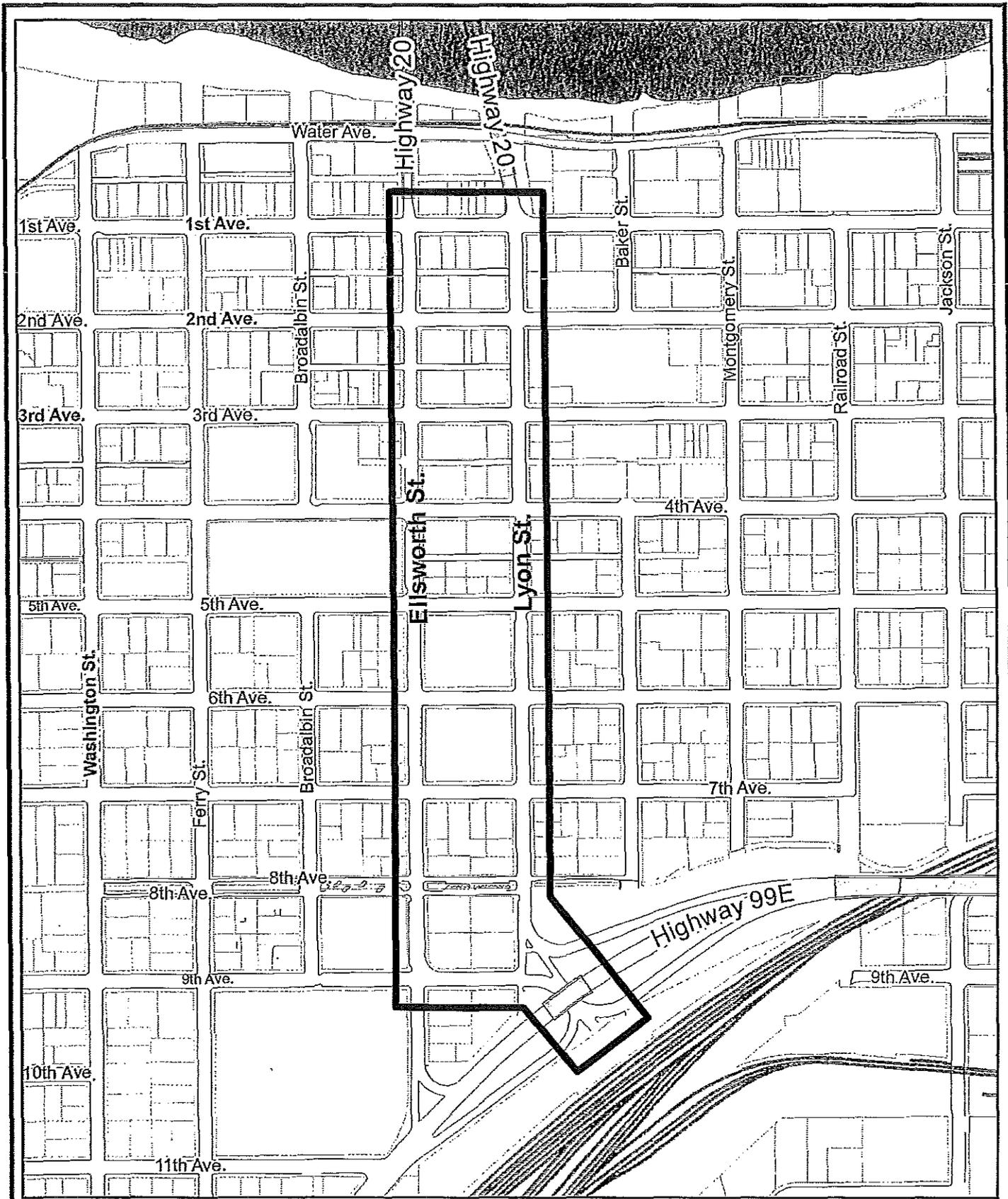
Project #: S3		Safety Audit			
Description: Intersection Safety Audit/Study at Geary Street/Salem Avenue, Geary Street/14th Avenue, and Queen Avenue/Hill Street. Consider countermeasures for rear-end and turning-type crashes.					
Category: Safety Analysis		Classification: Minor Arterial		Agency Coordination: Time Frame: Short-term	
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$0	\$0	\$30,000	\$30,000	0%
Project Goals Met:					
Efficiency <input checked="" type="checkbox"/>	Capacity <input type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input checked="" type="checkbox"/>
Project Location:			Related Projects: n/a		
Illustrative Section:					

<b>Project #:</b> S5		<b>Downtown STA</b>			
<b>Description:</b> Pursue STA status on US 20 (Ellsworth and Lyons Streets) due to the downtown location, need to keep on-street parking, bike lanes and sidewalks to promote multimodal travel. Local transit service is offered in downtown to supplement capacity needs.					
<b>Category:</b> STA Policy Designation		<b>Classification:</b> Principal Arterial		<b>Agency Coordination:</b> ODOT	
				<b>Time Frame:</b> Short-term	
<b>Project Costs:</b>	<b>Const./Eng.</b>	<b>ROW</b>	<b>Other</b>	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$0	\$0	\$0	\$0	0%
<b>Project Goals Met:</b>					
<b>Efficiency</b> <input checked="" type="checkbox"/>	<b>Capacity</b> <input type="checkbox"/>	<b>Safety</b> <input type="checkbox"/>	<b>Transit</b> <input type="checkbox"/>	<b>Ped/Bike</b> <input type="checkbox"/>	<b>Livability</b> <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> I12, I20, I21, I22, I23, L7		
<b>Illustrative Section:</b>					
<p>The diagram shows a cross-section of a street with a sidewalk on the left and a bike lane on the right. From left to right, it depicts a pedestrian on the sidewalk, a SUV in the travel lane, a car in the travel lane, a truck in the travel lane, and another car in the travel lane. The bike lane is shown as a narrow path on the right side of the street.</p>					

<b>Project #:</b> S9		<b>Interstate 5 / OR 99E / Knox Butte</b>			
<b>Description:</b> I-5 EIS includes Knox Butte interchange options and area management plan including 99E/Albany Avenue & Knox Butte/Century Drive. EIS will be followed by Design/ROW Acquisition, development of an Interchange Area Management Plan (IAMP), and Reconstruction. Total project cost is an estimate of the potential city contribution to the project.					
<b>Category:</b> Refinement Plan		<b>Classification:</b> Principal Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Long-term
<b>Project Costs:</b>	<b>Const./Eng.</b>	<b>ROW</b>	<b>Other</b>	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$0	\$0	\$100,000	\$100,000	100%
<b>Project Goals Met:</b>					
<b>Efficiency</b> <input type="checkbox"/>	<b>Capacity</b> <input checked="" type="checkbox"/>	<b>Safety</b> <input checked="" type="checkbox"/>	<b>Transit</b> <input type="checkbox"/>	<b>Ped/Bike</b> <input type="checkbox"/>	<b>Livability</b> <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> I10, L17, L21, L25, L35, L39, M3		
<b>Illustrative Section:</b>					

<b>Project #:</b> S10		<b>Interstate 5 / US 20 (Santiam)</b>			
<b>Description:</b> I-5 EIS includes Santiam interchange options and area management plan including Hwy20/Fescue/Spicer & Hwy 20/Airport Rd. EIS will be followed by Design/ROW Acquisition, development of an Interchange Area Management Plan (IAMP), and Reconstruction. Total project cost is an estimate of the potential city contribution to the project.Ⓢ					
<b>Category:</b> Refinement Plan		<b>Classification:</b> Principal Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Long-term
<b>Project Costs:</b>	<b>Const./Eng.</b>	<b>ROW</b>	<b>Other</b>	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$0	\$0	\$100,000	\$100,000	100%
<b>Project Goals Met:</b>					
<b>Efficiency</b> <input type="checkbox"/>	<b>Capacity</b> <input checked="" type="checkbox"/>	<b>Safety</b> <input checked="" type="checkbox"/>	<b>Transit</b> <input type="checkbox"/>	<b>Ped/Bike</b> <input type="checkbox"/>	<b>Livability</b> <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> L51, I30, I31, P7, M3		
<b>Illustrative Section:</b>					

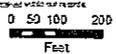
**Appendix F**  
STA Application



STA Boudary



The City of Albany and its various departments, divisions and other entities have been and will continue to be the primary providers of public utility services to the community. All the information provided herein is for informational purposes only and does not constitute a contract. For more information, please contact the City of Albany, 333 Broadalbin St., Albany, Oregon 97321. All rights reserved.



Project File Location:  
L:\GIS\Map\Projects\Engineering\Ron Irish\STA Boundary Map.mxd

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917-7676

## CHAPTER 5: TRANSPORTATION

### GOAL 12: TRANSPORTATION

#### BACKGROUND SUMMARY

##### INTRODUCTION

Albany's location and transportation facilities provide excellent advantages for commerce and economic development. Albany's central location on Interstate 5, Oregon's major north-south freeway, places it in the midst of a large market area. Within a 100-mile drive, there is a population of 2.2 million people. Very few communities in the Northwest have the potential to provide goods and services to this large of a market. US Highway 20 and State Route 99E also run through Albany. These roadway facilities provide Albany with direct connections to the Oregon Coast, the Cascade Mountains, and to other portions of the Willamette Valley.

There are also excellent commercial transportation services to and from Albany. The city is located along major railroad lines that link the city with east/west and north/south freight destinations. Passenger service also operates through Albany along the north/south corridor. Eight truck freight lines provide regular service to the Albany area. Eastbound freight connects to Interstate 84 at Portland where expanded rail service allows linkage with national markets.

The ports of Portland and Newport and the Portland International Airport are within a two-hour drive. Also, the Eugene airport, which handles national air traffic, provides additional passenger service opportunities. These additional transportation resources give the Albany area an opportunity to sell goods and services to the international market.

In 1997, the City of Albany and consultants Kimley-Horn and Associates, Inc. completed a Transportation System Plan (TSP). Field data collection for the TSP began in September 1994 and was completed by the end of the year. The TSP was adopted by the Planning Commission and City Council in June 1997. The TSP describes Albany's existing transportation system and identifies projects needed now and in the future to improve the system.

##### LOCAL TRANSPORTATION TYPES

Albany's local transportation system consists of more than just streets. The Transportation System Plan describes a system which includes streets, freeway interchanges, transit systems, bikeways, pedestrian ways, the municipal airport, and railroads. The following summarizes some of the information found in the TSP. The entire TSP has been adopted as a supporting document to the Comprehensive Plan.

##### STREETS

###### Street Capacity

Between September and November, 1994, 24-hour daily traffic volume levels on Albany streets were surveyed at more than 125 locations. In addition, evening peak hour (i.e. 4:00 - 6:00 PM) traffic movements were counted at more than 60 of Albany's busiest intersections. When compared with daily traffic volumes collected in 1984 and 1985, traffic levels have grown significantly. At other locations, traffic volumes dropped by more than 10% on some streets, and increased by over 80% on other streets. Although traffic volumes generally do not decrease, locations that experienced a traffic reduction were typically located near new street connections which have attracted away some of the traffic, such as the Waverly Street extension in south Albany. Streets that experienced high traffic growth were frequently near land uses that have developed within the last decade. Typically traffic has grown between 2% and 5% per year, thus creating additional demand on the existing streets and intersections.

A computer model known as the EMME/2 model was used to forecast future traffic volumes on the collector and arterial street system. Overall results of the forecast showed that traffic would typically increase between 40% to

50% over the next twenty years. In some cases, the increase in traffic was over 100% as a result of new development, such as in North Albany and east of Interstate 5. The forecasted traffic volumes were used as the basis for analysis of the existing roadway network. In 1994, all of the streets evaluated in the TSP were operating under capacity in terms of volume of traffic. However, by 2015 some street segments are expected to operate at or above capacity.

Another measurement of street capacity is expressed in terms of "level of service." Level of service (LOS) is a qualitative rating of the effectiveness of a roadway to serve traffic, in terms of operating conditions. LOS ranges from A to F. LOS A generally describes traffic conditions with low volumes, low delay and high travel speeds, while LOS F describes traffic conditions with high volumes, high delays, and low travel speeds. The City and State have identified LOS D as the acceptable level of service for street intersections during the twenty year planning period. The TSP identifies intersections which have levels of service of less than "D" now, and those expected to operate at less than "D" in the future if no improvements are made.

#### Structural Condition

A visual rating of the condition of Albany's collector and arterial streets was conducted for the TSP. The results of the rating were combined with existing information, including the Street Maintenance Task Force Report (1996), to identify streets with poor pavement condition. The results of the rating indicated that approximately 14% of arterial streets and 19% of collector streets have a poor pavement rating.

Thirty different collector and arterial streets without curb and gutter were identified during the data collection process. The majority of the streets are located in North Albany, east of Interstate 5, and in areas of south Albany. Although the TSP does not include local streets, the Task Force Report included a list of local streets that require reconstruction, rehabilitation, and/or overlays. These local streets should be considered a high priority existing need and a funding strategy should be developed.

#### Freeway Interchanges

There are two freeway interchanges in the City of Albany.

The Santiam Highway interchange is located at the intersection of I-5 and Santiam Highway and is a partial cloverleaf design. Airport Road and Spicer Drive intersect opposite the ramp terminals and numerous private driveways are located in close proximity. The interchange currently operates at level of service C.

The Knox Butte interchange is located at the intersection of I-5 and Highway 99E (Pacific Boulevard). The interchange is designed to provide free flow movement from southbound I-5 to 99E and from 99E to northbound I-5. The interchange currently operates at LOS D. Although the interchange is geographically large, it does not provide all traffic movements. Drivers who want to travel south on I-5 must use the Santiam interchange to get on the freeway.

Within 20 years, LOS problems are expected at both interchanges due to high traffic growth. Streets on either side of both interchanges will fall to LOS E and F. Aside from the interchanges, Interstate 5 will also have operational problems. Both of the interchanges will need to be modified to function adequately during the 20 year planning horizon. Drawings in the TSP show how the interchanges could be modified to accommodate future traffic volumes. These improvements will require cooperation between the City of Albany and the Oregon Department of Transportation.

#### Other Elements of the TSP

The TSP also includes sections that discuss functional class of arterials and collectors, transportation system management, transportation demand management, right-of-way preservation, access management, truck routes, and water, and pipeline transport. No projects are recommended for air, water, and pipeline transportation.

The TSP should be used as a reference in all transportation planning activities that involve facilities within the City of Albany UGB and adjacent areas included in the TSP study area.

### North Albany Local Street Plan

In June 1995, the City of Albany and consultants Kimley-Horn completed a local street plan for North Albany. The planning process included an extensive public involvement program, including meetings with individuals and small groups. Plan development included the collection of data on the existing land use and transportation system, from which future growth was estimated. From the growth in population and employment, additional vehicle trips were calculated and assigned to the North Albany transportation system. The impacts of the traffic were used to develop a new street alignment plan that best meets the objectives of the Transportation Planning Rule and other objectives. Cost estimates for the future system were prepared, as were street design standards and street connectivity policies. The standards and policies are intended to guide new development. The North Albany Local Street System Plan was adopted in June 1997 by the Planning Commission and City Council as a supporting document to the Comprehensive Plan. Street connectivity policies are included in the Comprehensive Plan under the North Albany Site of Special Interest in the Comprehensive Plan.

## **TRANSIT**

Several Transit services operate within the City of Albany, including Albany Transit Service (ATS), Linn-Benton Loop, Call-A-Ride/ADA Service, Linn County Shuttle, Valley Retriever, and Greyhound Service. Only the ATS, the Linn-Benton Loop, and Call-A-Ride are operated by the City. The remaining transit services have routes that pass through the Albany area but are operated by other jurisdictions. The TSP includes a transit plan, which identifies van pool programs, bus pass programs, transit design guidelines, and eventual creation of a regional transit agency as future projects. This information should be referenced for planning new transit programs and projects.

### Albany Transit Service

Albany Transit Service currently operates two routes within the City limits. Drawings in the TSP show the existing transit system and the future transit system. The future system includes seven routes by the year 2015.

### Linn-Benton Loop

Linn Benton Loop operates a bus route between Albany and Corvallis. The route connects the Albany AMTRAK station, the downtown City Hall area of Albany, the park-and-ride facility at North Albany Road, then travels via Highway 20 to Highway 99 West, and then into the downtown Corvallis area. The Loop is completed via travel on Highway 34 and SR 99E back into the Albany area, that includes a stop at Linn-Benton Community College (LBCC).

### Call-A-Ride/ADA Service

Besides fixed route service, Albany provides curb to curb service to seniors and to persons with disabilities through the Call-a-Ride program. Recent and future expansion of service in response to the 1991 Americans with Disabilities Act (ADA) is required to match the paratransit service area and hours of operation with those of the fixed route service.

### Other Transit Services

The Linn County Shuttle is a system primarily oriented to serving the elderly and handicapped population with routes between Sweet Home, Lebanon, and Albany. The Valley Retriever is a privately owned transit company providing service between Newport and Bend with stops in Albany and Corvallis. Greyhound passenger and freight service to other Oregon communities along I-5 is provided from Albany with connections to the Albany Transit Service.

## **BIKEWAYS**

The City of Albany has developed and maintained several miles of bicycle facilities within the city limits since the early 1970's. The City's first comprehensive bicycle route plan was adopted in 1973 and updated in 1980 and was incorporated into the Albany Comprehensive Plan. The 1997 Master Bikeway element of the TSP proposes development of a bikeway system throughout the Urban Growth Boundary. Bicycle transportation offers

numerous advantages to a community including reduced automobile use, increased energy efficiency, air quality benefits, a balanced transportation system, as well as providing a relatively inexpensive transportation mode.

Nearly all of Albany's existing bikeways are on-street, either through the use of striped lanes on streets with curb and gutters or through wide shoulders on streets without curb and gutters. Albany has few off-street bikeways. Some major streets in Albany have bikeways, but many are not continuous and do not connect with bikeways on other cross streets.

In general, most existing bike lanes are in fair or good condition. The poorest sections are located in North Albany, on Gibson Hill Road, as well as a short section on Quarry Road. Bikeways that are in fair condition include Salem Avenue, Santiam Road, and sections in North Albany.

The Albany Parks and Recreation Master Plan is a 10-year guide for the development of the city park and open space system. The Plan contains numerous trail corridors between major recreation sites and activity areas. The trails can be used by both bikes and pedestrians. Many of the corridors correspond with existing roadways, others correspond with future roadway alignments, and some trails would be along their own alignments. Trails that correspond with streets corridors can be incorporated in the design.

Existing bikeway needs, future bikeway needs, and the future bike network are shown on drawings included in the TSP. The TSP also includes a bicycle plan, which lists on-street bike lanes, shared bikeways on low volume collector streets, and some off-street paths as future projects. This information should be referenced for planning new transit programs and projects.

## PEDESTRIAN WAYS

There are sidewalks along most major arterial streets in the central areas of Albany, with a few exceptions. Drawings in the TSP show the existing sidewalks and locations where sidewalks are missing along collector and arterial streets. Most of the gaps in the system of sidewalks are in North, East, and South Albany. Generally, sidewalk conditions range from fair to good.

The lack of sidewalks can be a particular safety problem for children. Fortunately, nearly all Albany schools have sidewalks along the primary walking routes to the schools; however, there are no existing sidewalks near North Albany Middle School, and this presents a danger to the students who must walk along the busy North Albany Road. Other Albany schools that do not have sidewalks along the primary routes to the school grounds include: North Albany Elementary School and Oak Grove School. Oak Grove School is outside of the Urban Growth Boundary but is attended by students living in the North Albany area.

Existing pedestrian needs, future pedestrian needs, and the future pedestrian network are shown on drawings included in the TSP. The TSP also includes a pedestrian plan, which lists repair of sidewalks in poor condition, constructing missing sidewalk links, and sidewalks on all new streets as future projects. The plan also includes important bike/pedestrian connectors to reduce pedestrian trip lengths between neighborhoods and major activity centers as future projects. This information should be referenced for planning new pedestrian facilities.

## MUNICIPAL AIRPORT

The Albany Municipal Airport has been in its present location since 1930. It is located in the northeast part of the city between Knox Butte Road and Santiam Highway, directly east of Interstate 5. The airport provides aircraft parking aprons and limited hangar and terminal facilities. Because of the airport's short runway and lack of navigational facilities, it has served primarily as a base for local pilots. Most corporate business flights whose passengers have Albany as their destination utilize the Corvallis Airport, which has better navigational facilities, passenger accommodations, and a much longer runway.

A study was recently completed to determine the future of the Albany Airport. Although this study did not reach any decisive conclusions regarding the need for and/or location of a regional airport, several conclusions were drawn regarding the Albany Municipal Airport. Because the closure or relocation of the airport has been subject to periodic study and consideration, long-term investment in the airport has been restricted. In addition, non-compatible uses have encroached into the airport area. The airport is too physically constrained to allow significant runway extension and improved all-weather landing capabilities are impractical. The report recommends that the City do additional study to determine the future of the airport.

## RAILROADS

The City of Albany is located along major railroad lines that link the city with east/west and north/south freight destinations. Passenger service also operates through Albany along the north/south corridor.

Albany is served by four rail freight carriers: Union Pacific/Southern Pacific (UPSP), Burlington Northern Santa Fe (BNSF), Willamette and Pacific (W&P), and Willamette Valley. Each carrier serves a different geographic area and purpose. UPSP is the major railroad, providing north/south connections through the Albany/Millersburg area and typically runs 10 trains per day through the area. BNSF currently provides freight service through Albany and Millersburg to Sweet Home and to Eugene. BNSF runs approximately one train per day to each destination. W&P provides short haul service for valley businesses to the UPSP and BNSF mainline railroads. W&P typically runs 4 trains per day through Albany but is planning to expand its service. Willamette Valley also provides short haul service for valley businesses with one train per day to Lebanon.

Amtrak passenger service also serves the Albany area. Currently there are two northbound and two southbound trains per day, as well as Thruway Bus service which replicates Amtrak service in the valley. The trains stop at the historic Southern Pacific/Amtrak station to board passengers from Albany, Corvallis, and other nearby communities. The only bus service to the rail station is the Linn-Benton Loop but it does not have a schedule that is compatible with the rail schedules; therefore, most rail passengers drive to the station. In order to serve the rail station, transit service hours of the ATS or Loop would need to be considerably extended and coordinated with the arrivals/departures.

Currently, there are deficiencies at and around the existing Amtrak rail station, which has been identified as the recommended high-speed rail stop for the Albany-Corvallis area. An analysis of the building in 1993 indicated that repairs are needed to both the interior and exterior of the building, including improvements to comply with the Americans with Disabilities Act. The building lacks ADA facilities such as rest rooms, water fountains, doors, stairs, parking, and service counters. On-site traffic circulation is poor and is sometimes obstructed by vehicles waiting in front of the station for passengers. Due to the need to upgrade the facility, a federal grant application has been submitted to fund the creation of a multimodal transportation center at the station.

## FURTHER INFORMATION

The City of Albany Transportation System Plan and the North Albany Local Street System Plan have been both adopted as supporting documents to the Comprehensive Plan. The information presented above summarizes some of the data included in the TSP and the North Albany Local Street System Plan, but the both plans go further in evaluating the existing transportation system and proposing projects to solve current system problems and accommodate future growth. The TSP includes a list of proposed projects, prioritizes the order in which the projects should be built, and suggests methods of providing construction financing. Both plans provide an important source of more detailed information about Albany's existing and future transportation system. The TSP should be used in planning all future transportation facilities within Albany's Urban Growth Boundary and within adjacent areas included in the TSP study area. The North Albany Local Street System Plan should be used in planning local streets in North Albany.

[Ord. 5307, 8/13/1997]

## GOAL 12: TRANSPORTATION

### GOALS AND POLICIES

#### GOAL

Provide a safe, diversified, economical, and efficient transportation system that protects and enhances Albany's economy, environment, neighborhood quality, cultural, and scenic values. For the purposes of this document, a transportation system includes auto, transit, bicycles, pedestrian, rail and air transportation.

#### POLICIES

1. When planning for, designing, and providing transportation systems:
  - a. Coordinate the requirements of the various transportation types with each other and minimize operational and safety conflicts.
  - b. Coordinate proposed projects with impacted agencies and businesses and applicable neighboring cities, county, state, and federal agencies.
  - c. Notify and coordinate with affected agencies regarding the transportation impacts of proposed development within or adjacent to the Urban Growth Boundary.
2. Protect transportation facilities, corridors, and sites for their identified functions.
  - a. Develop access control measures and encourage land development patterns that minimize direct access onto collector and arterial roads.
  - b. Develop a roadway system that appropriately allocates on-street parking to manage traffic on arterial, collector and local streets.
  - c. Protect the future operation of corridors by obtaining sufficient right-of-way or building setbacks to provide for future capacity in transportation corridors and by conditioning development proposals to minimize impacts.
  - d. Review land use designations, densities, and design standards for consistency with the functions, capacities, and levels of service of facilities identified in the TSP.
  - e. Negotiate a means to transfer ownership of county roads that are within the city limits of Albany. Coordinate with the county for the construction, right-of-way-acquisition, improvement or repair of any county road within the city limits or within a 1/4 mile of the Urban Growth Boundary for improvements recommended in the TSP.
3. Develop a roadway system that is efficient and safe for the traveling public while preserving neighborhood quality and character.
4. Develop a transportation system, encourage land use patterns and design standards, and promote transportation projects, programs, and policies which reduce dependency on the automobile and encourage alternatives such as public transit, bicycling, walking, car and van pools.
  - a. Require new and existing development, through building and site design measures, to address the needs of those who use alternate transportation modes such as public transit, bicycles, walking, and wheelchairs.
5. Develop a transit/paratransit system that promotes ridership by serving a large number of potential users, and provides the opportunity for individuals with disabilities to use public transportation services.
6. Promote a transit/paratransit system that identifies future alternative fuel options that are clean, renewable, and cost-efficient.

7. Support local and area-wide public transit/paratransit 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 Linn-Benton Loop System and the Sweet Home-Albany-Lebanon route.
8. Develop an adequately connected bicycle and pedestrian system to encourage bicycling and walking as alternative modes of transportation.
9. Develop safe and convenient bicycle and pedestrian routes, facilities, and improvements which are reasonably free from hazards (particularly automobile traffic that would discourage these modes for short trips), provide a direct route of travel between destinations such as a transit stop and a store, and meet travel needs (destination and length of trip) of cyclists and pedestrians.
  - a. Provide bikeways on arterial and collector streets as well as appropriate separated bike facilities.
  - b. Develop a pedestrian system that provides the opportunity for individuals with disabilities to use the pedestrian system.
10. Support the development of high and higher speed rail facilities or other passenger rail programs including the existing train station site and structures.
11. Maintain safe and efficient automobile, pedestrian, and bicycle railway crossings.
  - a. Monitor the performance of existing railroad crossings and work with the Oregon Department of Transportation Rail Safety Division and railroad companies to evaluate the need for new crossings, eliminating existing crossings, and to upgrade existing crossings to improve public safety and convenience.
12. Coordinate with the Oregon Department of Transportation Rail Safety Division and railroad companies to ensure that rail traffic does not impede the smooth and safe flow of vehicular traffic.
13. Support the development of airport services that serve the needs of the community.
14. Support the coordination of interstate and regional utilities.

[Ord. 5307, 8/13/1997]

#### BACKGROUND INFORMATION

1. The City of Albany Transportation System Plan prepared by the City of Albany and consultants Kimley-Horn and Associates, dated June 1997, is adopted in its entirety as a supporting document to the Comprehensive Plan.
2. The North Albany Transportation System Plan prepared by the City of Albany and consultants Kimley-Horn and Associates, dated June 30, 1995 is adopted in its entirety as a supporting document to the Comprehensive Plan.

[Ord. 5307, 8/13/1997]

## **CHAPTER 5: TRANSPORTATION**

### **GOAL 12: TRANSPORTATION**

#### **BACKGROUND SUMMARY**

##### **INTRODUCTION**

Albany's location and transportation facilities provide excellent advantages for commerce and economic development. Albany's central location on Interstate 5, Oregon's major north-south freeway, places it in the midst of a large market area. There is a population of 2.2 million people within a 100-mile drive. Very few communities in the Northwest have the potential to provide goods and services to this large of a market. US Highway 20 and State Route 99E also run through Albany. These highway facilities provide Albany with direct connections to the Oregon Coast, the Cascade Mountains, and to other parts of the Willamette Valley.

There are also excellent commercial transportation facilities providing service to and from Albany. The city is located along major railroad lines that link the city with east/west and north/south freight destinations. Passenger rail service operates through Albany along the north/south corridor. Eight truck freight lines provide regular service to the Albany area. Eastbound freight connects to Interstate 84 at Portland where expanded rail service allows linkage with national markets.

The ports of Portland and Newport and the Portland International Airport are within a two-hour drive. The Eugene airport, which handles national air traffic, also provides additional passenger service opportunities. These additional transportation resources give the Albany area an opportunity to sell goods and services to the international market.

In 2009, the City of Albany and consultants Kittelson and Associates, Inc. completed a Transportation System Plan (TSP) that addresses Albany's anticipated transportation needs through 2030. Field data collection for the TSP and conversations with the community began in 2006. The TSP describes Albany's existing transportation system and identifies projects needed now and in the future to improve the system.

In 1997, the City of Albany and consultants Kimley-Horn and Associates, Inc completed a North Albany Local Street Plan that addresses North Albany's anticipated local street needs through buildout. The Plan describes a street alignment plan to provide access to local neighborhood residential, shopping, schools, and other activity centers.

The 2009 Transportation System Plan (TSP) and the 1997 North Albany Local Street Plan have been adopted as supporting documents to the Comprehensive Plan. The TSP should be used in planning all future transportation facilities within Albany's Urban Growth Boundary and within adjacent areas included in the TSP study area. The North Albany Local Street System Plan should be used in planning local streets in North Albany. The 2009 TSP should be updated, as necessary, to remain consistent with other Albany, regional, and statewide plans.

#### **TRANSPORTATION ELEMENTS**

The Albany transportation system includes city streets, state highways, transit systems, bikeways, pedestrian ways, a municipal airport, and railroads. The following summarizes some of the information found in the TSP and other supporting documents.

##### **STREETS**

The 2009 Transportation System Plan describes the anticipated arterial and collector street system through 2030. Background information includes data collection, public involvement, forecast modeling, alternative analysis, and recommendations for roadway link and intersection improvements. The Transportation System Plan also includes a functional class map and a project list for planned auto improvements. Refinement studies are recommended for the Highway 20/Downtown corridor and the Interstate-5 corridor.

The 1997 North Albany Local Street Plan describes the anticipated local street system in North Albany. Background information includes data collection, public involvement, growth projections, analysis and recommendations for a new street alignment plan designed to provide access to local neighborhood residential, shopping, schools, and other activity centers. The North Albany Local Street Plan also includes local street design standards and street connectivity policies intended to guide new development. Street connectivity policies are included in the Comprehensive Plan under the North Albany Site of Special Interest in the Comprehensive Plan.

## **TRANSIT**

Several transit services operate within the City of Albany, however only the Albany Transit System, the Linn-Benton Loop, and Call-A-Ride are operated by the City. The other transit services have routes that pass through the Albany area but are operated by other jurisdictions. The Albany Transit Operations Plan is currently being developed and is anticipated to be adopted in 2009.

## **BIKEWAYS**

The City of Albany has developed and maintained several miles of bicycle facilities within the city limits since the early 1970's. Most of Albany's existing bikeways are on-street, either through the use of striped lanes on streets with curb and gutters or through wide shoulders on streets without curb and gutters. The multi-use path system in Albany is generally located along the Willamette River and local creeks, and is not yet fully interconnected with the rest of the transportation system and bicycle network. The 2009 Transportation System Plan describes the anticipated bikeway system for 2030 and includes a project list for planned bicycle and multi-use trail improvements.

## **PEDESTRIAN WAYS**

There are sidewalks along most major arterial streets in the central areas of Albany, with a few exceptions. The 2009 Transportation System Plan describes the anticipated sidewalk system for 2030 and includes a project list for planned sidewalks and multi-use trail improvements.

## **MUNICIPAL AIRPORT**

The Albany Municipal Airport has been in its present location in the northeast part of the city between Knox Butte Road and Santiam Highway, directly east of Interstate 5 since 1930. The airport provides aircraft parking aprons and limited hangar and terminal facilities. The 2002 Airport Master Plan (Century West Engineering, Inc.) describes the anticipated airport layout plan through 2030. Background information includes aviation forecasts, facility requirements, and recommendations for airport improvements. The Airport Master Plan also includes a discussion of noise compatibility and a project list for planned airport improvements.

## **RAILROADS**

The City of Albany is located along major railroad lines that link the city with east/west and north/south freight destinations. Passenger service also operates through Albany along the north/south corridor. Albany is served by four rail freight carriers: Union Pacific/Southern Pacific (UPSP), Burlington Northern Santa Fe (BNSF), Willamette and Pacific (W&P), and Willamette Valley. Amtrak passenger service also serves the Albany area. Currently, there are deficiencies at several railroad-road crossings that create safety and delay hazards for autos and pedestrians. The city of Albany continues to work with the rail companies to improve the system within the urban growth boundary.

## WATER AND PIPELINE TRANSPORTATION

### Public Water and Wastewater Systems

The City's current water system and wastewater system master plans include information about these public systems and include recommendations for system improvements. These public services are covered under Goal 11 in Comprehensive Plan, Chapter 6.

### Other Piped Systems

Kinder Morgan Energy Partners LP owns and operates an 8-inch pressurized pipeline that runs north/south on the east side of Interstate 5. This pipeline carries petroleum products such as gasoline, diesel, and aviation fuel. The design, construction, operation and maintenance of interstate liquid petroleum transmission pipelines is regulated by the U.S. Department of Transportation, Office of Pipeline Safety (OPS) under the Pipeline Safety Act (49 USC Chapter 601).

## GOAL 12: TRANSPORTATION

### VISION

A safe, diversified, and efficient transportation system that serves the needs of anticipated growth while protecting and enhancing Albany's economy, neighborhood quality, and natural and built environments.

### GOALS

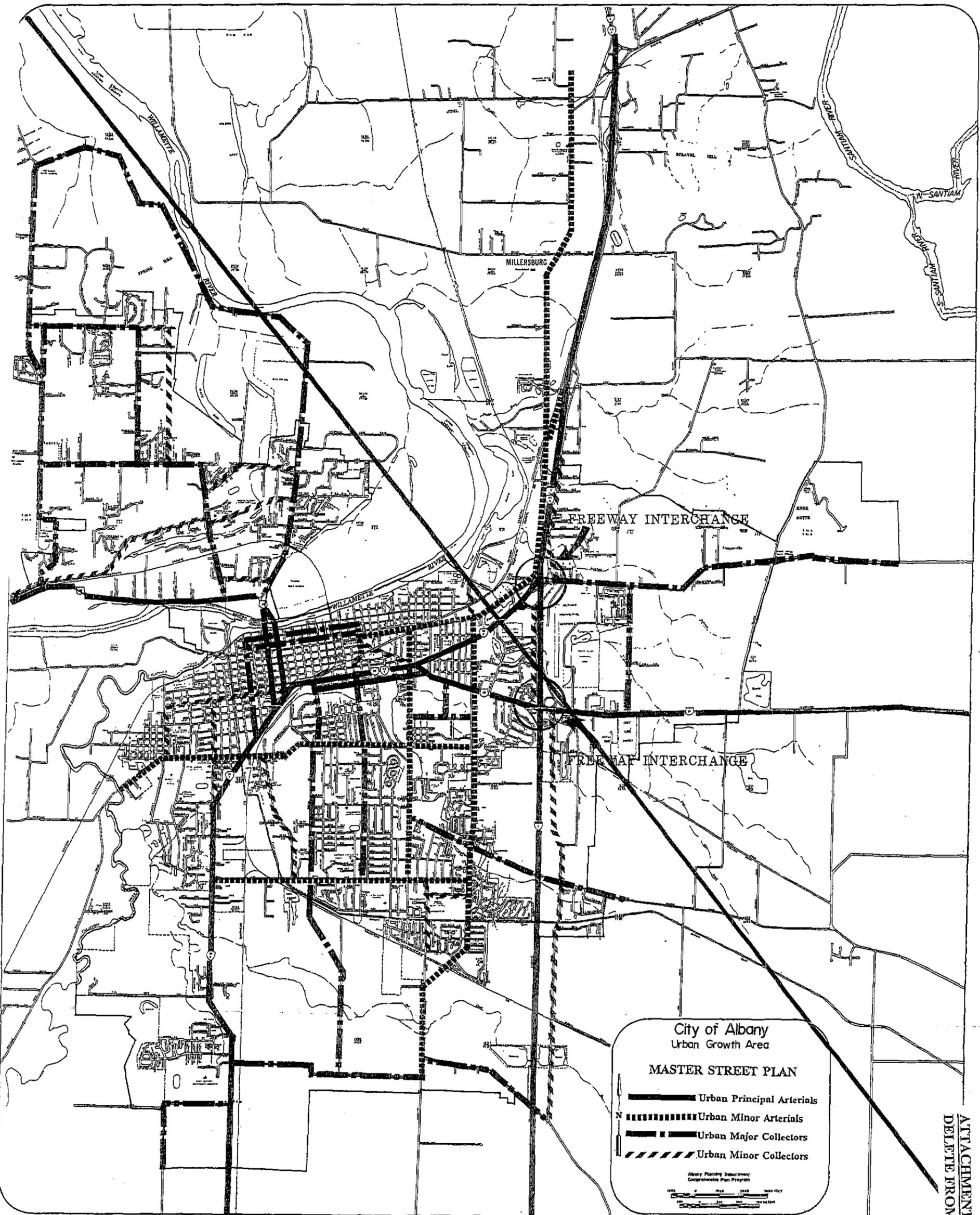
1. Provide an efficient transportation system that provides for the local and regional movement of people and goods.
2. Provide a safe transportation system.
3. Provide a diversified transportation system that ensures mobility for all members of the community and provides alternatives to automobile travel.
4. Provide a transportation system that balances financial resources with community livability and economic vitality.

### POLICIES

1. Develop a transportation system with improved connectivity where "barriers" such as I-5, railroad, waterways, or neighborhoods reduce transportation system efficiency in terms of travel time and travel distance.
2. Maintain acceptable roadway and intersection operations where feasible considering environmental, land use, and topographical factors.
3. Identify and remedy unsafe intersection and roadway locations with known safety issues and ensure the multi-modal transportation system is structurally and operationally safe.
4. Minimize conflicts along high volume and/or high speed corridors.
5. Encourage development design that emphasizes safety and does not create unnecessary conflicts.
6. Improve the quality of available transit service as measured by coverage, hours of service and frequency.
7. Develop bicycle and pedestrian facilities that encourage non-vehicular travel to/from home, school, work, and other activity centers
8. Provide direct off-roadway pedestrian and bicycle routes and connections.
9. Maintain and support the Albany airport as a regional facility
10. Maintain and support the Albany Station as a regional facility
11. Preserve and protect corridors of local and regional significance that are identified for vehicular and non-vehicular routes
12. Establish priorities and define the incremental steps needed for investment of ODOT and Federal revenues to address safety and major capacity problems on the State and Interstate transportation system.

## BACKGROUND INFORMATION

1. The City of Albany Transportation System Plan prepared by the City of Albany and consultants Kittelson and Associates, Inc., dated October 2009, is adopted in its entirety as a supporting document to the Comprehensive Plan.
2. The North Albany Local Street System Plan prepared by the City of Albany and consultants Kimley-Horn and Associates, dated June 30, 1995 was adopted in its entirety as a supporting document to the Comprehensive Plan August 13, 1997 (Ordinance 5307).



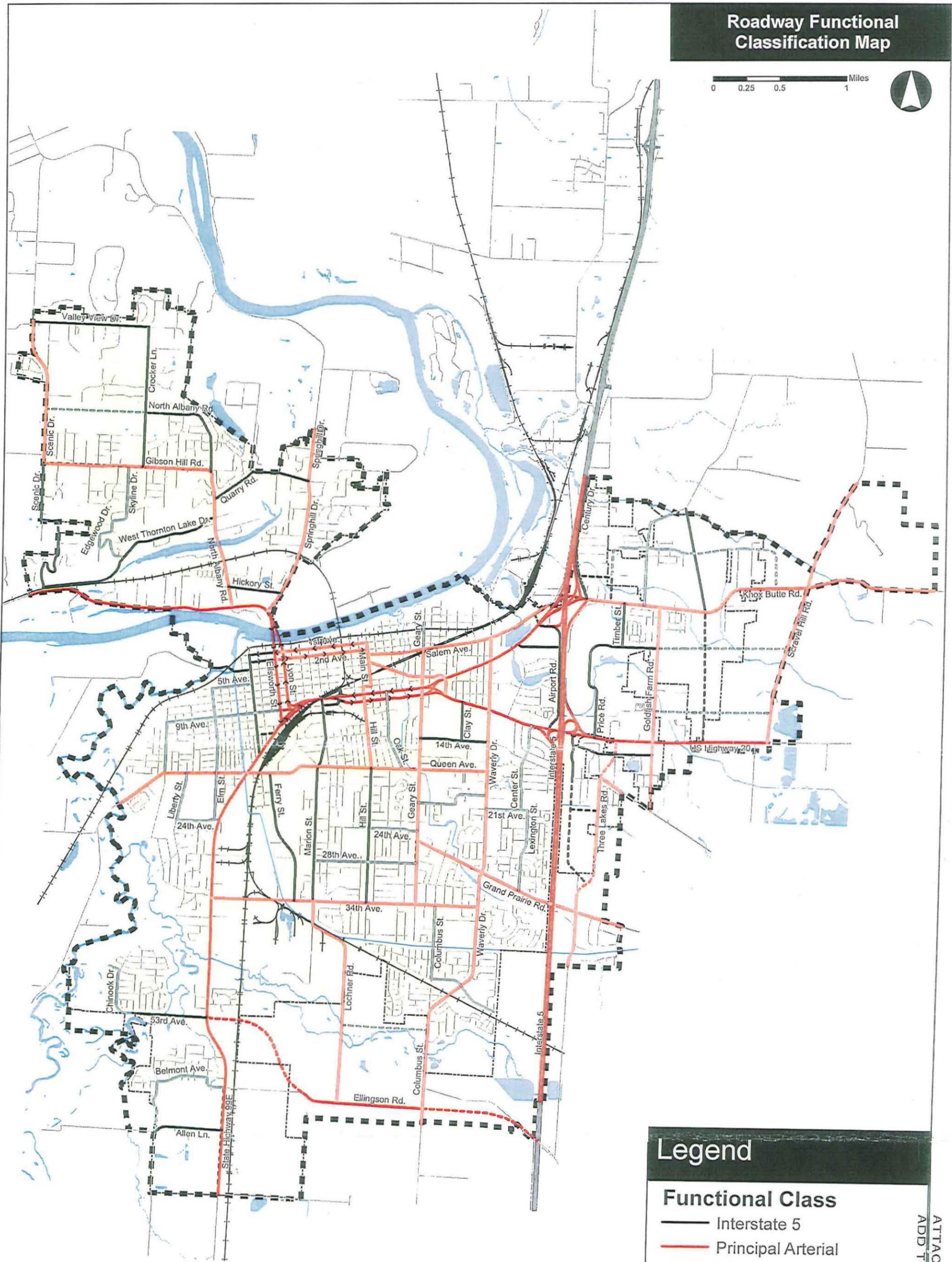
ATTACHMENT #5  
DELETE FROM COMPREHENSIVE PLAN

Plate 12: Master Street Plan

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# Roadway Functional Classification Map

0 0.25 0.5 1 Miles



## Legend

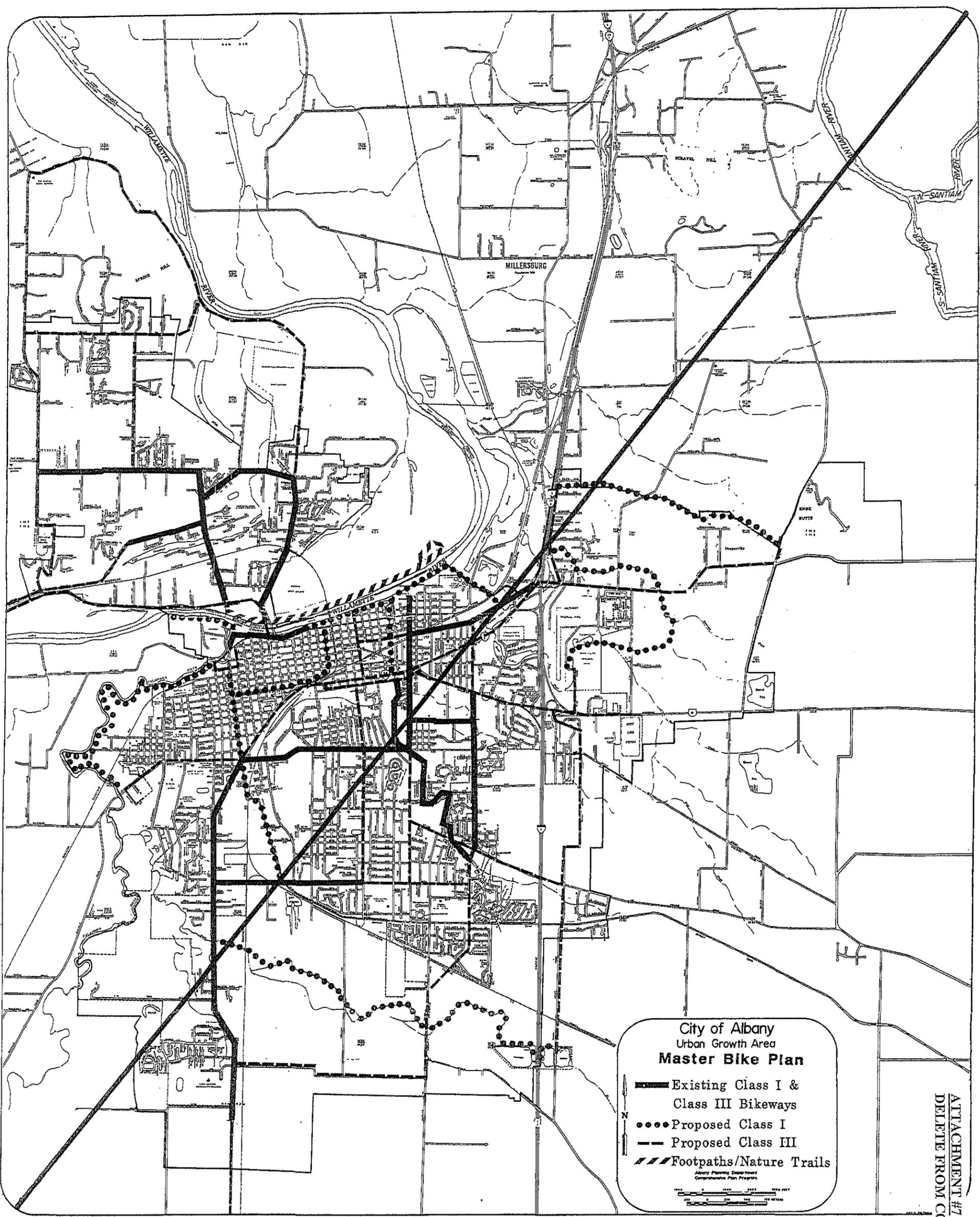
### Functional Class

- Interstate 5
- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Denotes Future Roadway
- Denotes One-way Link
- Local Road

### Boundaries

- UGB
- City Limit





**City of Albany  
Urban Growth Area  
Master Bike Plan**

- Existing Class I & Class III Bikeways
- Proposed Class I
- Proposed Class III
- Footpaths/Nature Trails

Albany Planning Department  
Comprehensive Plan Program

0 100 200 300 400 500 FEET

ATTACHMENT #7  
DELETE FROM COMPREHENSIVE PLAN

**PLATE 13: Master Bikeways Plan**

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# Oregon

Theodore R. Kulongoski, Governor

## Department of Transportation

Corvallis Office  
3700 SW Philomath Blvd.  
Corvallis, OR 97333-1147  
Telephone 541.757.4211  
Fax 541.757.4290

November 5, 2009

Jeni Richardson  
Public Works Department  
Albany City Hall  
P.O. Box 490  
Albany, OR 97321-0144

Subject: Alternate Mobility Standards for the Albany Transportation Systems Plan (TSP)

Dear Jeni:

Throughout development of the 2009 Draft Albany Transportation Systems Plan (TSP), the City of Albany and ODOT have discussed improvement needs in Albany. At most locations in Albany, projected traffic conditions will meet state and regional transportation needs as measured by the Oregon Highway Plan (OHP) Mobility Standards. This is good news—in many cities, projected transportation demand will result in very high levels of traffic congestion. At a few locations in Albany, the TSP analysis shows that the Oregon Highway Plan (OHP) mobility standards cannot be met. The OHP states that the Oregon Transportation Commission (OTC) can authorize alternate mobility standards in certain circumstances. These include circumstances when it is demonstrated that it is infeasible to meet the standards but all feasible actions to improve performance have been called for. The City of Albany and ODOT agree about the extent of feasible improvements and the appropriate alternate mobility standard for most of these locations, but the TSP will need to defer the decision at two additional locations until additional analysis can be accomplished. It also will need to include some additional improvements at four locations in order to develop alternate mobility standards for the OTC's consideration. After our most recent discussions, we believe there is agreement on the following:

- a. The intersection improvements we have recently discussed at the OR-99E/Killdeer Avenue intersection and at the US-20/Clay Street intersection have eliminated the need for an alternate mobility standard. Including these improvements in the TSP would allow the intersections to operate in a manner consistent with the Oregon Highway Plan (OHP) mobility standard.
- b. Identification of the Downtown Albany Special Transportation Area (STA). The STA will extend on Ellsworth Street from First Avenue to Ninth Avenue, on Ninth Avenue from

Ellsworth Street to Lyon Street, and on Lyon Street from First Avenue through the underpass to the multi-modal center.

- c. The intersection improvements described in the TSP are considered to be all of the feasible improvements at the OR-99E/Queen Avenue and US-20/Springhill Road intersections. The alternate mobility standard proposed for these intersections is 0.90.

At the intersections of OR-99E/Geary Street and OR-99E/Ellsworth Street, the TSP will need to defer the decision until additional study can be undertaken. ODOT supports deferring the decision as provided in OAR 660-012-0025 for the following reasons:

- a. At the OR-99E/Geary Street intersection, it is unclear what changes can be made to meet the OHP mobility standard or what alternate mobility standard is appropriate. Additional modeling work will have to be performed to resolve this question. At other locations, the transportation modeling work provided the needed level of information to make these determinations, so the assumptions upon which the TSP is based do not preclude implementation of the rest of the TSP.
- b. At the OR-99E/Ellsworth Street intersection, the TSP proposes to convert one of OR-99E's southbound travel lanes into a lane used exclusively for vehicles from Ellsworth Street. The proposal is intended to alleviate traffic queuing on Ellsworth Street. This proposal was analyzed by ODOT Region 2 Traffic Unit during preparation of the "Chicago Street-UPRR Overcrossing Highway Safety Project." ODOT's analysis indicates that the proposed change could cause operating conditions on OR-99E to degrade to such an extent that a significant section of the highway would not be consistent with OHP standards and OAR 660-012-0030 several years before the TSP planning horizon. Traffic weaving downstream of the location has not been evaluated, but the proposed project could be detrimental to traffic safety at the OR-99E/12<sup>th</sup> Street intersection and further south.

Additional analysis is needed at this location before an appropriate solution can be determined. Deferring the decision at this location should not invalidate the rest of the TSP because the nearest upstream intersection affected by traffic queuing on Ellsworth, the Ellsworth Street/Ninth Avenue intersection, will be included in the Downtown Albany STA. OTC Approval of the STA will authorize a mobility standard of 0.95 at the intersection rather than the current OHP mobility standard of 0.85, and the TSP transportation modeling shows that the Ellsworth Street/Ninth Avenue would meet the OHP mobility standard even if the STA mobility standard is not authorized.

At four intersections, improvements not listed in the TSP could occur in conjunction with future land use changes or could result from future funding opportunities. If the improvements called for in the attachment are added to the improvements already called for in the TSP, ODOT can support an alternate mobility standards of 0.90 at the OR-99E/Waverly Drive and at the US-20/Waverly Drive intersections; and 0.85 at the OR-99E/34<sup>th</sup> Street and OR-99E/53<sup>rd</sup> Street intersections. The additional improvements could be listed separately with a caveat stating that the additional improvements will be re-evaluated whenever a construction project is proposed. This will provide the opportunity to revalidate the need and availability of funding for the additional improvements and would be suggestive that improvements can be phased if adequate funding is not available to

build the entire improvement. It also allows the entire solution to be considered whenever modernization projects are being selected for the Statewide Transportation Improvement Program (STIP). Listing the entire solution responds to the project eligibility and prioritization criteria used to select projects for STIP construction funding. Project components that are not in a TSP are not likely to be eligible for STIP funding.

ODOT thanks the City of Albany for its work to develop TSP documentation supportive of alternate mobility standards. This has been a pioneering effort that is expected to serve as a model process when other TSPs are updated. ODOT supports adoption of a TSP that includes the improvements recommended by ODOT. The Department believes the resulting plan would provide for state, regional and local transportation needs in the Albany area. Following adoption of the plan with the proposed improvements, ODOT staff will prepare amendments to the OHP for review by the Oregon Transportation Commission. The proposed amendments will include designation of the Downtown Albany STA and the alternate mobility standards mentioned above.

These comments are submitted into the public hearing record for the 2009 Albany TSP. As a participant in the public hearing, please notify ODOT of any delays or continuances in the public hearing. A copy of the land use decision should be provided to ODOT when one occurs.

Yours truly,



John G. deTar  
Senior Region Planner

electronic copies to:

Ron Irish, City of Albany  
Erik Havig, ODOT  
Ed Moore, DLCD

Michael Rock, ODOT  
Dorothy Upton, ODOT  
Terry Cole, ODOT

Susie Wright, KAI

Attachment

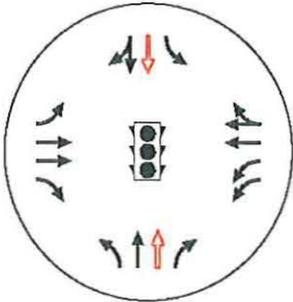
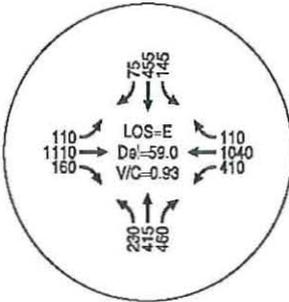
Additional Feasible Improvements  
for the Albany TSP

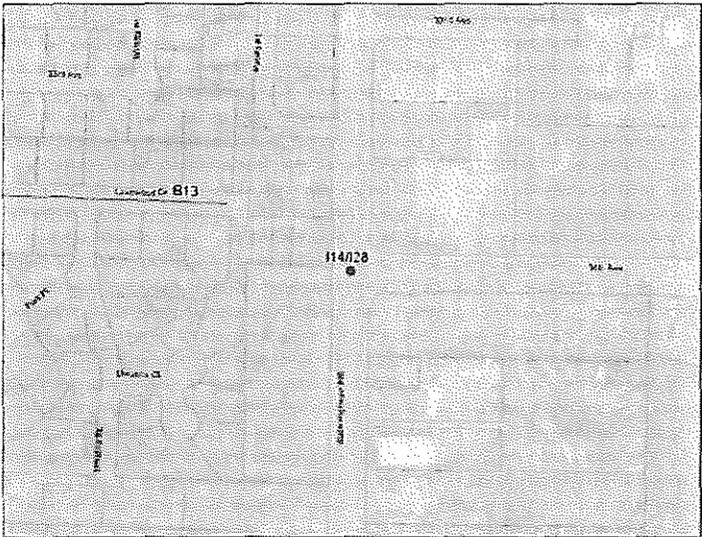
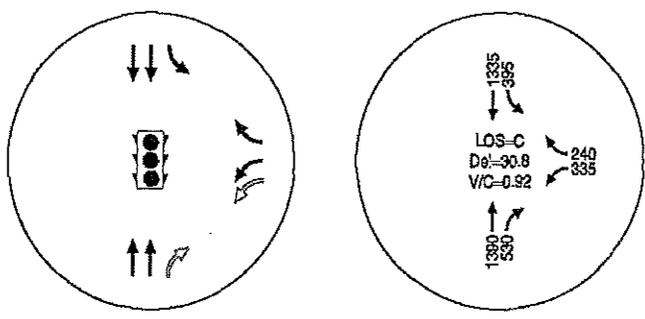
Location	Additional Improvement	Existing OHP Mobility Standard <sup>1</sup>	Proposed Alternate Mobility Standard <sup>1</sup>
OR-99E/Waverly Drive	A separate southbound right-turn lane.	0.85	0.90
US-20/Waverly Drive	A second northbound through lane.	0.85	0.90
OR-99E/34 <sup>th</sup> Street	A second southbound left-turn lane.	0.75	0.85
OR-99E/53 <sup>rd</sup> Street	A second southbound left-turn lane.	0.75	0.85

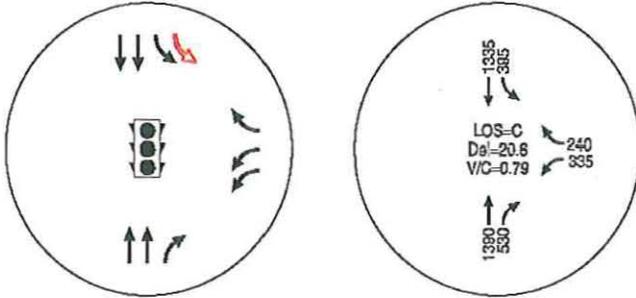
1. State highway mobility standards are expressed as Volume/Capacity ratios.

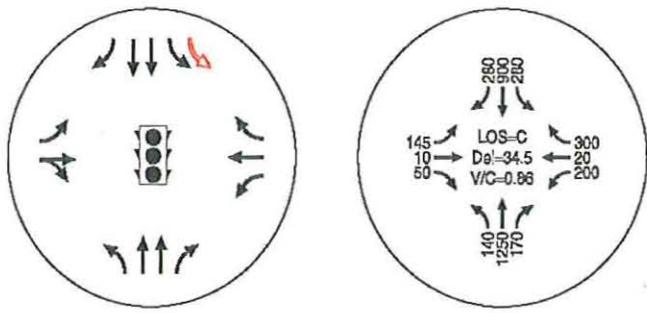
<b>Project #:</b> S2		<b>Hwy 20 Corridor and Downtown Refinement Plan</b>			
<b>Description:</b> Conduct a Highway 20 Corridor and Downtown Refinement Plan that extends to I-5 to look at regional bridge capacity needs, potential bridge locations, other corridor and intersection needs, and continue through permitting process.					
<b>Category:</b> Refinement Plan		<b>Classification:</b> Principal Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Short-term
<b>Project Costs:</b>	<b>Const./Eng.</b>	<b>ROW</b>	<b>Other</b>	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$250,000	\$0	\$0	\$250,000	100%
<b>Project Goals Met:</b>					
<b>Efficiency</b> <input checked="" type="checkbox"/>	<b>Capacity</b> <input checked="" type="checkbox"/>	<b>Safety</b> <input type="checkbox"/>	<b>Transit</b> <input type="checkbox"/>	<b>Ped/Bike</b> <input type="checkbox"/>	<b>Livability</b> <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> L27, L60, L7, I8, I9, I12, I20, I21, I22, I23, I27		
<b>Illustrative Section:</b>					

<b>Project #:</b> I24		<b>OR 99E/Waverly Avenue</b>			
<b>Description:</b> Install second westbound left-turn lane on OR 99E & second southbound receiving lane on Waverly Avenue. Install exclusive northbound right-turn lane and overlap signal phasing. Obtain right-of-way for an exclusive southbound right-turn lane at time impacted parcel redevelops and construct when warranted (cost for this improvement identified separately under "other" costs).					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial / Minor Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Long-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$598,000	\$192,000	\$169,000	\$959,000	27%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> B2, P3		
<b>Illustrative Section:</b>					

<b>Project #:</b> I26		<b>US 20/Waverly Drive</b>			
<b>Description:</b> Install northbound right-turn overlap, add another southbound through lane on Waverly Drive. Obtain right-of-way for an additional northbound through lane at time impacted parcels redevelop and construct when warranted (cost for this improvement identified separately under "other" costs).					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial / Minor Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Long-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$67,000	\$50,000	\$123,000	\$240,000	29%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> I25, P9, B2		
					
<b>Illustrative Section:</b>					
					

<b>Project #:</b> I14		<b>OR 99E/34th Avenue</b>			
<b>Description:</b> Switch southbound left-turn to protected phasing and install a 125-foot northbound right-turn lane and northbound right-turn overlap phasing. Right-turn lane length adjusted from 200 feet to 125 based on ROW considerations. Install second westbound 125-foot left-turn lane on 34th Avenue. Assumes current YMCA access is relocated east along 34th Avenue to edge of property. Other option is to convert YMCA access on 34th to right-in, right-out and develop full 200 foot WB left-turn lanes on 34th.					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial/ Minor Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Long-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$180,500	\$11,500	\$0	\$192,000	32%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> I28, B13		
					
<b>Illustrative Section:</b>					
					

<b>Project #:</b> I28		<b>OR 99E/34th Avenue</b>			
<b>Description:</b> Install a second southbound left-turn lane.					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial/Minor Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Long-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$359,000	\$96,000	\$0	\$456,000	32%
<b>Project Goals Met:</b>					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> I14, B13		
					
<b>Illustrative Section:</b>					
					

<b>Project #:</b> I40		<b>OR 99E/53rd Avenue</b>			
<b>Description:</b> Install second southbound left-turn lane on 99E (the need for this project should be reviewed after development of the parcel in the southeast corner of the intersection, otherwise known as the "Piano" shaped parcel, as dual southbound lefts may not be required if a southbound left-turn lane in to the "piano" parcel is provided).					
<b>Category:</b> Intersection Add Lane(s)		<b>Classification:</b> Principal Arterial/Principal Arterial		<b>Agency Coordination:</b> ODOT	
				<b>Time Frame:</b> Long-term	
<b>Project Costs:</b>		Const./Eng.	ROW	Other	Total Cost
		\$421,000	\$54,000	\$75,000	\$550,000
					SDC Eligible: 38%
<b>Project Goals Met:</b>					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b>		
			L1		
<b>Illustrative Section:</b>					
					

Project #: L21		Knox Butte Road Widening			
<b>Description:</b> Widens Knox Butte Road to five lanes eastbound from I-5 to Clover Ridge Road. Includes bike lanes, sidewalks, curb, and gutter on both sides of the roadway. Right-of-way acquisition will occur in the short-term (and be 100% SDC eligible) with construction occurring in the long-term. Alternative access to the RV Park located on Expo Parkway, potentially to access Knox Butte Road, should be considered as traffic volumes on Expo Parkway increase.					
<b>Category:</b> Add Lane(s) / Urban Upgrade		<b>Classification:</b> Minor Arterial		<b>Agency Coordination:</b> <b>Time Frame:</b> ROW - Short-term, Construction - Long-term	
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$3,169,000	\$228,000	\$1,250,000	\$4,647,000	60%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b>		
			I10, L17, L22, L25, L39, S9		
<b>Illustrative Section:</b>					

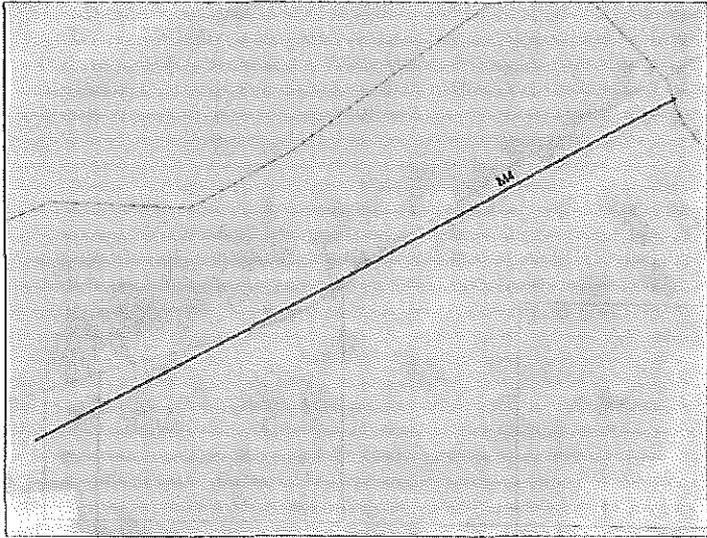
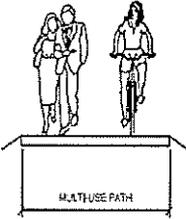
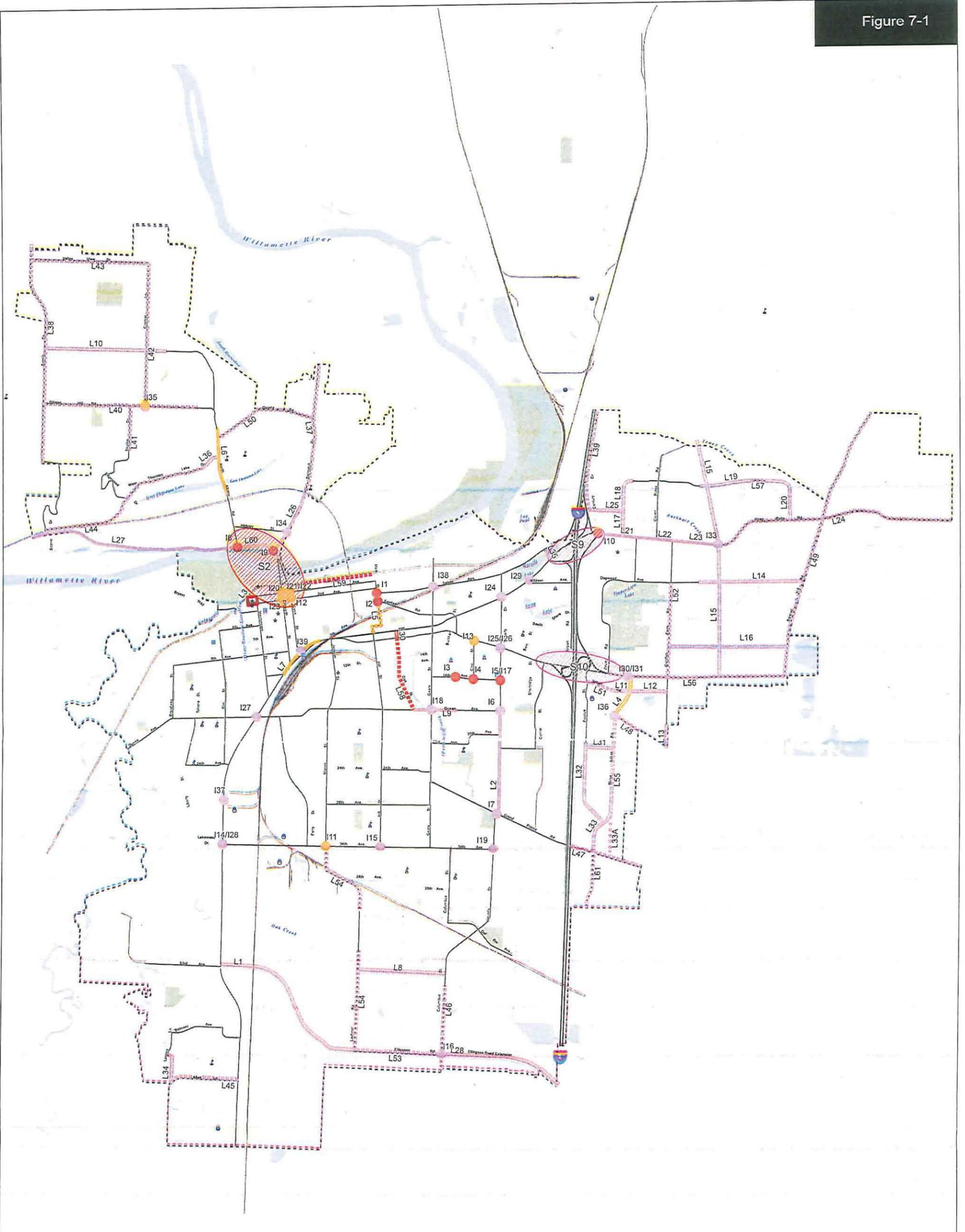
<b>Project #:</b> M4		<b>South Waterfront Trail</b>			
<b>Description:</b> Construct multi-use path along the south bank of the Willamette River to connect the existing trail to the park.					
<b>Category:</b> Multiuse Path		<b>Classification:</b> NA		<b>Agency Coordination:</b>	
				<b>Time Frame:</b> Medium-Term	
<b>Project Costs:</b>	<b>Const./Eng.</b>	<b>ROW</b>	<b>Other</b>	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$76,000	\$0	\$0	\$76,000	70%
<b>Project Goals Met:</b>					
<b>Efficiency</b> <input type="checkbox"/>	<b>Capacity</b> <input type="checkbox"/>	<b>Safety</b> <input type="checkbox"/>	<b>Transit</b> <input type="checkbox"/>	<b>Ped/Bike</b> <input checked="" type="checkbox"/>	<b>Livability</b> <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> M10, M11		
					
<b>Illustrative Section:</b>					
					

Figure 7-1



**Improvement Timeframe**

- Short-term
- Medium-term
- Long-term/  
Project-driven

**Improvements**

- Intersection Improvement
- Capacity Improvement
- Urban Upgrade
- New Roadway
- Alternative Alignment
- Study Refinement Area

**Destinations**

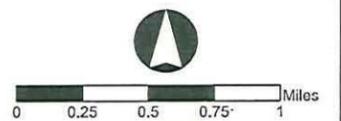
- School
- Major Employer
- ▲ Other
- Albany General Hospital
- Amtrak Station
- Public Library
- ★ Public Building

**Boundaries**

- Parks
- Urban Growth Boundary
- City Limits

**Other Roads**

- Study Roads
- Local Roads

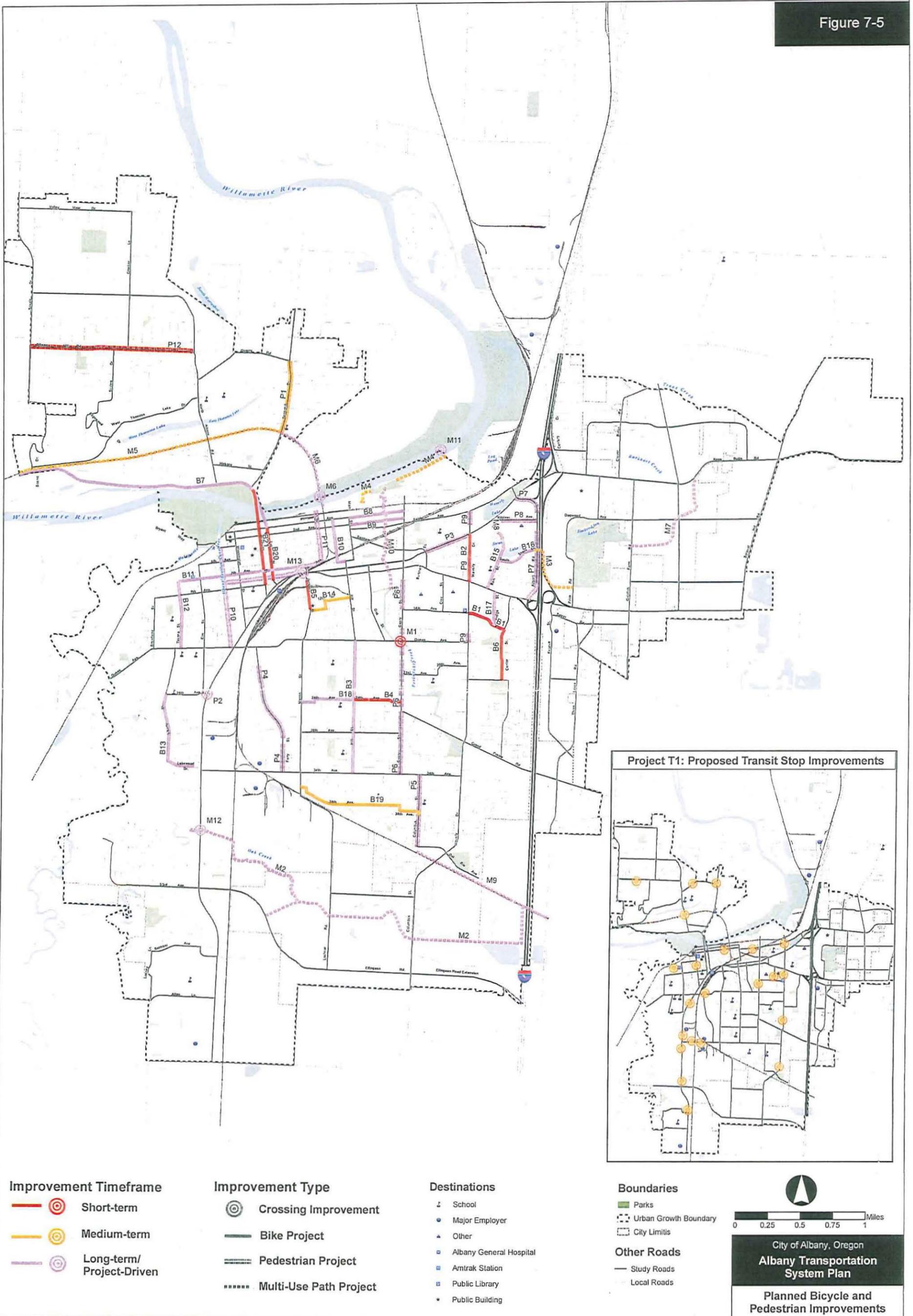


City of Albany, Oregon  
**Albany Transportation System Plan**  
**Planned Auto Improvements**



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Figure 7-5



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RECEIVED

DEC 1 11 2009

PUBLIC WORKS ENGINEERING

November 30, 2009

Madam Mayor  
Albany City Council  
Ron Irish  
Jeni Richardson

RE: Albany Transportation Management Plan  
Proposed Expo/Knox Butte Road Signal

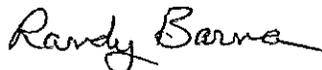
I am writing this letter to voice my concerns regarding the recent discussion of Planning Commission to move the proposed Knox Butte/Expo signal from Expo Parkway to Timber Street. I own several parcels of land just east of the intersection of Century Drive and Knox Butte Road. I understand the draft TSP currently illustrates a proposed signal to be installed at the intersection of Knox Butte Road and Expo Parkway. In addition the current draft TSP illustrates the closure of the Century Drive and Knox Butte Road Intersection.

It is also been explained to me of the goals for the TSP is to support the Land Use Zoning for the area. Moving the proposed signal further to the East would conflict with this goal. A signal along Knox Butte near the properties zoned Regional Commercial is necessary to provide adequate transportation access and circulation to serve these properties.

However, an alternative solution to having a signal at NE Expo which would still support the Zoning of this area would be to propose two signals along Knox Butte Road; one at NE Timber and one at NE Opal. If there is adequate intersection spacing available for this to occur I would support the suggestion to move the Signalized intersection from NE Expo to NE Timber. Movement of the Expo Signal to Opal would also benefit the existing retail and development to the south of Knox Butte Road.

I recognize you are in the final stages of your approval and acceptance of the Draft TSP and that City Staff has put in a great deal of time and energy to develop the current version of the TSP which we would support. However, if Council is going to consider making a modification they need to make sure the modification is being made to support all the goals the TSP is based on and to make sure all the properties are adequately served.

Sincerely,



Randy Barna

copy: File



TO: Albany City Council  
VIA: Wes Hare, City Manager  
Greg Byrne, Community Development Director *gyb*  
FROM: Anne Catlin, Planner II *als*  
DATE: January 6, 2010, for the January 13, 2010, City Council Meeting  
SUBJECT: Development Code Amendments (Planning File DC-03-09)

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

RELATES TO: • Safe City

Action Requested:

Consider the proposed amendments to the Albany Development Code.

Discussion:

The second round of Development Code amendments includes evaluating the following citizen suggestions:

Article 1, Administration and Procedures:

- Public notice for land use applications: Sections 1.203, 1.330(3), 1.350(2), 1.360(2), and 1.370(2). Some residents have asked that the City evaluate how broadly to distribute public notice for land use applications requiring notice; and
- Section 1.080, Expiration of Land Use Approvals. Some property owners have asked that the City consider extending the length of time for which a land use approval is valid; and
- The entire article includes revisions related to grammar, clarity and intent.

Articles 4 Commercial and Industrial Zoning Districts, Article 5 Mixed Use Village Center Zoning Districts, and Article 22 Use Categories and Definitions:

- Sections 4.050 and 5.060, Schedule of Permitted Uses. Some residents have asked that we evaluate where taverns, bars, breweries, and night clubs should be allowed and the review process; and
- Changes to Article 22, Definitions and Use Categories. A new use category, “taverns, bars, breweries, and night clubs” is being proposed related to this request.

Article 11, Land Divisions:

- Section 11.060, Expiration of Land Use Approvals. Some property owners have asked that the City consider extending the approval time period so that approved subdivisions do not expire; and
- Section 11.070, Staged Subdivision Development. Clarify language and evaluate approval time periods.

Budget Impact:

None

City Council Hearing, January 13, 2010

Page 2

January 6, 2010

Attachments

Summary Table of the Proposed Development Code Amendments  
Ordinance

Exhibits A through E: Articles 1, 4, 5, 11 and 22.

Exhibit F: DC-03-09 Staff Report Findings and Conclusions

alc

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND ZONING MAP BY AMENDING THE DEVELOPMENT CODE TEXT RELATED TO THE EXPIRATION OF LAND USE APPROVALS, MODIFICATIONS TO APPROVED PLANS, INCREASING NOTICE AREAS FOR LAND USE APPLICATIONS, REFINING DEFINITIONS FOR RESTAURANTS AND BARS, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY (FILE DC-03-09).

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

WHEREAS, the City has been collecting suggestions for revisions to the Code for several years and is developing an on-going, semi-annual process to evaluate changes to the Code; and

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

WHEREAS, several of the proposed amendments respond directly to requests from Albany property owners; and

WHEREAS, on November 30, 2009, the Planning Commission held a public hearing on the proposed amendments; and

WHEREAS, on December 14, 2009, the Planning Commission recommended these changes to the City Council, based on public testimony, their deliberation, and the staff report; and

WHEREAS, on January 13, 2010, the Albany City Council held a public hearing on the proposed amendments; and reviewed the amendments recommended by the Planning Commission and any testimony presented at the public hearing and then deliberated.

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

Section 1: The Albany Development Code text is hereby amended as shown in the attached Exhibits A through E for the articles listed below:

Exhibit A: Article 1, Administration and Procedures

Exhibit B: Article 2, Review Criteria (entire article)

Exhibit C: Article 9, On-site Development and Environmental Standards

Exhibit D: Article 11, Land Divisions

Exhibit E: Article 12, Public Improvements

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

Section 3: Inasmuch as this Ordinance is necessary for the immediate preservation of the peace, health and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effective immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: \_\_\_\_\_

Approved by the Mayor: \_\_\_\_\_

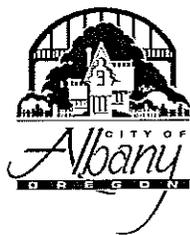
Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

*U:\Community Development\Planning\Current\2009\09dc03\cc.jan13\09dc03.ordinance.jan13.docx*



# Community Development Department

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

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

## STAFF REPORT Development Code Amendments

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<b><u>HEARING BODY</u></b>	CITY COUNCIL
<b><u>HEARING DATE</u></b>	Wednesday, January 13, 2010
<b><u>HEARING TIME</u></b>	7:15 p.m.
<b><u>HEARING LOCATION</u></b>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

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### **GENERAL INFORMATION**

DATE OF REPORT:	January 6, 2010
FILE:	DC-03-09
TYPE OF APPLICATION:	Legislative amendments to the following Development Code Articles:

#### Article 1, Administration and Procedures (Exhibit A):

- Section 1.080. Extend approvals for applications approved between January 1, 2007, and December 31, 2008, to June 30, 2011; and
- Section 1.203. Notice area and meeting standards are proposed for neighborhood meetings; and
- Sections 1.330(3), 1.350(2) and 1.360(2). Increase in notice areas is proposed; and
- Sections 1.203, 1.330(3), 1.350(2), 1.360(2) and 1.370(2). Allow Director to increase the notice area up to 1,000 feet when land use or transportation patterns or level of public interest warrant a larger notice area.
- The entire article is being edited for clarity and grammar.

#### Article 4, Commercial and Industrial Zoning Districts (Exhibit B)

- Sections 4.050 and 4.060. In the IP and NC zones, all new *restaurants* would be allowed as before through site plan review (staff level review). New *taverns, bars, breweries or nightclubs* would change from site plan review to a conditional use review Type II (a hearing can be requested).

#### Article 5, Mixed Use Village Center Zoning Districts (Exhibit C)

- Sections 5.060 and 5.070. In the MS, MUC, MUR, and WF zones, all new *restaurants* would be allowed as before through site plan review (staff level review). New *taverns, bars, breweries or nightclubs* would change from site plan review to a conditional use review Type II (a hearing can be requested); and
- In the ES zone, new *restaurants* are proposed to be allowed through a conditional use Type II review (a hearing can be requested). New *taverns, bars, breweries or nightclubs* are proposed to be allowed through a conditional use Type III review (public hearing).

#### Article 11, Land Divisions (Exhibit D)

- Section 11.060. Extend approvals for land use applications approved between January 1, 2007, and December 31, 2008, for one year.

Article 22, Use Categories and Definitions (Exhibit E)

- Section 22.130 and new 22.155. Separate the “restaurant” use category into two use categories: *restaurants* and *taverns, bars, breweries, and nightclubs*.

REVIEW BODY: City Council

APPLICANT: City of Albany Community Development Department

**INTRODUCTION**

The Albany Development Code (ADC) allows for the public to request legislative amendments and for the Community Development Director to initiate legislative amendments.

Periodically, the ADC needs updating to meet current standards and changing needs, to clarify the intent, or to correct unintended consequences. The City has implemented a process to periodically evaluate and adopt changes to the ADC. Staff will take requests to evaluate changes to the Code throughout the year from the public and internally, and will prepare amendments to the Code semi-annually.

This “round” of semi-annual amendments includes several requests from residents and a developer that were received since the last round of Code amendments.

**EXHIBITS & ATTACHMENTS**

All amendments to the Code are shown as Exhibits A through E to the ordinance. The staff report is Exhibit F to the ordinance.

Article 1, Administration and Procedures (Exhibit A):

Article 4, Commercial and Industrial Zoning Districts (Exhibit B)

Article 5, Mixed Use Village Center Zoning Districts (Exhibit C)

Article 11, Land Divisions (Exhibit D)

Article 22, Use Categories and Definitions (Exhibit E)

The following documents are provided as attachments to the staff report (Exhibit F):

Attachment 1: City of Albany Building Permits 2005-2009; and

Attachment 2: City of Albany Land Use Approvals 2005-2008; and

Attachment 3: November 30, 2009, letter from John O’Neil.

**NOTICE INFORMATION**

In this round of Development Code amendments, staff packaged as many related public and staff suggestions received earlier this year together as staff thought could be processed.

A memo summarizing the proposed ADC amendments was mailed September 22, 2009, to persons believed to have a particular interest in the sections of the Code that were proposed to be amended and a press release was published in the Albany Democrat Herald September 23, 2009. We posted the Code sections on the City’s web site and invited input on these sections prior to developing the draft amendments. We received two emails from residents on the bar issue and a letter from North Albany Citizens in Action and one from John O’Neil (Henshaw Farms developer).

Ballot Measure 56 (Senate Bill 516) passed in 1998, requires notice be mailed to all property owners in zoning districts where the permissible uses or zoning may be affected by the proposed amendments. This notice was mailed November 9, 2009, to owners of property in zones where a change is being proposed regarding restaurants

and taverns, bars, breweries and nightclubs (the ES, IP, MS, MUC, MUR, NC, and WF zones). The proposed amendments relating to taverns, bars, breweries, and nightclubs were posted to the website on November 9, 2009.

A notice of public hearing was mailed November 18, 2009, to everyone that provided public input on the proposed amendments. A Notice of Public Hearing was published in the Albany Democrat-Herald on November 23, 2009.

The Planning Commission held a public hearing on the proposed amendments on November 30, 2009. Four people testified at the Planning Commission hearing, including representatives of North Albany Citizen in Action (NACA), North Albany Neighborhood Association (NANA) and the owner of Bailey's restaurant and bar. One letter was submitted as testimony from the representatives of Henshaw Farms residential development on Ellingson Road. The following issues were raised:

- Extensions to land use approvals should be required to go through the land use process. One year extensions should be allowed on a case by case basis and require a public hearing (NACA).
- Extensions to land use approvals should not be granted as projects may not conform with current or future regulations and Comprehensive Plan goals and policies (NANA).
- Allow a five-year extension for phased subdivisions (John O'Neil, Metropolitan Land Group, LLC).
- Support for increases to land use notice areas because traffic impacts neighborhoods farther away (NANA/NACA).
- Clarification of the proposed definitions of bars and restaurants, feel Bailey's is a restaurant. Concern for property owners in the Elm Street zone if bars are no longer allowed (Ron Grice, Bailey's owner).
- Incorporate traffic impact study guidelines into the Development Code, in particular, how accident rates at intersections are determined (Dirk Olsen, NACA).

The Planning Commission discussed the amendments and recommended that staff clarify some of the proposed language. Those clarifications were made and reviewed by the Planning Commission on December 14, 2009.

The ordinance, exhibits and staff report were posted on the City's website by 5 p.m. on Friday, January 8, 2010. At the time this staff report was completed, no additional written testimony had been received.

**PLANNING COMMISSION RECOMMENDATION**

RECOMMEND that the City Council APPROVE the proposed Development Code amendments.

**SUGGESTED CITY COUNCIL MOTION**

Adoption of the attached Ordinance that would amend several articles of the Albany Development Code.

**CITY COUNCIL ACTION**

*[NOTE TO CITY COUNCIL: CHOOSE ONE FROM THE MOTIONS LISTED BELOW.]*

**MOTION TO APPROVE**

*If the City Council wishes to approve the proposed amendments as written, the Council may approve the amendments based on the findings and conclusions of the staff report.*

I MOVE that the City Council adopt the ordinance that would amend Articles 1, 4, 5, 11, and 22 of the Albany Development Code as summarized in the staff report (File DC-03-09). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

*MOTION TO APPROVE AS MODIFIED*

*The City Council may propose modifications to the proposed amendments, and approve the amendments with the modifications.*

I MOVE that the City Council adopt the ordinance that would amend Articles 1, 2, 4, 5, 11, and 22 of the Development Code, with modifications. The modifications are: [*explain modifications*]. This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

**APPEALS**

A decision of the City Council may be appealed to the Land Use Board of Appeals by filing a Notice of Intent to Appeal not later than 21 days after the decision becomes final.

## FINDINGS AND CONCLUSIONS

File DC-03-09

Recommended by the Planning Commission on December 14, 2009

Adopted by the Albany City Council on January 13, 2010

### STAFF ANALYSIS

#### Development Code Amendment File DC-03-09

The review criteria for Development Code amendments require that the proposed amendments better achieve the goals and policies of the Comprehensive Plan and that they be consistent with the policies and purposes of the Code. The long-range interests of the general public are considered by reviewing the proposed amendments in the context of Comprehensive Plan goals and policies. The proposed policy amendments are evaluated against the review criteria.

### REVIEW CRITERIA

The following review criteria must be met for Development Code amendments to be approved. Code criteria are written in *bold italics* and are followed by Findings and Conclusions.

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

The Comprehensive Plan goals and policies that are relevant to review of the proposed Development Code amendments are written in *italic* type and considered as a separate review criterion.

### FINDINGS OF FACT

#### 1.1 Expiration of land use approvals and tentative plat approvals: (Exhibits A and D)

**2001 Amendments:** Until 2001, land use approvals and tentative plat approvals were valid for one year. Up to two one-year extensions were permitted for a total approval time period of three years. In 2001, the City extended approvals to three years and removed the extension request language. No changes were made to staged/phased subdivisions, which expire 5 years from the tentative plat approval.

**Reason for Amendments:** Due to the poor economy, two developers have requested the City consider allowing an extension to subdivision approvals, including phased subdivisions.

**Proposed Amendments:** The City Council discussed extensions to land use approvals at their August 12 and August 26, 2009, meetings after hearing from two developers, a few residents, and staff. The Council acknowledged the impact of the recession on the housing and construction industry and gave direction to consider a one-time extension to land use approvals issued between specific time periods.

After evaluating Oregon's housing and construction forecasts and the City's permit and land use application data and approval dates, staff proposes an extension be considered for projects approved between in January 1, 2007, and December 31, 2008. (See Attachment 2, Land Use Approvals, 2005-2009.)

The Planning Commission discussed extensions at their November 30, 2009, hearing and recommend that an extension be granted for projects approved between January 1, 2007, and June 30, 2008, be extended to June 30, 2011.

- Section 1.080: If the final decision became effective between January 1, 2007, and December 31, 2008, and there have been no changes in zoning to the development since the original approval, will receive a one-year extension to the land use approval (**Exhibit A**).
- Section 11.060: A one-year extension to the original expiration date is made for a tentative plat approved between January 1, 2007, and December 31, 2008, if there have been no changes in zoning since the original approval (**Exhibit D**).

- 1.2 Economic Findings. Oregon's recession started in January 2008. In Oregon, the recession was still impacting housing and manufacturing in the third quarter of 2009.<sup>1</sup> Housing and financial markets continue to exert downward pressure on the national and state economies.<sup>2</sup>

According to the March 2009 Oregon Economic and Revenue Forecast, prepared by the Oregon Office of Economic Analysis, housing starts in the State of Oregon declined 48% between 2008 and the peak in 2006-2007, with housing starts estimated to drop another 47% between 2008 and 2009. Housing starts in Oregon were raised for 2009 and 2010 because residential permits have been higher than expected in the first half of 2009. That said, the quarterly report notes that "housing starts will remain below their historical average until 2013 as the industry continues to work off its excess oversupply and consumer demand returns."<sup>3</sup>

Albany's construction permits reflect the state's decline. In 2008, the number of new residential building permits was only 50% of permits issued (194 units) in 2007 (392 units). Through November 2009, both new residential and commercial building permits are down from 2008: 119 new residential units and 10 commercial. *See Attachment 1, City of Albany Building Permits 2005-2009.*

- 1.3 Extensions to land use approvals in other Oregon communities range from 0 to 7 years. The initial approval time periods also vary from two to five years.
- 1.4 Albany's Land Use Approvals. Staff evaluated all land use approvals issued between 2005 and 2009 and progress toward completion on these developments. Staff has concluded that developments approved between January 1, 2007, and December 31, 2008, captures most of the land divisions and new construction projects that may expire before the economy recovers. *See Attachment 2, Land Use Approvals, 2005-2009.*
- 1.5 Phased Subdivisions Approvals, Section 11.070. Discussion at the August 12 and August 26, 2009, City Council meetings regarding the economy concluded that it was NOT necessary to grant extensions to phased subdivisions, which currently have a five-year approval period. There was concern that subdivision approvals beyond five years may not meet local, state or federal standards on a variety of issues, such as water quality and wetlands.

Between 2005 and 2009, three phased subdivisions were approved. Two of the three have final plated the first phase of these developments (one in 2006 and one just recently). *See Attachment 2, Land Use Approvals, 2005 to 2009.*

During the initial public input period, we received an October 22, 2009, letter from John O'Neil of Metropolitan Land Group. He represents the owners of Henshaw Farms, which their approval will expire January 30, 2011. This same letter was resubmitted into the record at the Planning Commission's November 30, 2009 hearing. (*See Attachment 3.*) While he says they have not reached agreement with the Division of State Lands regarding wetlands on the site, it is the "dire state of the home building industry" that warrants a mechanism to allow for extensions to existing subdivision approvals. He has

1 Oregon Office of Economic Analysis, Oregon Economic and Revenue Forecast, September, 2009, p.33.

2 Ibid., p.42.

3 Ibid., p.49.

asked that the City consider granting a temporary, one-time, 5-year approval to the Henshaw Farms phased subdivision, out to 2016. This time frame would allow for the market to return to a healthy and viable state.

While the housing industry has been greatly affected by the economy, the last sentence of 11.070 would likely require modifications to approved plats to avoid conflicts with changes in the Comprehensive Plan. The City is close to adopting an updated Transportation System Plan and in 2010 will update the Comprehensive Plan policies regarding natural resources, including wetlands.

Proposal. No changes to the five-year approval time period at this time.

- 1.6 The proposal to grant a one-time one-year extension to the existing three-year approvals for most land uses will save staff and the applicant time in processing new applications. In addition it should result in projects being completed rather than abandoned. It better achieves the following Comprehensive Plan policy:

*Ensure that all new developments are reviewed expeditiously and thoroughly and result in compliance with Comprehensive Plan goals and policies and ordinance standards. (Chapter 8, Urbanization)*

- 1.7 Neighborhood Meeting Standards in Section 1.203 and new 1.204. (Exhibit A).

- Section 1.203: Set a defined notice of 300 feet, to correspond to the notice area when the application is submitted and give the Director the discretion to increase the notice area if the project due to land use or transportation patterns or that may generate public interest.
- Section 1.204, neighborhood meeting notice standards and meeting presentation standards are proposed.

Reason: A few residents have asked that we require a neighborhood meeting to be held with each new application, or new version of an application. The existing Code does not provide specific guidelines to applicants for neighborhood meetings.

Result of Amendments: The amendments will provide more guidance to the applicants and should result in more effective neighborhood meetings.

- 1.8 Proposed amendments related to notice areas for certain types of land use applications. The following table (top of the next page) outlines the review process in Article 1 (**Exhibit A**), notice area, and decision makers for the different types of applications received.

Staff researched notice areas in Corvallis, Bend and Portland for the different types of land use applications. Staff feels that in some cases, Albany's notice areas are very minimal. The following changes are proposed to be added to sections that include notice areas:

- Oregon Revised Statutes (ORS) requires that notice be given to all recognized neighborhood organizations. To be in compliance with ORS and to be more inclusive, we propose that all neighborhood organizations recognized by the City Council that include the subject site in its boundaries or that are within 300 feet of the subject site will get notice for all land use applications.
- Staff proposes that the (Community Development) Director have discretion to increase the notice area up to 1,000 feet when land use or transportation patterns or level of public interest warrant a larger notice area. For example, where large undeveloped sites exist, the notice area may only include a handful of properties, and/or the proposed development may have impacts beyond the properties in the notice area.

CITY OF ALBANY LAND USE PROCESS SUMMARY (Current)

	Type I	Type I-L	Type II	Type III	Type IV Q-J	Type IV Legislative
	No discretion, not land use	quasi-judicial	quasi-judicial	quasi-judicial	quasi-judicial	legislative
<b>Notice Area</b>	No notice	100 ft/300 ft	100 feet	100 ft/300 ft	300 feet	affected properties
<b>Decision Maker</b>	Staff	Staff - unless Director feels policy issue, then PC/HB	Staff mails tentative decision to neighbors who can request hearing PC/HB	PC, HB or LAC	2 hearings: PC/LAC & CC	2 hearings: PC/LAC & CC
<b>Appeals to:</b>	no appeals	PC or LUBA*	CC	CC	LUBA	LUBA
<b>Example Applications</b>	change of use, final plats, historic review not visible from street and no substitute materials	site plans (new commercial, industrial, multi-family), partitions, subdivisions < 20 lots	variances, modifications to non-conforming uses, some conditional uses	land divisions 20 or more lots, cluster development, land in floodplain, interim planned development, some conditional uses, historic review visible from street	public request for change to zoning, comp plan, or ADC	City initiated changes to comp plan, zoning or ADC

\*If neighborhood meeting required, then appeal is to PC.

The other amendments are proposed to increase notice areas in the following sections of Article 1 (Exhibit A):

- Section 1.330(3), Type I-L Procedure. These are limited land use decisions made at the staff-level. We propose increasing the notice area for developments that are processed through site plan review (Option A or B), from 100 feet to 300 feet. The notice of filing is sent to property owners in the notice area. Any comments received will be considered when staff evaluates the development proposal.
- Section 1.350(1) and (2), Type II Procedure. Increase the notice area from 100 feet to 200 feet. In the Type II process, the staff decision is mailed to persons in the notice area and gives them an opportunity to request a public hearing.
- Section 1.360(2), the Type III Procedure. The Type III procedure requires a public hearing. Currently the notice area is either 100 feet or 300 feet, depending on the type of application. 100 feet is not very far, often only including a handful of properties. The proposal is for all applications that require a public hearing have a notice area of 300 feet. This will be more consistent with notice areas in other cities.

Result of Amendments: The proposed amendments will allow more property owners to participate in the land use process if they choose to. The proposal to give the Director discretion to increase the notice area will allow for properties that may be impacted by a development to participate in the land use process.

1.9 The proposed amendments to increase notice areas will better achieve the following Comprehensive Plan policies:

*Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process (Chapter 9, Land Use Planning: Citizen Involvement).*

- 1.10 In general, Goal 1-Citizen Participation has the following goal: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process. The following Comprehensive Plan policies are applicable to Development Code amendments in general:

*Citizen Involvement: 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.*

*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.*

Public involvement and notice was summarized earlier in the staff report.

- 1.11 Proposed amendments related to Taverns, Bars, Breweries and Night Clubs in the MS, MUC, MUR, and WF zones (Exhibit C) and the NC and IP zones (Exhibit B), and in the Definitions (Exhibit E):

The City proposes the following changes to help balance the desire for great neighborhoods and a strong business environment in the affected zones:

- Sections 22.130. Separate the “restaurant” use category into two use categories: *restaurants*, and new Section 22.155 - *taverns, bars, breweries, and nightclubs*. Before 2003, these uses were in separate categories in the Development Code (Exhibit E).
- In the IP and NC zones in Article 4 (Exhibit B) and the MS, MUC, MUR, and WF zones in Article 5 (Exhibit C), all *new restaurants* would be allowed as before through site plan review (staff level review). For *new taverns, bars, breweries and nightclubs*, the process is proposed to change from site plan review (staff-level review) to a conditional use review Type II (a hearing can be requested); and
- In the ES zone in Article 5 (Exhibit C), the process for *new restaurants* is proposed to change from being allowed through site plan review (staff-level review) to a conditional use review Type II (a hearing can be requested). *New taverns, bars, breweries and nightclubs* are proposed to be allowed through a conditional use Type III review (a public hearing is required); and
- In the OP zone in Article 4 (Exhibit B), the process for *new restaurants or taverns, bars, breweries and nightclubs*, is proposed to change from conditional use review (public hearing required) to a conditional use review Type II (a hearing can be requested).

- 1.11 Purpose of Proposed Changes related to Restaurants, and Taverns, Bars, Breweries and Nightclubs (Bars): The City has received noise complaints from residents that live near a couple of existing bars. While noise is particularly a concern with new outdoor seating areas, there is periodic noise until closing when people go outside to smoke and converse, and then leave and go to their cars, often parked in front of residences.

In 2003 the different use categories listed under “eating and drinking establishments” were lumped together into one category: restaurants. Taverns, bars, nightclubs and breweries (*bars*) were a separate use categories. *Bars* were not allowed in a few zones, including ES, NC and OP. Given the typically late hours and the consumption of alcohol at these establishments, staff has concluded that in zones that allow for residential development and/or are adjacent to residences, *bars* may not always be able to be compatible with the neighborhood.

Staff reviewed the zoning district purpose statements to determine where *restaurants and taverns, bars, breweries, and night clubs (bars)* should be allowed outright (through staff-level site plan review), where

more public input may be warranted through a public hearing (conditional use Type II review, persons in the notice area can request a public hearing), and where they should not be allowed.

Generally, where office and residential uses are the primary use types encouraged by the zoning district, and light commercial is intended to serve the adjacent neighborhoods or may be located close to residences, staff proposes that *bars* be allowed conditionally (through the conditional use Type II process where a hearing can be requested).

In the ES zone new *bars* are proposed to be allowed through the conditional use process that requires a public hearing (Type III). This is because the zone includes residential uses and is on the edge of the Monteith National Register Historic District.

The zoning district purpose statements for the zones in which a change in the review process or in an allowed use is proposed are copied below.

#### Article 4 Zones

NC – NEIGHBORHOOD COMMERCIAL DISTRICT. The NC district is intended primarily for small areas of retail establishments serving nearby residents' frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius.

IP – INDUSTRIAL PARK DISTRICT. The IP district is intended primarily for light manufacturing, high-tech, research and development, institutions and offices in a quality environment. Uses are characterized by attractive building architecture and landscaped yards and streetscapes, and the absence of objectionable external effects. The district is designed for industrial and business parks containing offices together with clean, non-polluting industries. IP is located along or near highly visible corridors to provide a positive image and a transition to residential or natural areas from heavier industrial uses.

#### Article 5 Zones

ES – ELM STREET DISTRICT. The ES district is intended primarily to provide enough land for Albany General Hospital and associated medical uses while maintaining compatibility with adjacent residences in scale and design. Light commercial and personal services are encouraged to serve the nearby residents. Removal of existing residences and landscapes is discouraged. New parking facilities should be underground or completely screened. Only the amount of parking that is necessary should be allowed for uses in this district, to minimize the amount of land consumed by parking.

MS – MAIN STREET DISTRICT. The MS district is intended primarily as an employment center with supporting commercial and retail services for residents and employees in the area. Retail, restaurant or night uses that impact surrounding residences are discouraged.

MUC – MIXED USE COMMERCIAL DISTRICT. The MUC zoning district is intended primarily to provide a mix of convenience commercial, personal services, offices and medium density residential uses. The district would typically be anchored by a grocery store, and may include a mix of smaller retailers, offices, live-work units and residences. The MUC district is easily accessible to nearby residences, and commercial uses are compatible in scale and design with adjacent neighborhoods. Uses in the MUC zone will serve area residents and should not draw from the region.

MUR – MIXED USE RESIDENTIAL DISTRICT. The MUR district is intended primarily to create a residential district that allows a mixture of neighborhood commercial uses that meet the daily needs of area residents. [Ord. 5673, 6/27/2007]

WF – WATERFRONT DISTRICT. The WF district is intended transition to Albany's Willamette River waterfront into a vibrant center characterized by a variety of housing choices and a mixture of housing, office, and retail uses. Development and design standards will result in great neighborhoods, a

pedestrian friendly environment and an enhanced community image. [Ord. 5635, 1/11/2006]

Result of Amendments:

- In mixed use zones that allow residential and commercial development and/or zones that are close to residential neighborhoods, the proposed amendments will allow for more neighborhood input when new *taverns, bars, breweries or night clubs* are proposed near residences.
- The ES (Elm Street) zone was created to allow the hospital and medical offices to continue and grow, while be compatible to the adjacent single-family neighborhoods and the Monteith National Register Historic District. The Monteith District is recognized in the Comprehensive Plan as a special neighborhood of well-restored and maintained historic homes that are mostly single-family owner-occupied residences. It is also a popular destination for visitors. The City wants to encourage and support the medical uses in the ES zone as well as the health of the Monteith Historic District and its importance as a piece of Albany's history and desirable residential neighborhood.
- The changes in the ES zone will allow restaurants and bars that can be compatible with the neighborhood. While Bailey's serves the neighborhood and employees in the ES zone, it attracts patrons from the region and is open until 12:00 a.m. Sunday through Thursday and 2:00 a.m. on Friday and Saturday. The existing establishments would be allowed to continue to operate, but new establishments would require a conditional use review and approval.

1.12 The proposed amendments described in 1.1 better achieve the following Comprehensive Plan goals and policies:

- *Protect Albany's historic resources and utilize and enhance those resources for Albany residents and visitors (Chapter 2, Special Areas).*
- *Create a city of diverse neighborhoods where residents can find and afford the values they seek (Chapter 4, Housing).*
- *Create Village Centers that offer housing and employment choices (Chapter 3, Economy).*
- *Provide opportunities for small neighborhood commercial facilities to be located in neighborhoods and Village Centers to be located close to the areas they serve. Neighborhood convenience and Village Center commercial uses must:*
  - a) *Be located, designed, and operated so as to be compatible with surrounding residential uses (Chapter 3, Economy).*
- *Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding neighborhood (Chapter 8, Urbanization).*

1.13 Street Alignment and Traffic safety concerns at intersections (Article 12, Exhibit F). Staff evaluated 12.150, Street Alignment and originally intended to add a new section in Article 12 called, Site Distance at Intersections. The new section would ensure clear vision at intersections to avoid accidents due to poor visibility. Since a new Transportation System Plan will be adopted in early 2010, and it will generate some additional amendments and evaluation of the Development Code, staff recommends taking a comprehensive approach to evaluating street designs, intersection locations and safety, and other guidelines and standards comprehensively in one amendment package in 2010. *No changes are proposed at this time. Public Works staff will be working on transportation-related amendments in 2010, following the adoption of the Transportation System Plan.*

CONCLUSIONS

- 1.1 The proposed Development Code amendments better achieve the goals and policies of the Comprehensive Plan.
- 1.2 The criterion is satisfied.

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

#### FINDINGS OF FACT

- 2.1 Staff reviewed all of the zoning district purpose statements and special purpose district (Monteith Historic District) to determine in which zones taverns, bars, breweries and nightclubs might be compatible, and what the review process should be. The proposed amendments will still allow for these uses in most areas throughout the City, but should result in more neighborhood participation and compatibility. Separating restaurants into two categories will change the review process for taverns, bars, breweries and nightclubs in the ES, IP, MS, MUC, MUR, NC and WF zones.

The applicable Development Code policies and purposes are identified in *italic* type and considered as a separate review criterion.

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

- 2.2 The proposed policy amendments better achieve the goals and policies of the Comprehensive Plan as identified in findings under criterion 1.

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

- 2.3 The proposed amendments to separate taverns, bars, breweries and nightclubs from the restaurant use category will change the review process for some zones from site plan review to conditional use Type II review. The Type II review process will allow for a resident to request a public hearing on the development. Currently, the Director has the authority to require site plan review applications that are expected to generate interest from the community to go to public hearing. Therefore, there is little change in the processing time. The benefit of the proposed amendments will result in identifying proposed impacts on the surrounding property owners and neighborhood and result in developments that are compatible with the base zone and with the neighborhood.

- (4) *Provide for public information, review, and comment on development proposals that may have a significant impact on the community.*

- 2.4 The proposal to set a minimum notice area and standards for neighborhood meetings and to increase the notice area for several land use application types will allow for more public involvement in the development review process.

- (10) *Protect constitutional property rights, provide due process of law, and give consideration in all matters to affected property owner interests in making land use decisions.*

- 2.5 Increasing the notice area for several types of land use applications will allow for residents who may be impacted by a proposed development a chance to raise issues and concerns regarding a proposed development so that these impacts can be mitigated to the extent feasible.

#### CONCLUSIONS

- 2.1 The proposed Development Code amendments are consistent with the purposes of the Code.
- 2.2 This criterion is satisfied.

## City of Albany Building Permits 2005 - 2009

Update January 4, 2010

MONTH	NSFR	Duplex 3-4 units	Multi-fam	MH-Lot	TOTAL	MH-Park	NCOM	CALTREP	
2005 dec-jul	187	6	0	0	0	193	0	15	68
Jan, 05	37	0	0	0	1	38	2	2	10
Feb, 05	24	2	0	0	2	28	1	3	11
March, 05	59	0	0	0	0	59	0	1	9
April, 05	105	0	0	0	1	106	0	1	11
May, 05	39	0	0	0	0	39	1	4	12
June, 05	55	2	0	0	0	57	1	0	7
<b>2005 all</b>	<b>506</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>520</b>	<b>5</b>	<b>26</b>	<b>128</b>
Jan, 06	42	0	0	0	0	42	0	2	7
Feb, 06	29	0	0	0	0	29	0	3	7
March, 06	40	0	0	0	0	40	0	2	15
April, 06	57	0	0	0	1	58	0	2	14
May, 06	31	0	0	0	1	32	0	2	10
June, 06	31	0	0	0	1	32	0	2	19
July, 06	31	2	0	0	0	33	1	7	26
Aug, 06	19	4	0	0	0	23	2	5	14
Sept, 06	50	0	0	0	0	50	0	0	14
Oct, 06	20	0	0	0	0	20	0	1	8
Nov, 06	7	0	0	57	0	64	0	0	6
Dec, 06	22	0	0	0	0	22	0	3	13
<b>2006 all</b>	<b>379</b>	<b>6</b>	<b>0</b>	<b>57</b>	<b>3</b>	<b>445</b>	<b>3</b>	<b>29</b>	<b>153</b>
Jan, 07	34	0	0	0	0	34	0	2	7
Feb, 07	39	0	0	0	3	42	0	2	2
March, 07	44	0	0	0	2	46	1	2	12
April, 07	37	0	0	0	1	38	5	4	8
May, 07	35	0	0	0	1	36	2	0	7
June, 07	32	0	1	12	0	45	1	1	14
July, 07	19	0	0	0	0	19	1	7	26
Aug, 07	24	0	0	0	1	25	3	5	14
Sept, 07	15	0	0	0	0	15	0	0	14
Oct, 07	22	2	0	8	0	32	2	1	8
Nov, 07	15	0	0	0	0	15	2	0	6
Dec, 07	3	2	0	40	0	45	2	3	13
<b>2007 all</b>	<b>319</b>	<b>4</b>	<b>1</b>	<b>60</b>	<b>8</b>	<b>392</b>	<b>19</b>	<b>27</b>	<b>131</b>
Jan, 08	18	0	0	0	0	18	1	4	6
Feb, 08	10	0	0	0	1	11	1	5	10
March, 08	24	0	0	0	1	25	1	1	3
April, 08	12	0	0	0	2	14	0	1	12
May, 08	12	0	0	0	1	13	2	4	12
June, 08	12	0	0	0	1	13	2	2	18
July, 08	3	4	0	0	0	7	0	0	12
Aug, 08	12	2	0	0	0	14	0	3	8
Sept, 08	18	0	0	0	0	18	0	0	11
Oct, 08	5	2	0	44	0	51	0	10	14
Nov, 08	8	0	0	0	0	8	1	2	7
Dec, 08	2	0	0	0	0	2	0	2	6
<b>2008 all</b>	<b>136</b>	<b>8</b>	<b>0</b>	<b>44</b>	<b>6</b>	<b>194</b>	<b>8</b>	<b>34</b>	<b>119</b>

NSFR = new single-family residential

MH-Lot = Manufactured Home on lot

NCOM= New commercial

CALTREP = Commercial alterations/repairs

**City of Albany Building Permits 2005 - 2009**

<b>MONTH</b>	<b>NSFR</b>	<b>Duplex 3-4 units</b>	<b>Multi-fam</b>	<b>MH-Lot</b>	<b>TOTAL</b>	<b>MH-Park</b>	<b>NCOM</b>	<b>CALTREP</b>	
Jan, 09	1	0	0	0	0	1	0	2	9
Feb, 09	4	0	0	0	1	5	0	0	7
March, 09	3	0	0	0	0	3	1	0	10
April, 09	5	2	0	0	0	7	0	1	11
May, 09	9	0	0	0	0	9	2	1	18
June, 09	27	0	0	0	1	28	1	2	22
July, 09	8	2	0	0	0	10	0	1	8
Aug, 09	11	0	0	0	0	11	1	1	4
Sept, 09	8	0	0	0	0	8	1	0	13
Oct, 09	21	0	0	0	0	21	0	1	10
Nov, 09	16	0	0	0	0	16	0	1	9
Dec, 09									
<b>2009 to da</b>	<b>113</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>119</b>	<b>6</b>	<b>10</b>	<b>121</b>

**SUMMARY TABLE**

<b>YEAR</b>	<b>NSFR</b>	<b>Duplex 3-4 units</b>	<b>Multi-fam</b>	<b>MH-Lot</b>	<b>TOTAL</b>	<b>NCOM</b>	<b>CALTREP</b>		
2005	506	10	0	0	4	520	26	128	
2006	379	6	0	57	3	445	29	153	
2007	319	4	1	60	8	392	27	131	
2008	136	8	0	44	6	194	49.5% of 2007	34	119
2009	113	4	0	0	2	119	30.4% of 2007	9	112

NSFR = new single-family residential  
 MH-Lot = Manufactured Home on lot  
 NCOM= New commercial  
 CALTREP = Commercial alterations/repairs

**City of Albany Land Use Approvals  
Uncompleted that were approved 2006-2008**

<b>Application Type</b>	<b>Approval Date</b>	<b>Expiration Date</b>	<b>PC Proposed Extension</b>	<b>Notes:</b>
<u>Conditional Uses</u>				
CU-01-07	06/29/2007	06/29/2010	06/30/2011	YMCA
CU-03-07	05/22/2007	05/22/2010	06/30/2011	68,000 sf Waverly Assisted living, 2853 Salem Ave
CU-08/SD-09-07	11/09/2007	11/09/2010	06/30/2011	3rd Ave SE, 6 new attached s-f units in CB
<u>Site Plan Review</u>				
SP-66-07	05/19/2008	05/19/2011	06/30/2011	7,617 sf retail/office on Pacific Blvd
SP-31-08	10/20/2009	10/20/2011	n/a	120,000 sf industrial warehouse s. of 34th
SP-12-08	11/17/2008	11/17/2011	n/a	Smart Centers, 4212 Santiam Highway
SP-08-08	12/27/2008	12/27/2011	n/a	two retail buildings on Pacific Blvd
<u>Planned Developments</u>				
PD-02-07	11/21/2008	11/21/2011	n/a	Brighton Place - attached units in PD on Davidson
<u>Land Divisions</u>				
<b>2006</b> (approved more than a year b/4 beginning of recession, 1/1/08)				
SD-14-05	01/30/2006	01/30/2011	n/a	<b>Phased subdivision</b> , 429 lots. Henshaw Farms
PA-12-06	09/26/2006	09/26/2009	n/a	2 lots, expired, new owner.
SD-09-06	12/01/2006	12/01/2009	n/a	47-lots. Expired. New application expected
<b>2007</b>				
SD-17-06	03/14/2007	n/a	n/a	22 lots @ 2267-2309 Scenic Dr. "substantial construction" on site, will not expire
PA-13-07	10/17/2007	10/17/2010	06/30/2011	2 lots
SD-01-07	05/07/2007	05/07/2012	n/a	<b>Phased subdivision</b> , 183 lots, Phase 1 platted, 2 more phases (North Creek in N. Albany)
SD-02-07	07/18/2007	07/18/2010	06/30/2011	9 lots, 2120 Perfect Lane SW
<b>2008</b>				
PA-09-07	02/29/2008	02/29/2011	06/30/2011	2 lots.
SD-06-07	02/20/2008	02/20/2011	06/30/2011	7 lots, 2652 Gibson Hill Rd NW (Echo Place)
PA-19-07	03/04/2008	03/04/2011	06/30/2011	2 lots.
SD-01-08	09/24/2008	09/24/2011	n/a	6 lots, 2669 Gibson Hill Rd NW (Lot 5 of Hidden Meadows)
SD-05-07	11/26/2008	11/26/2011	n/a	78 lots, e. side of N Albany Rd (Thornton Lake Ests)
SD-07-07	12/19/2008	12/19/2011	n/a	11 lots, s. side Maier Ln, e. of Skyline (Fabian Ests)

**Catlin, Anne**

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**From:** John O'Neil [johno@metlandgroup.com]  
**Sent:** Wednesday, January 06, 2010 9:34 AM  
**To:** Catlin, Anne  
**Subject:** FW: Plat Extension Correspondence  
**Attachments:** 10.22.09 Letter to Albany re Plat Ext.pdf

Hi Anne,

I just wanted to resend this email and attached correspondence to be submitted to the City Council for their consideration at their January 13th meeting.

Please call me to discuss when you have a moment.

Thanks,

John

John O'Neil  
 Metropolitan Land Group, LLC  
 17933 NW Evergreen Parkway, Suite 300 • Beaverton, OR 97006  
 V 503-597-7100 F 503-597-7149 C 503-709-5471  
[JohnO@MetLandGroup.com](mailto:JohnO@MetLandGroup.com)

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

----- Forwarded Message -

**From:** John O'Neil <[johno@metlandgroup.com](mailto:johno@metlandgroup.com)>  
**Date:** Thu, 22 Oct 2009 10:54:23 -0700  
**To:** "Donovan, Don" <[don.donovan@cityofalbany.net](mailto:don.donovan@cityofalbany.net)>  
**Cc:** Mark Crandall <[mark@crandallgroup.com](mailto:mark@crandallgroup.com)>  
**Conversation:** Plat Extension Correspondence  
**Subject:** Plat Extension Correspondence

Hi Don,

Please see attached letter re plat extensions. Thanks for including this with your staff report to the Planning Commission.

Also, I would appreciate it if you could let me know the PC's and City Council's plans to address this issue.

Let me know if you have any questions and thanks again for your assistance.

John

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----- End of Forwarded Message

October 22, 2009

**VIA E-MAIL**

Mr. Don Donovan  
Planning Manager  
City of Albany  
333 Broadalbin Street SW  
Albany, OR 97321

**Re: Plat Extension Request for the approved Subdivision Plat for the property at 6150 Columbus Street SE, Albany, OR**

Dear Mr. Donovan:

We appreciate the opportunity to comment on the upcoming work by both the Planning Commission and City Council to address the pressing need to provide extensions on approved subdivision plats due to the housing and general economic recession we are continuing to experience. As my letter will explain, the importance of implementing an extension process not only is for the benefit of individual property owners, but also for the City's future housing needs and those working to provide it.

Tri-County Investments owns the property located at 6150 Columbus Street SE in Albany. The property consists of approximately 179 acres, of which approximately 105 acres are located within the Urban Growth Boundary ("UGB"). Albany voters annexed the area within the UGB in 2005 and the City of Albany approved a subdivision plat for 429 residential single-family lots and 22.8 acres of open space in January of 2006 (see attached Notice of Decision). The plat approval expires in January of 2011.

The previous owners of the property shepherded the property through the annexation process and obtained the existing plat approvals but had not yet obtained wetland concurrence from the Department of State Lands ("DSL") – one of the final remaining hurdles before they could start building their approved subdivision. While in the process of pursuing DSL concurrence, the previous owners experienced financial difficulties which forced them to transfer the property under distressed circumstances. Tri-County purchased the property in December of 2007.

As I am sure you are aware, over the past two years the homebuilding industry has experienced economic hardship on an unprecedented scale. While the global financial crisis tightens credit markets and banks curtail lending, the homebuilding industry is also confronted by severe consumer angst over their economic future. This all adds up to very few new sales and even fewer additional housing starts. The ripple effect is a glut of buildable lots, un-built plats, and a consumer supply of housing not seen since the housing recession of the 1980's.

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City of Albany Planning Department

Furthermore, the State of Oregon has slid into a recession based on a number of national and local factors. The combined effect of these conditions are stark. According to the State of Oregon Employment Department, Oregon lost over 11,000 construction jobs related to development over the past 2 years. This does not include the thousands of other workers in the financial, planning, engineering and support services industries that have also lost their jobs. Many of the larger homebuilding companies (who employed hundreds and contracted for services with thousands) have filed for bankruptcy. This doesn't even recognize the dozens of small-scale homebuilders who have closed their doors but do not show up in unemployment figures or the newspaper. Clearly, the impacts have been felt by all families – in Albany as well across the state and nation.

We are currently working through the concurrence process mentioned above with DSL. To date, we have not been able to reach an agreement with DSL as to the extent of resources that exist on our property, but we are optimistic that we can reach an agreement soon that will remove this remaining regulatory hurdle and allow us to build the approved subdivision.

But even if we were able to proceed with a concurrence from DSL, we would not start the construction of the approved subdivision at this point in time. There is simply not enough market strength on either the funding or consumer sides to justify the significant upfront development costs today or in the foreseeable future. We believe that it would be neither financially feasible nor responsible to move forward without stable financing and demand in place. We believe that it will be 18 to 24 months before the market returns to a state where projects of this size are financially viable and that homebuilding activity returns to even a level close to where it was in 2005-06 when this project was originally approved.

The purpose of this letter is to explain the dire state of the homebuilding industry and request that the City of Albany take action to put in place a mechanism to extend existing subdivision plat approvals. This will not only have the effect of preserving for a finite period of time the ability to develop a project that was approved by the City without incurring additional costs to unnecessarily go through the review process a second time, but will also ensure that the City of Albany will realize the development that it has planned – in our case under the South Albany Area Plan. Otherwise, without this assistance many projects will remain undeveloped or unnecessarily delayed due to the uncertainty and added cost of having to go through the application process again. This will only further exacerbate an already difficult economic environment. Unfortunately, our project is but one of many facing this very situation.

Several approaches can be taken to address this situation. First of all, we understand that any solution will only be a temporary solution. Any plat extension program will only need to be in place to bridge the gap from now until the market recovers over the next few years.

Second, I understand that staff has already formulated a proposed set of criteria and extension periods for the City to consider, but from an industry perspective we would suggest that any extension program include: 1) enough time to realistically allow for the market to return to healthy state in which projects become financially viable again from a financing and demand standpoint; and 2) no additional fees – this would work against the very result this process seeks to achieve, financial viability.

The homebuilding industry has successfully worked with many other jurisdictions throughout the state to adopt plat extensions during these difficult economic times. We are confident that Albany can adopt a system for extensions that not only provides assistance to an industry in

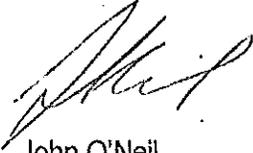
October 22, 2009

need but also meets the City's long-term objectives of providing well-planned housing that meets the standards of its development code.

In the case of our project, due to its size and phasing required, we would request an extension of five years beyond our January 2011 expiration date to allow us to develop our site and work through the approved residential lots in a healthier housing environment than exists today.

We appreciate your consideration of our request and look forward to working with you and the City of Albany to address this issue moving forward. Please include this letter with the appropriate Staff Report to the Planning Commission for their review.

Sincerely,



John O'Neil

Tri-County Investments  
*an affiliate of Metropolitan Land Group*

Enclosure

## ARTICLE 1 ADMINISTRATION AND PROCEDURES

1.000 Overview. This Article establishes the framework for the review of land use applications. It explains the processes the City follows for different types of reviews and how hearings and appeals are conducted. The list below is a summary of the topics covered in this chapter.

- General Administration
- Clarification of Land Use Decisions
- Administrative Process
- Limited Land Use Process
- Quasi-Judicial Process
- Legislative Process

These headings precede subtopics that can ~~assist-help~~ the user in ~~locateing~~ locating information. The table of contents contains a complete listing of the material covered in this Article.

### GENERAL ADMINISTRATION

#### INTRODUCTION

1.010 Official Name. The official name of this Title is "Title 20, Development Code and Zoning Map." It may be referred to as "Development Code" or "Code."

1.020 Purpose. The general purpose of this Code is to set forth and coordinate City regulations governing the development and use of land. The Code is more specifically intended to do the following:

- (1) Serve as the principal vehicle for implementation of the City's Comprehensive Plan in a manner that protects the health, safety, and welfare of the citizens of Albany.
- (2) Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.
- (3) Facilitate prompt review of development proposals and the application of clear and specific standards.
- (4) Provide for public information, review, and comment on development proposals that may have a significant impact on the community.
- (5) Guide public and private planning policies and actions to ensure provision of adequate water, sewage, transportation, drainage, parks, open space and other public facilities and services for each development.
- (6) Establish procedures and standards requiring that the design of site improvements and building improvements ~~are~~ consistent with applicable standards and ~~flexible-design~~ guidelines.
- (7) Provide for review and approval of the relationship between land uses and traffic circulation in order to minimize congestion, with particular emphasis on not exceeding the planned capacity of residential streets.

- (8) Require that permitted uses and development designs provide reasonable protection from fire, flood, landslide, erosion, or other natural hazards, as well as prevent the spread of blight, and aid ~~in the help~~ prevention of crime.
- (9) Protect and enhance the city's aesthetic beauty and character.
- (10) Protect constitutional property rights, provide due process of law, and give consideration in all matters to affected property owner interests in making land use decisions.

1.025 Legislative Intent. In addition to the purposes set forth above, subsequent amendments to this Code may be accompanied by staff reports, ~~commentary sections,~~ and/or additional findings, which may be used to more accurately determine the purpose and legislative intent of specific provisions.

1.030 Scope and Compliance. A parcel of land or a structure may be used or developed only as this Code permits. The requirements of this Code apply to the property owner(s), the person(s) undertaking a development, the user(s) of a development, and to their successors in interest.

1.035 Severability. The provisions of this Code are severable. If any portion of this Code is declared by a court of law to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions.

1.040 Interpretation.

- (1) Except as otherwise specified, the definitions included in Article 22 shall be used to interpret the provisions of this Code.
- (2) The Director shall have the initial authority and responsibility to interpret all terms, provisions, and requirements of this ordinance. For quasi-judicial interpretations, the Type II procedure set forth in Section 1.350 shall be followed. For legislative interpretations, Type IV procedures as set forth in Section 1.370 shall be followed. A person requesting such an interpretation shall do so in writing to the Director.
- (3) The terms of this ordinance shall be liberally construed to give maximum effect to the purposes set forth in Section 1.020.
- (4) Where the conditions imposed by a provision of this Code are less restrictive than comparable conditions imposed by other provisions of this Code or other sections of the Albany Municipal Code, the more restrictive shall govern.

1.050 Consistency with Plan and Laws. Actions initiated under this Code shall be consistent with the adopted Comprehensive Plan of the City of Albany and with applicable state and federal laws and regulations as these plans, laws, and regulations may now or hereafter provide. Since the City of Albany has a Comprehensive Plan and implementing regulations that have been acknowledged by the State of Oregon as being in compliance with statewide goals, any action taken in conformance with this Code shall be deemed also in compliance with statewide goals and the Comprehensive Plan. Unless stated otherwise within this Code, specific findings demonstrating compliance with the Comprehensive Plan are not required for land use application approval. However, this provision shall not relieve the proponent of the burden of responding to allegations that the development action requested is inconsistent with one or more Comprehensive Plan policies.

1.060 When Land Use Applications Are Required.

- (1) Except as excluded by 1.070, no person shall engage in or cause to occur a development for which a **required** land use application has not been approved.
- (2) Whenever this Code requires a land use application, no other permit issued by the City shall be approved until the land use application has first been approved by the Director or **reviewing body**.
- (3) **Before another land use application can be filed for a site with a completed development, the site must be brought into compliance with all applicable outstanding conditions of approval from previous land use approvals.**
- (3)(4) Land use applications shall be approved by the Community Development Director, the Hearings Board, the Planning Commission, **the Landmarks Advisory Commission**, or the City Council pursuant to the provisions of this Code. The Director shall not approve a land use application for the division, improvement, or use of land that has been previously divided in violation of state or local codes or otherwise developed in violation of this Code unless the violation is corrected prior to or concurrent with issuance of required permits.
- (4)(5) No action may be taken in reliance upon a decision approving a land use application until all applicable appeal periods have expired or while an appeal to a City review body is pending. However, the action allowed by the decision may be initiated if:
  - (a) ~~There were no objections to the decision or if all objections~~ **Issues raised in opposing testimony** were resolved at a hearing or in writing prior to the hearing; and
  - (b) The applicant has executed a release and indemnity agreement in a form satisfactory to the City Attorney that protects the City from all claims of the applicant resulting from the approval of the land use application or issuance of a building permit.

*Staff Comments: The old 1.070(3) was confusing. The proposed new (3) and (4) clarify requirements for residential and non-residential accessory buildings. We propose that non-residential accessory buildings over 750 square feet in the OP and mixed use Village Center zones require a land use review to ensure compatibility with the surrounding neighborhood.*

1.070 When Land Use Applications Are Not Required. Activities and developments listed below ~~are excluded from the requirement for~~ **do not require** a land use application but are nevertheless subject to the provisions of the Code ~~when applicable~~:

- (1) Agricultural uses permitted outright in Articles 3, 4 and 5.
- (2) Detached single-family dwellings ~~or and~~ two-unit dwellings.
- (3) ~~Accessory buildings and building additions of less than 500 square feet that conform to the provisions of this Code and the adopted building code.~~
- (4)(3) **Residential accessory buildings up to 750 square feet and walls not greater than 11 feet tall. [See Section 3.080(9).]**
- (5)(4) **Non-residential accessory buildings of any size in the NC, CC, RC, IP, LI, HI and PB zones and Non-residential accessory buildings up to 750 square feet in the CB, HD, ES, LE, MS, MUC, MUR, NC, OP and WF zoning districts.**

- ~~(6)~~(5) Landscaping and routine property maintenance.
- ~~(7)~~(6) Improvement of **existing or new** parking areas containing less than 1,000 square feet and ~~otherwise~~**that meeting** the provisions of this Code.
- ~~(8)~~(7) A change internal to a building or other structure or useage of land that does not constitute a change of use as listed in Articles 3, 4 or 5.

*Staff Comments: The following text is being relocated to a new section, 1.073, since these actions require an application and review.*

- ~~(9)~~ Site Plan Review for a change in use within an existing structure when the following criteria are satisfied:

- ~~(a)~~ No structural expansion in excess of 500 feet or additional exterior storage is proposed. The use will not create additional adverse affects for abutting properties or the neighborhood (e.g. visual, noise, or air pollution; increased parking requirements; or improvements to public facilities.) Any non-conformities with the provisions of this Code have been addressed, including compliance with sign, landscaping, and parking requirements except where restricted by building location or limiting site characteristics.

- ~~(10)~~(8) An emergency measure necessary for the safety or protection of property when authorized by the City Manager with written notice to the City Council.
- ~~(11)~~(9) Any temporary use of land of up to a 30-day duration (such as a promotional event, festival, carnival, or outdoor sale) that conforms with all other requirements of this Code and other applicable City regulations, public health, and safety requirements, some of which may further limit such uses in terms of location, scope, and duration.
- ~~(12)~~(10) The establishment, construction, alteration, or maintenance of a public facility authorized by the Director of Public Works, including streets, highways, traffic control devices, drainage ways, sanitary and storm sewers, pump stations, water lines, electrical power or gas distribution lines, or telephone or television cable systems. This includes construction of staging areas of less than a six months' duration but does not include major substations, treatment facilities, storage tanks, reservoirs, and towers.
- ~~(13)~~(11) Excavation and fill for foundations and all other excavation or filling of land involving 50 cubic yards or less that does not adversely affect drainage patterns and is not located within a floodplain or slope area. See also Article 6.

**1.073 Change of Use and Minor Additions. These actions require a Site Plan Option C application to be submitted to ensure compliance with the Code. A change of use within an existing structure and/or building additions up to 500 square feet are not land use decisions when the following criteria are satisfied:**

- (b)(1) No structural expansions greater than 500 feet, additional exterior storage, or outside seating area of any size is proposed.**
- (c)(2) The use will not create additional adverse affects for abutting properties or the neighborhood (e.g., visual, noise, or air pollution; increased parking requirements; or improvements to public facilities.)**

**(d)(3) Any non-conformity with the provisions of this Code have been addressed brought into compliance to an extent commensurate with the proposed changes, including compliance with sign, landscaping, and parking requirements, except when restricted by building location or limiting site characteristics.**

1.075 **Fees.** The City Council shall establish application, review fees, and fee policies by separate resolution for the performance of the actions and reviews required by this Code.

*Staff Comments and Findings: Until 2001, land use approvals, excluding land divisions, were valid for one year. The ADC allowed requests for up to two one-year extensions for a total of three years. In 2001, the City extended the time period of approvals to three years and removed the extension request language. No changes were made to phased subdivisions, which expire after 5 years if all phases are not platted. Two residential developers have requested the City consider allowing an extension to subdivision approvals due to the poor economy – one for phased subdivisions. We took this opportunity to evaluate extensions to all land use approvals.*

*Economic Findings: Oregon's recession started in January 2008. Several sources indicate the national recession ended in the third quarter of 2009, but job growth and construction are lagging behind in recovery. Housing and financial markets are still exerting downward pressure on the national and state economies.<sup>1</sup> According to the September 2009 Oregon Economic and Revenue Forecast, prepared by the Oregon Office of Economic Analysis, the construction and manufacturing jobs are especially hard hit. As of June 2009, the construction industry had experienced job losses of 22 percent in Linn County.<sup>2</sup> The quarterly report notes that "housing starts will remain below their historical average until 2013 as the industry continues to work off its excess oversupply and consumer demand returns."<sup>3</sup>*

*Albany's construction permits reflect the state's decline. In 2008, the number of new residential building permits was only 50% of permits issued (194 units) in 2007 (392 units). Through November 2009, both new residential and commercial building permits are down from 2008: 119 new residential units and 10 commercial. (See Attachment 1, City of Albany Building Permits 2005-2009.)*

*Extensions to land use approvals in other Oregon communities range from none to 7 years.*

*Proposal: The City Council discussed extensions to land use approvals at their August 12 and August 26, 2009 meetings after hearing from two developers, a few residents, and staff. The Council acknowledged the impact of the recession on the housing and construction industry and gave direction to consider a one-time extension to land use approvals issued between specific time periods.*

*The Planning Commission recommended that land use approvals issued between January 1, 2007 and June 30, 2008 be extended to June 30, 2011. This would result in extensions ranging from 0 to 18 months and would apply to four projects, two subdivisions and three partitions.*

*Another change proposed in this section is to replace the "substantial construction" language and definition (seen in "strikethrough" in 1(c)) with concrete actions that will be easier for staff to evaluate.*

1.080 **Expiration of Land Use Approvals.**

<sup>1</sup> Oregon Office of Economic Analysis, Oregon Economic and Revenue Forecast, September, 2009, p.42.

<sup>2</sup> Ibid., p. 37.

<sup>3</sup> Ibid., p.49.

- (1) ~~Except as provided in (2) below, a~~**All land use approvals, except as provided in (2) below and land divisions (see Article 11), shall expire three years from the date of the approval, unless:**
- (a) **The applicant has installed and/or bonded for all public improvements related to the development – or the first phase, if the development was approved for phased construction; or**
  - (b) **A valid building permit exists for the approved development or for at least one building approved as part of the development; or**
  - (c) **If the final decision became effective between January 1, 2007, and June 30, 2008, any approval that would expire prior to June 30, 2011, will be extended to June 30, 2011. Either (a) or (b) of this section must be completed by the extended approval time period, or the approval expires. “substantial construction” of the project has been accomplished within that time. Substantial construction is defined in the “Definitions” section of this Code as “Any physical improvement of a property, the cost of which equals or exceeds fifty percent of the fair market value of the property before the improvement was started.”**

~~If substantial construction has been accomplished, development may continue to completion without a limit on the time allowed. The Development Code standards for development within these time periods are those in effect at the time the original approval was granted.~~

[Ord. 5475, 4/11/01]

- (2) **Expiration of Historic Review Approvals.**
- (a) **Historic Review approvals not associated with a building permit shall expire one year from the date of approval; or**
  - (b) **Historic Review approvals associated with an approved building permit shall expire upon the expiration of the building permit.**
  - (c) **Expiration of a Historic Review approval shall require reapplication and payment of all application fees plus an administrative fee equal to the application fee. Applications that are the same as originally approved will be processed administratively.**

[Ord.5720, 8/12/09]

- 1.085 Approval Runs with the Land. Approval of a land use decision runs with the land. The approval transfers to a new owner if the property is sold. [Ord. 5475, 4/11/01]
- 1.090 Official Action. All officials, departments, and employees of the City vested with authority to issue permits, certificates, or licenses shall adhere to and require conformance with the zoning regulations.
- 1.100 Certificate of Occupancy. It shall be unlawful to use or occupy any new building or premises until a certificate of occupancy has been issued by the ~~designated~~ Building Official stating that the proposed use of the building or land conforms to the requirements of the adopted building code, this ordinance, and any other City conditions attached to the development or use of the building or land.

## ENFORCEMENT

1.110 Inspections. The Director or designee may make periodic and routine inspections of properties and premises within the corporate limits of Albany. The purpose of these inspections shall be to determine whether there is compliance with the laws, rules, and regulations ~~that are designed to for the protection~~ of the health, safety, and welfare of the public. The Director is also empowered to make such inspections upon ~~the receiving of~~ complaints, specific or general information, or observations indicating the existence of hazardous conditions or non-compliance with such rules, regulations, and laws. ~~In the event that~~ If any authorized officer or employee of the City of Albany ~~is shall be denied~~ access to any property or premises for the purposes of making an inspection provided for in this ordinance, then ~~the such~~ officer or employee shall not inspect ~~the such~~ premises unless and until he has obtained from the City's municipal judge ~~of the City of Albany~~ a search warrant for the inspection of ~~such these~~ premises.

1.120 Search Warrants. A search warrant for inspections can only be issued under the terms of this ordinance when an affidavit has been filed with the City's municipal court showing probable cause for the inspection by stating:

- (1) The purpose and extent of the proposed inspection;
- (2) The ordinance or ordinances that form the basis for the inspection; and;
- (3) Whether it is a routine or periodic inspection, an inspection initiated by complaint, other specific or general information, or an observation concerning the property or premises or the area in which it is situated.

It shall be unlawful for any person, firm, or corporation to hinder, delay, or obstruct the inspection of premises based on a search warrant issued under the terms of this ordinance.

1.130 Abatement. The location, erection, construction, maintenance, repair, alteration or use of a building or other structure in violation of this ordinance shall be deemed a nuisance and may be abated as such.

1.140 Code Enforcement. The Director or designee may enforce the provisions of this ordinance using the remedies provided in Sections 1.110 through 1.190 herein and in Title 18 of the Albany Municipal Code. The enactment of this ordinance shall not invalidate any prior, existing, or future prosecutions for violation of the Development Code regulations committed under a previous ordinance. [Ord. 5720, 8/12/09]

1.150 Legal Proceedings by City Attorney. In addition to the remedies prescribed herein, the City Attorney, upon request from the City Council or City Manager, shall cause to be instituted any civil action, suit, or other legal means considered ~~to be~~ appropriate to remedy violations of this ordinance.

1.160 Suits in Equity to Enjoin Violations. If any existing or proposed structure or use ~~is in violation~~ of this Code, the City Attorney or any affected person may sue to enjoin the violation.

1.170 Enforcement by Chief of Police. The Chief of Police or his ~~or her~~ designee(s) shall have the power to ~~help~~ assist in the enforcement of the provisions of this ordinance.

1.180 Penalty. In addition to the remedies set forth above, the general penalties and procedures set forth in Chapter 1.04 of the Albany Municipal Code apply to any and all violations of this Development Code.

The City may, ~~at its option,~~ elect to pursue such procedure ~~instead~~ **Heu-**of or in addition to any other remedy set forth above.

- 1.190 Violation of a Land Use Approval. Violation of any condition or requirement of any land use approval constitutes a civil infraction when ~~such that~~ violation does not, in and of itself, constitute a separate violation of the Albany Municipal Code.

## APPLICATION PROCEDURES

### 1.200 Land Use Application Procedures.

- (1) A land use application shall be processed under a Type I, I-L, II, III, or IV procedure, as described in this Article.
- (2) ~~Whenre~~ there is a question as to the appropriate type of procedure, the Director shall determine the type of procedure to be ~~used~~**utilized** based upon the most similar land use application procedure specified by this Code or other established policy.
- (3) ~~Whenre~~ a proposal involves more than one application for the same property, the applicant(s) may submit concurrent applications that shall be processed simultaneously in accordance with the highest numbered procedure specified. When concurrent applications are received and accepted as complete, the 120-day requirement of Section 1.220(2) shall apply as if a single application had been made.

- 1.201 Coordination of Land Use Application Procedure. The Director shall be responsible for coordinating ~~gen~~ of the land use application and decision-making procedure. The Director shall issue a land use approval for applications and proposed developments that ~~are in compliance~~**comply** with the provisions of this Code. Before issuing the approval, the Director shall be provided with the information required to determine full compliance with the requirements of this Code.

- 1.202 Preapplication Conference. The Director and the applicant or the applicant's authorized representative shall arrange a preapplication conference, unless the applicant and Director agree that the conference is not needed. The purpose of the conference is to acquaint the applicant with the substantive and procedural requirements of this Code, and to identify any constraints on the proposed development. Depending on the nature and size of the proposed development, a rough sketch conceptual plan may be required for review in the preapplication conference. Upon the ~~applicant's request of the applicant,~~ **applicant's** request, the Director shall provide the applicant with a written summary of the conference including confirmation of the procedures to be used to process the application, a list of materials to be submitted, and the criteria and standards which may apply to the approval of the application.

*Staff Comments: A few residents have asked that we require a neighborhood meeting to be held with each new application, or new version of an application. The Code language requires a neighborhood meeting to be held when new applications are received. The Director has discretion to require a neighborhood meeting. Staff proposes adding guidelines for the neighborhood meeting including a defined notice area of 300 feet, which corresponds to the land use application notice area, and neighborhood meeting standards used by a few other Oregon cities.*

- 1.203 Neighborhood Meeting. The purpose of a neighborhood meeting is to ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications. It

is intended to encourage applicants to be good neighbors. City staff will attend the neighborhood meeting in an advisory capacity to answer questions.

The applicant shall hold a neighborhood meeting ~~prior to submittal of~~ **before submitting** the following types of **land use** applications:

- (1) Multiple-family development that abuts a single-family zoning district.
- (2) Commercial ~~and or~~ industrial development that abuts any residential zoning district **and the addition of outside seating areas to restaurants or bars/taverns/breweries/night clubs within 300 feet of a residence.**
- (3) Manufactured home park **adjacent to any residential zoning district.**
- (4) Subdivision with more than ten lots.
- (5) Any subdivision that is an infill development.
- (6) **Cluster and planned development of any size.**

~~(6)~~(7) For other applications or revisions to applications that the Director determines may have a neighborhood impact, such as conditional uses. In these cases, the Director shall determine the minimum notice area for the neighborhood meeting, ~~the City recommends that the applicant have a neighborhood meeting.~~ [Ord.5445, 4/12/00, Ord. 5562, 10/10/03]

**1.204 Neighborhood Meeting Standards.**

- (1) The applicant shall send mailed notice of the public meeting to all property owners and residents within 300 feet of the boundaries of the subject property, and, if any part of the subject property is within the boundaries of a neighborhood association recognized by the City of Albany or within 300 feet of any other neighborhood association recognized by the City, notice shall be sent to the designated representative(s) of such neighborhood association(s). The property owner list shall be compiled from county tax assessor's property owner list from the most recent property tax assessment roll. The address for the designated representative(s) of the affected neighborhood association(s) shall be obtained from the City. The notice shall be sent a minimum of 10 days and no more than 30 days before the meeting, and shall include:
  - (a) Date, time and location of the public meeting.
  - (b) A brief written description of the development proposal and proposed use(s) with enough specificity so that the project is easily discernable.
  - (c) The location of the subject property(ies), including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessors map) that depicts the subject property.
- (2) The applicant's presentation at the neighborhood meeting shall include:
  - (a) A map depicting the location of the subject property(ies) proposed for development.
  - (b) A visual description of the project including a site plan, tentative subdivision plan and elevation drawings of any proposed structures, when applicable.

- (c) A description of the nature of the proposed use(s) including but not limited to, sizes and heights of structures, proposed lot sizes, density, etc.
- (d) The expected or anticipated impacts from the proposed development (e.g. traffic, storm drainage, tree removal, etc.).
- (e) Mitigation proposed by the applicant to alleviate the expected/anticipated impacts.
- (f) An opportunity for the public to provide comments.

Applicants are encouraged to reconcile as many public concerns as possible before submitting land use application(s).

1.207 Application Contents. A land use application shall consist of the following:

- (1) Explanation of intent, nature and proposed use(s) of the development, pertinent background information, and other information that may have a bearing in determining the action to be taken, including ~~submission of detailed findings where such are when~~ required by the provisions of this Code.
- (2) Signed statement ~~indicating~~ that the property affected by the application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.
- (3) Property description and assessor map parcel number(s).
- (4) Additional information required by other sections of this Code because of the type of ~~development~~ proposal or the area involved.
- (5) Duplicates of the above information as required by the Director.
- (6) ~~Submission of a~~ Application fees as established by the City Council.
- (7) A report documenting the results of any neighborhood meeting. The report shall contain:
  - (a) The dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
  - (b) The method(s) by which each meeting was publicized;
  - (c) The number of people who attended the meeting or otherwise contacted the applicant;
  - (d) A summary of the concerns, issues, and problems raised by neighbors;
  - (e) A discussion of how the applicant has addressed or intends to address concerns, issues, and problems; and
  - (f) A discussion of any concerns, issues, and problems the applicant is unable or unwilling to address and why. [Ord. 5445, 4/12/00]

1.210 Submission of Quasi-Judicial Land Use Applications.

- (1) Application materials shall be submitted to the Director who shall have the ~~submittal date of submission~~ **submittal date** indicated on each copy of the materials ~~submitted~~.
- (2) Within 30 calendar days, the Director shall determine whether the application is complete. The Director shall notify the applicant ~~when~~ **if** the application is found to be incomplete and identify what additional information is needed. An application that has been determined to be incomplete may be supplemented, amended, or resubmitted at the Director's discretion. **The application will**

be deemed complete the date the City receives the missing information; or submits some of the missing information and written notice that no other information will be provided; or written notice from the applicant that none of the missing information will be provided. If the application is not deemed complete by the 181st day from the application first being submitted, the application is void. (See Oregon Revised Statutes 227.178.) ~~The application shall be subject to another 30 calendar day completeness check beginning on the date additional information is submitted. If the applicant declines to submit the additional information, the application will be deemed complete on the 31st day after the application was first received.~~ [Ord. 5475, 4/11/01]

- (3) The Director shall set ~~the date of public hearing(s)~~ **dates** for land use applications requiring a ~~public hearing~~**them**. When setting hearing dates, the Director may take into consideration the complexity of the development proposal, other scheduled agenda items, and adequate review and preparation time for the staff report.
- (4) All documents or evidence relied upon by the applicant shall be submitted to the Planning Division and made available to the public at least 20 days ~~prior to~~**before** the evidentiary public hearing (or 10 days before the first evidentiary public hearing if two or more evidentiary public hearings are allowed). Any staff report used at the hearing shall be available at least seven days prior to the hearing.

If additional documents or evidence are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond.

- (5) Upon request, the application file shall be made available to the public for inspection at no cost, and copies ~~will be provided~~ at reasonable cost. [Ord. 5446, 5/10/00]

1.215 Referral and Review of Quasi-Judicial Land Use Applications. Upon acceptance of an application, the Director shall do the following:

- (1) Send one copy of the project review sheet to each agency and city department ~~identified by the Director~~ **identifies** as having possible interest in reviewing and commenting on the development proposal, including those agencies and departments responsible for determining compliance with state and federal requirements. If the agency or city department does not comment within 10 days from the date the Director mails or routes the project review sheet, the agency or city department is presumed to have no comments or objections. The Director may grant an extension of up to 14 days to a reviewing department or agency if the application involves unusual circumstances.
- (2) Send the project review sheet to other governmental bodies and private utilities as appropriate.
- (3) Provide for notices to be given and hearings to be established as required under Type I-L, II, III, and IV procedures established in this Article. [Ord. 5446, 5/10/00]

1.220 Land Use Decision for Quasi-Judicial Applications.

- (1) Within five days of final action on a land use application, the Director shall provide written notice of the decision to the applicant and any other parties entitled to notice. The notice shall state the effective date of the decision, describe the right of appeal, and summarize the reasons for the decision and any conditions of approval or indicate where such can be reviewed in detail.

- (2) The City shall take final action on all land use requests that are wholly within the authority and control of the City within 120 days from the date the application is deemed complete. However, by agreement with the applicant, this deadline may be extended for any reasonable length of time, **not to exceed the maximum allowed by state law**. The 120-day period set out in Oregon Revised Statutes (ORS) 227.178, does not apply to an amendment to an acknowledged comprehensive plan or land use regulation or adoption of a new land use regulation that was forwarded to the Director of the Department of Land Conservation and Development under ORS 197.610 (for legislative amendments).
- (3) Development shall be completed as shown on the plans that were reviewed and approved through the land use process, subject to any modifications identified in the conditions of approval. Modifications to site plans and conditional uses may be made as described in ADC 1.226. [Ord. 5446, 5/10/00; Ord. 5475, 4/11/01]

1.225 Action on Resubmission of Denied Quasi-Judicial Application. An applicant may make appropriate alterations to a proposal that has previously been denied and resubmit it with a payment of any required fee. If a previously denied application is resubmitted within one year of the date denied, recommendations of advisory bodies, departments, and agencies need not be requested again unless the Director finds that changed conditions or changes in the proposal warrant such reconsideration. [Ord. 5446, 5/10/00]

*Staff Comments: Some content is being relocated within ADC 1.226 to make this section clearer. We propose adding language to further clarify when modifications to approved site plans will be considered and when new applications will be required:*

- a) Clarify that only the area proposed to be modified on approved plans will be reviewed; and*
- b) Distinguish when a new application is required.*

1.226 Modification of Approved Site Plan Reviews and Conditional Uses Applications. When a ~~site plan review or conditional use review results in an approved site plan, with or without conditions, and the~~ property owner wants to make changes to the approved plans **and the approval has not expired**, the following procedures shall be used to review the proposed modifications.

- (1) Definitions: When "property owner" is used here, it means the property owner, or the property owner's authorized agent. When "site plan" is used here, it means the site plan approved through either a site plan review or a review of a conditional use.
- (2) The property owner must submit ~~to the Planning Division~~ an application to modify the approved site plan **that identifies the areas of the plan or approval proposed to be modified. The application fee will be determined by the Director and will be based on the scope of the modification(s) and review.**
- (3) The review body shall be the same ~~body~~ **one** that granted the final approval for which modification is sought. **The same procedures shall be used as for the original approval. The Development Code regulations in effect at the time the application for modification is submitted will be used to review the proposed modification(s).**
- (4) **Only the area proposed to be modified will be reviewed.**
- (5) **A modification shall not be filed:**
  - (a) as a substitute for an appeal, or

- (b) to seek the reduction or elimination of a condition of approval for infrastructure requirements, or
- (c) to provide a new timeline for appealing a previously-accepted infrastructure obligation, or
- (d) to apply for a substantially new proposal, or
- (e) if it would have significant additional impacts on surrounding properties.

If any of the above conditions exist, a new application must be submitted.

- (6) The modified plan must compensate for any negative effects caused by the requested changes from approved plans such that the intent of the original approval is still met.

~~(4)~~(7) The modification(s) shall be "consistent with" the approved site plan. If the review body determines that the modified site plan meets the standards in 1.226 (6) and is consistent with the original approval as outlined in 1.226 (8), a modification to the site plan may be allowed. If the modified site plan is consistent with the approved site plan and meets the review criteria specified in ~~1.226(6)~~ below **this section**, the modified plan shall be approved. If the review body determines that the modified site plan is not consistent with the original approval, then approval of the site plan will be denied. If a new application is submitted, it will be subject to the Development Code standards in effect at the time the new application is submitted.

- ~~(5)~~(8) The review body's determination on consistency by ~~the review body~~ shall be based on a comparison of the approved site plan and the modified site plan, taking into account:

- (a) The land use category;
- (b) The size and scale of the proposed building(s);
- (c) ~~The~~ **Traffic and other off-site** impacts;
- (d) Compatibility with surrounding development;
- (e) Capacity of available infrastructure; and
- (f) Unusual obstacles and opportunities associated with the property.

The modified site plan will be found to be consistent with the approved site plan if the review body determines that there are no greater adverse impacts, or, if additional adverse impacts are identified, they have been adequately mitigated.

- ~~(6)~~ The review body shall use the same procedure and review criteria as that used for the original approval. The Development Code regulations in effect at the time the application for the approved site plan was submitted are the regulations that will be used to review the proposed modification(s).

- ~~(7)~~ The entire site plan will be reviewed at the time the modified site plan is reviewed.

- ~~(8)~~(9) Conditions of approval:

- ~~(a)~~ The application to approve a modified site plan will be denied if an applicant seeks to modify a prior land use decision merely to seek the reduction or elimination of a condition of approval, unless the applicant proposes an equivalent reduction in the scope, size, or scale of the part of the development that led to the condition of approval.
- ~~(b)~~(a) When reviewing a modified site plan that has different impacts than the approved site plan, the decision-maker may modify conditions or impose new ones. Only conditions related to the impact of the modified site plan may be imposed on the modified site plan

approval. "Impact" means characteristics of the development such as traffic, wastewater discharge, noise, etc.

~~(e)~~**(b)** ~~The review of the modified site plan shall not be used to allow an application to escape prior infrastructure commitments. A modification cannot be used to provide a new timeline for appealing a previously accepted infrastructure obligation. The original conditions of approval imposed for the approved site plan may remain in effect or be increased as necessary to address additional impact. Conditions related to improving existing infrastructure or building new infrastructure (such as streets, sewers, etc.) may be reduced only if the modification substantially reduces the infrastructure burden created by the development.~~

~~(9)~~**(10)** The property owner may choose to either accept approval of the modified site plan or to retain the original approval. If the property owner accepts approval of the modified site plan and any conditions that may be imposed, the property owner must give **written** notice to the Planning Division. ~~Notice must be received by the Planning Division within 10 days of the date on the notice of decision for approval of the modified site plan. If the property owner accepts approval of the modified site plan, the new approval ~~supersedes~~**supersedes** and voids the original approval.~~

If the property owner does not provide the required written notice of acceptance, or if the **review body does not approve** of the modified site plan ~~is not granted by the review body~~, the project shall continue to be subject to the original conditions of approval and time-lines.

~~(10)~~**(11)** When first granted, a site plan or conditional use approval is valid for three years [ADC 1.073]. When a modified site plan is approved and accepted, the approval is valid for one year beyond the date that the original site plan approval would have expired. (For example, if the original approval would have expired on July 1, 2001, the approval of the modified site plan is extended to July 1, 2002.)

~~Only one one-year extension of the original approval will be allowed. Any subsequent modification of the site plan will be subject to the time limit established at the time the first modification was approved. The approval can be valid for only a total of four years, including the first three-year period and the one-year extension received with an approved modification to an approved site plan or conditional use.~~

~~Substantial construction of the development must take place within the four years. If substantial construction is accomplished, construction can continue to completion. If substantial construction is not accomplished, the approval is void. [Ord. 5475, 4/11/01]~~

*Staff Comments: On occasion, an applicant or new owner will request modification to a condition of approval, often many years after the approval. The following process used in Albany and other cities was not in the Code. We propose to codify the review process for this type of request.*

**1.228** **Request to Modify a Condition of Approval.** A request to modify a condition of approval is processed using the procedure assigned to the land use review and the approval criteria for the original land use review.

## CLARIFICATION OF LAND USE DECISIONS

### ACTIONS INCLUDED AS LAND USE DECISIONS

**1.230** **Definition.** A "land use decision" includes a final decision or determination made by the City that concerns the adoption, amendment, or application of:

- (1) The statewide planning goals.
- (2) A Comprehensive Plan provision.
- (3) An existing land use regulation.
- (4) A new land use regulation.

1.240 Procedure. The procedure for applications ~~which~~**that** result in land use decisions ~~are~~**is** given in the ~~subsequent~~ provisions on the quasi-judicial and legislative processes, **later in this Article.**

1.250 Examples. Examples of applications that result in land use decisions include, but are not limited to – Comprehensive Plan amendments, conditional uses, development code amendments, **site plans, subdivisions, Type II** modifications to non-conforming situations, vacations, variances, and zoning map amendments.

#### **ACTIONS NOT INCLUDED AS LAND USE DECISIONS**

1.260 Definition. A “land use decision” does not include a decision of the City:

- (1) That is made under land use standards ~~which~~**that** do not require interpretation or the exercise of policy or legal judgment;
- (2) That approves or denies a building permit ~~issued~~ under clear and objective land use standards;
- (3) That is a limited land use decision; or
- (4) That determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the Comprehensive Plan and land use regulations.

1.270 Procedure. Land use applications that do not result in land use decisions are processed under the Type I **Administrative** procedure. The ~~decision is made by the Director~~ **makes the decision** based on the stated review criteria, without need for public hearing or notification.

1.280 Examples. Examples of ~~land use~~ applications that do not result in land use decisions include, but are not limited to, ~~lot line adjustments, Type I adjustments, Type I modifications to non-conforming situations, Type I historic review, preliminary planned development plans, final subdivision plats, manufactured home park plans, and site plan review~~ **Option C** involving a change in use or minor addition to existing use in a conforming building.

*Staff Comments: The content regarding limited land use decisions not already covered in 1.330 Type I-L Procedure is proposed to move to the Limited Land Use Process sections of this Code starting at 1.325 (new).*

#### **ACTIONS INCLUDED AS LIMITED LAND USE DECISIONS**

1.290 Definition. A “limited land use decision” is a final decision or determination made by the city pertaining to a site within its urban growth boundary that concerns:

- (1) ~~The approval or denial of a subdivision or partition, as described in ORS Chapter 92.~~

- ~~(2) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.~~

~~1.300 Procedure. Applications that result in limited land use decisions are not subject to the requirements of ORS and this Code relative to quasi-judicial public hearings. They are processed under the Type I-L procedure described in Section 1.330.~~

~~1.310 Examples. Examples of applications which result in limited land use decisions include, but are not limited to, Type I-L historic review, partitions, site plan review, and subdivisions with fewer than 20 lots. [Ord. 5562, 10/10/03]~~

### ADMINISTRATIVE PROCESS

#### 1.320 Type I Procedure.

- (1) The purpose of the Type I procedure is to provide for land use review based on standards specified in this Code that do not require interpretation or the exercise of policy or legal judgment. Approval of a Type I land use application is not a land use decision. (See definitions in Article 22.)
- (2) Under the Type I procedure, ~~an application shall be processed by the Director~~ **shall process an application** without need for public hearing or notification.
- (3) Examples of applications processed through a Type I procedure include, but are not limited to, -  
- lot line adjustments, Type I adjustments, ~~Type I modifications to non-conforming situations, Type I historic review, preliminary planned development plans, final subdivision plats, manufactured home park plans,~~ and site plan review **Option C** involving a change in use or minor addition to existing use in a conforming building.

### LIMITED LAND USE PROCESS

*Staff Comments: Content from 1.290 through 1.310 that was not repeated under this heading below is in new section 1.325.*

1.325 **Definition.** A “limited land use decision” is a final decision or determination made by the City pertaining to a site within its urban growth boundary that concerns approval or denial of applications based on discretionary standards to regulate the physical characteristics of a use permitted out right. Applications that result in limited land use decisions are not subject to the requirements of the Oregon Revised Statutes (ORS) and this Code relative to quasi-judicial public hearings.

#### 1.330 Type I-L Procedure.

- (1) The purpose of the Type I-L procedure is to provide for land use review of partitions, subdivisions with fewer than 20 lots, and applications involving discretionary standards for design or site plan review of uses permitted outright.

- (2) In making a limited land use decision, the City will follow the applicable procedures contained within its acknowledged comprehensive plan and land use regulations and other applicable legal requirements.

*Residents have asked that we evaluate the notice areas for land use applications and broaden the notice area to include properties that may be impacted by the proposed land use application. Staff proposes that Site Plan Option A and B Reviews (typically new commercial/industrial/institutional construction and additions with off-site impacts) require the 300-foot notice area rather than the current 100-foot notice area.*

*Content repeated in 1.400 Mailed Notice, is proposed to be removed here.*

- (3) ~~For limited land use decisions, the City will provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made, except that w~~Written notice will be provided to **persons who reside on or own property** owners of property within 300 feet of property on which applications are received for development of subdivisions, manufactured home parks, and **multi-family development, and Site Plan Option A or B development.** For all other limited land use decisions, the City will provide written notice to persons who reside on or own property within 100 feet of the entire contiguous site for which the application is made. The list will be compiled from the most recent property tax assessment roll. **The Director shall have discretion to increase the notice area up to 1,000 feet due to land use or transportation patterns or an expected level of public interest.** For purposes of review, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body **City Council** and whose boundaries include the site ~~and to other neighborhood associations recognized by the City Council located within 300 feet of the site.~~
- (4) The notice and procedures used by the City will:
  - (a) Provide a 14-day period for submission of written comments ~~prior to~~**before** the decision;
  - (b) State that issues that may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing ~~prior to~~**before** the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;
  - (c) List, by commonly used citation, the applicable criteria for the decision;
  - (d) ~~Set forth~~**Provide** the street address or other easily understood geographical reference to the subject property;
  - (e) State the place, date and time that comments are due;
  - (f) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
  - (e)(g) Include the name and phone number of a local government contact person;
  - (f)(h) Provide notice of the decision to the applicant and any person who submits comments under subparagraph (a) of this paragraph. The notice of decision must include an explanation of appeal rights;
  - (g)(i) Briefly summarize the local decision making process for the limited land use decision being made, and
  - (h)(j) Include ~~such~~ other information as the Director deems appropriate.
- (5) Decisions and Appeals. Standing to appeal a limited land use decision shall be limited to the **property owner of the subject development, the applicant, and/or any person who has provided written comments pursuant to Section 1.330(4)(b) or who spoke at the public hearing, if one was** held.

- (a) For application types for which a neighborhood meeting is not required in Section 1.203, a limited land use decision made by the Director may be appealed to the Land Use Board of Appeals (LUBA) when a person with standing files a Notice of Intent to Appeal with LUBA not later than 21 days after the Director's notice of decision is mailed.
- (b) For application types for which a neighborhood meeting is required in Section 1.203, a limited land use decision by the Director may be appealed to the Planning Commission when a person with standing files a Notice of Appeal with the City not later than 10 days after the Director's notice of decision is mailed.
- (c) At the Director's discretion, a limited land use ~~decision~~**application** may be referred to the Planning Commission **or Hearings Board** for the local decision.
- (d) A limited land use decision made by the Planning Commission **or Hearings Board** may be appealed to the Land Use Board of Appeals when a person with standing files a Notice of Intent to Appeal with LUBA no later than 21 days after the Planning Commission notice of decision is mailed. [Ord. 5338, 1/28/98; Ord. 5445, 4/12/00; Ord. 5562, 10/10/03]

*Staff Comments: The examples are proposed to be removed to avoid errors and inconsistencies in the Code. The land use type for each application is determined elsewhere in the Code.*

~~1.340 — Examples. Examples of applications which result in limited land use decisions include, but are not limited to Type I L historic review, partitions, site plan review, and subdivisions with fewer than 20 lots. [Ord. 5562, 10/10/03]~~

## QUASI-JUDICIAL PROCESS

### PROCEDURES

*Staff Comments: Residents have asked that we evaluate the notice areas for land use applications and broaden the notice area to include properties that may be impacted by the proposed land use application. Currently in the Type II procedure, we mail the notice of the decision to persons in the notice area, but do not mail a notice of filing before doing our staff analysis to get input on the development prior to making a decision. Staff proposes including a notice of filing of the application to persons in the notice area and also an increase in the notice area. The decision remains a staff-level decision with opportunity for appeal by persons entitled notice.*

#### 1.350 Type II Procedure.

- (1) The purpose of the Type II procedure is to provide for the review of certain applications by mailing notice of a tentative staff decision to the applicant and property owners within ~~100-200~~ 200 feet of the property being reviewed. The ~~decision of the Director's decision~~ shall be based on standards specified in this Code that are reasonably objective and may require limited discretion.
- (2) Once the application is deemed complete, a notice of filing shall be mailed to the applicant and persons who reside on or own property within 200 feet of the proposed development site. Notice shall also be provided to any neighborhood association recognized by the City Council and whose boundaries include the site and to other neighborhood association recognized by the City Council within 300 feet of the site. The Director shall have discretion to increase the notice area up to 1,000 feet due to land use or transportation patterns or an expected level of public interest. The notice and procedures used by the City will:
  - (a) Provide a 14-day period for submission of written comments before the decision;

- (b) **State that issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;**
  - (c) **State the applicable review criteria for the decision;**
  - (d) **Set forth the street address or other easily understood geographical reference to the subject property;**
  - (e) **State the place, date and time that comments are due;**
  - (f) **State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;**
  - (g) **Include the name and phone number of a local government contact person;**
  - (h) **Provide notice of the decision to the applicant and any person who submits comments under subparagraph (a) of this paragraph. The notice of decision must include an explanation of appeal rights;**
  - (i) **Briefly summarize the local decision making process for the limited land use decision being made, and**
  - (j) **Include other information the Director deems appropriate.**
- (3) If the Director determines that the development proposal appears to meet the required standards, the Director shall mail notice of the tentative decision to all property owners within ~~100~~ **the notice area as defined in 1.350(2).** ~~feet of the subject site.~~

The applicant shall supply a list of the names and addresses of the owners of property to receive the notice. The mailing list must be certified by the applicant as accurate and complete as found on the most recent property tax assessment roll where the subject property is located.

- (4) **Notice of Decision.** The Director's notice shall list the relevant criteria and any conditions of approval and invite persons to contact the Planning staff within ten **working** days of notification to request a public hearing. A public hearing may be requested if ~~the~~ **a** person believes that the conditions of approval do not adequately address the established approval criteria or alleviate adverse impacts on the neighborhood.

If no one requests a public hearing, the tentative decision becomes final ten days after the notice of decision is mailed to affected parties.

- (2)(5) **Standing to Appeal.** The applicant, the Director, ~~or any party entitled to notice or otherwise affected by the proposed action~~ **or any person who submitted written comments during the comment period** may initiate a public hearing on a Type II proposal. The Director shall, within 30 days of receiving a written request for a public hearing, set a date for a public hearing before either the Planning Commission, ~~or the Hearings Board, or the Landmarks Advisory Commission~~ and mail notice of such to those same persons specified in (2) above.

- (3)(6) If a hearing is conducted, the Hearings Board, ~~or the Planning Commission or the Landmarks Advisory Commission~~ shall review the request and any written comments and testimony; adopt findings based on the established criteria, and make a decision by approving, conditionally approving, or denying the application. Conditions and/or restrictions may be applied to the approval of any land use application granted under a Type II procedure in accordance with the relevant provisions of this Code.

*Staff Comments: The examples are proposed to be removed to avoid errors and inconsistencies in the Code. The land use type for each application is determined elsewhere in the Code.*

~~Examples of applications processed through a Type II procedure include, but are not limited to: variances, Type II modifications to non-conforming situations, Greenway district use permits, Type II Code interpretations, and final planned development plans. [Ord. 5446, 5/10/00]~~

1.360 Type III Procedure.

- (1) The purpose of the Type III procedure is to provide for the review of certain applications within the City by the Planning Commission, Hearings Board, or the Landmarks Advisory Commission at a public hearing. Such actions may be complex in nature, requiring the interpretation of Plan policies and the requirements of this Code.

*Staff Comments: In order to be more inclusive, we propose using the 300-foot notice area for all Type III applications and include notice to recognized neighborhood associations. The notice requirements are outlined in 1.400 and are not needed here.*

- (2) Under the Type III procedure, an application is scheduled for public hearing at the Director's discretion before either the Hearings Board, the Planning Commission, or the Landmarks Advisory Commission. ~~If the request is quasi-judicial in nature, the Director shall notify all persons who reside on or own property owners within 100-300 feet of the subject property (or 300 feet if the application is for a subdivision, manufactured home park or multi-family development) and any neighborhood association recognized by the City and whose boundaries include the site and other neighborhood association recognized by the City within 300 feet of the site. The Director shall have discretion to increase the notice area up to 1,000 feet due to land use or transportation patterns or an expected level of public interest. The applicant shall supply a list of the names and addresses of the owners of property to receive the notice. The mailing list must be certified by the applicant and complete as found on the most recent property tax assessment roll where the subject property is located. The Director may require the applicant to post notices as set forth in Section 1.410.~~
- (3) The review body shall review the request and any written comments and testimony,; adopt findings based on the established criteria, and make a decision by approving, conditionally approving, or denying the application. Conditions and/or restrictions may be applied to the approval of any land use application granted under a Type III procedure in accordance with the relevant provisions of this Code.

*Staff Comments: The examples are proposed to be removed to avoid errors and inconsistencies in the Code. The land use type for each application is determined elsewhere in the Code.*

- ~~(4) Examples of applications processed through a Type III procedure include, but are not limited to: Interim planned unit development plans, future street plans, Type III Planned Industrial developments, some Code interpretations, conditional uses, historic reviews of demolitions/moving, cluster development, and subdivisions with 20 or more lots. [Ord. 5446, 5/10/00, Ord. 5562, 10/10/03]~~

1.370 Type IV Procedure.

*Staff Comments: In order to be more inclusive, we propose including notice to recognized community and neighborhood organizations within 400 feet of the subject property and giving the Director discretion to increase the notice area under specific circumstances. The notice requirements are outlined in 1.400 and are not needed here.*

- (1) The purpose of the Type IV procedure is to provide for the review of certain land use applications by ~~both the~~ **the Planning Commission, Hearings Board or Landmarks Advisory Commission** and the City Council at public hearings. These decisions are usually complex in nature, and require the interpretation of ~~the~~ Comprehensive Plan policies and the criteria of this Code.
- (2) Under the Type IV Procedure, an application is scheduled for public hearing before either the Hearings Board or the Planning Commission at the Director's discretion. If the application is quasi-judicial, the Director shall notify all property owners within 300 feet of the subject property; **and any neighborhood or community organization recognized by the City and whose boundaries include the site and to other organization recognized by the City within 400 feet of the site. The Director shall have discretion to increase the notice area up to 1,000 feet due to land use patterns or an expected level of public interest.** ~~The applicant shall supply a list of the names and addresses of the owners of property to receive the notice. The mailing list must be certified by the applicant as accurate and complete as found on the most recent property tax assessment roll where the subject property is located.~~ The Director may require the applicant to post notices as set forth in Section 1.410.
- (3) For a quasi-judicial proposal on which the Hearings Board, **Landmarks Advisory Commission**, or Planning Commission has made a favorable recommendation, the City Council shall hold a public hearing and make a final decision prior to expiration of the 120-day land use processing rule, if applicable. An applicant may request a review delay of up to 6 months and extend the 120-day time frame.
- (4) If the Planning Commission, **Landmarks Advisory Commission**, or Hearings Board recommended against a proposal, the City Council will only consider the proposal on appeal by the applicant(s).
- (5) The review body shall:
  - (a) Review the request and any written comments and testimony;
  - (b) Adopt findings based on the established policies and criteria; and,
  - (c) Make a decision by approving, conditionally approving, or denying the application.

Conditions and/or restrictions may be applied to land use approval granted under a Type IV procedure in accordance with the relevant provisions of this Code.

*Staff Comments: The examples are proposed to be removed to avoid errors and inconsistencies in the Code. The land use type for each application is determined elsewhere in the Code.*

- ~~(6) Examples of applications processed through a Type IV procedure include, but are not limited to street vacations, quasi-judicial and legislative zone changes, development code amendments, and comprehensive plan amendments. [Ord. 5446, 5/10/00]~~

## PUBLIC HEARINGS

1.380 Responsibility for Hearings. The Director, or the City Recorder in case of City Council hearings, shall carry out the following duties pertaining to a hearing, all in accordance with other provisions of this Code and with the Oregon Public Meetings law:

- (1) Schedule and assign the matter for review and hearing;

- (2) Conduct the correspondence of the review body;
- (3) Provide notices of public hearings as required by this Code and state law;
- (4) Maintain a record and enter into the record relevant dates such as those of giving notice, hearings, postponement, and continuances and a summary of action taken by the review body;
- (5) Prepare minutes to include the decision on the matter heard and the reasons given for the decision;
- (6) Reduce the decisions of the review body to writing and maintain permanent record of such; and
- (7) Provide advance notice of all hearings and written decisions to persons requesting the same and not entitled to ~~such~~ **them** by this section, **(applicant excepted)** provided that such persons pay the actual cost for the service provided as established by the City ~~(applicant excepted)~~.

1.390 Hearings Record. When practical, the secretary to the review body will be present at each hearing and shall cause the proceedings to be recorded either stenographically or electronically. ~~Should~~ **If** the secretary ~~not be~~ **present**, proceedings will be recorded electronically and minutes will be taken from the tape.

- (1) Testimony shall be transcribed at the expense of the requesting party if required for judicial review or local appeal proceedings. The transcribing fee may include all actual costs ~~up to \$500 plus one-half the actual costs over \$500 or as authorized by state law.~~
- (2) The review body shall, ~~when~~ **re** practical, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked ~~to show~~ **with** the identity of the person offering ~~them same~~ and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after all appeal periods have expired, ~~at which time the exhibits~~ **when** they may be released. Any physical evidence presented at the public hearing shall be submitted to the review body secretary, distributed to members, returned to the secretary, and shall become part of the record.
- (3) The staff report and recommendation shall be included in the record.
- (4) ~~A person~~ **The public** shall have access to the record of the proceedings at reasonable times, places, and circumstances. ~~A person~~ **The public** shall be entitled to ~~make purchase~~ **copies** of the record ~~at the person's own expense.~~

1.400 Mailed Notice.

- (1) Addresses for a mailed notice required by this Code shall be provided by the applicants for land use applications. The mailing list must be certified by the applicants as accurate and complete as found on the most recent property tax assessment roll where the subject property is located. **When the property owner's address is different on the tax rolls than the site address within the notice area, the site address shall also be provided and notice mailed to the site resident.** A person whose name is not in the tax records at the time ~~of an application is filed~~ **of an application** may receive notice if the person provides the Community Development Department with the necessary address(es). Any deficiency in the form of notice prescribed in this section, or a failure of a property owner to receive notice, shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Code for notice.

- (2) The Director may provide notice to others ~~that~~**who** may be considered affected or otherwise represent an interest that may be affected by the proposed development.
- (3) The cost of notice mailings shall be included in the land use application fee.
- (4) Notice of a public hearing shall be sent by mail at least 20 days before the evidentiary public hearing (or, if more than one hearing is allowed, 10 days before the first evidentiary public hearing) and shall contain the following information:
  - (a) The reviewing body, the date, time, and place of the hearing.
  - (b) The street address or other easily understood geographic reference to the subject property.
  - (c) The nature of the application and the proposed use or uses which could be authorized.
  - (d) Where information may be examined and when and how written comments addressing findings required for a decision by the review body may be submitted.
  - (e) A list of the applicable criteria from the ordinance and/or the plan that apply to the application.
  - (f) A statement that failure to raise an issue in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the ~~decision~~**decision-maker** an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
  - (g) The name of a City representative to contact and the telephone number where additional information may be obtained.
  - (h) A statement that a copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and copies will be provided at reasonable cost.
  - (i) A statement that a copy of the staff report will be available for inspection at no cost at least seven days ~~before~~**prior to** the hearing and a copy will be provided at reasonable cost.
  - (j) A statement that all interested persons may appear and provide testimony and that only those making an appearance of record, either in person or in writing, shall be entitled to appeal.
  - (k) A general explanation of the procedure for ~~the conducting of~~**hearings**. [Ord. 5446, 5/10/00]

1.410 Posted Notice. ~~The Development~~ sites that are the subject of quasi-judicial public hearings shall be posted **unless otherwise noted in this Code**. At ~~the discretion of the Director's discretion~~, the applicant may be responsible for providing a sign frame for the notice and also ~~responsible for~~ posting the notice at the correct time and location. The actual notice shall be provided by the City. The posting shall ~~comply with~~**meet** the following requirements:

- (1) The notice shall be ~~a minimum of~~**at least** 2 feet by 3 feet.
- (2) The notice shall be posted in a location ~~which is~~**visible** from a traveled public road or street abutting the property. (If no public street abuts the property, the notice shall be placed ~~in such a manner so as to be~~**generally visible to the public**.)
- (3) The notice shall be posted for at least seven consecutive days ~~prior to~~**before** the first scheduled public hearing on the matter.
- (4) If the subject property is a corner lot, then two signs are required in locations defined in (2) above.
- (5) At least five days ~~prior to~~**before** any hearing (or decision made by the Director), an affidavit of posting shall be filed with the Director.

- (6) If the subject property is not properly posted as set forth in Section 2 or this section, **the Director may postpone** the hearing ~~may be postponed by the Director~~ until such provisions are met.
- (7) The posted notice shall display the nature of the application and a telephone number for more information. The posted notice shall also include a photocopy of the original mailed notice sent to affected property owners.

1.420 Compliance and Waiver of Notice.

- (1) Notice by mail shall be deemed given on the day the notice is deposited with the United States Postal Service, first class postage, fully prepaid, for mailing to the addressee at the addressee's last known mailing address. Failure of the addressee to actually receive notice shall not invalidate the proceeding if the City can demonstrate by affidavit that notice was given. The notice provisions of this section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.
- (2) Posted notice is deemed given on the day the sign is first posted.
- (3) The requirement for notice shall be deemed satisfied as to any person who, in any manner, obtains actual knowledge of the time, place, and subject matter of the hearing prior thereto.
- (4) Appearance and testimony or comment on the merits of the proposed action by any person at a hearing, or submission by any person of written comment directed to the merits of the proposed action at or prior to the hearing and after the proceeding was initiated, shall be deemed a waiver of ~~by~~ such person of any defect in notice. [Ord. 5446, 5/10/00]

1.430 Challenges to Impartiality. A party to a hearing or a member of a review body may challenge the qualifications of a member of the review body to participate in the hearing and decision regarding the matter. The challenge shall be incorporated into the record at the time of the hearing.

1.440 Disqualification. No member of a review body shall participate in a discussion of the proposal without removing himself or herself from the bench ~~or~~ and shall **not** vote on the proposal when any of the following conditions exist:

- (1) ~~Any of the following have a~~ direct or substantial financial interest in the proposal **by any of the following**: the review body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or ~~in which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment or is otherwise in a position of conflict of interest as determined by state law.~~
- (2) The member has a direct private interest in the proposal.
- (3) Any other valid reason for which the member has determined that participation in the hearing and decision cannot be ~~in an impartial manner.~~

1.450 Participation by Interested Officer or Employees. No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion or staff report to the review body on the proposal without first declaring for the record the nature and extent of such interest.

*Staff Comments: This section was confusing and did not describe what "ex parte contact" meant. Staff proposes replacing the current language with language from another jurisdiction that more clearly outlines what ex parte contact means and what process must be followed when declaring an ex parte contact.*

1.460 Ex Parte Contacts. A member of a review body should limit communication, directly or indirectly, with any person interested in the outcome concerning the decision or action pending before the review body. "Person interested in the outcome" means a person who has some concern, interest in, or relationship to the decision or action pending before the review body. Should such communication occur, at the beginning of the first hearing after which the communication occurs, the member of the review body shall:

- (1) Publicly announce the content of the communication and provide any person an opportunity to rebut the substance of the communication; and
- (2) **If the communication was in written or tangible form, place a copy of the communication into the record.** ~~The general public has a right to have review body members free from pre-hearing or ex parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Should ex parte communication occur, at the beginning of the hearing, the review body member shall reveal the source and substance of any significant pre-hearing or ex parte contacts regarding any matter at the commencement of the public hearing on such and the Chair shall allow for rebuttal of any information received through such ex parte contact.~~

If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate or abstain in accordance with the following section.

1.470 Abstention or Disqualification.

- (1) An abstaining or disqualified member of the review body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by making full disclosure of his or her status and position at the time of addressing the review body and physically removing himself or herself from the proceedings.
- (2) If a quorum of a review body abstains or is disqualified, ~~all~~ **at least enough** members present ~~after to achieve a quorum shall state~~ing their reasons for abstention or disqualification and shall, by so doing, be requalified and proceed to resolve the issues.
- (3) A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision ~~regarding~~ on the matter of the hearing unless the member has reviewed the evidence received and so states on the record.

1.480 Burden and Nature of Proof. The burden of proof is upon the ~~proponent~~ **applicant** or appellant. The ~~more drastic the change or the greater the impact of the proposal in the area, the greater is the burden upon the proponent.~~ The proposal must be supported by proof that it conforms to the applicable provisions of this Code, especially the specific criteria set forth for the particular type of decision under consideration.

1.490 Hearing Procedures. Hearing procedures will depend in part on the nature of the hearing. The following may be supplemented by appropriate rules announced by the presiding officer:

- (1) The presiding officer will state the case and call the public hearing to order, informing those present that testimony and evidence is to be directed towards the applicable criteria for the case and that failure to raise an issue accompanied by statements of evidence sufficient to afford the decision-makers and other parties an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals on that issue. The presiding officer may establish the time allowed for ~~the~~ presentation of information.
- (2) Any objections on jurisdictional grounds shall be noted in the record.
- (3) Any abstentions or disqualifications shall be determined. Members shall announce all conflicts of interest and shall disclose the time, place, and nature of any ex-parte contacts they have had. Parties to the case shall have the opportunity to rebut any information contained in the ex-parte contact.
- (4) The review body may view the area under consideration for purposes of evaluating the proposal, but shall state the place, time, manner, and circumstances of such viewing in the record.
- (5) The presiding officer at the hearing may take official notice of known information related to the issue, such as provisions of federal or state law, or of an ordinance, resolution, official policy or charter of the City.
- (6) Matters officially noticed need not be established by evidence and may be considered by the review body in the determination of the matters. Parties requesting official notice shall do so on the record.
- (7) Presentation of staff report, including a list of the criteria applying to the issue(s) being heard. City staff may also present additional information whenever allowed by the presiding officer during the proceedings.
- (8) Presentation of information by the applicant or those representing the applicant.
- (9) Presentation of evidence or inquiries by those ~~persons~~ who support the proposed change.
- (10) Presentation of evidence or inquiries by those ~~persons~~ who oppose the proposed change.
- (11) Presentation of evidence or inquiries by those ~~persons~~ who do not necessarily support or oppose the proposed change.
- (12) If additional documents or evidence are provided in support of an application, any party shall, upon request, be entitled to a continuance of the hearing to allow for adequate preparation of rebuttal. Such a continuance shall not be subject to the limitations of ORS 227.178.
- (13) Only the applicant shall have the right to present rebuttal testimony. If the presiding officer allows rebuttal by an opponent, the proponent or applicant shall have a right to an additional and final rebuttal.
- (14) The presiding officer may approve or deny a request to ask a question from a person attending the hearing. Unless the presiding officer specifies otherwise, the presiding officer will direct the question to the person who has submitted testimony.

- (15) At the close of presentation of information the presiding officer shall declare that the hearing is closed unless, ~~before prior to~~ the conclusion of the initial evidentiary hearing, any participant has requested an opportunity to present additional evidence, arguments, or testimony regarding the application. The local hearings authority shall grant such a request by continuing the public hearing pursuant to paragraph (a) of this subsection, or leaving the record open for additional written evidence, arguments or testimony pursuant to paragraph (b) of this subsection.
- (a) If the hearings authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.
- (b) If the hearings authority leaves the record open for additional written evidence, arguments or testimony, the records shall be left open for at least seven days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings authority shall reopen the record pursuant to subsection (e) of this section.
- (c) A continuance or extension granted pursuant to this section shall be subject to the limitation of ORS 227.178, unless the continuance or extension is requested or agreed to by the applicant.
- (d) Unless waived by the applicant, the hearings authority shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application(s)~~nt~~. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of ORS 227.178.
- (e) When the hearings authority reopens a record to admit new evidence, arguments or testimony, any person may raise new issues that relate to the new evidence, arguments, testimony or criteria for decision-making which apply to the matter at issue.
- (16) For the purposes of this section:
- (a) "Argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policies **the proponent believes** relevant ~~by the proponent~~ to a decision. "Argument" does not include facts.
- (b) "Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards **the proponent believes** ~~by the proponent~~ to be relevant to the decision.
- (17) When the hearing has ended, the review body may openly discuss the issue and may further question a person submitting information or staff if opportunity for rebuttal is provided.
- (18) If the hearing is closed, it shall be reopened only upon a majority vote of the review body. [Ord. 5446, 5/10/00]

## DECISION

- 1.500 Findings. The review body shall make a decision and adopt findings based upon the information accompanying the application, staff report, and/or evidence presented at the hearing. The findings shall address:
- (1) Applicable Development Code criteria.
  - (2) For approval, a statement of the facts establishing compliance with each applicable policy or criteria. For denial, a statement of the facts establishing non-compliance with ~~any-one or more~~ required policy or criteria.
  - (3) Concluding statement(s) to approve or deny.
- 1.505 Final Decision. Unless a local ordinance specifies that the decision becomes final at a later time than defined in this section, a decision becomes final **when**: (a) ~~when~~ it is reduced to writing, bears the necessary signatures of the decision maker; and (b) if written notice of the decision is required by law, when written notice of the decision is mailed to persons entitled to notice. [Ord. 5475, 4/11/01]
- 1.510 Notice of Decision.
- (1) Within five days of final action on a land use application, the Director shall provide written notice of the decision to the applicant and any other parties entitled to notice. The notice shall state the effective date of the decision, describe the right of appeal, and summarize the reasons for the decision and any conditions of approval, or indicate where such can be reviewed in detail.
  - (2) The City shall take final action on all land use requests that are wholly within the authority and control of the City within 120 days from the date the application is deemed complete. However, by agreement with the applicant, this deadline may be extended ~~for any reasonable length of time as set out in ORS 227.178~~. The 120-day period set out in ORS 227.178 does not apply to an amendment to an acknowledged comprehensive plan or land use regulation or adoption of a new land use regulation that was forwarded to the Director of the Department of Land Conservation and Development under ORS 197.610 (for legislative changes). [Ord. 5446, 5/10/00]

## APPEALS

- 1.520 Appeal Procedures.
- (1) See ADC 1.330(5) for appeals of Type I-L limited land use decisions.
  - (2) ~~See ADC 1.350 (5) for appeals of a Type II land use decision. An affected party may request a public hearing on a tentative land use decision made by staff under the Type II procedure. At the Director's discretion, this hearing will be before the Planning Commission, Hearings Board, or the Landmarks Advisory Commission.~~
  - (3) **Any person who submitted written comments during a comment period or testified at the public hearing has standing to Appeal a Type III decision of the Planning Commission, Hearings Board, or Landmarks Advisory Commission may be appealed to the City Council by an affected party by filing a Notice of Appeal within ten days from the date the City mails the notice of decision.** [Ord. 5475, 4/11/01]

- (4) Within the appeal period, the City Council, acting upon the recommended action of the City Manager or upon its own motion, may order a de novo review of any lower level decision. ~~Such~~ **This** review shall be conducted in accordance with appeal procedures ~~as specified herein~~.
- (5) For any appeal proceeding, the Director shall cause notice to be provided in the same manner as ~~provided for~~ the original decision, **to those testifying and to any other parties to the proceedings** who request notice in writing.
- (6) A decision of the City Council may be appealed **by persons with standing** to the Land Use Board of Appeals (**LUBA**) by filing a notice of intent to appeal **to LUBA** not later than 21 days after the decision becomes final. [Ord. 5446, 5/10/00; Ord. 5475, 4/11/01]

1.530 Requirements of Notice of Appeal. A Notice of Appeal shall contain:

- (1) ~~An~~ **i**Identification of the decision sought to be reviewed, including the date of the decision.
- (2) A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings.
- (3) The specific policy or criteria relied upon for review.
- (4) If de novo review is requested, a statement summarizing the new evidence that will be offered and the criteria to which it will relate.

1.540 Scope of Review. The reviewing body shall determine the scope of review on appeal to be one of the following:

- (1) Restricted to the record made on the decision being appealed.
- (2) Limited to such issues as the reviewing body determines necessary for a proper resolution of the matter.
- (3) A de novo hearing on the merits.

1.550 Review on the Record.

- (1) The reviewing body may hear the entire matter on the record or it may admit additional testimony and other evidence in a de novo hearing.
- (2) When the reviewing body requests a review on the record, the record shall include:
  - (a) A factual report prepared by the Community Development Director.
  - (b) All exhibits, materials, pleadings, memoranda, stipulations, and motions submitted by any party and received or considered in reaching the decision under review.
  - (c) The minutes of the hearing.
- (3) The reviewing body may make its decision based only upon the record, or may grant the right of oral argument, to all affected parties, but not the introduction of additional evidence.

1.560 De Novo Hearing. “De novo hearing” shall mean a hearing by the review body as if the request had not been previously heard and as if no decision had been rendered, except that all testimony, evidence, and other material from the record of the previous consideration may be included in the record of the review.

1.570 Review Body Decision. Upon review, the reviewing body may affirm, remand, reverse, or modify in whole or in part a determination or requirement of the decision that is under review. When the reviewing body modifies or ~~renders a decision that reverses~~ a decision of the reviewing body, the reviewing body shall set forth its findings and state its reasons for taking the action. When the reviewing body elects to remand the matter back to the previous review body for such further consideration as the reviewing body deems necessary, it may include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such **error**.

### LEGISLATIVE PROCESS

1.580 Initiation.

- (1) The City Council may make changes in the Comprehensive Plan or Development Code provisions and designations by legislative act where such changes affect a large number of persons, properties, or situations and are applied over a large area.
- (2) The City Council, Planning Commission, Landmarks Advisory Commission, or ~~the~~ Community Development Director may initiate a review on any legislative matter.
- (3) Any property owner or resident of the City may request **that** the Planning Commission ~~to~~ initiate a review of any legislative matter (such as an amendment to the Development Code text). The Planning Commission shall review the proposal and determine whether the proposal warrants processing as a legislative amendment.

1.590 Procedure. Legislative land use applications are processed as a legislative Type IV procedure.

1.600 Hearing Notice.

- (1) The Director may inform persons believed to have a particular interest and provide the general public with reasonable opportunity to be aware of the hearings on the proposal.
- (2) Notice shall be published in the Albany Democrat-Herald at least one week ~~prior to~~**before** the hearing and additionally as may be required by state law for a particular proceeding.
- (3) Published notice shall include the following information:
  - (a) The reviewing body, the date, time, and place of the hearing;
  - (b) The nature of the proposed amendment; and
  - (c) The name and telephone number of the staff member to contact for more information.

1.610 Hearing Procedures. Interested persons may submit written recommendations and comments in advance of the hearing and this information shall be available for public inspection. At the hearing, written recommendations and other information will be received and oral statements will be permitted. The presiding officer may establish a time limit for presentation of information.

1.620 Planning Commission Recommendation. In preparing its recommendation to the City Council, the Planning Commission shall do the following:

- (1) Evaluate the proposal based on the relevant Development Code criteria.
- (2) Prepare a recommendation and make findings in support of such recommendation.

1.630 City Council Action.

- (1) In reaching a decision on a legislative matter, the Council shall adopt findings applicable to the relevant policies and criteria in support of the decision.
- (2) The City Council may:
  - (a) Enact, amend or defeat all or part of the proposal under consideration, or
  - (b) Refer some or all of the proposal back to the Planning Commission, **Hearings Board**, or Landmarks Advisory Commission for further consideration.

1.640 Notice to the Department of Land Conservation and Development (DLCD) on Legislative Matters.

- (1) The Director shall notify the DLCD for adoption of or amendment to the Comprehensive Plan, the Development Code, or any other land use regulation. The notice shall be provided at least 45 days before the first evidentiary hearing on adoption and ~~the notice shall contain information sufficient to inform the Department as to~~about the effect of the proposal.
- (2) If the City determines that the statewide goals do not apply to a particular proposed amendment or new regulation, notice under subsection (1) of this section is not required. In addition, the City may consider an amendment or new regulation with less than 45 days notice if the City Council determines that there are emergency circumstances requiring expedited review. [Ord. 5446, 5/10/00]

1.650 Decision Notice Requirements.

- (1) Within five working days following adoption of an amendment or new land use regulation, the Director shall forward to the DLCD a copy of the adopted text and findings and notify the Department of any substantial changes that may have occurred in the proposal since any previous notification to the Department.
- (2) Within five working days, the Director shall also notify any person who participated in the proceedings leading to the decision. ~~Such~~**The** notice shall briefly describe the final action taken, state the date and effective date of the decision, and explain the requirements for appealing the action under ORS 197.830 to 197.845.

*Staff Comments: There is a different appeal process for decisions made while in the state mandated review process called "periodic review."*

1.660 Appeal. A legislative land use decision **not related to periodic review** may be appealed to the Land Use Board of Appeals. **Persons who participated in periodic review as outlined by state law, may appeal or object to a legislative land use decision made as part of periodic review to the Department of Land Conservation and Development as outlined in Oregon Administrative Rules 660-125-0140.**

## ARTICLE 4 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

*Staff Comments: The City has received noise complaints from residents that live near a couple of existing bars. While noise is particularly a concern with new outdoor seating areas in several locations, there is periodic noise until closing when people go outside to smoke and converse, and then leave and go to their cars, often parked in front of residences. Staff reviewed the zone purpose statements to determine where it is appropriate to allow "night life" out right.*

*The Planning Commission supported the following changes to help balance the desire for great neighborhoods and a strong business environment.*

- Due to the different hours and impacts of eating and drinking establishments near residential neighborhoods, the City is proposing to separate the "restaurant" use category into two use categories: 1 - restaurants, and 2 - taverns, bars, breweries, and nightclubs. (See the proposed language in Article 22.) Before 2003, these uses were in separate categories in the Development Code.*
- In the NC and IP zones, all new restaurants would be allowed as before through site plan review (staff level review). For new taverns, bars, breweries or night clubs the process is proposed to change from site plan review (staff level review) to a conditional use Type II review (a neighbor can request a public hearing and the Planning Commission is the decision maker).*
- Due to the separation of eating and drinking establishments into two types, we propose that bars be a conditional use (Type II review process) in the OP, LI, and HI zones. Currently, restaurants would continue to not be allowed in the LI and HI zones to protect them for industrial jobs.*

4.020 Establishment of Commercial and Industrial Zoning Districts. In order to regulate and segregate the uses of lands and buildings and to regulate the density of development, the following commercial and industrial zoning districts are created:

- (1) OP – OFFICE PROFESSIONAL DISTRICT. The OP district is intended to provide a vertical or horizontal mix of professional offices, personal services, live-work, residential and limited related commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses and the desired character of the neighborhood. OP is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts.
- (2) NC – NEIGHBORHOOD COMMERCIAL DISTRICT. The NC district is intended primarily for small areas of retail establishments serving nearby residents' frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius.
- (3) CC – COMMUNITY COMMERCIAL DISTRICT. The CC district recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas.

*Staff comments in italics* are not amendments and will be removed.

- (4) **RC – REGIONAL COMMERCIAL DISTRICT.** The RC district is intended primarily for developments that serve the wider Albany region. RC allows a wide range of retail sales and service uses, and is typically appropriate for developments that require large sites near Interstate 5. Design guidelines, building location and front-yard landscaping will provide an enhanced community image along major transportation corridors. These uses often have significant impacts on the transportation system. Sound and visual buffers may be required to protect nearby residential areas. RC districts may not be appropriate in all locations.
- (5) **TD – TRANSIT DISTRICT.** The TD district is intended primarily for regional transit facilities and related uses. This district is suitable as a major office employment center because of easy access to mass transit. Mixed-use development including a multi-modal transportation facility, a park-and-ride facility, and office space should be developed within this district.
- (6) **IP – INDUSTRIAL PARK DISTRICT.** The IP district is intended primarily for light manufacturing, high-tech, research and development, institutions and offices in a quality environment. Uses are characterized by attractive building architecture and landscaped yards and streetscapes, and the absence of objectionable external effects. The district is designed for industrial and business parks containing offices together with clean, non-polluting industries. IP is located along or near highly visible corridors to provide a positive image and a transition to residential or natural areas from heavier industrial uses.

**SCHEDULE OF PERMITTED USES**

4.050 Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. A description of each use category is in Article 22, Use Categories and Definitions. The abbreviations used in the schedule have the following meanings:

- Y Yes; use allowed without review procedures but may be subject to special conditions.
- S Use permitted that requires a site plan approval prior to the development or occupancy of the site or building.
- CU Use considered conditionally under the provisions of Sections 2.230-2.260, Type III procedure (Planning Commission hearing scheduled).
- CUII Conditional Use approval required, Type II procedure (neighbors can request a hearing)
- PD Use permitted only through Planned Development approval.
- N No; use not allowed in the zoning district indicated.

X/X Some zones have two abbreviations for a use category (ex. Y/CU). Refer to the special condition to determine what review process is required based on the details of the use.

A number opposite a use in the “special conditions” column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s). The conditions are found following the schedule, in Section 4.060. [Ord. 5555, 2/7/03]

**SCHEDULE OF PERMITTED USES**

Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	OP	NC	CC	RC	TD	IP	LI	HI
Restaurants, no drive-thru w/ drive-thru or mostly delivery	25	CUII N	S CU-10	S S	S S	S N	S CU	N N	N N
<b>Taverns, Bars, Breweries, Nightclubs</b>	25	CUII	CUII	S	S	S	CUII	CUII	CUII

**SPECIAL CONDITIONS**

4.060 General. Where numbers appear in the “Special Conditions” column or in a particular cell in the Schedule of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction:

- (10) Restaurants in the NC zone. Drive-through restaurants are allowed in NC provided there are no more than two drive-through windows, and there is no speaker service (for ordering).
  
- (25) Hours of operation. **Hours of operation for establishments or outdoor seating areas within 300 feet of a residence may be restricted through conditions of approval to be compatible with neighbors.**

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## ARTICLE 5 MIXED USE VILLAGE CENTER ZONING DISTRICTS

*Staff Comments: The City has received noise complaints from residents that live near a couple of existing bars. While noise is particularly a concern with new outdoor seating areas in several locations, there is periodic noise until closing when people go outside to smoke and converse, and then leave and go to their cars, often parked in front of residences. In addition, the purpose statements of several zoning district encourage compatibility between residential and non-residential uses.*

*The Planning Commission heard testimony from Bailey's owner, Ron Grice. After some deliberation, they supported the following changes to help balance the desire for great neighborhoods and a strong business environment.*

- *Due to the different hours and impacts of eating and drinking establishments near residential neighborhoods, the City is proposing to separate the "restaurant" use category into two use categories: 1 - restaurants, and 2 - taverns, bars, breweries, and nightclubs. (See the proposed language in Article 22.) Before 2003, these uses were in separate categories in the Development Code.*
- *In the ES zone, new restaurants are proposed to be allowed through a conditional use Type II review (a neighbor can request a public hearing). New taverns, bars, breweries or nightclubs are proposed to be allowed through a conditional use review that requires a public hearing (Type III).*
- *In the MS, MUC, MUR, and WF zones, all new restaurants would be allowed as before through site plan review (staff level review). For new taverns, bars, breweries or nightclubs the process is proposed to change from site plan review (staff level review) to a conditional use Type II review (a neighbor can request a public hearing).*

5.030 Establishment of Village Center Zoning Districts. In order to implement the mixed-use and livability concepts in the Town Center and Albany Comprehensive Plans, the following zoning districts are created:

- (1) HD – HISTORIC DOWNTOWN DISTRICT. The HD district is intended primarily for a dense mixture of uses with an emphasis on entertainment, theaters, restaurants, night life and specialty shops. High-density residential infill on upper floors is encouraged, as is the continued presence of the government center and supporting uses.
- (2) CB – DOWNTOWN CENTRAL BUSINESS DISTRICT. The CB district is intended primarily for retail and services that support Historic Downtown businesses and residents. Mixed uses are encouraged both horizontally and vertically. High-density residential infill, especially on upper floors, and office employment are both encouraged.
- (3) MUR – MIXED USE RESIDENTIAL DISTRICT. The MUR district is intended primarily to create a residential district that allows a mixture of neighborhood commercial uses that meet the daily needs of area residents. [Ord. 5673, 6/27/2007]
- (4) WF – WATERFRONT DISTRICT. The WF district is intended transition Albany's Willamette River waterfront into a vibrant center characterized by a variety of housing choices and a mixture of housing, office, and retail uses. Development and design standards will result in great neighborhoods, a pedestrian friendly environment and an enhanced community image. [Ord. 5635, 1/11/2006]
- (5) LE – LYON-ELLSWORTH DISTRICT. The LE district is intended primarily as a location for

development that serves the Historic Downtown district and Downtown Central Business district. This district is the most desirable location in the Central Albany area for parking structures with ground-floor commercial uses.

- (6) MS – MAIN STREET DISTRICT. The MS district is intended primarily as an employment center with supporting commercial and retail services for residents and employees in the area. Retail, restaurant or night uses that impact surrounding residences are discouraged.
- (7) ES – ELM STREET DISTRICT. The ES district is intended primarily to provide enough land for Albany General Hospital and associated medical uses while maintaining compatibility with adjacent residences in scale and design. Light commercial and personal services are encouraged to serve the nearby residents. Removal of existing residences and landscapes is discouraged. New parking facilities should be underground or completely screened. Only the amount of parking that is necessary should be allowed for uses in this district, to minimize the amount of land consumed by parking.
- (8) PB – PACIFIC BOULEVARD DISTRICT. The PB district is intended as an auto-oriented commercial area along Pacific Boulevard in the Central Albany area. Design guidelines and front-yard landscaping will provide a coordinated look and enhance the community image along this major corridor as it develops or redevelops. Sound and visual buffers should be used to protect nearby residential areas.
- (9) MUC – MIXED USE COMMERCIAL DISTRICT. The MUC zoning district is intended primarily to provide a mix of convenience commercial, personal services, offices and medium density residential uses. The district would typically be anchored by a grocery store, and may include a mix of smaller retailers, offices, live-work units and residences. The MUC district is easily accessible to nearby residences, and commercial uses are compatible in scale and design with adjacent neighborhoods. Uses in the MUC zone will serve area residents and should not draw from the region. [Ord. 5556, 2/21/2003; Ord. 5577, 7/28/2004; Ord. 5555, 2/7/2003]

5.060 Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. A description of each use category is in Article 22, Use Categories and Definitions. The abbreviations used in the schedule have the following meanings:

- Y Yes; use allowed without review procedures but may be subject to special conditions.
- S Use permitted that requires a site plan approval prior to the development or occupancy of the site or building.
- CU Use considered conditionally under the provisions of Sections 2.230-2.260, Type III procedure (Planning Commission hearing scheduled).
- CUII Use considered conditionally, Type II procedure (neighbors can request a hearing).
- PD Use permitted only through Planned Development approval.
- N No; use not allowed in the zoning district indicated.

**SCHEDULE OF PERMITTED USES**

Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	MUC	WF	HD	CB	LE	PB	MS	ES	MUR
Restaurants, no drive-thru with drive-thru or mostly delivery	23	S CU	S N	S N	S N	S S	S S	S N	SCUII N	S N
Taverns, Bars, Breweries, Nightclubs	23	CUII	CUII	S	S	S	S	CUII	CU	CUII

**SPECIAL CONDITIONS**

5.070 General. Where numbers appear in the “Special Conditions” column or in a particular cell in the Schedule of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction:

- (23) **Hours of operation**. Hours of operation for establishments or outdoor seating areas within 300 feet of a residence may be restricted through conditions of approval to be compatible with neighbors.

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## ARTICLE 11 LAND DIVISIONS AND PLANNED DEVELOPMENTS

*Staff Comments: Only three sections of this Article are being reviewed at this time: 11.060, 11.080, and 11.180(3).*

*Staff Comments and Findings: Until 2001, land use approvals, excluding land divisions, were valid for one year. The ADC allowed requests for up to two one-year extensions for a total of three years. In 2001, the City extended the time period of approvals to three years and removed the extension request language. No changes were made to phased subdivisions, which expire after 5 years if all phases are not platted. Two residential developers have requested the City consider allowing an extension to subdivision approvals due to the poor economy – one for phased subdivisions. We took this opportunity to evaluate extensions to all land use approvals.*

*Economic Findings: Oregon's recession started in January 2008. Several sources indicate the national recession ended in the third quarter of 2009, but job growth and construction are lagging behind in recovery. Housing and financial markets are still exerting downward pressure on the national and state economies.<sup>1</sup> According to the September 2009 Oregon Economic and Revenue Forecast, prepared by the Oregon Office of Economic Analysis, the construction and manufacturing jobs are especially hard hit. As of June 2009, the construction industry had experienced job losses of 22 percent in Linn County.<sup>2</sup> The quarterly report notes that "housing starts will remain below their historical average until 2013 as the industry continues to work off its excess oversupply and consumer demand returns."<sup>3</sup>*

*Albany's construction permits reflect the state's decline. In 2008, the number of new residential building permits was only 50% of permits issued (194 units) in 2007 (392 units). Through November 2009, both new residential and commercial building permits are down from 2008: 119 new residential units and 10 commercial. (See Attachment 1, City of Albany Building Permits 2005-2009.)*

*Extensions in other cities: The extension to land use approvals in other Oregon communities range from none to 7 years.*

*Proposal: The City Council discussed extensions to land use approvals at their August 12 and August 26, 2009 meetings after hearing from two developers, a few residents, and staff. The Council acknowledged the impact of the recession on the housing and construction industry and gave direction to consider a one-time extension to land use approvals issued between specific time periods.*

*The Planning Commission recommended that land division approvals issued between January 1, 2007 and June 30, 2008 be extended to June 30, 2011. This would result in extensions ranging from 0 to 18 months and would apply to two subdivisions and three partitions.*

11.060 Expiration Dates. City approval of a tentative subdivision or partition plat will expire after three years if a final plat is not submitted for approval **or the applicant has not installed and/or bonded for all public improvements related to the project.**

<sup>1</sup> Oregon Office of Economic Analysis, Oregon Economic and Revenue Forecast, September, 2009, p.42.

<sup>2</sup> Ibid., p. 37.

<sup>3</sup> Ibid., p.49.

**If the final decision became effective between January 1, 2007, and June 30, 2008, any approval that would expire prior to June 30, 2011, will be extended to June 30, 2011.**

**[Ord. 5475, 4/11/2001]**

Once city approval is granted for a final plat, it must be recorded within 45 days with the Linn or Benton County Records Division unless an extension is approved by the City and the County Surveyor's Office.

*Staff Comments: During the initial public input period and at the Planning Commission's November 30<sup>th</sup> hearing, we received an October 22, 2009, letter from John O-Neil of Metropolitan Land Group. He represents the owners of Henshaw Farms. (See Attachment 3 to the staff report.) This phased subdivision will expire on 1/30/2011. He specifically has asked that the City consider granting a temporary, one-time, 5-year approval to the Henshaw Farms phased subdivision, out to 2016. This time frame would allow for the market to return to a healthy and viable state.*

*Discussion at the August 12 and August 26 City Council meetings regarding the economy concluded that it was NOT necessary to grant extensions to phased subdivisions, which currently have a five-year approval period. There was concern that subdivision approvals beyond five years may not meet local, state or federal standards on a variety of issues, such as water quality and wetlands. The Planning Commission concurred with the Council's direction.*

*While the housing industry has been greatly affected by the economy, the last sentence of 11.070 would likely require modifications to approved plans to avoid conflicts with changes in the Comprehensive Plan. The City is close to adopting an updated Transportation System Plan and in 2010 will update the Comprehensive Plan policies regarding natural resources, including wetlands. Staff expects that new regulations and policies will warrant modifications to the Henshaw Farms subdivision.*

*Approved Phased Subdivisions: Between 2005 and 2009, three phased subdivisions were approved. (See Attachment 2 to the staff report.)*

- *Somerset Meadows in East Albany, was approved 7/11/2005. The final plat for Phase 3 was submitted. Phases 4 through 6 have not been submitted.*
- *Henshaw Farms, a 109-acre development approved 1/30/2006. According to the developers, due to economic reasons, this project will need five years beyond the expiration date of 1/30/2011 to plat all phases.*
- *North Creek (formerly Albany Heights) on the SW corner of Crocker and Valley View was approved 5/7/2007. The first phase was recently platted. It is unknown whether they will be able to submit the final plat for the final two phases by May, 2012.*

*Proposal. No changes to the five-year approval period. Staff proposes changing the word "staged" to "phased," which is more commonly used. Secondly, when the original one-year approval was extended to three years in 11.060 in 2001, the reference to one-year in the second paragraph below should have been changed to three years. We propose making this change now.*

11.070 **Staged-Phased Subdivision Development**. When an applicant desires to develop and record in ~~stages~~-final subdivision plats covering portions of an approved tentative plat in **phases**, the City may authorize a time schedule for platting and otherwise developing the various ~~stages~~-**phases** in periods of time in excess of one year.

In no case shall the total time period for all ~~stages~~-**phases** be greater than five years without resubmission of the tentative plat. Each stage ~~that is so~~-**platted** and developed shall conform to

the applicable requirements of this title. Portions platted after the ~~passage of one year~~**three years** may be required to have modifications to avoid conflict with any changes in the Comprehensive Plan or implementing regulations.

TRANSPORTATION REVIEW CRITERION FOR LAND DIVISIONS

*Staff Comments: A resident has asked that the City require more measurable criteria for land divisions and remove subjective wording like "under the circumstances."*

*Questions regarding this section also arose during review of the Thornton Lake Estates subdivision. In particular, the traffic signal at US20/North Albany Road was projected to meet City performance standards, but it was questionable about whether it met ODOT standards. The findings for the project concluded that Council could approve the project regardless of whether or not the ODOT standard was met if they believed the proposed plan was the best possible "under the circumstances." The basis for the requested change to this section appears to be the belief that inclusion of the phrase "under the circumstances" makes interpretation of the criteria too subjective and allows for approval of projects that do not fully meet one or more ADC standards.*

*There are two basic approaches regarding review criteria, without much room in the middle. One approach is to develop a rigid and comprehensive set of Development Code standards and then adopt application review criteria that require full and complete compliance with those standards. Under those circumstances the review of an application essentially becomes a pass/fail test, and there is little or no room for the use of subjective judgment by decision makers. While this approach can reduce some of the controversy that occurs during the review of applications, it is a two-edged sword: applications with wide support may have to be denied over what will often appear to be minor noncompliance issues, and decision makers can be forced to approve flawed projects that still manage (through an unintended loophole or omission) to meet the specific pass/fail language contained in development code standards and the application review criteria. The second approach is to develop a slightly less rigid set of Development Code standards and adopt application review criteria that provide for the use of some level of subjective judgment by decision makers. This approach provides the local jurisdiction with the most flexibility when reviewing applications. However, as we have so often seen in the recent past, that flexibility will often lead to increased levels of controversy during the review of applications. The City's Development Code and application review criteria currently follow the second approach.*

*Staff has considered this request and determined that land use is subjective. Staff concludes it would be a mistake to make this particular transportation review criteria objective and removing all flexibility and subjective judgment of the decision makers. Staff proposed no changes at this time. The Planning Commission concurred and did not recommend making any changes at this time.*

11.180 Tentative Plat Review Criteria. Approval of a tentative subdivision or partition plat will be granted if the review body finds that the applicant has met all of the following criteria which apply to the development:

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

## ARTICLE 22 USE CATEGORIES AND DEFINITIONS

*Staff Comments: The City has received noise complaints from residents that live near a couple of existing bars. While noise is particularly a concern with new outdoor seating areas in several locations, there is periodic noise until closing when people go outside to smoke and converse, and then leave and go to their cars, often parked in front of residences.*

*In this Article of the Code, we propose to separate restaurants into two use categories: restaurants and bars/taverns/breweries/nightclubs. Prior to 2003, restaurants and bars/taverns were considered different use types in the Development Code. Prohibition of minors is proposed as the way to distinguish the two uses.*

*Oregon Administrative Rules outlines when a business must post a "Minors are prohibited" signs. These signs are assigned when a business gets its liquor license. In general, minors may not be in a room or area where there is entertainment which is often found in a drinking environment. There are different types of minor posting signs: the entire premises may be posted to prohibit minors, or a business or portion of a business may be posted to prohibit minors for some or all of the operating hours. Staff feels that using the "minors are prohibited" signs suffices to distinguish between restaurants and taverns, bars, breweries, and nightclubs.*

*This will help balance the desire for great neighborhoods and a strong business environment.*

### 22.130 Restaurants

- (1) *Characteristics.* Restaurants are **primarily** involved in the sale of food ~~and/or beverages~~ to the general public. Businesses may also provide **beverages and** entertainment in addition to food sales.
- (2) *Accessory Uses.* Accessory uses may include offices, storage of goods and packaging of goods for sale on site, and parking.
- (3) *Use Examples.* Types of uses include, but are not limited to: cafes and delicatessens; restaurants with sit-down, carry-out, and fast food (with or without drive-through window), ~~taverns, bars and night clubs.~~
- (4) *Exceptions.* Food sales at events and entertainment centers are accessory uses to the primary use type.

### 22.155 Taverns, Bars, Breweries, Nightclubs

- (1) *Characteristics.* A business or part of a business that sells alcoholic beverages to be consumed on the premises, and which prohibits minors for a portion of the operating hours per Oregon Administrative Rules (845-006-0340) as established by the Oregon Liquor Control Commission. Businesses may also provide entertainment.
- (2) *Accessory Uses.* Accessory uses may include offices, storage of goods and packaging of goods for sale on site, and parking.
- (3) *Use Examples.* Types of uses include, but are not limited to: taverns, bars, sports bars,

**breweries, brewery pubs, wineries, night clubs, and businesses that offer both a restaurant area open to all ages and/or an area restricted to minors.**

- (4) ***Exceptions.*** Beverage sales at events and entertainment centers are accessory uses to the primary use type.

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TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: John R. Bradner, Fire Chief *JRB*  
DATE: January 6, 2010, for the January 13, 2010, City Council Meeting  
SUBJECT: Ambulance Service Fee Increase

- RELATES TO STRATEGIC PLAN THEME: ● A Safe City  
● An Effective Government

Action Requested:

City Council approval by Resolution to increase ambulance service fees effective February 1, 2010.

Discussion:

The Fire Department is proposing a 20 percent increase to ambulance service fees effective February 1, 2010, to keep pace with rising personnel, operating, and medical equipment costs, and to offset decreasing federal Medicare reimbursements. The ambulance service base rate, mileage, and aid call fees were last increased in July 2006, and all other fees were last increased in May 2004.

	<u>Current</u>	<u>Proposed</u>
Base Rate (in-district)	\$ 850.00	\$ 1,020.00
Base Rate (out-of-district)	1,000.00	1,020.00
Bariatric Services *	0.00	420.00
Extrication/Rescue Services	350.00	420.00
Mileage (per loaded mile)	16.25	19.50
Extra EMT (per hour)	75.00	90.00
Waiting Time (per hour)	150.00	180.00
Aid Call (no transport)	350.00	420.00
FireMed Membership (annual)	50.00	50.00
Stand-by Coverage (per unit/per hour)	225.00	270.00
Stand-by Coverage (per EMT/per hour)	75.00	90.00

\* Bariatric Services is a new fee associated with the transport of obese patients, which requires additional emergency services personnel and specialized equipment.

Budget Impact:

Estimated \$173,000 additional revenue to the Ambulance Fund.

JB:ljh

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ESTABLISHING AMBULANCE SERVICE FEES AND REPEALING RESOLUTION NO. 5276.

WHEREAS, the City of Albany Fire Department operates an ambulance service; and

WHEREAS, the City Council reviews and authorizes ambulance service fees.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of Albany, Oregon, that the fees described in Exhibit "A" be established effective February 1, 2010, for services provided by the Fire Department's ambulance service; and

BE IT FURTHER RESOLVED that the Fire Department shall offer an ambulance membership program called Albany FireMed which is not insurance, but is prepayment of ambulance service charges in excess of any health insurance or other medical benefits the member may have; and

BE IT FURTHER RESOLVED that the Fire Department shall provide emergency medical care at the Advanced Life Support (ALS) level on all ambulances so long as resources allow; and

BE IT FURTHER RESOLVED that the Fire Department shall reserve the right to accept assignment of payment received from any third-party payer, including the Centers for Medicare and Medicaid Services (CMS); and

BE IT FURTHER RESOLVED that the Fire Department shall accept payments received from the Oregon Health Plan as payment in full for ambulance service, except where other medical benefits may exist; and

BE IT FURTHER RESOLVED that Resolution No. 5276 is hereby repealed.

DATED AND EFFECTIVE THIS 13TH DAY OF JANUARY 2010.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Exhibit "A"**

**1. Ambulance Fee Schedule Effective February 1, 2010:**

Base Rate	\$1,020.00	Waiting Time (per hour)	\$180.00
Bariatric Services	420.00	Aid Call (no transport)	420.00
Extrication/Rescue	420.00	FireMed Membership (annual)	50.00
Mileage (per loaded mile)	19.50	Stand-by Coverage (per unit/per hour)	270.00
Extra EMT (per hour)	90.00	Stand-by Coverage (per EMT/per hour)	90.00

2. **Base Rate:** The base rate fee covers all medical supplies, equipment, procedures, and services associated with pre-hospital medical care and ambulance transportation. Mileage and other services are billed in excess of the base rate. One base rate fee is charged for each patient transported. Only one base rate fee is charged for a round-trip transport from point of origin to destination and back to origin.
3. **Bariatric Services:** Fee for transporting obese patients, requiring additional emergency services personnel and specialized bariatric equipment.
4. **Extrication/Rescue:** Fees charged when an additional Albany Fire Department unit assists in performing fire suppression activities, extrication, or rescue that requires specialized equipment.
5. **Mileage:** A mileage fee is charged for each patient who is transported. Mileage is based on "loaded miles" from the point of patient origin to destination and is computed to the nearest whole mile. Mileage for round trips is computed on total round-trip mileage.
6. **Waiting Time:** Waiting time is charged when a patient is transported to a medical facility for medical treatment and then returned to the originating facility. This usually occurs between a hospital or care facility and another hospital, but may occur in other circumstances. Waiting time is charged in half-hour increments to the nearest half-hour and is charged only for time spent waiting for the patient. Time spent in transport and patient handling is covered under the base rate and mileage.
7. **Extra EMT:** An extra EMT fee is charged for each extra Albany Fire Department EMT that is medically necessary to assist with patient care or ambulance operation during transport.
8. **Aid Call:** An aid call fee is charged when an ambulance responds to a medical incident and provides medical treatment, but does not transport the patient. The aid call fee depends on circumstances, but is usually only charged when significant medical treatment is provided.
9. **FireMed Membership:** The FireMed Membership fee covers the primary member and all dependents regularly living in the household for medically-necessary ambulance transportation during the annual membership period. The member and all covered dependents must live within the boundaries of the Albany Fire Department Ambulance response area. The terms of membership benefits are described in the Albany FireMed membership agreement.
10. **Stand-by Coverage (unit):** The stand-by coverage fee is charged to individuals and organizations that want ambulance and EMT stand-by at public events. A unit consists of an on-site ambulance staffed by two EMTs. The EMTs will provide first response and all necessary first aid. A duty ambulance will handle ambulance transportation, and the patient will be charged for ambulance transportation.
11. **Stand-by Coverage (EMT):** The stand-by coverage fee is charged to individuals and organizations that want an EMT stand-by at public events. The EMTs will provide first response and all necessary first aid. A duty ambulance will handle ambulance transportation, and the patient will be charged for ambulance transportation.



TO: Albany City Council

VIA: Wes Hare, City Manager  
Diane Taniguchi-Dennis, P.E., Public Works Director *DSTD*

FROM: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*  
Jeff Woodward, P.E., Civil Engineer II *JW*

DATE: January 4, 2010, for the January 13, 2010, City Council Meeting

SUBJECT: ST-09-03, Oak Street Improvements LID  
Initial Engineer's Report and Financial Investigation

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods  
● Effective Government

Action Requested:

Staff requests that Council accept this Engineer's Report and accompanying Financial Investigation and adopt the attached Resolution setting a public hearing for February 10, 2010.

Discussion:

The following Engineer's Report reflects the direction provided by Council at multiple Council Meetings. A Resolution setting a public hearing for this project is included for Council's consideration for adoption.

Background

On January 28, 2009, Council authorized staff to initiate an Engineer's Report regarding the formation of an LID for the improvement of Oak Street between Ninth Avenue and Queen Avenue.

Staff developed a project scope and cost estimate for the project, with a map of the potential LID boundary as shown on Attachment A. This LID is somewhat unique due to the varied land uses associated with the properties inside the LID boundary, including single family homes, multifamily properties, a park, and community commercial property. Staff considered multiple assessment methodologies for the LID in an effort to develop an equitable distribution of the costs to improve Oak Street.

Staff held a neighborhood meeting on March 10, 2009, to discuss the project and present the proposed assessment methodology. There was a good turnout at the meeting with 23 people in attendance, representing all of the different property types in the LID. At the neighborhood meeting, staff presented a methodology and estimated assessments based on trip generation. Two main concerns were evident at the meeting. The first concern was the amount of City participation that would be contributed to the project, due to the City receiving \$376,300 from Linn County for taking over jurisdiction of this section of the roadway in 1990. Although all the funds the City received from Linn County have been expended, it was expected the City should participate based on the funds received from Linn County. The second concern was that the trip generation assessment methodology was developed in an effort to minimize the assessment levied against Kinder Park, with a desire to have other methodologies considered.

In response to the concerns raised at the neighborhood meeting, staff reported at the April 6, 2009, City Council Work Session, explaining the outcome of the neighborhood meeting and presenting five methodologies for consideration. The following table identifies the five methodologies discussed and the characteristics of each of the methodologies.

	Methodology	Characteristics
1	Trip Generation	Acknowledges varying land uses and benefits of those land uses. Apportions project costs based on trip generation.
2	Lot Frontage	Does not recognize higher use properties gaining greater benefit. Assessments based entirely on property frontage on Oak Street. Assessments high for residential properties.
3	Lot Area	Does not recognize higher use properties gaining greater benefit. Assessments based entirely on property area.
4	Zoning	This methodology distributes assessments based on area, but is weighted by property zoning.
5	Residential/Collector Street Cost Separation	This methodology would have all properties pay their proportional share of a residential street based on lot frontage. The incremental cost to make the street a collector street would be borne by non-residential properties. Assessments high for residential properties.

After the discussions at the April 6 Work Session, Council directed staff to move forward with the trip generation methodology. The trip generation methodology for distribution of assessments was affirmed by Council at the October 14 and 28, 2009, Council Meetings as well as the December 16, 2009, Council Meeting.

Due to issues and uncertainties with the proposed Community Commercial development at the corner of Oak Street and Ninth Avenue, the LID discussion had been put on hold until recently. Staff presented an Engineer's Report at the October 14, 2009, City Council Meeting, which modified the LID boundary to include only improvements on the north end of Oak Street and the extension between Ninth Avenue and Pacific Boulevard. This modified boundary was developed in order to address the immediate need for improvements in the vicinity of the developing Community Commercial property at the intersection of Oak Street and Ninth Avenue. This modified boundary also excluded almost all of the residential properties along Oak Street from having to participate in an LID. It is anticipated the residential properties along Oak Street are not going to be in favor of an LID in any form that requires them to be assessed.

After discussions of the proposed modified boundary, Council directed staff to change the LID boundary to include improvements to all of Oak Street between Pacific Boulevard and Queen Avenue and submit a new Engineer's Report. This modified Engineer's Report was submitted to Council at the October 28, 2009, Council Meeting.

#### Summary of Estimated Costs

The Oak Street and Storm Drain improvements from Ninth Avenue to Queen Avenue are estimated to be \$2,180,000. The assessment roll is prepared showing assessments based on trip generation and no City participation in the project costs, as shown on Attachment B.

The Oak Street Extension between Pacific Boulevard and Ninth Avenue is estimated at \$2,518,000, including right-of-way acquisition and building demolition. The assessment roll is prepared showing assessments based on trip generation and no City participation in the project costs.

The required water system improvements are estimated to cost \$257,000. Some of the water improvements are construction of missing water line. The costs associated with construction of this missing water line are shown as being paid by the City, with the exception of the Ping's Garden parcel. When the Ping's Garden Restaurant parcel was developed, the owner chose to

execute a Petition/Waiver for the public improvements along the Oak Street frontage, including the water line. In this way assessments for several properties are reduced and the City will recoup a portion of this cost through the collection of connection fees when the properties develop. This option will result in the City covering some of the water line costs that would otherwise be assessed to benefitting properties because Connection Fees will not completely cover the cost of the new water line construction.

The balance of the water line work is replacement of old and undersized water lines. The cost to replace the existing water line will be funded by the City. The estimated City participation in the project to construct the missing segments and replace the existing water system is \$243,770.

The total estimated costs and assessable amounts are summarized below and are shown on the assessment computation sheet enclosed as Attachment B.

Oak Street and Storm Drain	\$2,180,000
Oak Street Extension	2,518,000
Water	257,000
City Funding (Water)	<u>-243,770</u>
Net Assessable Costs	\$4,711,230

*Proposed Method of Assessment*

Based on Council direction, the assessment methodology for Oak Street and Storm Drain and the Oak Street Extension between Pacific Boulevard and Ninth Avenue is based on trip generation. Council determined this method will most equitably distribute the assessable costs to the parcels, considering the widely varied land uses associated with the properties included in the LID boundary.

The Oak Street Extension is shown in the draft Transportation System Plan (TSP) update as being 100 percent growth related. Therefore, the properties that receive a special benefit from this extension are those that are not yet developed, while properties that are currently developed do not receive a special benefit from this extension. In addition, there is a diminishing special benefit to properties located farther away from the improvement. Therefore, staff has proposed that the parcel north of Ninth Avenue and the undeveloped properties on the east side of Oak Street from Ninth Avenue south, to and including the park property, be assessed for the special benefit of the Oak Street extension.

The estimated assessments are based on cost estimates derived from preliminary design concepts and costs of similar work on other City projects. The final assessment amounts will be based on actual City costs, amounts of City participation, bid prices, and final work quantities, and are expected to vary from this estimate.

*City Participation*

Council has expressed a desire to consider City participation in the cost of the improvements of Oak Street. While Council has indicated that they are interested in having the City contribute in the costs of the Oak Street improvements, the attached assessment roll does not show any City participation. In this way property owners in the LID will see the estimated worst-case assessment scenario in the Engineer's Report.

This Council's desire to provide City participation in the LID stems from the fact that the City received some funding from Linn County when the roadway was transferred to the City. In 1990

the City of Albany and Linn County entered into a Road Transfer Agreement. This agreement outlined the conditions of transferring multiple Linn County Roads that were within the City limits to the City of Albany. In exchange for the City taking over jurisdiction of these roads, Linn County paid the City of Albany a sum of money for each road. Oak Street was included in this agreement. As such, Linn County paid the City of Albany \$376,300 in exchange for the City accepting it as a City road. The amount of the payment for Oak Street does not appear to have been enough to pay for full urban improvements of Oak Street. In 1995, the City Council chose to combine all Linn County Road Transfer funds and use them to reduce assessments for the improvement of Marion Street. Therefore, there are no remaining Linn County road transfer funds available for use on any other projects.

Since transportation funding for capital improvements is very limited, providing funding for a portion of the Oak Street improvements will delay the construction of currently planned transportation projects Council has expressed a desire to complete. Therefore, Council's policy decision regarding City contribution to the Oak Street project will impact planned projects.

While funding is limited, there are a few options available to Council should they decide the Oak Street improvement is a priority for City funding. One option is to provide funds from City Capital budgets. Another funding source for City participation would be Transportation System Development Charges.

City Participation with Capital Funds:

Public Works staff has identified potential funding sources in the Street Capital and Restoration Fund for the \$376,300 of City participation. There are three potential sources that could be used for this project.

1. Street Connection Fees – There are approximately \$100,000 of reserves in Street Connection Fees. These are monies the City collects when properties develop adjacent to improved roadways that the property did not help to pay for. Council can choose to spend this balance down as part of the City funding of Oak Street.
2. Street Capital and Restoration – The City holds a reserve of approximately \$620,000 of Street Capital funds. The City has been using these funds to leverage Surface Transportation Program (STP) funds to enable the City to complete larger scale street reconstruction projects.
3. Surface Transportation Program – The City can also use the annual Surface Transportation Program (STP) fund exchange money the City receives from Oregon Department of Transportation (ODOT). The City receives approximately \$370,000 each year in STP funds. These funds are used in conjunction with Street Capital funds to complete larger scale street reconstruction projects.

City Participation with Transportation System Development Charges Funds:

Another option for City participation in the project costs is the use of Transportation System Development (TSDC) funds. TSDC contributions can be made to both sections of the Oak Street improvements north and south of Ninth Avenue.

There are challenges regarding traffic adjacent to the community commercial property at the corner of Oak Street and Ninth Avenue. These challenges have developed over time and are not solely the result of potential development of the parcels zoned community commercial. Therefore, staff believes it could be appropriate for Council to consider some level of TSDC funding for both the improvements to support development of the vacant commercial property

along this section of Oak Street and the completion of the Oak Street extension between Ninth Avenue and Pacific Boulevard.

The extension of Oak Street between Ninth Avenue and Pacific Boulevard is eligible for 100 percent TSDC funding up to a maximum of \$2,130,000. Therefore, based on the current estimate, even if all of the potential TSDC funds are aimed at the extension of Oak Street, there would be a small balance that would need to be assessed.

Council can choose to also fund a portion of the Oak Street Improvements between Ninth Avenue and Queen Avenue with TSDC funds. TSDC funding participation could be as high as 65 percent for the portion of Oak Street between Ninth Avenue and Queen Avenue per the draft TSP.

Oak Street is not identified as a collector street or a funded project in the current TSP. Oak Street is identified as a collector street eligible for TSDC funding in the draft TSP update Council is considering at this time. Therefore, if Council adopts the new TSP, Oak Street would be eligible for TSDC funding from new TSDC revenues. The use of TSDC funds will either require Council to borrow existing TSDC funds and pay them back with future (new) TSDC funds or to mingle old and new TSDC funds. If Council would like to use existing TSDC funds, staff will need to return to Council for a discussion on the logistics and impacts of using these funds on this project.

At the time of final assessments for this project, it is anticipated the updated TSP will be adopted and this project will be identified as SDC eligible. Any TSDC funding of this project would be shown on the final Engineer's Report submitted after the project is completed and prior to levying final assessments.

Impacts of City Participation with Capital or TSDC Funds

The City cannot participate in the cost of the Oak Street project without impacting other planned transportation improvement projects. Use of funds on Oak Street will reduce funding available to use on other planned projects. If Council decides Oak Street is a priority over other projects, those other projects will be delayed.

All of the City's gas tax funds from the State are currently used for operation and maintenance activities. Therefore, STP funds are the only capital revenue source for street projects. Following is a table showing the planned projects that will have to be delayed if Street Capital reserve funds are used for Oak Street.

Project	Current Planned Project Year	Revised Project Year if Oak Funded with Capital Funds
Jackson Street	2011	2012
Hill Street – Queen Avenue to 24 <sup>th</sup> Avenue	2014	2016

In addition, funding Oak Street and these planned projects will most likely eliminate all of the City's street capital reserves unless a new funding source is identified for street capital. If this happens, the only source for street rehabilitation and reconstruction projects will be the City's share of STP funding provided by ODOT. This funding source is not guaranteed to remain available at its current level or any level. In addition, without capital reserves, the City will not have the ability to react to emergencies or opportunities as they happen. Therefore, the decision to spend capital funds for Oak Street should be made carefully.

The amount of new TSDC funds available for improvements on Oak Street will depend on when the new TSP and TSDC fee is adopted, the amount of funding collected prior to the final

engineer's report, and what portion of those funds Council chooses to direct towards Oak Street relative to other priority street projects. Council will need to weigh the use of new TSDC funds on this project with other TSDC project priorities. Council could choose to participate in the LID with TSDC funds at lower percentages than the maximum allowed.

Use of TSDC funding for this project will delay other TSDC projects Council is currently prioritizing. The extent of the delay of these projects will be dependent on the amount of TSDC funds obligated to the Oak Street project, the pace of development, and the value of the new TSDC rate Council adopts. The use of existing TSDC funds would require further discussion with Council about the impacts and implications on TSDC funds. This discussion can be delayed until the later stages of the LID process, but the final decision must be made before assessments are finalized and levied. However, Council direction as to whether they intend to use some form of TSDC funding on the project will likely impact property owner's disposition toward the project.

Proposed Project Schedule

Staff anticipates Council will have some modifications to the funding aspects of this Engineer's report. Staff will need some time to incorporate the changes into the report before a public hearing is scheduled. Therefore, staff is recommending that the public hearing be scheduled for February 10, 2010.

The proposed schedule is:

Public Hearing to form the LID	February 2010
Design	Spring/Summer 2010
Bidding and Award of Contract	Fall/Winter 2010
Complete Construction	Summer 2011
Public Hearing on Final Assessments	Fall 2011

Budget Impact:

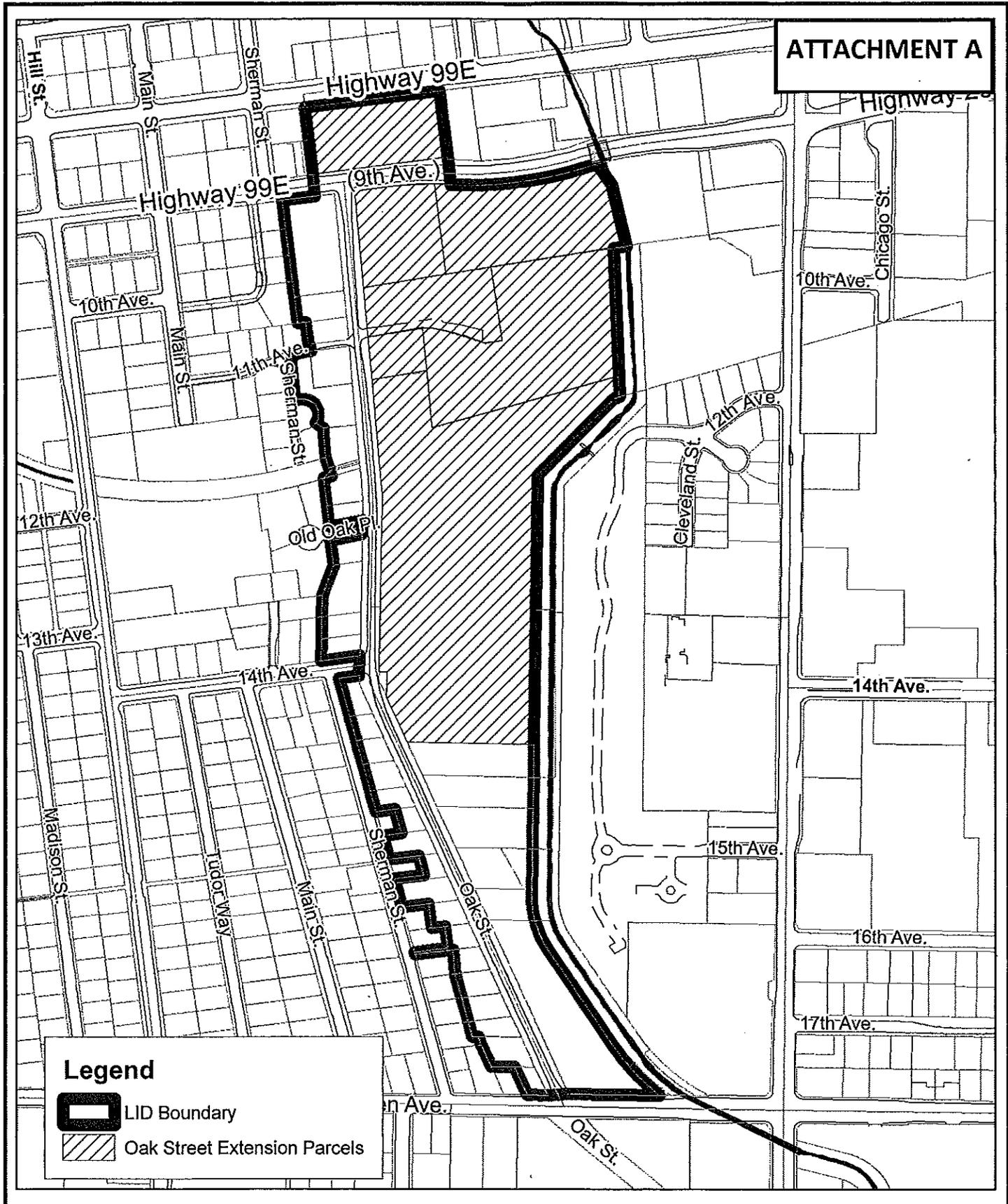
If this LID is formed, the street and storm drain costs will be funded by a combination of special assessments to the benefiting properties and City participation in the project costs. The City could contribute a combined \$376,300 from Street Capital and Restoration fund (250-50-2700), STP Funds, TSDC funds, or other funds identified by Council. The exact split of these funds is dependent on how Council wants to apply the City participation to the project. Transportation SDC funding would require some additional discussion with Council to identify how to best use these funds. Council may choose to replace or augment the \$376,300 with Transportation SDC funds at the time assessments are levied after the project is completed.

Water system improvement costs will be funded by a combination of one special assessment to the Ping's Restaurant property and approximately \$60,770 from the Connection Fee Reserves in the Water System Capital Projects Fund (615-50-2308) and \$183,000 from the Capital Reserves of the Water System Capital Projects Fund Reserve (615-50-2308).

Should Council decide not to form this LID, the costs incurred to date would not be recoverable through assessments and an alternative funding source would have to be identified.

MWS:kw

Attachments (4)



**Legend**

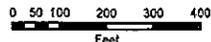
-  LID Boundary
-  Oak Street Extension Parcels

**Oak Street Local Improvement District - Potential Boundary**



The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily accessible format. While the information provided is generally believed to be accurate, the City of Albany does not warrant the accuracy of the information provided, and shall be accurate in all respects. Prior to making any property purchase or other investment based in part or in whole upon the information provided, it is specifically advised that you independently verify the information contained within our records.

N

Project File Location:  
 10/03/2008 1:10:51 PM \\ALDERAAN\Data\Shared\GIS\Engineering\Oak Street LID\OakLID.mxd

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917-7676

Methodology: TRIP GENERATION		INITIAL ENGINEER'S REPORT								CITY OF ALBANY	
		ASSESSMENT CALCULATION SHEET									
		Water	Oak Street	Oak Street	Oak Street &	Extension	Oak Street	Total	ST-09-03, Oak Street LID		
		Units	Water	Units	Storm Drain	Units	Extension	Estimated	Estimated Assessments		
Name	Assessor's Map and Tax Lot	Zone	(Lin Ft)	Assmt	(Trips)	Assmt	(Trips)	Assmt	Assmt	January 2010	
NET ASSESSABLE COSTS											
ABRAHAM MARIANN I TR	11S03W07AD05500	SFR			9.570	\$6,442.32			\$6,442.32	Water	\$257,000.00
ALBANY CITY OF	11S03W08BC01400	RMD			142.660	\$96,035.74	142.660	\$155,687.65	\$251,723.39	City Funding (Water)	(\$243,770.00)
BARRETT BROS	11S03W08BB04200	CC					168.520	\$183,909.17	\$183,909.17		
BURKE ARTHUR C, JEAN M TR	11S03W07AD04200	SFR			9.570	\$6,442.32			\$6,442.32		
CROOK TERRY L	11S03W07AD03500	RMD			9.570	\$6,442.32			\$6,442.32	Oak Street & Storm Drain	\$2,180,000.00
CUNNINGHAM ANTHONY L	11S03W07DA04000	SFR			13.300	\$8,953.28			\$8,953.28		
ELK KIM CHIEF, GARCIA ARTURO C	11S03W07DA05201	SFR			13.300	\$8,953.28			\$8,953.28		
FICKENSCHER GARI T, CHRISTINE M	11S03W07AD02803	RMD			9.570	\$6,442.32			\$6,442.32	Oak Street Extension	\$2,518,000.00
GERGER BRENT	11S03W07DA05200	SFR			9.570	\$6,442.32			\$6,442.32		
GLASER F T, MARY E TR	11S03W08CB00601	RMD			99.750	\$67,149.62			\$67,149.62		
GOULETT DENNIS W, PATSY I	11S03W07DA04700	SFR			9.570	\$6,442.32			\$6,442.32	Net Assessable Cost	\$4,711,230.00
GOULETT DENNIS W, PATSY I	11S03W07DA04800	SFR			9.570	\$6,442.32			\$6,442.32		
GRAZUL DOROTHY	11S03W08CB01000	RMD			63.840	\$42,975.76			\$42,975.76	UNIT ASSESSMENTS	
HARRISON MARLENE D	11S03W07AD03600	SFR			13.300	\$8,953.28			\$8,953.28		
HUMPHREY TAMIO J	11S03W07DA04600	SFR			13.300	\$8,953.28			\$8,953.28	Oak Street Water	
J CONSER & SONS LLC	11S03W08BC01201	CC			275.150	\$185,225.28	275.150	\$300,276.62	\$485,501.90	Est. Net Cost	\$13,230.00
J CONSER & SONS LLC	11S03W08BC01202	CC			799.815	\$538,418.70	799.815	\$872,853.58	\$1,411,272.28	Units	294.00 Lin Ft
J CONSER & SONS LLC	11S03W08BC01300	CC			87.159	\$58,673.73	87.159	\$95,118.50	\$153,792.23	Unit Cost	\$45.00 per Lin Ft
KILLEN RANDY, SABRA	11S03W08BC01000	CC			529.792	\$356,644.73	529.792	\$578,172.02	\$934,816.75		
KILLIN EMILY	11S03W07DA04200	SFR			13.300	\$8,953.28			\$8,953.28	Oak Street & Storm Drain	
KILLIN EMILY	11S03W07DA04300	SFR			13.300	\$8,953.28			\$8,953.28	Est. Net Cost	\$2,180,000.00
LEE CHUNG PING, LAI KUEN	11S03W07AD00100	O/P	294.00	\$13,230.00	225.595	\$151,865.59			\$165,095.59	Units	3,238.365 Trips
LEE CHUNG PING	11S03W07DA04401	SFR			13.300	\$8,953.28			\$8,953.28	Unit Cost	\$673.18 per Trip
LEE CHUNG PING	11S03W07DA04501	SFR			13.300	\$8,953.28			\$8,953.28		
LUSCHER MARK W, VALERIE J	11S03W07AD02700	RMD			13.300	\$8,953.28			\$8,953.28	Oak Street Extension	
MEAGHER THOMAS C, DARLENE G	11S03W07DA03900	SFR			9.570	\$6,442.32			\$6,442.32	Est. Net Cost	\$2,518,000.00
NINTH & OAK CHURCH OF CHRIST	11S03W08CB00200	RMD			25.606	\$17,237.43			\$17,237.43	Units	2,307.299 Trips
NINTH & OAK CHURCH OF CHRIST	11S03W08CB00604	RMD			21.766	\$14,652.42			\$14,652.42	Unit Cost	\$1,091.32 per Trip
PERLENFEIN PHYLLIS I, EDWARD R TR	11S03W08BC01100	CC			304.203	\$204,782.99	304.203	\$331,982.47	\$536,765.46		
PERRY MARY AMBROSE	11S03W07DA05500	SFR			9.570	\$6,442.32			\$6,442.32		
PHILLIPS CARLA J	11S03W07DA05400	SFR			9.570	\$6,442.32			\$6,442.32		
PHILLIPS TIMOTHY W	11S03W07AD00103	RMD			9.570	\$6,442.32			\$6,442.32		
RONER FRED A, ANNA L TR	11S03W07AD02800	RMD			9.570	\$6,442.32			\$6,442.32		
SADRI ASGHAR R	11S03W08CB01100	RMD			62.510	\$42,080.43			\$42,080.43		
SADRI ASGHAR R	11S03W08CB01208	RMD			295.260	\$198,762.89			\$198,762.89		
SCHWAB RON	11S03W07DA04100	SFR			9.570	\$6,442.32			\$6,442.32		
SIEGRIST WILLIAM C, NANCY C	11S03W07DA05300	SFR			13.300	\$8,953.28			\$8,953.28		
STYLER MICHAEL D, MARGARET M	11S03W07AD05400	SFR			9.570	\$6,442.32			\$6,442.32		
WADLOW ROBERT A, MEREDITH A	11S03W07AD03700	SFR			9.570	\$6,442.32			\$6,442.32		
WILLIAMS SCOTT L, KAREN S	11S03W07AD05600	SFR			9.570	\$6,442.32			\$6,442.32		
WOODARD CHRIS	11S03W07DA04900	SFR			9.570	\$6,442.32			\$6,442.32		
WOODARD CHRIS A	11S03W07DA05000	SFR			9.570	\$6,442.32			\$6,442.32		
	TOTALS		294.00	\$13,230.00	3,238.365	\$2,180,000.00	2,307.299	\$2,518,000.00	\$4,711,230.00		
SMR: Single Family Residential RMD: Residential Medium Density CC: Community Commercial O/P: Office/Professional											

ATTACHMENT B

**FINANCIAL INVESTIGATION REPORT  
ST-09-03, Oak Street Improvements LID**

(As of January 5, 2010)

OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	TOTAL ASSESSMENT	BOND MAXIMUM	TRUE CASH VALUE 2007/2008			OTHER ASMNTS	ASMNT % TO TCV	SEMI-ANNUAL PAYMENTS AT 6.55%
					LAND	IMPROVMENTS	TOTAL			
ABRAHAM TR, MARIANN I PO BOX 3016 ALBANY, OR 97321	11S03W07AD05500 Site: 1330 Oak St SE	0.17%	6,442.32	126,360	53,010	10,170	63,180	-	0.10	444.11
ALBANY, CITY OF PARKS & RECREATION DEP PO BOX 490 ALBANY, OR 97321	11S03W08BC01400 Site: 1326 Oak St SE	6.78%	251,723.39	887,000	433,550	9,950	443,500	-	0.57	17352.87
BARRETT BROS, PERLENFEIN INVESTMENTS 2455 FERRY ST SW ALBANY, OR 97322	11S03W08BB04200 Site: 1300 Pacific Blvd SE	4.96%	183,909.17	4,334,640	1,450,180	717,140	2,167,320	-	0.08	12678.01
BURKE TR, ARTHUR C & JEAN M BURKE TR 1220 OLD OAK PL SE ALBANY, OR 97322	11S03W07AD04200 Site: 1220 Old Oak Dr SE	0.17%	6,442.32	276,040	52,610	85,410	138,020	-	0.05	444.11
CROOK, TERRY L 1130 OAK ST SE ALBANY, OR 97322-4936	11S03W07AD03500 Site: 1130 Oak St SE	0.17%	6,442.32	305,920	59,870	93,090	152,960	-	0.04	444.11
CUNNINGHAM, ANTHONY L 811 HERTFORD ST GREENSBORO, NC 27403-3010	11S03W07DA04000 Site: 1680 Oak St SE	0.24%	8,953.28	405,320	64,000	138,660	202,660	-	0.04	617.21
ELK, KIM CHIEF & ARTURO C GARCIA 2520 CARMELITA AVE BELMONT, CA 94002	11S03W07DA05201 Site: 1511 Sherman St SE	0.24%	8,953.28	421,140	64,000	146,570	210,570	-	0.04	617.21
FICKENSCHER, GARI & CHRISTINE M FICKEN 1110 OAK ST SE ALBANY, OR 97322-4936	11S03W07AD02803 Site: 1110 Oak St SE	0.17%	6,442.32	506,120	63,100	189,960	253,060	-	0.03	444.11

FINANCIAL INVESTIGATION REPORT  
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					LAND	IMPROVMENTS	TOTAL			
GERGER, BRENT 1505 SHERMAN ST SE ALBANY, OR 97322	11S03W07DA05200 Site: 1505 Sherman St SE	0.17%	6,442.32	245,840	53,180	69,740	122,920	-	0.05	444.11
GLASER TR, F T & MARY E GLASER TR C/O G FIVE LLC 34343 TANGENT DR TANGENT, OR 97389	11S03W08CB00601 Site: -	1.81%	67,149.62	212,800	106,400	-	106,400	-	0.63	4629.04
GOULETT, DENNIS W & PATSY I GOULETT 1615 SHERMAN ST SE ALBANY, OR 97322	11S03W07DA04700 Site: 1615 Sherman St SE	0.17%	6,442.32	402,680	50,560	150,780	201,340	-	0.03	444.11
GOULETT, DENNIS W & PATSY I GOULETT 1615 SHERMAN ST SE ALBANY, OR 97322	11S03W07DA04800 Site: 1615 Sherman St SE	0.17%	6,442.32	52,040	14,740	11,280	26,020	-	0.25	444.11
GRAZUL, DORATHY 2/0 R SADRI ASGHAR 203 E RESERVE ST VANCOUVER, WA 98661	11S03W08CB01000 Site: 1605 Oak St SE	1.16%	42,975.76	128,000	64,000	-	64,000	-	0.67	2962.59
HARRISON, MARLENE D 1204 OAK ST SE ALBANY, OR 97322-6666	11S03W07AD03600 Site: 1204 Oak St SE	0.24%	8,953.28	434,560	63,490	153,790	217,280	-	0.04	617.21
HUMPHREY, TAMIO J 3915 NW SITKA PL CORVALLIS, OR 97330	11S03W07DA04600 Site: 1610 Oak St SE	0.24%	8,953.28	326,340	64,000	99,170	163,170	-	0.05	617.21
J CONSER & SONS LLC, 1010 AIRPORT RD SE ALBANY, OR 97322-5125	11S03W08BC01201 Site: 1111 Oak St SE	13.09%	485,501.90	2,833,860	173,430	1,243,500	1,416,930	-	0.34	33468.68

FINANCIAL INVESTIGATION REPORT  
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(As of January 5, 2010)

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					LAND	IMPROVMENTS	TOTAL			
J CONSER & SONS LLC, 1010 AIRPORT RD SE ALBANY, OR 97322-5125	11S03W08BC01202 Site: -	38.04%	1,411,272.28	504,240	252,120	-	252,120	-	5.60	97287.82
J CONSER & SONS LLC, 1010 AIRPORT RD SE ALBANY, OR 97322-5125	11S03W08BC01300 Site: 1105 Oak St SE	4.15%	153,792.23	390,760	69,340	126,040	195,380	-	0.79	10601.86
KILLEN, RANDY & SABRA KILLEN C/O CONSER DESIGN & CONSTRUCTION 1010 AIRPORT RD SE ALBANY, OR 97322	11S03W08BC01000 Site: -	25.20%	934,816.75	3,530,520	1,765,260	-	1,765,260	-	0.53	64442.76
KILLEN, EMILY 615 NW QUARRY RD ALBANY, OR 97321-1558	11S03W07DA04200 Site: 1656 Oak St SE	0.24%	8,953.28	342,340	64,000	107,170	171,170	-	0.05	617.21
KILLEN, EMILY 615 NW QUARRY RD ALBANY, OR 97321-1558	11S03W07DA04300 Site: 1642 Oak St SE	0.24%	8,953.28	342,340	64,000	107,170	171,170	-	0.05	617.21
LEE, CHUNG PING & LAI KUEN LEE 1206 9TH AVE SE ALBANY, OR 97322	11S03W07AD00100 Site: 1206 9th Ave SE	4.45%	165,095.59	1,972,500	394,810	591,440	986,250	-	0.17	11381.07
LEE, CHUNG PING 2521 27TH AVE SE ALBANY, OR 97322	11S03W07DA04401 Site: 1636 Oak St	0.24%	8,953.28	326,600	64,000	99,300	163,300	-	0.05	617.21
LEE, CHUNG PING 2521 27TH AVE SE ALBANY, OR 97322	11S03W07DA04501 Site: 1626 Oak St	0.24%	8,953.28	326,600	64,000	99,300	163,300	-	0.05	617.21

FINANCIAL INVESTIGATION REPORT  
ST-09-03, Oak Street Improvements LID

(As of January 5, 2010)

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					LAND	IMPROVMENTS	TOTAL			
LUSCHER, MARK W & VALERIE J LUSCHER 2616 NW WESTMINSTER WAY ALBANY, OR 97321	11S03W07AD02700 Site: -	0.24%	8,953.28	373,840	64,000	122,920	186,920	-	0.05	617.21
MEAGHER, THOMAS C & DARLENE G MEAGH 1690 OAK ST SE ALBANY, OR 97322-6654	11S03W07DA03900 Site: 1690 Oak St SE	0.17%	6,442.32	350,820	44,950	130,460	175,410	-	0.04	444.11
NINTH & OAK CHURCH OF CHRIST, PO BOX 454 ALBANY, OR 97321-0130	11S03W08CB00200 Site: 1555 Oak St SE	0.46%	17,237.43	584,940	64,570	227,900	292,470	-	0.06	1188.28
NINTH & OAK CHURCH OF CHRIST, PO BOX 454 ALBANY, OR 97321-0130	11S03W08CB00604 Site: -	0.39%	14,652.42	94,500	47,250	-	47,250	-	0.31	1010.08
PERLENFEIN TR, PHYLLIS I & EDWARD R PER C/O EDWARD R PERLENFEIN 2910 NE ALEXANDER LN ALBANY, OR 97321	11S03W08BC01100 Site: -	14.47%	536,765.46	2,252,440	1,126,220	-	1,126,220	-	0.48	37002.6
PERRY, MARY AMBROSE & DOROTHEA A MIT 1405 SHERMAN ST SE ALBANY, OR 97322	11S03W07DA05500 Site: 1405 Sherman St SE	0.17%	6,442.32	330,680	51,630	113,710	165,340	-	0.04	444.11
PHILLIPS, CARLA J 2651 NW WESTMINSTER WAY ALBANY, OR 97321	11S03W07DA05400 Site: 1435 Sherman St SE	0.17%	6,442.32	280,880	49,830	90,610	140,440	-	0.05	444.11
PHILLIPS, TIMOTHY W PO BOX 1832 ALBANY, OR 97321	11S03W07AD00103 Site: 1040 Oak St SE	0.17%	6,442.32	311,060	60,370	95,160	155,530	-	0.04	444.11

FINANCIAL INVESTIGATION REPORT  
ST-09-03, Oak Street Improvements LID

(As of January 5, 2010)

OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	TOTAL ASSESSMENT	BOND MAXIMUM	TRUE CASH VALUE 2007/2008			OTHER ASMNTS	ASMNT % TO TCV	SEMI-ANNUAL PAYMENTS AT 6.55%
					LAND	IMPROVMENTS	TOTAL			
RONER TR, FRED A & ANNA L RONER 1120 OAK ST SE ALBANY, OR 97322-4936	11S03W07AD02800 Site: 1120 Oak St SE	0.17%	6,442.32	641,780	74,240	246,650	320,890	-	0.02	444.11
SADRI, ASGHAR R 203 E RESERVE ST VANCOUVER, WA 98661	11S03W08CB01100 Site: -	1.13%	42,080.43	109,080	54,540	-	54,540	-	0.77	2900.87
SADRI, ASGHAR R 203 E RESERVE ST VANCOUVER, WA 98661	11S03W08CB01208 Site: -	5.36%	198,762.89	597,980	298,990		298,990	-	0.66	13701.97
SCHWAB, RON 1670 OAK ST SE ALBANY, OR 97322	11S03W07DA04100 Site: 1670 Oak St SE	0.17%	6,442.32	220,920	52,990	57,470	110,460	-	0.06	444.11
SIEGRIST, WILLIAM C & NANCY C SIEGRIST PO BOX 842 ALBANY, OR 97321-0467	11S03W07DA05300 Site: 1445 Sherman St SE	0.24%	8,953.28	326,600	64,000	99,300	163,300	-	0.05	617.21
STYLER, MICHAEL D & MARGARET M STYLE 1320 OAK ST SE ALBANY, OR 97322-6651	11S03W07AD05400 Site: 1320 Oak St SE	0.17%	6,442.32	289,660	62,820	82,010	144,830	-	0.04	444.11
WADLOW, ROBERT A & MEREDITH A WADLO 1240 OAK ST SE ALBANY, OR 97322-6650	11S03W07AD03700 Site: 1240 Oak St SE	0.17%	6,442.32	268,580	51,760	82,530	134,290	-	0.05	444.11
WILLIAMS, SCOTT L KAREN S WILLIAMS 1801 NW FISHER LOOP ALBANY, OR 97321	11S03W07AD05600 Site: 1340 Oak St SE	0.17%	6,442.32	196,260	53,010	45,120	98,130	-	0.07	444.11

FINANCIAL INVESTIGATION REPORT  
 ST-09-03, Oak Street Improvements LID

(As of January 5, 2010)

OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	TOTAL ASSESSMENT	BOND MAXIMUM	TRUE CASH VALUE 2007/2008			OTHER ASMNTS	ASMNT % TO TCV	SEMI-ANNUAL PAYMENTS AT 6.55%
					LAND	IMPROVMENTS	TOTAL			
WOODARD, CHRIS 1600 SHERMAN ST SE ALBANY, OR 97322	11S03W07DA04900 Site: 1540 Oak St SE	0.17%	6,442.32	97,560	48,780	-	48,780	-	0.13	444.11
WOODARD, CHRIS A 1600 SHERMAN ST SE ALBANY, OR 97322	11S03W07DA05000 Site: 1530 Oak St SE	0.17%	6,442.32	173,020	49,420	37,090	86,510	-	0.07	444.11
Totals			4,711,229.88	27,135,160	7,887,020	5,680,560	13,567,580		1331.54%	324,774.58

FINANCIAL INVESTIGATION REPORT (Cont.)  
ST-09-03, Oak Street Local Improvement District (LID)  
(As of January 5, 2010)

*Section 3. Number of similar lots and property held by the City through foreclosure.*

The City is not currently holding property obtained through foreclosure. Twelve properties are delinquent more than one year.

*Section 4. Delinquency rate of assessments and taxes in the area.*

Ninety-four percent of City property assessments are current. Property tax collections are projected to be 94 percent of current taxes levied. These percentages reveal a decrease of one to two percent from a year ago.

*Section 5. Real estate value trends in the area.*

Real estate market values within the City are down from 8 to 15 percent for the upcoming year. Real estate sales are down by 30 percent. Residential construction is also experiencing a sharp decline with Construction permits down by more than 40 percent. Building activity is anticipated to continue a downward trend during FY 2009-2010.

*Section 6. Tax levy trends and potential financial impact on the proposed LID.*

Taxes are expected to remain fairly stable due to a difference of approximately thirty percent between the assessed value and market value. An increase of three to four percent should be expected.

*Section 7. Does the project conform to the City Comprehensive Plan?*

This project conforms to the City's Comprehensive Plan.

*Section 8. Status of City's debt.*

Costs attributable to this project will be incorporated into the final assessment roll.

*Section 9. Estimated cost of financing.*

The City's practice is to charge the property owners 1.50 percent more than the rate on the bonds to pay for the costs associated with billing the property owners and administering the LID. In 2002, assessment bonds sold at 5.05 percent; therefore, property owners will pay 6.55 percent interest.

*Section 10. General credit worthiness of property owners within the LID.*

The estimated total assessments range from \$6,442.32 to \$1,411,272.28. The semi-annual payment for the proposed assessments project to range from \$444.11 to \$97,287.82, for a ten year term.

*Note: Financing under ORS223.215 provides financing for a longer term.*

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ACCEPTING THE ENGINEER'S REPORT AND FINANCIAL INVESTIGATION REPORT FOR ST-09-03, OAK STREET LOCAL IMPROVEMENT DISTRICT (LID) AND SETTING A PUBLIC HEARING.

WHEREAS, the Albany City Council directed by Resolution No. 5735 that an Engineer's Report and Financial Investigation Report be prepared for ST-09-03, Oak Street Local Improvement District (LID); and

WHEREAS, these reports have been received by and meet with the Albany City Council's approval.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby directs that a public hearing be scheduled for February 10, 2010, at 7:15 p.m. to consider the proposed project ST-09-03, Oak Street Local Improvement District (LID) and that notices of the public hearing be in compliance with AMC Section 15.04.060.

DATED AND EFFECTIVE THIS 13<sup>TH</sup> DAY OF JANUARY 2010.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

CITY OF ALBANY  
CITY COUNCIL (WORK SESSION)  
Municipal Court Room  
Monday, December 7, 2009  
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:00 p.m.

ROLL CALL

Councilors present: Councilors Ralph Reid Jr., Jeff Christman, Bill Coburn, Bessie Johnson, Dick Olsen, and Floyd Collins.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

CITY TREE COMMISSION

Parks & Facilities Maintenance Manager Craig Carnagey introduced Tom Krupicka, Chair of the Tree Commission. Krupicka handed out a letter dated November 23, 2009 (see agenda file). Krupicka read the letter to the Council.

Krupicka introduced Vice Chair Mark Azavedo, and member Barb Bolden, who were in the audience. He also passed out an article titled "Trees Reduce Stormwater" from *American Forests* (see agenda file).

Konopa thanked the Tree Commission members for their work. She said they are the most proactive Commission in the City.

Councilor Floyd Collins acknowledged that the Tree Commission deals with controversial issues. He appreciates that they do their homework and make sound decisions, not emotional decisions.

ALBANY MUNICIPAL CODE TITLE 12 REVISIONS

Assistant City Engineer Jeff Blaine said the Albany Municipal Code (AMC), Title 12, Surface Water, revisions are ready to go to a public hearing in January. Today's work session will provide the Council with one more opportunity to discuss them.

Water Quality Control Supervisor Chris Bailey said, that besides the Erosion Prevention and Sediment Control (EPSC) changes, the proposed revisions to Title 12 address Illicit Discharge Detection and Elimination (IDDE) as required by the Total Maximum Daily Load (TMDL). Bailey said the first part of Title 12 adds definitions and explains what IDDE is, and what is prohibited. Its format has also been edited to be more in line with the EPA's model ordinance.

Bailey said another area that was modified was the enforcement section. An IDDE program with meaningful enforcement is required by the TMDL. This section gives staff options to apply consequences that range from warnings to criminal charges when people are found to be in violation.

Councilor Bill Coburn asked, can current staffing levels handle this new work load or will more staff need to be hired? Bailey said that for the EPSC program the initial contact will be done by engineers, and if that is not sufficient then the pretreatment staff and environmental staff will respond. However, Bailey said, in order to be proactive in identifying illicit discharges we may need more staff.

Blaine said that it is envisioned that additional staffing will ultimately be required to support the new EPSC program. However, for now, Public Works will be partnering with the Building Division to cover plan reviews and inspections. Through this partnership, Public Works can analyze the true needs of the program before making any requests for a new position and the Building Division can hopefully retain a building inspector that would otherwise be laid off due to a lack of building activity/permit revenues.

Collins thinks that Albany's regulations should be similar to other cities for IDDE. Bailey said staff used existing Chapter 10 language for wastewater, the EPA model ordinance, and references from communities that the Environmental Protection Act (EPA) recommended, including Portland, so it should be familiar.

Councilor Jeff Christman asked why projects that are exempt from permits are still subject to the EPSC enforcement. Bailey said that leaving it in place allows staff to apply consequences if a person is in violation of other sections of the ordinance. For example, a person redoing a 2,000 square foot or greater garden would not be required to get a permit; but if they were violating regulations by tracking too much dirt off of the property or were discharging

inappropriately to Waters of the State or the public storm drainage system, then the City could hold them accountable. Delapoer said that "reasonableness" will be applied. Discussion followed.

Public Works Director Diane Taniguchi Dennis said that stormwater is becoming as heavily regulated as wastewater. Albany is behind but we are easing into regulatory compliance with the TMDL.

The Council and staff discussed public outreach and education.

Collins said, it is correct that Albany is 25 years behind because the Department of Environmental Quality (DEQ) decided not to come down hard on smaller cities like Albany, but rather to phase in requirements. Albany is now at the end of the phasing-in stage.

This item is tentatively scheduled for a Public Hearing on January 13, 2010.

#### TRANSPORTATION SYSTEM PLAN: EXPO PARKWAY EXTENSION ALTERNATIVES

Transportation Systems Analyst Ron Irish said that the Planning Commission held a public hearing for the Transportation System Plan (TSP) on November 16, 2009. The Planning Commission recommended the TSP be forwarded to the Council with one change: to modify project L17-Expo Parkway Extension so that Timber Street is designated the major collector instead of Expo Parkway. Irish said that today's work session is to show the Council the impacts of, and alternatives for, this change. The intent is to give the Council the background they need for the public hearing.

Irish showed the first overhead, an aerial photo of the East I-5 area (see agenda file).

Irish showed the second overhead, the TSP Update Figure 7-2 showing Year 2030 peak hour traffic volumes (see agenda file). Irish described traffic routes and where vehicles are headed.

Irish showed the third overhead, labeled #1 in the lower right hand corner (see agenda file).

The Council and staff discussed how property owners on Dunlap Street and Earl Avenue could access their properties. Irish said that Expo Parkway is the first location Oregon Department of Transportation (ODOT) will allow for a signalized street off of Highway 99. The Council discussed possible changes to Manor Street.

Irish said there was a neighborhood meeting two years ago. There seemed to be issues with mixing traffic from the Expo Center, which is largely RVs, with regional commercial traffic in neighboring properties.

Irish showed the fourth overhead, labeled #2 in the lower right hand corner (see agenda file). This option changes the major collector from Expo Parkway to Timber Street.

Troy Johnson, 3330 Ermine Street, said that Grace Point Nazarene Church owns property in the area and although they were not notified by the City, they have been following the progress of the TSP so are aware of the status of this project.

Christman asked, has there been discussion about Adah Street or Earl Avenue being continued to the east? Irish said, they are local streets so the TSP does not address them. However, there has been opposition to connecting them to other streets in the past. Collins pointed out that they do not have curbs or gutters.

Irish showed the fifth overhead, labeled #3 in the lower right hand corner (see agenda file). This is a hybrid of the third and fourth maps. The Council discussed improvements to the lot to the right, which is 100 feet wide and 600 feet long. It is not likely to be developed but if the City did improve it, the future owners could be charged. The property owner is willing to sell this strip of land for less than Linn County's value.

Irish said, if the Council picks an option other than what is listed in the TSP at the Wednesday, December 9, 2009, Council meeting, staff will have to go back and recalculate.

Wanda Scheler, 125 Expo Parkway NE, handed out a map with yellow and green markings (see agenda file). She said, it is difficult for RV traffic to drive north. It would be easier to direct them onto Dunlap Street in order to return to the freeway. She sees a problem with getting the rigs in and out on Expo Parkway. The map she provided shows a straight shot, which she said is the easiest route. She said, now would be the time to do it, since the property is in foreclosure. Discussion followed

Bob Scheler, 215 Expo Parkway, said he owns a welding shop north of the RV park. He has lived on Knox Butte for over 60 years. He has been to these types of meetings before, given by the City and the county, for over 30 years. He has heard folks tell the City and the county half-truths. He offered a free right-of-way (ROW) access across his property on Timber Street going north, with nothing attached. It is a once in a lifetime opportunity and is critical at this time, because the property is in foreclosure with a Florida company. He said, by the time the street ROW is deducted the property is still over 600 feet. He said, Timber Street connects to the new school; all the busses come out that way and make for a lot of traffic. He said, a person has to know the neighborhood in order to find their way through. This month the property is in foreclosure, so it is a once in a lifetime opportunity and has to be taken care of at the Wednesday Council meeting. Discussion followed.

Councilor Dick Olsen arrived at 5:15 p.m.

Konopa said she doesn't like any of these options. She said, our goal is to reduce driving miles so whatever we can do to shorten the trip for residents would meet the goals of our TSP.

Irish pointed out that the map Scheler provided is essentially the same as the first map he used. The difference is that there could not be a left turn access to the regional commercial area if there is not a signal. If the regional commercial area developed without a signal it would get harder and harder for traffic to get out of the RV park. Discussion followed.

Konopa noted that Century Drive is used as a bypass for I-5 when traffic backs up. ODOT needs to understand this. Coburn said he is meeting with ODOT this week and he will address it with them.

Collins fears the Wednesday night agenda is too full already and he does not want to rush this decision. Discussion followed.

MOTION: Councilor Ralph Reid moved to direct the Public Works Director and the City Attorney to make an offer on the property in foreclosure in the Expo Parkway area, up to the asking price, and Collins seconded it. The motion passed 5-1 with Christman voting no.

Christman noted that the only reason he voted no was because there is no accompanying report and \$190,000 is a lot of money.

Collins said he wants to see a report on what Mr. Scheler is offering.

MOTION: Collins moved to move the Legislative Public Hearing on the Wednesday, December 9, 2009, agenda to be the first item on the agenda. Reid seconded the motion and it passed 6-0.

#### FLOODPLAIN DEVELOPMENT ORDINANCE UPDATE

Planner III Heather Hansen said that staff has been working on a draft floodplain development ordinance that will need to be adopted along with the new FEMA flood insurance rate maps once they are final. Albany became part of the FEMA National Flood Insurance Program (NFIP) in the mid-1980s. This enables residents to get federally-backed flood insurance.

In the late 1990s Albany joined the voluntary FEMA Community Rating System (CRS) program. If the City performs above and beyond the minimum NFIP requirements, our citizens get a discount on their flood insurance. Albany's current rating gets residents in the 100-year floodplain a 15 percent discount.

An interdepartmental team has been meeting for two years. The goal is to improve Albany's CRS rating so residents in the 100-year floodplain are eligible for a 25% discount. The team is also working on the draft floodplain development ordinance, but we can't start the adoption process until we get a letter from FEMA that says we can move forward. Hansen said, staff is preparing in advance so that we are ready to go as soon as we get FEMA's approval.

Collins supports this project but he has a major objection to the maps provided by FEMA. The newest map shows that his house is three feet below base flood elevation, which is incorrect. He is concerned that if we adopt FEMA's map the consequence is that some citizens will have to pay \$600-1,000 more for insurance. Linn County is challenging FEMA's map and Collins wants the City to join the challenge. Discussion followed. Staff will contact Linn County about their challenge to FEMA's maps. Staff will also check into Councilor Collins' particular situation. It may not be an error, but a change in how the base flood elevation is measured. The datum – or zero point – has been changed to one specific location. It changes all the elevation measurements by about 3 feet.

Community Development Director Greg Byrne pointed out that Hansen and two other City employees took the FEMA training and certification exam; they are now certified floodplain managers. Hansen has also applied to take additional training to be paid by the federal government if she is accepted.

#### COUNCILOR COMMENTS

Reid said he got Konopa's letter about the event to honor the homeless in Albany that have died. He questioned the difference between a 21 gun salute and a three gun salute. Discussion followed. Staff will research the appropriate gun salute and contact the agency that is sponsoring the event.

Konopa said that the Takena Park neighborhood had a meeting last week about the park's wading pool. Councilor Bessie Johnson attended as well. Konopa met with artist John Boock this afternoon along with others. Boock wants an art feature to accompany the fountain and will contact people to make donations. Konopa asked Parks & Recreation Director Ed Hodney to contact Boock.

Hodney suggested Boock contact the Arts Commission as well. Hodney said there may be an anonymous donor for the neighborhood wading pool.

Johnson would like the plaque to be preserved.

Albany City Council Work Session  
Monday, December 7, 2009

ADJOURNMENT

There being no other business, the Work Session adjourned at 5:46 p.m.

Respectfully submitted,

Mary A. Dibble, MMC  
Deputy City Clerk

Reviewed by,

Stewart Taylor  
Finance Director

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CITY OF ALBANY  
 CITY COUNCIL  
 Council Chambers  
 Wednesday, December 9, 2009  
 7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Konopa called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Konopa led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Jeff Christman, Ralph Reid, Jr., Floyd Collins, Dick Olsen, Bill Coburn, and Bessie Johnson

SCHEDULED BUSINESS

Communication

Accepting Lolly Gibbs' resignation from the Planning Commission.

Councilor Johnson moved to accept Lolly Gibbs' resignation from the Planning Commission. Councilor Reid seconded the motion and it passed 6-0.

Legislative Public Hearing

CP-02-09, amending Ordinance No. 4477, which adopted the Albany Comprehensive Plan, adopting findings; and declaring an emergency.

Public Works Director Diane Taniguchi-Dennis asked the Council to open this public hearing, receive comments, and then continue the public hearing to another meeting for staff to gather information.

Konopa opened the public hearing at 7:17 p.m.

No one wished to testify or provide comment.

The Council agreed to continue the public hearing at the scheduled City Council Regular Session on January 13, 2010.

Quasi-Judicial Public Hearing

SP-37-08, SP-38-08, YR-09-08; considering site plan reviews to construct a Lowe's home improvement and garden center and to remove 42 trees and to allow the building area of the proposed Lowe's building to be 152,236 square feet.

Konopa explained that the hearing was regarding a Site Plan Review application to construct a Lowe's home improvement store and garden center on an 11.54 acre site located at the southeast corner of 9th Avenue SE and Oak Street SE, a Site Plan Review to remove 42 trees that have trunks larger than 25 inches in circumference, and two variances. One variance will allow a maximum building area of 152,236 square feet when the Albany Development Code (ADC) 4.090, Table 1, shows the maximum building area in the Community Commercial (CC) zoning district is 100,000 square feet. The other variance will allow a 60-foot-wide access for a two-lane commercial driveway when ADC 12.100(2) shows the maximum access width for a two-lane commercial driveway is 32 feet.

Konopa called the quasi-judicial public hearing to order at 7:22 p.m.

Konopa asked if any member of the Council wished to abstain. No one did.

Konopa asked if any member of the Council wished to declare a conflict of interest, or report any significant ex parte contact or a site visit.

Councilor Christman declared a conversation with State Representative Andy Olsen regarding this subject but no facts were given.

Councilor Collins declared that various people had approached him to express their opinion regarding this subject, but he didn't have conversations with them.

Johnson declared that she too had been approached by individuals wanting to express their opinion, but she didn't have conversations with them.

Konopa explained that for all those wishing to testify that they should be aware that they must raise an issue with enough detail to afford the Council and all parties an opportunity to respond to the issue if they later want to raise that issue on appeal to the Land Use Board of Appeals (LUBA). Testimony and evidence must be directed towards the approval standards staff will describe, or other criteria in the plan or development code which they believe apply to the decision. If additional documents or evidence are provided by any party, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension to the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

#### Staff Report

City Attorney Jim Delapoer explained to the audience that tonight's subject is not about the potential Local Improvement District (LID) for a street improvement. He explained the LID process and opportunities for public input.

Janet Morris, Planner II, explained that the 60-foot-wide access for a two-lane commercial driveway variance is no longer an issue and was therefore not addressed in the staff report. Morris said the staff report has been available to the public and they received only two phone calls, neither which was against the project. Staff is recommending "approval with conditions" on all the applications.

Morris said the key application is the variance request to allow the building to be 52.2% larger than the 100,000 square feet allowed in the Community Commercial Zoning District. She noted that none of the other commercial zoning districts have a stated maximum building size. Morris said the applicants have mitigated the impact of the larger building size by: setting the building perpendicular to 9<sup>th</sup> Avenue so that a narrower side of the building faces that major street; created a high activity area along 9<sup>th</sup> Avenue by placing a large plaza and the Garden Center, which has a more open wall design, on that end of the building; the façade includes lots of glass, and a variety of roof heights, building materials, and colors; and the drive aisles have been designed like a street to include lots of landscaping and pedestrian connections.

Morris said the development is also dependent on getting access permits from Oregon Department of Transportation (ODOT) for its proposed 9<sup>th</sup> Avenue access, and participating in whatever transportation improvements are needed for Oak Street. She said the Council has been provided a copy of a letter and attachments ODOT sent by email (in the agenda file). The letter says that at this time the road approach permit applications submitted to them are not complete and they are waiting for the applicant to provide further requested information. This further information will ultimately result in the determination of the extent of required transportation improvements that will be needed to support the development. The applicants have chosen to delay having the additional information prepared until they have a land use decision. They understand the risks of proceeding with the land use decision absent the final determination of road improvements. They said they will accept a condition to build all required street improvements as ultimately determined, or in the case of Oak Street, participate in the Local Improvement District (LID), if it is formed.

Morris said the applicants also propose to construct a section of the City's bike path system along the west side of Periwinkle Park from 9<sup>th</sup> Avenue south to connect with the existing path at Kinder Park. The proposed size and placement of the Lowe's building results in some of the pathway being squeezed into a narrow area that doesn't create a safe, inviting, and comfortable space. Some of the path will be within an easement on Lowe's property, and most of the southern portion would be constructed on City property. There needs to be sufficient room to provide a safe and comfortable space in which to walk and bike. Staff is recommending a condition that the path area be redesigned to accomplish this goal.

Morris said for security reasons the site will be lighted from dusk to dawn. The proposed lighting will result in the site being bathed in a strong white light all night long. Staff is recommending this be toned down by use of shorter parking lot lights, HPS for a softer tone of light, and lower wattage (450w), as there are residential properties on the west side of Oak Street and to the southeast across Periwinkle Creek.

#### Applicant

Jerry Baysinger, the Architect representing the applicant, from Baysinger Partners Architecture PC, 1006 SE Grand Ave STE 300, Portland, provided a PowerPoint presentation (in agenda file) explaining Lowe's contributions to the community, traffic patterns in the area, and their request for a building variance. They proposed to construct a building of 121,000 square feet enclosed plus 32,000 square feet as a Garden Center. A single building with a maximum area of 100,000 square feet is currently allowed in property zoned Community Commercial (CC). He provided sketches and footprints of their plans. They will also construct a bike path and the additional truck turn-around on the north end of the building resulted in the path area being a little less than what is required in the Transportation Master Plan.

Baysinger reviewed the proposed exterior lighting conditions, showed a photometric diagram of the lighting, and requested new language similar to, *"To mediate the impact of the exterior lighting on the area residences, the applicant shall provide a photometric diagram showing the light levels at the perimeter of the site complies with the Albany Development Code. Overall height of pole lighting shall be not more than 38 feet. All lighting fixtures must include full cut-off shields that are oriented parallel to the adjacent ground. Angling the light fixtures is not allowed as it creates glare."*

Baysinger reviewed Lowe's proposed participation in a LID and requested a modification to Site Plan Review (SPR) condition 5.5, *"In the event the City Council forms a Local Improvement Assessment District for the extension of Oak Street, the applicants shall participate in the assessment district in lieu of constructing the improvements outlined above. All required ODOT approvals and permits will still need to be acquired prior to issuance of a building permit. The applicant may choose to construct the Oak Street extension and receive a credit from the Assessment District for those improvements."*

Baysinger reviewed Lowe's proposed traffic patterns, truck routes, and street plans. They revised the language of SPR condition 1.4 to, *"1.4: Before issuance of a building permit, the applicants shall construct, or financially assure the construction of the following for the extension of Oak Street between Ninth Avenue and Pacific Boulevard:*

- *Curb, gutter, and sidewalk along both sides of the street. Sidewalk on the east side of the street may be attached to the curb in order to minimize impacts on the adjoining building.*
- *Number of lanes in each direction shall be a function of the Progression Analysis to be performed by Lowe's traffic engineer.*
- *On street bike lanes in each direction."*

Baysinger asked the Council to consider their variance request for flexibility on the width of the bike/pedestrian path due to incomplete topographic information. The new language for the variance (SPR condition 1.1) would read, *"1.1 The Lowe's development plans shall be revised to show the applicants constructing a City standard bike/pedestrian path on the west side of Periwinkle Creek from 9th Avenue south to the existing path on Kinder Park. The pathway shall be designed to include 10 feet of pavement, a minimum of two feet of unobstructed clear space on both side of the paving, and safety fencing as deemed necessary by the City. Where the site is physically constrained, the pavement width may be reduced to eight feet and the clear space on each side reduced to one foot minimum."* In Variance conditions 3.1 and 4.1 they would also like to strike the first sentence and they do not believe the building needs to be reduced, *"Where the site is physically constrained, the pavement width may be reduced to eight feet and the clear space on each side reduced to one foot minimum."*

Baysinger asked the Council to consider an easement in place of the staff's requested right-of-way dedication in SPR condition 1.2. The access easement would be up to six feet.

Baysinger provided a handout (in the agenda file) to the Council with their requests for changes to the conditions. He said they are all within the requirements of the criteria.

#### Testimony

Joseph Hlebichuk, 1912 Springhill Drive, retired Oregon State University Business Professor, spoke as a concerned taxpayer, saying that the project will bring in necessary jobs. He urged the Council to nurture investment in Albany by approving the development.

Konopa said that even though jobs are important, she reminded the audience that the Council needs to receive information regarding the criteria and the site plan.

Mathew Conser, The Conser Group, 1010 Airport Road, spoke as an affected property owner. He said he has been involved with this project for five years. He said Lowes has conformed to the Albany Development Code. The traffic plan was originally less complex and it was City staff that suggested the extension of Oak Street might be a necessary outcome of the Traffic Analysis Findings. He gave an example of how Lowe's request for a larger building doesn't exceed the potential building capability of the property if it were to be used for a multi-building complex. Conser said a portion of the property is in the Central Albany Revitalization Area (CARA) Urban Renewal District. He would like to see the Council support in-fill development, which is what he considers this to be. The Lowe's project is an efficient use of the property, addresses the Albany economy, and encourages other properties to develop. He referenced the Albany Strategic Plan and how Lowe's addresses the themes of that plan including Great Neighborhoods, a Safe City, a Healthy Economy, and an Effective Government. He said it serves as a village center. There is an immediate pay back once the project is completed as a long and short term investment in the community. It also meets CARA goals. He said the Oak Street extension relieves traffic problems in the area. He mentioned the quality of the company, job creation, and keeping jobs in the community. He asked the Council to support the variance request and site plan.

Ed Perlenfine, 2910 Alexander Lane, was frustrated with the ODOT process. He supports the variances that Lowe's is requesting.

Jim Conser, 3439 NW Eagle View Drive, read a letter (in the agenda file) from Senator Frank Morse in support of the Lowe's project.

Lise Grato, 220 7<sup>th</sup> Avenue, supports the Lowe's project.

#### Opposition

Mike Styler, 1320 Oak Street, said he didn't see any analysis of Oak Street from Queen Avenue to 9<sup>th</sup> Avenue, and intersection of Oak Street and Queen Avenue, where accidents happen. He welcomes Lowe's to Albany but he doesn't feel this site is right for them. They are paving the entire property and there is too much tree removal. No groves will be left and the replanted growth would take a long time to mature. He said despite what Lowe's trucks do, independent delivery trucks could go any direction on his street. He was also concerned about their statement to fill in part of the creek. He said they need to enhance the creek, not derogate it. He said he doesn't like the narrower bikeway and wall next to it. The original zone change to the property was to allow a small shopping center. He doesn't believe Lowe's fits in the neighborhood; it would be putting a parking lot and box store next to a park.

Theresa Esch, 1115 Oak Street, Apt 7, agreed with Styler, and was concerned about her apartment building being torn down and having to move. She said there is no affordable housing in Albany except in poor neighborhoods.

Ping Lee, 2521 27<sup>th</sup> Avenue, owner of Ping's Garden, which is located across from the proposed Lowe's location, said he is not against Lowe's, but the site plan affects his business. He handed out a picture (in agenda file) showing a potential extension and improvements to Oak Street. It will take a big chunk of his property. He is concerned that ODOT will say they have to close their driveway on 9<sup>th</sup> Avenue. He will lose customers, if he has to do that. His parking will be gone, if Oak Street is widened. He feels he is the only one that will get impacted by the proposed street extension. He opposes the street improvements, not Lowe's.

Rick Baker, 1115 Oak Street, Apt 2, was concerned about his apartment building being torn and losing his home.

Mark Azevedo, 1210 NW Skyline Drive, is a member of the Albany Tree Commission, and spoke to the removal of trees on the site as a special feature of the site. He was glad to hear that they consider themselves a "green" company. He passed out an article (in agenda file) regarding a White Oak grove on the property. He said there are 16 White Oaks on the site and these trees are in decline. He thinks they are historical to the City of Albany and he noted on page three of his handout the picture of what was called Hackleman's Grove on the Lowe's site. It included a "Counsel Tree" that was used by the indigenous peoples. He commented that a vast majority of the trees would be removed when building starts. He asked the Council to consider saving more trees by giving them heritage tree status within the Urban Forest Program. If that is not possible, have the removed trees be donated to the Urban Forest Program through the Tree Commission for education purposes. He mentioned, regarding the creek, that the last thing it needs is a heat bearing fence that would reflect down into the creek. It would show good faith that Lowe's cares about Albany's natural resources, if they would replace the fence, create a riparian habitat, and a less impervious surface for the path itself.

Brian Latta, 3051 NW Flame Tree Lane, Albany, was concerned about the building size variance. He said page 4 of 47 of the Staff Report, under Criterion (1), says the proposed building criterion is that the building "must be consistent with the desired character of the area." The CC designation is for small and medium-scale businesses. Contrary to the staff report in Findings 1.4, he believes the restriction of 100,000 square feet with the CC designation helps define small and medium size business. He believes Lowe's building proposal exceeds what is intended in the area and the criterion is not met.

Latta doesn't think that the criterion is met on page 7 of 47 of the Staff Report, under Variance Criterion (3), "The requested variance is the minimum necessary to allow the proposed use of the site." Latta said this is a larger building than Lowe's usually builds. It seems the building could be smaller. He thinks a smaller footprint would be a better fit for the neighborhood and this criterion is not met.

Latta said that page 26 of 47 of the Staff Report, under Parking Areas, Finding 2.8, defines the development as belonging to the "building materials sales" category. He said they sell some building materials, but mostly they are retail. The requested parking spaces are almost double the required minimum of 281. He doesn't believe that many parking spaces are needed at this site. The area could be better served with more green space. Lowe's should be in a designated Commercial Zone. This development is not proportional to the CC Zone.

Latta agrees with staff's requirement on page 28 of 47 in the Staff Report, under Conclusions, Section 2.6, that the applicants should construct the multi-use pathway along the west side of Periwinkle Creek.

### Neutral Testimony

Dwayne Strickland, 1110 Sherman Street SE, said he was concerned that the proposed brick wall along the bike path would become a place for tagging. He was also concerned about the amount of traffic that would be using 11<sup>th</sup> Avenue off of Oak Street. He said that 11<sup>th</sup> Avenue is a one lane unimproved City street. He found it hard to figure the upgrades on Oak Street as the traffic that would be leaving Lowe's onto Oak Street and 9<sup>th</sup> Avenue would be traveling on the highest level ground in the area. 11<sup>th</sup> is one way now, but he feels it is too much of a disruption to the neighborhood and the use of the park.

### Recess

The Council meeting was briefly recessed at 9:15 p.m.

### Reconvene

The meeting was reconvened at 9:26 p.m.

Baysinger responded to some of the testimony by saying that there would be very few independent trucks; most are Lowe's and they can control most of the traffic. Regarding the possibility of filling or moving Periwinkle Creek, that has not been under consideration, the building will provide shade towards the creek so it will reduce heat on that side of the site. The wall was incorporated as part of an acoustical noise mediation agreement with neighbors. They believe that shadow lines of the wall will not have an impact on the creek. They are happy to entertain alternative paving materials for the path.

Baysinger said the diagram provided by Mr. Ping is only one suggestion for the design of the intersection change. There is no design yet.

As to the grove of oak trees, he said the City has developed around the grove. It is now an urban area. Protection for groves of trees such as these is usually achieved by designating the property a park, and that is not the intention of this site. They like the concept of a donation of the felled trees and consider it a possibility.

As to their building, Baysinger said they feel they are requesting a 21% variance because the garden center is not roofed. They are a single user on a large site. If the development was for multiple small users, the resulting over-all footprint could be much larger. He mentioned that as a category, Lowe's falls somewhere between retail and building materials. Their traffic impact analysis indicates that vehicles will not be able to go towards 11<sup>th</sup> Avenue as there will be a "Do Not Enter" sign. If they ignore the sign, they are violating the law.

Morris said that staff is recommending approval with conditions. The issues involve the building, pathway, lighting, and the noise mitigation wall. The new information brought tonight is regarding the trees being a historic grove of trees.

Johnson asked, how long is the section of the pathway that they would like to be eight feet? Morris said they are requesting all of it to be eight feet. Baysinger clarified that it would be 100 feet south and 70-80 feet north; not the entire Periwinkle Path.

Konopa closed the public hearing at 9:40 p.m.

### Deliberation

Collins asked, does the City have any pathways that meet the standard of 10 feet wide with two feet shy on each side in other parts of town? Parks & Recreation Director Ed Hodney said the Dave Clark Path has several sections that are 10 feet wide. He said the Periwinkle Path does not conform with City standards right now. Collins said based on that, it is always good to reference a standard, but if the City hasn't conformed than he is open to consideration of the eight foot wide path.

Collins asked if the lighting code specifies a half-foot candle at the property line. Morris said yes. Collins said, but it doesn't specify the color or height. Morris agreed. Byrne said their concern was the adjacent large residential neighborhood.

Collins said he remembers when Ping's restaurant was built; the owner's signed a petition and waiver agreement regarding Oak Street. Transportation Analyst Ron Irish said that is correct. Collins asked, where is the existing right-of-way in reference to the parking stalls? Irish said the existing right-of-way on all of Oak Street is 60-feet wide. The restaurant's parking spaces are behind that. Portions of the entryways are in the right-of-way and portions are on private property. Irish said the only time there would be a need for extra right-of-way from Pings is if ODOT requires four lanes on 9<sup>th</sup> Avenue or Oak Street.

Delapoer mentioned that in the "taking" of any driveways from a business, the owner must be compensated.

Christman asked if the elevation difference between Oak Street and the proposed Lowe's property is significant. Irish said there is an elevation difference, but there should be no impact when building the road. The property is not in the flood plain.

Johnson asked about the garden center area. Morris replied that staff has always considered the entire building, whether it had a roof or not. The garden area is included in the 152,000 square feet. Byrne said, it is retail space and is part of the footprint. Johnson mentioned that she likes garden centers to be out front.

Collins asked if the variance request from 100,000 square feet says building or footprint, because he believes there is a difference in definition between the Building Code and the Zoning Code.

There followed discussion regarding the words and Konopa asked staff to look bring an explanation back to the Council.

Christman asked, is there going to be any vegetation along the wall so it looks more natural? Byrne said in some places yes and in others, no. Byrne disagrees with the applicant that there are site constraints regarding squeezing the space between the path and the wall. There are site constraints because they choose to put the building there.

Reid proposed to have the building moved four feet west on the property and that would provide adequate space for the pathway.

Delapoer suggested the Council consider January 13 as the final decision date. The Council could recommend a tentative decision tonight and have staff rewrite conditions, and the Council would take final action on January 13.

Irish commented that the six feet right of way dedication came about to accommodate when the road becomes a collector street. Lowe's is requesting it to be an easement, in order to save some parking stalls.

Irish said Lowe's also wanted a modification of condition 1.4. Their request is for some flexibility to base the design on whatever comes out of the ODOT analysis. Staff has no objection to this request.

Irish said Lowe's also wanted a modification of condition 1.5. If the applicant chooses to build the road based on ODOT's decision, they want to have credit applied for the expense. Staff would not object. Delapoer recommends that the Council not consider that condition, because ultimately, it is a different process when there are public hearings on the LID.

Christman was concerned that the improvements to Oak Street be completed no matter how it is done.

MOTION: Christman moved to grant tentative approval with staff recommended conditions and include the applicants suggested changes to items 1.4 and 5.5 (pages 3 and 5 on the applicant's handout). Johnson seconded the motion.

AMENDING MOTION: Collins moved to amend the original motion by including changes to 1.1, 3.1, and 4.1, as suggested on the applicant's handout. Johnson seconded the motion and it failed 3-4 with Christman, Reid, Councilor Olsen, and Konopa voting no.

VOTE ON ORIGINAL MOTION: A vote was taken on the original motion and it passed 5-1, with Reid voting no.

Christman asked staff to provide a list of the recommended conditions.

Delapoer cautioned the Council about ex parte contacts.

#### Business from the Public

No one wished to speak.

#### Adoption of Resolution

Authorizing the Finance Director to sign a contract between the City of Albany and Seattle-Northwest Securities Corporation for financial advisory services for three years beginning January 1, 2010.

MOTION: Collins moved to adopt the resolution authorizing the Finance Director to sign a contract between the City of Albany and Seattle-Northwest Securities Corporation for financial advisory services

for three years beginning January 1, 2010. Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5868.

Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) October 26, 2009, Joint School Board and City Council Meeting.
  - b) November 2, 2009, Work Session.
  - c) November 9, 2009, Regular Session.
  - d) November 16, 2009, Work Session.
  - e) November 18, 2009, Regular Session.
- 2) Opposing a Willamette Valley high-speed rail corridor that bypasses the Albany Train Station. RES. NO. 5869
- 3) Approving a liquor license for Walgreens #06530, 1700 Pacific Boulevard SE.
- 4) Accepting an easement from Rodney and Marlene Snyder. RES. NO. 5870
- 5) Authorizing staff to execute a bargain and sale deed to Rodney and Marlene Snyder. RES. NO. 5871

MOTION: Collins moved to adopt the Consent Calendar as presented. Reid seconded the motion and it passed 6-0.

Reports

Police rank structure change report

MOTION: Reid moved to approve the rank restructure of the Police Department. Councilor Coburn seconded the motion and it passed 6-0.

ST-09-03, Oak Street Improvements LID, initial Engineer's Report and Financial Investigation

There was Council consensus to move this item to the City Council meeting scheduled for December 16, 2009.

BUSINESS FROM THE COUNCIL

Delapoe provided a memo (in agenda file) asking for the Council's final approval of a land purchase for a future Municipal Law Enforcement Center. Delapoe explained that at a previous Executive Session, the Council authorized the Police Department and the City Attorney to enter into negotiations for potential purchase of property that was suitable for a new Police building. The proposed two parcels of land have a total purchase price of \$860,000 which is \$220,000 below the original asking price for both parcels. All preliminary studies related to environmental analysis, easements, and title searches have been positive.

MOTION: Reid moved to adopt the resolution authorizing the Chief of Police to purchase, on behalf of the City of Albany, two parcels of real property as a site for a future Municipal Law Enforcement Center. Johnson seconded the motion and it passed 6-0, and was designated Resolution No. 5872.

Collins mentioned that the Council was securing the property for future consideration of building a Police Station; they are not considering building now.

NEXT MEETING DATE

The next scheduled meeting of the City Council is a Work Session on Monday, December 14, 2009, at 4:00 p.m., in the Municipal Court Room at City Hall.

The next scheduled Regular Session of the City Council is on Wednesday, December 16, 2009, at 7:15 p.m., in the City Council Chambers at City Hall.

ADJOURNMENT

There being no other business, the meeting was adjourned at 11:25 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC  
City Clerk

John Stahl  
Assistant Finance Director

CITY OF ALBANY  
 CITY COUNCIL  
 Council Chambers  
 Wednesday, December 16, 2009  
 7:15 p.m.

**MINUTES**

**CALL TO ORDER**

Konopa called the meeting to order at 7:28 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Konopa led the pledge of allegiance to the flag.

**ROLL CALL**

Councilors present: Jeff Christman, Ralph Reid, Jr., Floyd Collins, Dick Olsen, Bill Coburn, and Bessie Johnson

**PROCLAMATION**

Homeless Persons' Memorial Day

Konopa read the proclamation declaring December 21, 2009, Homeless Persons' Memorial Day.

**SCHEDULED BUSINESS**

**Business from the Public**

City Attorney Jim Delapoe explained that the Council would not be receiving any testimony tonight regarding the Oak Street Local Improvement District (LID) or the Lowe's construction project. He asked the audience not to bring those items up during "Business from the Public." He introduced into the record a letter from Attorney George Heilig, 310 NW 7<sup>th</sup> Street, Suite 100, Corvallis, stating that his office would be representing Ping Lee regarding the Oak Street LID (in agenda file). Delapoe told the Council that no action was needed on the letter; he only wanted to incorporate it into the record.

Bob Kish, 869 Clover Ridge Road, said he has a subdivision under construction behind his property and was concerned about the removal of two oak trees. He had talked to the builders and the City, and had been told the two trees would be preserved. In particular he had talked to Planning Manager Don Donovan who agreed that they were historic trees. He left town for a few days and when he returned the trees had been removed. When he talked to the City Forester he was told that the Forester had called the wrong Bob to explain the situation regarding removal. He was told that they were removed because of a fungus. As a neighbor of the subdivision and after being informed in writing several times about issues surrounding it, when the decision was made to take down the trees, he received nothing in writing.

Councilor Olsen would like to know if this issue went to the Tree Commission.

Councilor Johnson said she had talked to City Forester Craig Carnagey, who told her that he had received a report from Oregon State University that there was an aggressive fungus in the root of the tree and that is why the decision was made to remove it.

Staff will return with information regarding the process used for removal of these trees.

Bill Root, 2634 Valley View Drive NW, mentioned that as one of the Soup Kitchen volunteers, they have noticed their numbers are down.

There followed discussion regarding the homeless numbers and services available in Albany.

**Adoption of Resolutions**

WWTP-08-02, Wetlands Treatment Project, authorizing expenditure of funds

Olsen commented on the article in the paper regarding this project being a waste of stimulus funds. There followed a discussion about how uninformed Senator McCain and Senator Coburn were about this project.

Councilor Collins commented that the Albany-Millersburg Water Management Group considered alternatives to the Talking Water Gardens Wetlands Treatment process. The costs were evaluated and this was the most economic way to proceed. Because of changes in Oregon environmental law, the City is required to institute some sort of additional treatment.

MOTION: Johnson moved to adopt the resolution authorizing expenditure of funds for WWTP-08-02, Capital Projects – Wetlands Treatment Project. Councilor Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5873.

Public Information Officer/Executive Assistant Marilyn Smith will provide to the Council a copy of the letters sent to Congress in response to the comments made by the Senators (in agenda file).

Accepting a gift of property from Stew Stone, et al, and adopting restrictive covenants

Parks & Recreation Director Ed Hodney explained that parcel "K", as designated on the map, is mostly on the west side of the Calapooia River. It is land-locked. Reid was concerned about how staff would get over to it for maintenance. Hodney said it was accessible.

Delapoer explained that this is the final step of the wetlands piece of the entire 53<sup>rd</sup> Avenue development, Spring Meadow Subdivision. Currently the City owns the "2004" property designated on the map in the agenda and it is unrestricted. There is not much risk in obtaining this land for the City, but there is not much benefit to the City either.

Hodney identified only one property parcel that is not owned by the City in order to make a buffer around the subdivision.

MOTION: Councilor Coburn moved to adopt the resolution on the dais authorizing the acceptance of a donation of real property and authorizing the recording of restrictive covenants for park purposes. Johnson seconded the motion and it passed 6-0, and was designated Resolution No. 5874.

Adoption of Consent Calendar

- 1) Authorizing the Fire Department to accept \$30,000 from the 2009 State Homeland Security Grant Program. RES. NO. 5875

MOTION: Coburn moved to adopt the Consent Calendar as presented. Reid seconded the motion and it passed 6-0.

Report

ST-09-03, Oak Street Improvements Local Improvement District (LID), initial Engineer's Report and Financial Investigation

Assistant Public Works Director/City Engineer Mark Shepard said staff is asking for direction for the Oak Street LID. He said the report contains the direction from Council to use trip generation as the methodology. The report shows City participation at \$376,300 (the original amount given by Linn County for Oak Street). This report shows no City participation in the punch-through portion of Oak Street. Shepard illustrated options for resources, if the City were to participate, by using a hallway with "money" doors and the concerns about each (in agenda file). He also mentioned that funding for some projects currently in the Capital Improvement Program (CIP) are also from these options and would need to be delayed if used here.

Collins asked, if the City proceeds and participates in the LID is there a requirement for it to be cash up front initially or can the City finance over time? Shepard said he understands that the City could finance. Collins said he has figured it would be \$50,000 a year. That is much easier to absorb.

Delapoer commented that the public will not care where the City gets the money to participate; they will only care to what extent the City will participate. Tonight, staff needs to know what to include in the final Engineer's Report. Basically, the City needs a proposal for the public to speak to at the public hearing.

There followed Council discussion regarding specific properties and funding possibilities.

Collins commented that if the draft schedule was for the project to be completed by the summer of 2011, he would ask to get it done sooner. He would like to direct staff to do everything to expedite the project to be completed sooner, with the best case being the summer of 2010. He supports moving ahead to finalize the Engineers Report.

Delapoer suggested that the Council, for the purpose of the public notice, not show City participation. The Council would provide the worst case scenario and then hear from the public what they would like. The Engineers Report would have everyone's allocation with no city participation, but in the public hearing notice include what level the City would be willing to participate in.

MOTION: Collins moved to have staff use the report submitted tonight as the basis to finalize the Engineers report to be brought back to the Council as a resolution, with the exception that funding for City participation not be shown on an individual lot basis. Coburn seconded the motion.

Olsen asked, would the Council decide after the public hearing about the policy on double sided lots? Delapoe said the Council would not set citywide policy during one LID presentation. Shepard said double sided lots are not handled the same way on every project.

VOTE: A vote was taken on the motion and it passed 6-0.

Staff was given direction to bring a report back with a resolution to the first meeting in January (January 13, 2010) with a public hearing the last meeting in January or the first meeting in February.

#### BUSINESS FROM THE COUNCIL

Reid reported that he toured the Santiam-Albany Canal with staff from the Eugene offices of Oregon's Congressional representatives. To consider any federal funding, they suggested a joint process with Linn County to plan what should be done to improve the health and safety issues of the canal. The Council agreed.

Collins wanted to make it publically clear that having a difference of opinion with a staff member doesn't mean he doesn't respect staff.

Coburn reported a meeting with the Oregon Department of Transportation (ODOT) to fine tune goals and objectives of the State's I-5 Interchange project. The meeting showed the public elements of the project and was used to find out how they would like it to look. Coburn took with him drawings from City of Albany Transportation Systems Analyst Ron Irish that highlighted problems with the ODOT plan. ODOT was receptive and offered to bring a report to the Council before they have their open house.

Konopa reminded the Council that the ground breaking for the Talking Water Gardens Wetlands Treatment project would be on February 12, 2010.

Konopa mentioned that the Council had directed staff to create an Affordable Housing Task Force. It is still in the works, but there have been some staffing issues. Community Development Director Greg Byrne said the month of January is extremely full and staff was hoping to begin the budget process in order to see how that would affect Community Development before dedicating time and staff to this task force. He would suggest it come back to the Council sometime in February. The Council was agreeable.

City Manager Pro-Tem/Finance Director Stewart Taylor informed the Council that there would be a Budget Committee Work Session on January 21, 2010, at 6:30 p.m., that would provide a financial forecast, a review of current conditions, and seek direction for the 2010-2011 budget process.

#### NEXT MEETING DATE

The next scheduled meeting of the City Council is a Work Session on Monday, January 11, 2010, at 4:00 p.m., in the Municipal Court Room at City Hall.

The next scheduled Regular Session of the City Council is Wednesday, January 13, 2010, at 7:15 p.m., the Council Chambers at City Hall.

#### ADJOURNMENT

There being no other business, the meeting was adjourned at 9:24 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC  
City Clerk

Stewart Taylor  
Finance Director



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Ed Gallagher, Library Director *Ed Gallagher*  
DATE: January 6, 2010, for the January 13, 2010, City Council Meeting  
SUBJECT: Authorizing Acceptance of Ready to Read Grant  
RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Authorize the Library to accept a Ready to Read Grant from the Oregon State Library.

Discussion:

This Grant focuses on early childhood literacy and helps support the Summer Reading Program. It will also help improve and enhance the Library's children's collections and materials.

Budget Impact:

None.

EG:kg  
Attachment

G: ADMIN EdG CC Memos, etc ReadytoReadGrantAcceptance.meg.doc

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE ALBANY PUBLIC LIBRARY TO ACCEPT A READY TO READ GRANT FROM THE OREGON STATE LIBRARY FOR COLLECTION DEVELOPMENT, PROGRAMS, AND MATERIALS AT BOTH LIBRARIES.

WHEREAS, the Oregon State Library has granted \$7,808 to the Albany Public Library for its Youth Services Department; and

WHEREAS, both the Main and Carnegie branches of the Albany Public Library are committed to providing enhanced and improved collections, programs, and materials for children and young adults; and

WHEREAS, the grant funding will establish, develop, and improve public library service to children in an effort to improve the reading skills of all of Oregon's children, beginning at birth; and

WHEREAS, the Youth Services Department furthers the Citywide Goal of great neighborhoods.

NOW, THEREFORE, BE IT RESOLVED the Albany City Council hereby adopts by resolution the authorization of the Albany Public Library to accept the Ready to Read Grant through the Oregon State Library.

DATED AND EFFECTIVE THIS 13<sup>TH</sup> DAY OF JANUARY 2010.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



Albany City Council

Wes Hare, City Manager

FROM: Ed Hodney, Director of Parks and Recreation *EH*

DATE: January 6, 2010 for the January 13, 2010 City Council Meeting

SUBJECT: Authorization to submit grant application for proposed rehabilitation of Periwinkle Creek Trail

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods

Action Requested:

Consider a motion to authorize the Albany Parks & Recreation Department to submit an application to the Oregon Parks and Recreation Department (ORPD) to apply for a Recreation Trails Program Grant for the restoration and rehabilitation of Periwinkle Creek Trail.

Discussion:

Our proposed project is a rehabilitation of a non-motorized diverse use paved, relatively flat 1.8 mile bicycle and pedestrian path that runs along Periwinkle Creek from the northwest corner of Grand Prairie Park to the Albany Boys and Girls Club on Oak Street. The project will replace up to 1580 linear feet of deteriorated concrete on the existing Periwinkle Creek Trail surrounding Kinder Park. The estimated total cost of the project is \$113,760.

The grant program requires a minimum 20% match from the City. However, our chance of securing grant funding will increase with a higher city match. We propose a 31.6% City match of \$36,000 for the project. Our local match would include funds from the Parks & Recreation Fund budget, the value of the labor, and materials.

The application deadline is January 15, 2010. If awarded, grant funding would be available after July 2010.

Budget Impact:

If awarded, the FY 2010-2011 Parks & Recreation Fund budget will include an expenditure of \$113,760 for the project and a \$77,760 revenue account in the Grant Fund. Since this is an existing trail, we anticipate no increase in the cost of maintenance resulting from this proposed project.

Attachments: Resolution

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY OF ALBANY PARKS AND RECREATION DEPARTMENT TO APPLY FOR A RECREATION TRAILS PROGRAM GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR THE PROPOSED REHABILITATION OF PERIWINKLE CREEK TRAIL AND DELEGATING AUTHORITY TO THE PARKS AND RECREATION DIRECTOR TO SIGN THE APPLICATION.

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Recreation Trails Program Grant; and

WHEREAS, the City of Albany desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements and enhancements; and

WHEREAS, the City of Albany has identified improvements on the Periwinkle Creek Trail as a high-priority need in the City of Albany; and

WHEREAS, the project will rehabilitate a non-motorized diverse use paved, flat 1.8 mile bicycle and pedestrian path that runs along Periwinkle Creek from the northwest corner of Grand Prairie Park to the new Kinder Park. The project will replace up to 1580 linear feet of deteriorated concrete on the existing Periwinkle Creek Trail; and

WHEREAS, the applicant hereby certifies that the matching share for this application is readily available at this time in the Parks and Recreation Fund in the form of cash and force labor.

NOW THEREFORE LET IT BE RESOLVED that the City of Albany City Council authorizes the Parks and Recreation Director to apply for a Recreation Trails Program Grant from the Oregon Parks and Recreation Department for the proposed rehabilitation of the path that runs along Periwinkle Creek as specified above and that the Parks and Recreation Director be delegated authority to sign the application.

DATED AND EFFECTIVE THIS 13<sup>th</sup> DAY OF JANUARY, 2010.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: *E. Boyd*  
Edward Boyd, Chief of Police  
DATE: January 4, 2010, for January 13, 2010, City Council Meeting  
SUBJECT: Limited On-Premises Sales, Off-Premises Sales, Change Ownership Liquor License Application for Wine Depot and Deli, Inc., D/B/A Wine Depot & Deli, 300 Second Avenue SW, #112, Albany.

Action Requested:

I recommend the Limited On-Premises Sales, Off-Premises Sales, Change Ownership Liquor License Application for Wine Depot and Deli, Inc., D/B/A Wine Depot & Deli, be approved.

Discussion:

Yao Pan Chen, on behalf of Wine Depot and Deli, Inc., D/B/A Wine Depot & Deli, has applied for a Limited On-Premises Sales, Off-Premises Sales, Change Ownership liquor license. Based on a background and criminal history investigation through Albany Police Department records, I recommend approval of this request.

Budget Impact:

None.

MR



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: *E. Boyd*  
Edward Boyd, Chief of Police  
DATE: January 4, 2010, for January 13, 2010, City Council Meeting  
SUBJECT: Limited On-Premises Sales, Change Ownership Liquor License Application for Lucky Garden Chinese Restaurant, Inc., D/B/A Lucky Garden Chinese Restaurant, 2845 Santiam Highway SE, Albany.

Action Requested:

I recommend the Limited On-Premises Sales, Change Ownership Liquor License Application for Lucky Garden Chinese Restaurant, Inc., D/B/A Lucky Garden Chinese Restaurant, be approved.

Discussion:

Yin Tom Chiu, on behalf of Lucky Garden Chinese Restaurant, Inc., D/B/A Lucky Garden Chinese Restaurant, has applied for a Limited On-Premises Sales, Change Ownership liquor license. Based on a background and criminal history investigation through Albany Police Department records, I recommend approval of this request.

Budget Impact:

None.

MR



TO: Albany City Council  
FROM: Sharon Konopa, Mayor  
DATE: January 7, 2010, for January 13, 2010, City Council Meeting  
SUBJECT: Appointments to City Boards, Committees, and Commissions  
RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council approval of the following appointments to City advisory groups:

***Albany Arts Commission***

Lynn Whitacre (Mayor's reappointment)

***Albany Bicycle and Pedestrian Advisory Commission***

Jim Lawrence (Mayor's reappointment)  
Terry Virnig (Mayor's reappointment)  
Tim Siddiqui (Mayor's new appointment)

***Albany Budget Committee***

Colleen Keller (Councilor Johnson's reappointment)  
Wendy Kirbey (Councilor Christman's reappointment)

***Building Board of Appeals***

Dan Watson (Mayor's reappointment)  
David Smith (Mayor's new appointment)

***City Tree Commission***

Tom Krupicka (Mayor's reappointment)

***Human Relations Commission***

Kim Whitley (Councilor Johnson's reappointment)

***Landmarks Advisory Commission***

Oscar Hult (Mayor's reappointment)  
Heidi Overman (Mayor's reappointment)  
Erin Johnson (Mayor's new appointment to fill vacant position for term that expires December 31, 2011)

***Library Board***

Heather Huzefka (Mayor's new appointment)  
Georgiann Wheeler (Mayor's new appointment)

***Parks & Recreation Commission***

Mike Graham (Mayor's new appointment)

***Planning Commission***

David Faller, *Ward I* (Mayor's reappointment)  
Bob Kish, *Ward III* (Councilor Johnson's new appointment to fill vacant position for term that expires December 31, 2010)

***Public Safety Commission***

Ray Lusk	(Councilor Reid's reappointment)
Terry Virnig	(Councilor Christman's reappointment)

***Senior Center Endowment Committee***

Mary Brock	(Mayor's reappointment)
Connie Lanham	(Mayor's reappointment)

***Traffic Safety Commission***

Irene Coburn	(Mayor's reappointment)
Jason Desler	(Mayor's reappointment)

Discussion:

Recommendations for any remaining vacancies on the City advisory groups will be submitted for approval at subsequent Council meetings.

Budget Impact:

None.

SK:ldh

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