



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
 Council Chambers
 333 Broadalbin Street SW
 Wednesday, March 23, 2011
 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. PROCLAMATION

a. Arbor Week. [Page 1]

Action: _____

5. SCHEDULED BUSINESS

a. Communication

1) Accepting resignation from Terry Poe from the Albany Arts Commission. [Page 2]

Action: _____

b. Quasi-Judicial Public Hearing

1) PA-01-11, Tentative Partition Plat to divide a 41.5 parcel along the centerline of Periwinkle Creek. [Pages 3-85]

Action: _____

c. Adoption of Consent Calendar

1) Approval of Minutes

a) February 7, 2011, City Council Work Session. [Pages 86-87]

b) February 21, 2011, City Council Work Session. [Pages 88-91]

c) February 23, 2011, City Council Regular Session. [Pages 92-98]

2) Authorizing application for a local government grant from the Oregon Parks and Recreation Department for the acquisition of East Thornton Lake Natural Area. [Pages 99-100] RES. NO. _____

3) Authorizing two applications for grant funding to the Oregon Watershed Enhancement Board toward the acquisition and restoration of the East Thornton Lake Natural Area. [Page 101]

4) Approving a liquor license for Loafer's, Inc., 222 Washington Street SW. [Page 102]

5) Approving extension of copier contract on a month-to-month basis. [Page 103]

6) Accepting easements from Wayne L. and Mary Kay Forslund.

a) Variable width water line easement, 11SO4W03A 01400. [Pages 104-109] RES. NO. _____

b) Variable width water line easement, 11SO4W03A 01500. [Pages 110-115] RES. NO. _____

Action: _____

d. Award of Bid

1) BR-10-01, Columbus Street Bridge Repair. [Pages 116-119]

Action: _____

e. Report

1) Final 2010-2013 Statewide Transportation Improvement Program. [Pages 120-121]

Action: _____

6. BUSINESS FROM THE COUNCIL
7. RECESS TO EXECUTIVE SESSION TO DISCUSS LABOR NEGOTIATIONS IN ACCORDANCE WITH ORS 192.660 (2)(d)
8. RECONVENE
9. NEXT MEETING DATE: Work Session April 11, 2011
Regular Session April 13, 2011
10. ADJOURNMENT

City of Albany Web site: 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.

PROCLAMATION

**ARBOR WEEK
April 3 – 9, 2011**

WHEREAS, in 1872, Arbor Day was first observed with the planting of more than a million trees in Nebraska and is now observed throughout the nation and the world; and

WHEREAS, Albany's urban trees grace our streets, parks, and open spaces; provide shade and habitat for wildlife; improve air and water quality; increase property values and economic vitality in business areas; and contribute to a sense of community pride and ownership; and

WHEREAS, through the cooperation of all residents of Albany, the beneficial effects of tree plantings in our community and in our surrounding forest lands can be passed on as a vital natural resource to succeeding generations; and

NOW, THEREFORE, I, Sharon Konopa, Mayor of the City of Albany, Oregon, do hereby proclaim the week of April 3 through April 9, 2011, as

ARBOR WEEK

in Albany and encourage all citizens to take time during the week to appreciate and enhance our community's urban forest and to participate in the week of activities celebrating our community's commitment to trees.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 23rd day of March 2011.

Sharon Konopa, Mayor

Hyde, Laura

To: Hayes, Tari
Subject: RE: Art commission resignation

-----Original Message-----

From: Terry Poe [<mailto:terry@poephoto.com>]
Sent: Monday, March 07, 2011 9:45 PM
To: Glenda Fleming
Cc: Hayes, Tari
Subject: Art commission attendance

Hi Glenda,

It is with very mixed feelings that I say this... but the time has come for me to step down as a member of the art commission and allow someone with a more flexible schedule, time on their hands and a commitment to Albany's community art to take my seat.

For the past two months I have been unable to attend as I have had work conflicts get in the way (which in this economy is actually a good thing), and this week I will again be unable to attend as I have a project I will be at tomorrow.

Unfortunately I do not have the majority of say regarding my work schedule... I need to make myself available when a client needs my services for a project, or that client will simply move on to another photographer. I need to do everything possible to commit myself to clients who have chosen my business above my competitors. Last year was very, very difficult to get through... my work load was way down.

This year, fortunately, it is just the opposite and I have been very busy as of late. Great, but I am again unable to attend the art commission meeting. I thought I might be able to make it, but I can not. My family comes first in my life with my professional success/ financial security of my family a very close second, and everything else third and beyond.

It is unfair to the art commission that I am missing meetings and unable to participate in discussions and decisions, and I can not guarantee attendance or availability for meetings and activities in the future.

I thank you and the rest of the members of the art commission for giving me the opportunity. It has been fun and educational, and I wish everyone the absolute best. The time has come for me to bow out and step down form my position.

For me it is a good sign the local economy (my personal economy anyway) might be making a change for the better. Which after the last year or two is a very good thing indeed.

Thank you again. I wish you absolutely the best of luck. Please let me know if there is anything else you need at this time.

Sincerely,
Terry Poe



TO: Albany City Council

VIA: Greg Byrne, Community Development Director
Heather Hansen, Planning Manager *HH*

FROM: Janet Morris, Planner III *JM*

DATE: March 16, 2011, for March 23, 2011, City Council Meeting

SUBJECT: Tentative Partition Plat and Termination of prior land use actions attached to the property. File: PA-01-11

Overview

The purpose of the land use application is twofold: (1) To terminate an existing Development Agreement and former land use approvals associated with the property (subdivision and manufactured home park) so its annexation status is no longer in question, and (2) divide the land into two parcels so it can be more easily marketed for new future development proposals.

Because the partition includes the request to terminate land use actions that were made by the City Council, on February 9, 2011, City Council moved to have staff bring them a staff report and recommendation on the application.

As explained in more detail in the Executive Summary at the beginning of the attached Staff Report, the existing Development Agreement tied to this property was used as a vehicle to ensure that the property owner would be responsible for constructing all of the needed public improvements, most notably inclusion of a bridge over Periwinkle Creek so Mountain View Drive is connected to Grand Prairie Road, and frontage improvements on Grand Prairie Road.

There are no concurrent development proposals for either proposed parcel, but Staff's proposed Conditions of Approval on the Tentative Partition Plat application ensure that those requirements are reinstated to the new owners.

Due to the expected interest in this project, the notice area of the City Council hearing was increased from the standard 100 feet from the boundary of the subject site to 1,000 feet. The notice includes both owners and residents of properties located within that area. When the staff report was finished on March 16, staff had received seven letters commenting on the application. Four of these letters were signed by multiple people. These letters are attached to the staff report. The predominant concern relates to increased traffic that will be generated by development of the property and the extension of Mountain View Drive. Some of the respondents misunderstood the application did not include any development of the site or rezoning of the land. The findings and conditions outlined under Review Criterion 3 address their concerns.

Questions? Please call Janet Morris before the meeting at 541-917-7563.

JM:sd

c: Files: PA-01-11; DA-01-98; M1-10-97; SP-98-97



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

<u>HEARING BODY</u>	CITY COUNCIL
<u>HEARING DATE</u>	Wednesday, March 23, 2011
<u>HEARING TIME</u>	7:15 p.m.
<u>HEARING LOCATION</u>	Albany City Hall Council Chambers, 333 Broadalbin Street SW

EXECUTIVE SUMMARY

Tentative Partition Plat Application PA-01-11

Prior Land Use History.

In 1998 the subject 41.5-acre property was annexed into the City and zoned Residential Single Family RS-6.5 (AN-05-97 - Resolution 3903) with conditions that included a requirement that the property owner must enter into a Development Agreement (DA-01-98).

A land use Development Agreement was required because the City was concerned that the developer could get substantial economic value out of the land by immediately developing the manufactured home park expansion on the south side of Periwinkle Creek and not construct the remaining costly public improvements. Those public improvements were identified as a northerly extension of Mountain View Drive, including a bridge over Periwinkle Creek, connecting it to Grand Prairie Road and making frontage improvements along Grand Prairie Road. The City intended the Development Agreement as a vehicle to assure that the required public improvements would be constructed.

The Development Agreement and the two land use approvals allowed the owner to fully develop the property as a 58 lot subdivision (M1-10-97) and a 100 space manufactured home park on Lot 58 of the subdivision (SP-98-97). The subdivision also included tracts to protect the banks of Periwinkle Creek and provide a small park on the northwest portion if the City wanted to buy it. These approvals and the Development Agreement became binding on future owners and included a covenant running with the property as further assurance that the conditioned improvements ultimately would be constructed.

Section 6.1 of the Development Agreement states: *"If this Agreement is rescinded, or terminated before substantial completion of the Improvements listed in Exhibit E and H of this ordinance, the Property Owner shall petition for withdrawal of the Heyerly property from the City of Albany."*

While the formation of a Local Improvement District (LID) to construct improvements to Grand Prairie Road was underway, Bill Wilt who purchased the land from the Heyerlys, dedicated public right-of-way and began construction of the northerly extension of Mountain View Drive. Construction stopped just short of the south side of Periwinkle Creek. He also constructed some private streets to serve the manufactured home spaces. Unexpectedly the LID was not formed. Mr. Wilt subsequently abandoned development of the property without substantial completion of the improvements. The City did not execute the option to purchase a portion of the site for a park and now it would not fit into the master public park plan.

The Present - Tentative Partition Plat Application.

Ownership of the land has reverted to a financial institution, First Federal Savings and Loan of McMinnville. The property now only contains an unoccupied farm shed that the applicant says was probably associated with the former farm activities on the property and the abandoned street portions described above. In order to market the property, it wants to remove any existing encumbrances and divide it into two properties. First Federal has therefore submitted an application to City requesting that the obligations of the existing Development Agreement and former land use approvals be terminated without withdrawing the property from the City limits and approval of a two-parcel tentative plat.

The land division application is as follows: divide the 41.5± parcel along the centerline of Periwinkle Creek. The tentative partition plat shows Parcel 1 as 17.2± acres and Parcel 2 as 24.3± acres. Under the 1998 development approvals for the property, on the south side of the property (Parcel 2), Mountain View Drive was dedicated and constructed to near the south side of Periwinkle Creek, and some private streets were constructed to serve the manufactured home park. Nothing was constructed or dedicated on the north side of the Creek (Parcel 1). There is an existing maintenance easement (70 feet wide total) over Periwinkle Creek in favor of the Grand Prairie Water Control District. There are also "locally significant" wetlands on both sides of the Creek. Any future street and bridge construction impacting the wetlands will be required to conform to the requirements imposed by City Council to comply with Statewide Goal 5. These requirements are now under review.

First Federal acknowledges that development of this property is the last piece needed to complete a larger land use plan for this area. It understands that the construction of each surrounding development was designed to provide for the needs of each development, as well as incrementally provide its share of the overall City public infrastructure system. First Federal further acknowledges that its request to divide the land into two parcels without concurrent development plans for them may make it difficult for the City to ensure the needed public infrastructure is fully constructed. Therefore, in consideration of the City terminating the existing Development Agreement and land use approvals for the property, First Federal proposes to hold the City harmless and accept conditions of approval on the Tentative Partition Plat application to require the first parcel to develop to construct its portion of Mountain View Drive, including the bridge over Periwinkle Creek.

The only other notable issue relates to a potential need for access to the southern portion of a property located on the west side of Parcel 2 (Tax Lot 1300), in order to realize any development potential. This is discussed below under the staff's analysis of the application against Criterion 2.

Staff Recommendation to City Council

APPROVE the request to terminate the existing Development Agreement and land use approvals that currently run with the land (Files: DA-01-98; M1-10-97 and SP-98-97) subject to the owner recording the new covenants required in the Notice of Decision for the Tentative Partition Plat application file PA-01-11.

Summary of Proposed Conditions of Approval

Criterion 2 – Access for Adjoining Land

- 2.1 The following covenant shall be placed on Parcel 2 and included as a Note on the final plat: "Any future development application approval for Parcel 2 will include a condition to dedicate and construct a street access to the portion of adjoining Tax Lot 1300 that lies south of Periwinkle Creek. The size, type and location of the access will be determined by the City Engineer."

Criterion 3 - Street and Circulation

- 3.1 Before the City will approve the final partition plat, the property owner shall provide the City with an executed Petition for Improvement and Waiver of Remonstrance Agreement for sidewalk construction along the property's Grand Prairie Road SE frontage and construction of an extension of Mountain View

Drive north to connect with Grand Prairie Road SE. The extension of Mountain View Drive SE will include construction of a bridge over Periwinkle Creek.

- 3.2 Before the City will approve the final partition plat, the property owner shall dedicate 10 feet of public right-of-way along the property's Grand Prairie Road SE frontage.
- 3.3 Before the City will approve the final partition plat, the property owner shall dedicate right-of-way for the extension of Mountain View Drive SE to Grand Prairie Road SE. The right-of-way shall be a minimum of 60 feet wide and include 10-foot radii where it intersects Grand Prairie Road SE to allow for construction of curb returns. The City Engineer shall approve the precise alignment of the street right-of-way.
- 3.4 Before the City will approve the final partition plat, the prior recorded Development Agreement (DA-01-98), tentative subdivision plat (M1-10-97) and site plan review (SP-98-97) approvals pertaining to the development of the property shall be terminated of record by the City and the property owner.
- 3.5 Before the City will approve the final partition plat, the property owner will record all of the obligations that are conditions to this land use approval as covenants running with the land and shall acknowledge and accept all of the conditions of approval set forth herein as necessary to justify termination of the prior Development Agreement and land use approvals and waive any objection or claim that they lack reasonable nexus or rough proportionality.
- 3.6 Before the City will approve the final partition plat, all of the obligations required as a condition of approval in the Notice of Decision on this application shall be incorporated into the covenant described in Condition 2.1 above. This covenant shall be a covenant running with the land and must be approved, in writing, by the City Attorney before recording.

Criterion 5 - Special Features of the Site

- 5.1 The final partition plat must show and label the boundaries, widths, and purposes of all existing and proposed easements on the property.
- 5.2 The final partition plat must include as a "Note" the FEMA/FIRM floodplain information related to Periwinkle Creek.
- 5.3 The final plat shall show and label the special 65-foot-wide noise setback for residential buildings from the eastern property line of both parcels. Non-residential structures, such as storage sheds, may be placed within the setback, however future noise mitigation measures that will be required with the land use application to develop the parcels will likely restrict homeowner use of the eastern 50 feet of the setback.

STAFF REPORT

Tentative Partition Plat Application - File PA-01-11

First Federal Savings and Loan of McMinnville

The Staff Report has been preceded by an Executive Summary. All provisions of the Executive Summary are incorporated into the Staff Report and into the findings which accompany the decision.

APPLICATION INFORMATION:

DATE OF REPORT: March 16, 2011

FILE: PA-01-11

TYPE OF APPLICATION: Land Division - Tentative Partition Plat to divide a 41.5± parcel along the centerline of Periwinkle Creek. The tentative partition plat shows Parcel 1 to be 17.2± acres and Parcel 2 to be 24.3± acres.

REPORT PREPARED BY: Planning Staff, Janet Morris, AICP

PROPERTY OWNER: First Federal Savings and Loan of McMinnville; Attn: John Larsen, Vice President; 140 NE 3rd Street; McMinnville, OR 97128

APPLICANT: Walter R. Gowell, Attorney at Law; PO Box 480; McMinnville, OR 97128

ADDRESS/LOCATION: 3320 Grand Prairie Road SE

MAP/TAX LOT: Linn County Assessor's Map No. 11S-3W-16; Tax Lot 1400

ZONING: RS-6.5 (Residential Single Family)

TOTAL LAND AREA: 41.5± acres

EXISTING LAND USE: Vacant except for limited public and private infrastructure on the south side of the creek

NEIGHBORHOOD: Periwinkle

SURROUNDING ZONING: North: RS-6.5 (Residential Single Family) (across Grand Prairie Rd.)
South: RS-6.5 (Residential Single Family)
East: UGM-20 (Urban Growth Management – 20 acres)
West: RS-6.5 (Residential Single Family)

SURROUNDING USES: North: Single family
South: Single family, including a 151 space manufactured home park
East: Interstate 5
West: Single family

PRIOR LAND USE HISTORY: AN-05-97: Property annexed into the City on March 12, 1998
DA-01-98: Development Agreement related to the following files:
M1-10-97: Subdivision to create 58 lots and two tracts
SP-98-97: 100 space manufacture home park

NOTICE INFORMATION

On March 3, 2011, a Notice of Public Hearing was mailed to surrounding owners and residents of property located within 1,000 feet of the subject site. On March 10, 2011, the property was posted in two places in accordance with ADC 1.410.

ANALYSIS OF THE LAND DIVISION REVIEW CRITERIA – ADC 11.180

To approve the Tentative Partition Plat application, each of the following five review criteria must be met. The review criteria are written below in *bold italics* and are followed by findings of fact, conclusions, and conditions of approval where conditions are necessary in order to meet the review criteria.

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

FINDINGS OF FACT

- 1.1 The tentative plat shows the subject property is under single ownership and all of the property is to be allocated into the two proposed parcels.
- 1.2 ADC 3.190, Table 1, shows that the minimum area for a parcel in the RS-6.5 zoning district is 6,500 square feet. Parcel 1 is proposed to be 17.2 ± acres and Parcel 2 is proposed to be 24.3± acres. Due to the sizes of the parcels an urban conversion plan for the property was not required.

CONCLUSIONS

- 1.1 All of the land area within the parent property will be allocated to the two proposed parcels and an urban conversion plan was not required.
- 1.2 This criterion is met without conditions.

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

FINDINGS OF FACT

- 2.1 This review criterion has been interpreted by the City Council to require only that adjoining land either have access, or be provided access, to public streets.
- 2.2 ADC 12.060 requires new development to have frontage on or approved access to a public street currently open to traffic.
- 2.3 ADC 12.110 says that new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties.
- 2.4 Grand Prairie Road SE adjoins the north boundary of the property.
- 2.5 Interstate 5 adjoins the east boundary of the property.
- 2.6 The adjoining land on the south boundary of the property are fully developed.
- 2.7 With the exception of Tax Lot 1300 (3016 Grand Prairie Road SE), all adjoining lands on the west boundary of the property are fully developed.

- 2.8 Tax Lot 1300 is an undeveloped deep and fairly narrow parcel that is zoned for single family residential development. It has frontage on Waverly Drive and is bisected by Periwinkle Creek. Access to the southern portion of the parcel will require construction of either a bridge over the creek, or a driveway or street connection across proposed Parcel 2 of this partition to Mountain View Drive.
- 2.9 Parcel 2 is 24.3 acres in size and its development will require a future land use application.
- 2.10 The applicant's findings show the owner recognizes that Tax Lot 1300 will likely need access in order to develop but requests that the City defer any condition related to where and what type to review of a future development application for Parcel 2

CONCLUSIONS

- 2.1 With the exception of the one adjoining parcel on the west boundary of the site, Tax Lot 1300, all adjoining lands are fully developed.
- 2.2 The south portion of Tax Lot 1300 has development potential, but access to it is dependent on either construction of a bridge over Periwinkle Creek, or creation of driveway or street access across proposed Parcel 2 to Mountain View Drive.
- 2.3 The development of Parcel 2 is not proposed at this time and will require submittal of a future land use application to the City. It is therefore appropriate, that with the partition the City secure the ability for Tax Lot 1300 to gain access to its southern portion, but defer construction and location details until there is a development plan proposed for Parcel 2.
- 2.4 This criterion is met with the following condition.

CONDITION

- 2.1 The following covenant shall be placed on Parcel 2 and included as a Note on the final plat: "Any future development application approval for Parcel 2 will include a condition to dedicate and construct a street access to the portion of adjoining Tax Lot 1300 that lies south of Periwinkle Creek. The size, type, and location of the access will be determined by the City Engineer."

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

FINDINGS OF FACT

- 3.1 The City of Albany has developed street standards to ensure the safety and welfare of its citizens and property. The basic elements include sidewalks (to separate pedestrians and vehicles), curbs and gutters (to channel storm water away from properties), and hard surface pavement (to reduce dust, noise, uneven or insufficient access associated with other surfaces). In addition, some streets have been designated by the City to include bike lanes to provide for alternative modes of transportation.
- 3.2 The public road system is available for the use and benefit of all citizens within the City. For it to function efficiently and cost-effectively, all citizens need to participate in the creation, extension and maintenance of the public systems. Participation in the system improvements typically occurs incrementally with the development of property.
- 3.3 The definition of "development" includes a land division (ADC 22.400).

- 3.4 The proposed development is to divide a 41.5-acre vacant parcel into two separate parcels. The subject property is located on the west side of Interstate 5 and on south side of Grand Prairie Road SE.
- 3.5 Parcel 1 is proposed to be approximately 17.2 acres and its north boundary has frontage on Grand Prairie Road SE. Parcel 2 is proposed to be approximately 24.3 acres and is bisected in a north/south direction by Mountain View Drive SE. There the following three public streets are stubbed to the portion of Parcel 2 that is west of Mountain View Drive: Bartley Place, Wilt Court and Brookside Avenue.
- 3.6 Grand Prairie Road SE is classified as a minor arterial street, and with the exception of sidewalk, is constructed to City standards. Sidewalk improvements on Grand Prairie Road SE end at the west boundary of this site. No sidewalk exists along the property's frontage on this street. Improvements along the property's frontage include curb and gutter; a vehicle lane in each direction; a center two-way left turn lane; and bike lanes.
- 3.7 ADC 12.290 requires the installation of sidewalk along the public street frontage of all new development subject to a land use application.
- 3.8 ADC 12.060 requires that new development improve streets and alleys both within and adjacent the development.
- 3.9 If the City Engineer determines that construction of public improvements is not timely with the proposed development, he may accept an improvement assurance, a Petition for Improvement and Waiver of Remonstrance Agreement, for participation in a future assessment district should one be formed to construct the street to City standards.

Signing a Petition for Improvement and Waiver of Remonstrance Agreement obligates the current and any future successor owners of the subject property, to vote "yes" if there is a request for the City Council to form a Local Improvement District (LID) to construct the street improvements. Signing the Agreement does not take away the right of property owners within the LID boundary to participate in the formation and cost allocation processes. The Agreement would be applicable to both parcels and is valid for a period of 20 years. The City would prepare the Agreement and record it after all signatures have been obtained.

- 3.10 The existing right-of-way line on Grand Prairie Road SE is located approximately one-foot behind the existing curb. As a result, currently there is insufficient right-of-way along the subject property's Grand Prairie frontage in which to install sidewalk to City standards.
- 3.11 To accommodate public sidewalk installation, the adjoining parcels along Grand Prairie Road SE have dedicated an additional 10 feet of right-of-way. The construction of sidewalk improvements along the frontage of this property also will require 10 feet of right-of-way dedication.
- 3.12 Because the site is currently vacant and has development potential that will require a future land use application(s), the City Engineer has determined that the construction of sidewalk along Grand Prairie Road SE is not timely with this development.
- 3.13 Mountain View Drive SE right-of-way and street improvements that bisect the western portion of Parcel 2 terminate at the south boundary of an easement over Periwinkle Creek. The street improvements Parcel 2 were constructed in conjunction with executing the 1998 development approvals on the property. The tentative partition plat proposes dedicating additional right-of-way across Parcel 1 to allow for Mountain View Drive SE to be extended north over Periwinkle Creek and connect it to Grand Prairie Road SE. The new right-of-way is identified on the tentative plat as being 60 feet wide, but the plat does not identify a precise alignment.
- 3.14 The connection of Mountain View Drive to Grand Prairie Road will require construction of a bridge across Periwinkle Creek. At this point in time it is not known which of the two proposed parcels will

develop first. Regardless of which parcel develops first, it is expected that Mountain View Drive will need to be extended across Periwinkle Creek and connected to Grand Prairie Road with the first development. Parcel 1 would need the road improvement to provide street access. Parcel 2 would need the improvement to avoid routing construction traffic through the existing Mountain View neighborhood. Both parcels will need and benefit from the road extension and bridge construction.

- 3.15 Because both parcels being created are currently vacant, and will be the subject of a future development application(s), the City Engineer has determined that the extension of Mountain View Drive SE and construction of a bridge over Periwinkle Creek is not timely with this partition plat.
- 3.16 Albany's Transportation System Plan (TSP) does not identify any level of service or congestion problems occurring adjacent to the development.
- 3.17 Because the subject property has never contributed to the cost of the construction of existing public improvements (streets, sanitary and storm sewers, and water) in Grand Prairie Road, this development is subject to payment of Connection Charges with submittal of the final partition plat. The Albany Municipal Code sections 15.30.010-15.30.030 outline the methodology for determining the amount and timing of payment. These regulations are not a part of this land use review process and a final plat is not a land use decision. Information on the regulations related to the connections charges have been provided to the property owner and applicant.
- 3.18 There are no concurrent development plans for either parcel. In consideration of the City terminating an existing Development Agreement and former land use approvals, the property owner has offered to hold the City harmless and accept whatever conditions are deemed necessary to ensure that formerly planned public street improvements will be constructed with development of the proposed parcels.

CONCLUSIONS

- 3.1 The subject property has frontage on Grand Prairie Road SE, which with the exception of sidewalk, is improved to City standards.
- 3.2 Additional right-of-way dedication in a width of 10 feet is necessary to accommodate sidewalk installation along the property's frontage on Grand Prairie Road SE.
- 3.3 Because Parcel 1 is currently vacant and has future development potential, the City Engineer has determined that construction of sidewalk along the property's Grand Prairie Road frontage is not timely with the partition plat and will accept an improvement assurance.
- 3.4 The applicant proposes with this partition plat to dedicate the right-of-way needed to extend Mountain View Drive SE northerly to connect Grand Prairie Road SE.
- 3.5 The City Engineer has determined that because both parcels being created have future development potential, the construction of street and bridge improvements to extend Mountain View Drive SE to Grand Prairie Road SE is not timely with the partition plat and will accept an improvement assurance. It is anticipated that the first parcel to develop will need to construct the north extension of Mountain View Drive and bridge over Periwinkle Creek.
- 3.6 Albany's TSP does not identify any level of service or congestion problems occurring adjacent to the development.
- 3.7 There were prior obligations related to development of this property.
- 3.8 This review criterion is met with the following conditions.

CONDITIONS

- 3.1 Before the City will approve the final partition plat, the property owner shall provide the City with an executed Petition for Improvement and Waiver of Remonstrance Agreement for sidewalk construction along the property's Grand Prairie Road SE frontage and construction of an extension of Mountain View Drive north to connect with Grand Prairie Road SE. The extension of Mountain View Drive SE will include construction of a bridge over Periwinkle Creek.
- 3.2 Before the City will approve the final partition plat, the property owner shall dedicate 10 feet of public right-of-way along the property's Grand Prairie Road SE frontage.
- 3.3 Before the City will approve the final partition plat, the property owner shall dedicate right-of-way for the extension of Mountain View Drive SE to Grand Prairie Road SE. The right-of-way shall be a minimum of 60 feet wide and include 10-foot radii where it intersects Grand Prairie Road SE to allow for construction of curb returns. The City Engineer shall approve the precise alignment of the street right-of-way.
- 3.4 Before the City will approve the final partition plat, the prior recorded Development Agreement (DA-01-98), tentative subdivision plat (M1-10-97) and site plan review (SP-98-97) approvals pertaining to the development of the property shall be terminated of record by the City and the property owner.
- 3.5 Before the City will approve the final partition plat, the property owner will record all of the obligations that are conditions to this land use approval as covenants running with the land and shall acknowledge and accept all of the conditions of approval set forth herein as necessary to justify termination of the prior Development Agreement and land use approvals and waive any objection or claim that they lack reasonable nexus or rough proportionality.
- 3.6 Before the City will approve the final partition plat, all of the obligations required as a condition of approval in the Notice of Decision on this application shall be incorporated into the covenant described in Condition 2.1 above. This covenant shall be a covenant running with the land and must be approved, in writing, by the City Attorney before recording.

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

FINDINGS OF FACT

- 4.1 There are no concurrent development plans for either parcel. In consideration of the City terminating an existing Development Agreement and former land use approvals, the property owner has offered to hold the City harmless and accept whatever conditions are deemed necessary to ensure that formerly planned public utility improvements will be constructed with development of the proposed parcels.

Sanitary Sewer

- 4.2 ADC 12.470 requires that all new development must extend and connect to the public sewer system when service is available within 300 feet of the property.
- 4.3 City utility maps show an 8-inch public sanitary sewer main in Grand Prairie Road west of Lexington Street, and 8-inch mains within the subject property south of Periwinkle Creek. The mains south of the creek were installed as part of a previous development proposal for an expansion to the existing manufactured home park south of the site. These mains are located predominantly within public utility easements under what were to be private roads.

- 4.4 Future development on the subject property north of Periwinkle Creek will be served, at least in part, by an extension of public sanitary sewer from the main in Grand Prairie Road at Lexington Street (Mountain View Drive). No further extension of public sewer facilities is needed in Grand Prairie Road.

Water

- 4.5 ADC 12.410 requires that all new development must extend and connect to the public water system when service is available within 150 feet of the property.
- 4.6 City utility maps show a 16-inch public water main in Grand Prairie Road, and 12-inch and 8-inch mains within the subject property south of Periwinkle Creek. The mains south of the creek were installed as part of a previous development proposal for an expansion to the existing manufactured home park south of the site. The 12-inch mains lie within Mountain View Drive and the 8-inch mains lie predominantly within public utility easements under what were to be private roads.

Storm Drainage

- 4.7 ADC 12.530 says the review body will approve a development request only where adequate provisions for storm and flood water runoff have been made as determined by the City Engineer.
- 4.8 ADC 12.580 states that all new development within the City must, where appropriate, provide for the extension of existing storm sewer lines or drainage ways serving surrounding areas. Extensions may be required along all frontages and/or through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide service to upstream properties. When public improvements are required, but are deemed to be untimely, the City may allow the applicant to sign a Petition for Improvements/Waiver of Remonstrance in lieu of constructing the improvements.
- 4.9 Public storm drainage facilities are usually constructed in conjunction with public street improvements.
- 4.10 The main storm drainage feature in the area is Periwinkle Creek, which runs generally in an east-west direction through the site. Public storm drainage facilities were installed in Grand Prairie Road in conjunction with Grand Prairie Road street improvements. In addition, a significant drainage ditch runs through the site which carries runoff from Grand Prairie Road to Periwinkle Creek. A variety of storm drainage piping/facilities exist south of the creek which were installed as part of a previous development proposal for an expansion to the existing manufactured home park south of the site. Some of these facilities are public, but some are private facilities which lie within what were to be private roads.

CONCLUSIONS

- 4.1 No additional public utility improvements along the Grand Prairie Road frontage will be required of this property. Future development of the parcels will likely require on-site public utility construction based on the specific development proposal layout.
- 4.2 There were prior obligations to construct infrastructure related to development of this property.
- 4.3 The assurances related to providing the needed public improvements for development of Parcels 1 and 2 have been made conditions of approval under Criterion 2 and 3 above and do not need to be repeated here. This review criterion is met without conditions.

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

FINDINGS OF FACT

- 5.1 Vegetation. *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat*, shows vegetation or wildlife habitat on this property. The partition application does not include a request to remove or modify any vegetation on the property.
- 5.2 Waterways. *Comprehensive Plan Plate 4, Streams, Rivers and Lakes*, shows Periwinkle Creek travels through the property in a generally east/west direction. Dividing the land into two parcels will not impact the Creek.
- 5.3 Floodplains. *Comprehensive Plan Plate 5: Floodplains*, shows Periwinkle Creek is possibly in a floodplain. The new FEMA/FIRM maps, Community Panel No. 41043C0527G, dated September 29, 2010, shows that the floodplain of Periwinkle Creek is "Contained in the Channel."

There is no base flood information on this section of the Creek. An engineering report prepared by Ling & Associates for the 1998 development projects approved on the site determined that the water at the highest base flood elevation was 0.9 feet below the top of the bank. There is an existing maintenance easement over the Creek for the benefit of Grand Prairie Control Water District. The tentative plat does not define the width of the easement. The 1998 land use approvals state the easement is a total of 70 feet wide, 40 feet wide on the north side of the Creek and 30 feet wide on the south side of the Creek.

The final plat will need to show the exact boundaries of all existing easements on the property, and include a note related to the FEMA/FIRM floodplain information related to Periwinkle Creek

- 5.4 Wetlands. *Comprehensive Plan Plate 6: Wetland Sites*, shows there are wetlands on this property. The City's East I-5 Local Wetland study identified wetlands on the property (on both Parcel 1 and 2) as "locally significant." The applicant confirmed that wetlands have not been delineated so the more intensive review as to plant types and boundaries are not known at this time. The Department of State Lands (DSL) and the US Corps of Engineers have jurisdiction over the approval of delineations and mitigation of waters of the state, which include wetlands.

The recording of the final plat to divide the land into two parcels does not impact the existing wetlands on the site. Any future street and bridge construction that impact the wetlands will be required to conform to the requirements imposed by City Council to comply with Statewide Goal 5 in addition to any DSL/Corps of Engineers requirements. The Goal 5 requirements are now under review by the City.

- 5.5 Open Space Designation. The Comprehensive Plan map shows an approximately 50-foot-wide band of land over Periwinkle Creek designated as Open Space. This portion of Periwinkle Creek was not designated Open Space on the zoning map however. The City is currently reviewing adoption of regulations to meet Statewide Planning Goal 5 (natural resources). Future regulations adopted by the City related to natural resources may result in changes to the boundaries and usage of existing natural resources on the property.
- 5.6 Topography. *Comprehensive Plan Plate 7: Hillside- Steep Slopes*, does not show steep slopes on the subject property. The Hillside Development standards in the Development Code, Article 6, only apply to slopes identified on this Comprehensive Plan Plate 1.
- 5.7 Historic Sites. *Comprehensive Plan Plate 9: Historic Districts*, shows this vacant property is not in a historic district. There are no known archaeological sites on the property.

- 5.8 Special Noise Corridor Setbacks. ADC 3.320 states that residential developments adjacent to Interstate 5 shall maintain a 50-foot setback from the right of way line in addition to the required setback of the zoning district. In review of the development proposals, the review body may require additional noise mitigating features such as berms, landscaping, fences, or walls within the setback area.

This means that habitable portions of residential buildings shall be located a minimum of 65 feet from the eastern property line of each of these parcels. With past subdivisions to the north (Lexington, Hannah Estates and Riderwood) that also abutted the highway, the City required the plats to show the 50-foot special noise setback line and the developer to install the noise mitigation (tall berms with fences on top) before the final plat was approved.

This partition application is different from the earlier noted subdivisions because there will be future development applications to develop each of the parcels. It would seem prudent to give future purchasers notice of this setback by requiring it to be shown on the final partition plat, but defer construction of the noise mitigation to the future actual development of the parcels.

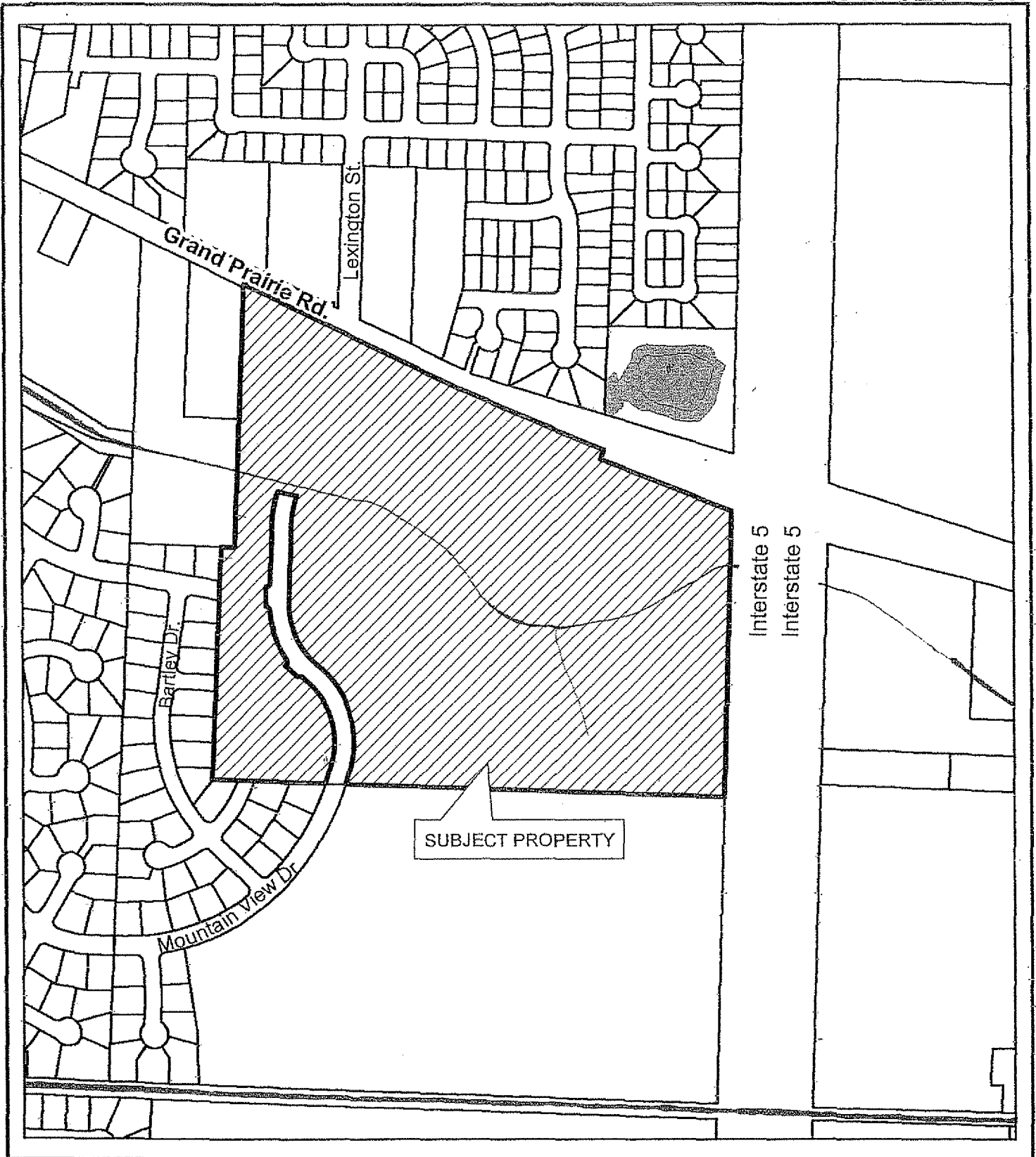
CONCLUSIONS

- 5.1 The act of dividing the property into two parcels does not impact the existing topography, wetlands, waterway, vegetation, or floodplain related to the site.
- 5.2 Easement and floodplain information related to this property needs to be noted on the final plat.
- 5.3 Development of the parcels will be subject to a special noise setback. It reduces the developable area so it should be identified on the final plat. Noise mitigation within the eastern 50 of that setback will likely be required as part of a future applications to develop the parcels.
- 5.4 There are wetlands on the property that need to be delineated and accepted by DSL and the US Corps of Engineers before any meaningful plans can be drawn to develop either parcel. The City's wetland inventory identified these wetlands as locally significant. The partition does not affect the wetlands.
- 5.5 This review criterion is met when the following conditions are met.

CONDITIONS

- 5.1 The final partition plat must show and label the boundaries, widths, and purposes of all existing easements on the property.
- 5.2 The final partition plat must include as a "Note" the FEMA/FIRM floodplain information related to Periwinkle Creek
- 5.3 The final plat shall show and label the special 65-foot noise setback for residential buildings from the eastern property line of both parcels. Non-residential structures, such as storage sheds, may be placed within the setback, however future noise mitigation measures will likely restrict use of the eastern 50 feet of this setback.

Attachments: Exhibit A: Property location map; Exhibit B: Tentative Partition Plat, Exhibit C: Development Agreement (1998); Exhibit D: 9 Letters received from interested parties by 3/16/11



LOCATION MAP



The City of Albany's infrastructure records, drawings, and other documents have been prepared over many decades, using differing standards for quality control, documentation, and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, accuracy is not to be assumed; that its accuracy is not warranted. Prior to making any property purchase or other investments based in total or in part upon the information provided, it is specifically advised that you independently field verify the



3320 GRAND PRAIRIE ROAD SE

Planning Division

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

Tentative Partition Plat File PA-01-11

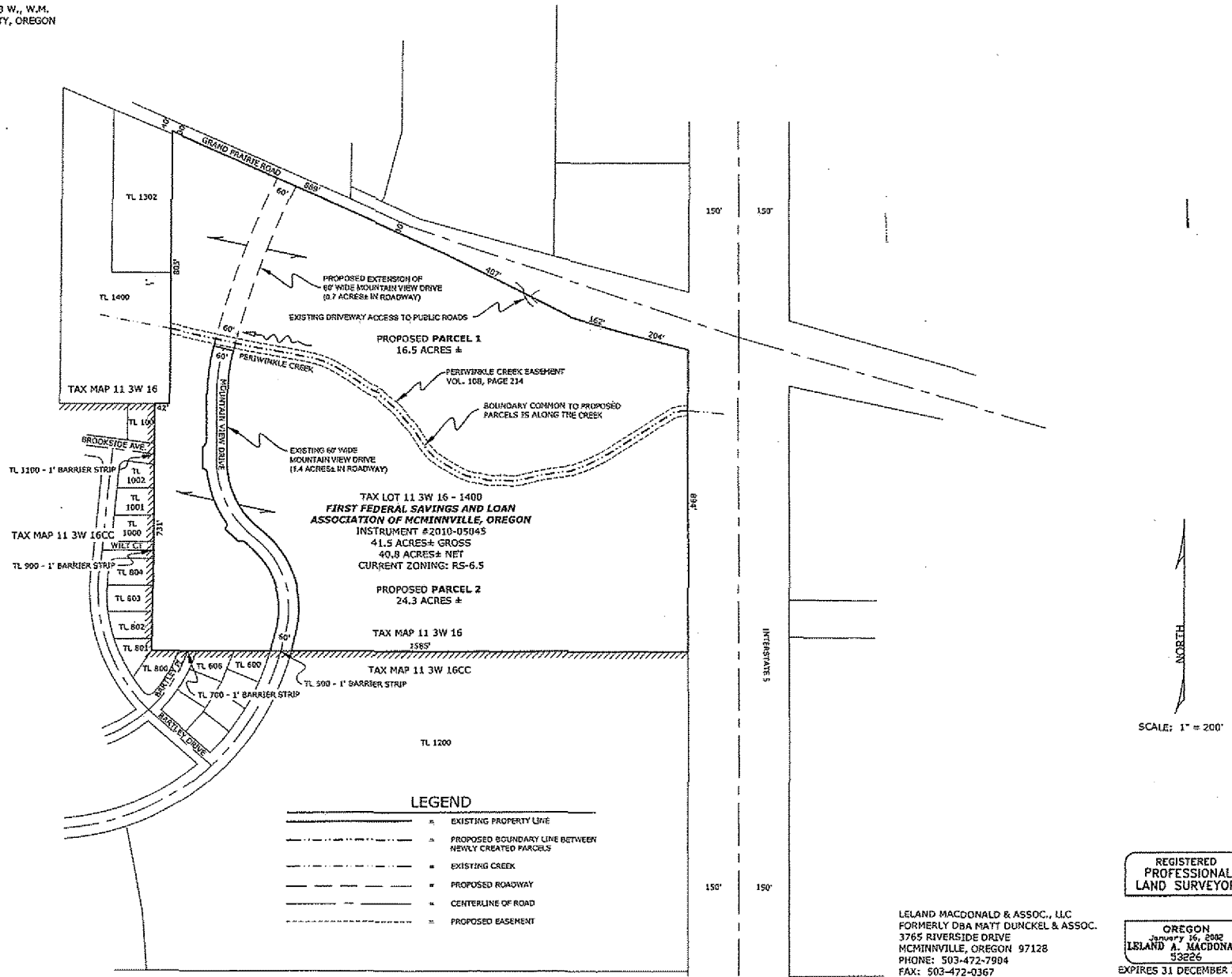
TENTATIVE PARTITION MAP for: FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF MCMINNVILLE, OREGON

LOCATION: SW 1/4 SEC. 16, T. 11 S., R. 3 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON

3320 GRAND PRAIRIE ROAD
ALBANY, OREGON 97321

TAX LOT: 11 3W 16 - 1400

DATE: DECEMBER 28, 2010



LEGEND

	= EXISTING PROPERTY LINE
	= PROPOSED BOUNDARY LINE BETWEEN NEWLY CREATED PARCELS
	= EXISTING CREEK
	= PROPOSED ROADWAY
	= CENTERLINE OF ROAD
	= PROPOSED EASEMENT

SCALE: 1" = 200'

NORTH

LELAND MACDONALD & ASSOC., LLC
FORMERLY DBA MATT DUNCKEL & ASSOC.
3765 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE: 503-472-7904
FAX: 503-472-0367
EMAIL: LEE@MACDONALDSURVEYING.COM

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
January 16, 2002
LELAND A. MACDONALD
33226
EXPIRES 31 DECEMBER 2012

#7131

EXHIBIT B

ORDINANCE NO. 5350

AN ORDINANCE PROCLAIMING THE APPROVAL OF A TENTATIVE SUBDIVISION PLAT APPLICATION (FILE M1-10-97), A CONCURRENT SITE PLAN REVIEW APPLICATION (FILE SP-98-97), AND A DEVELOPMENT AGREEMENT (DA-01-98) FOR PROPERTY LOCATED SOUTH OF GRAND PRAIRIE ROAD SE AND WEST OF INTERSTATE 5 (TAX LOT 1400, LINN COUNTY ASSESSOR'S MAP 11-3W-16); ADOPTING FINDINGS; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council, on February 11, 1998, adopted Resolution No. 3903 (AN-05-97) annexing the above listed property in accordance with the provisions of ORS 222.750, described by attached Exhibits "A and B" and defined as Tax Lot 1400, Linn County Assessor's Map 11-3W-16, more commonly known as 3320 Grand Prairie Road SE, which is adjacent to the City of Albany; and

WHEREAS, the Zoning Map designation of the 46.540-acre subject property was amended from Linn County UGM-20 (Urban Growth Management - 20 Acre Minimum) to City of Albany RS-6.5 (Residential Single Family 6 to 8 units per acre).

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

WHEREAS, the Albany City Council held a public hearing on these cases and on the Development Agreement on February 11, 1997.

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

Section 1: That the Findings of Fact contained in the staff report and attached as Exhibit "C" (Subdivision) are hereby adopted in support of this decision.

Section 2: That the Tentative Subdivision application for the division of a 42.89-acre parcel into 58 lots and 2 Tracts is hereby approved with the conditions listed in the attached Exhibit "E" on property described in Exhibits "A and B." A drawing showing the approved Tentative Subdivision plan is attached as Exhibit "D."

Section 3: That the Findings of Fact contained in the staff report and attached as Exhibit "F" (Site Plan Review) are hereby adopted in support of this decision.

Section 4: That the Site Plan for the construction of a 100-space manufactured home park expansion is hereby approved with the conditions listed in the attached Exhibit "H" on property described in Exhibits "A and B." A drawing showing the approved Site Plan is attached as Exhibit "G."

Section 5: That the City Council hereby authorizes the City Manager to sign a Development Agreement, attached Exhibit "I," for property more commonly known as 3320 Grand Prairie Road SE which shall be binding upon the undersigned, and his/her heirs, successors, and assigns, and shall become a covenant running forever with the land described in Exhibits "A and B," regardless of whether said parties are signatories to this agreement.

Section 6: That the City Council hereby adjudges and declares that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, and an emergency is hereby declared to exist. This Ordinance shall take effect and be in full force and effect when signed by the Mayor, William S. Wilt acquires title to the property, and the City Manager thereafter files the abstract of the annexation

proceedings with the Secretary of State as provided in Section 5 of this Ordinance. The City Manager shall make that filing after receiving proof of acquisition of title to the property by William S. Wilt.

Passed by the City Council: February 11, 1998

Approved by the Mayor: March 11, 1998

Effective Date: March 11, 1998



Mayor

ATTEST:



City Recorder

F:\DATA\WPDATA\COMMDEV\PLANNING\CURRENT\97AN05OD.CC

EXHIBIT A
LEGAL DESCRIPTION
DEVELOPMENT AGREEMENT FOR CASE FILES M1-10-97, AND SP-98-97

Linn County Assessor's Map 11-3W-16, Tax Lot 1400

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

Beginning at a 5/8" iron rod which marks the Northeast corner of Lot 3, Block 1 of EDGEWOOD ESTATES in the Southwest 1/4 of Section 16, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; THENCE North 00 degrees 33 minutes 12 seconds East for a distance of 10.62 feet to the south line of that property described in Deed Volume 420, Page 518; THENCE South 89 degrees 46 minutes 14 seconds East for a distance of 41.79 feet to the southeast corner of said property described in Deed Volume 420, Page 518; THENCE North 00 degrees 31 minutes 09 seconds East for a distance of 805.32 feet to a 5/8" iron rod on the southerly right of way line of Grand Prairie Road; THENCE South 65 degrees 55 minutes 48 seconds East, along said southerly right of way line, for a distance of 889.06 feet; THENCE South 63 degrees 01 minutes 08 seconds East, continuing along said southerly right of way line, for a distance of 406.61 feet; THENCE, continuing along said southerly right of way line, along a curve to the left having a radius of 2929.79 feet and an arc length of 162.03 feet, being subtended by a chord of South 73 degrees 11 minutes 14 seconds East for a distance of 162.01 feet; THENCE South 74 degrees 46 minutes 18 seconds East, continuing along said southerly right of way line, for a distance of 203.92 feet to the westerly right of way line of Interstate 5; THENCE South 00 degrees 11 minutes 40 seconds East, along said westerly right of way line, for a distance of 893.63 feet; THENCE North 89 degrees 49 minutes 30 seconds West for a distance of 1585.14 feet to the Northwest corner of Lot 5, Block 5, EDGEWOOD ESTATES; THENCE North 00 degrees 33 minutes 12 seconds East 720.59 feet to the point of beginning.

Contains 42.89 acres, more or less.

**EXHIBIT B
EXHIBIT MAP
DEVELOPMENT AGREEMENT FOR CASE FILES M1-10-97, AND SP-98-97**

Linn County Assessor's Map 11-3W-16, Tax Lot 1400

FEBRUARY 2, 1998

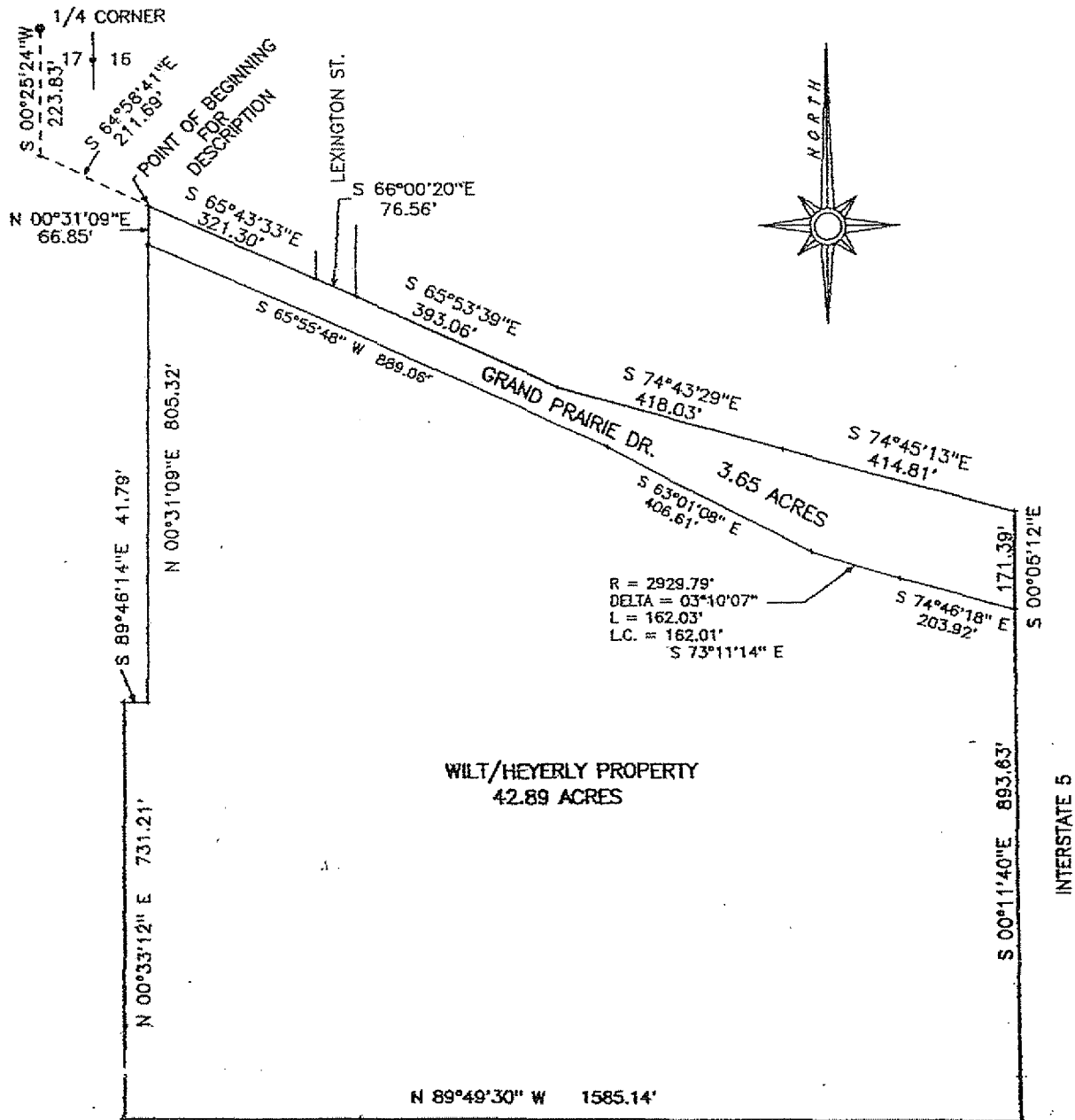


EXHIBIT C
FINDINGS OF FACT FOR TENTATIVE SUBDIVISION APPROVAL
FILE M1-10-97

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

- 1.1 The applicant has submitted a subdivision tentative plat titled "Edgewood Estates Second Addition Tentative Plat," prepared by Ling & Associates Engineering, dated December 1, 1997, and revised February 3, 1998. The plat shows the subject property to be divided into 57 residential single-family lots, two tracts, and one lot that is 18.5 acres (Lot 58). The property to be divided includes all of Linn County Tax Assessor's Map 11S-3W-16, Tax Lot 1400 owned by Mildred Heyerly.
- (a) The applicant has submitted a concurrent Site Plan Review application that shows how Lot 58 can be developed as a manufactured home park in accordance with Development Code standards.
 - (b) The tentative plat shows Tract A to be sold to the City for a park. The applicant has also submitted a plan that shows how Tract A can be developed in accordance with the Code if it is not developed as a park.
 - (c) The tract of land that contains the Periwinkle Creek easement cannot be developed because it contains a floodway, and has an easement on it that allows maintenance of the creek (by Grand Prairie Water Control District). This tract has no designation (such as Tract B).

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

- 2.1 For the purposes of this review criterion, "In accordance with the Development Code" means in accordance with ADC 12.060: "No development shall occur unless the development has frontage on or approved access to a public street currently open to traffic."
- 2.2 The subject property is adjoined to the north by Grand Prairie Road and to the east by Interstate 5. These transportation routes are located within public rights-of-way that cannot be developed further.
- 2.3 The subject property is adjoined to the south and west by land developed with an existing manufactured home park and an existing residential single-family subdivision. All of the lots in the subdivision and all of the spaces in the manufactured home park are provided access with a system of public and private streets.

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

- 3.1 The streets within the proposed subdivision, and the proposed connections to the existing street system, are the "street plan" that must be evaluated under this criterion.
- 3.2 The tentative plat submitted by the applicant shows the streets within the proposed subdivision, and the streets to which the proposed subdivision will connect.

Streets within the proposed subdivision

- 3.3 The Albany Development Code (ADC) contains standards that are intended to produce street systems within subdivisions that are economic, safe, and efficient. The applicable standards provide the basis for a review of streets within proposed subdivisions.
- 3.4 ADC 12.110 requires that the location, width, and grade of all streets must conform to any approved transportation master plan. No streets through the subject property are shown on the City's Transportation System Plan (TSP) map of 20-year needed streets.
- 3.5 ADC 12.110 also requires that, where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding area. Brookside Avenue, Wilt Court, and Mountain View Drive have been extended through the existing subdivision that lies to the south and west of the subject property to the property line of the subject property. These streets are all classified as local streets, improved to City standards. The tentative plat shows that these streets will be continued into the proposed subdivision.
- 3.6 ADC 12.120 shows required street right-of-way widths and roadway widths. The tentative plat shows that Mountain View Drive through the proposed subdivision will have a 60-foot wide right-of-way and a 36-foot wide street. Brookside Avenue will have a 60-foot right-of-way and a 36-foot street. Wilt Court, Heyerly Street, and the four cul-de-sac streets that connect to Heyerly Street, will have 50-foot rights-of-way and 32-foot streets. Bartley Place will have a 50-foot right-of-way and a 36-foot street. All of these streets will be classified as local streets, and all the proposed widths conform with the required minimums shown in ADC 12.120.
- 3.7 ADC 12.210 requires that center line radii or curves be not less than 200 feet on local streets. However, where existing conditions, particularly topography, make it otherwise impractical to provide buildable sites, sharper curves may be approved by the review body. The applicant has not identified the length of the curve radii for the proposed streets on the plat, but using an engineer's scale, staff estimates that the curves on Mountain View Drive range from 200 feet to 400 feet. These curves meet the 200-foot minimum requirement. There are two curves shown on Heyerly Drive. One has a radius of about 700 feet, and the other is about 150 feet. The 150-foot radius curve does not meet the 200-foot minimum standard. It appears the curve is designed to follow the curvature of Periwinkle Creek, which may create a more aesthetic design, but does not achieve the required minimum radius. There appears to be no topographic constraint that makes it impractical to provide buildable lots if the curve radius is increased to 200 feet. This will be a condition of subdivision tentative plat approval.
- 3.8 ADC 12.160 requires that as far as practical, streets shall be dedicated and constructed in alignment with existing streets by continuing the center lines thereof.
- The extensions of Brookside Avenue, Wilt Court, and Mountain View Drive into the proposed subdivision are shown on the plat extended in alignment with the existing street ends. Mountain View Drive, where it intersects Grand Prairie Road, is aligned with the center line of Lexington Avenue where it intersects Grand Prairie Road across the street.
- 3.9 ADC 12.170 requires that streets be laid out so as to intersect as nearly as possible at right angles. The plat shows that Brookside Avenue, Wilt Court, and Heyerly Street will all intersect Mountain View Drive at right angles. The three cul-de-sacs that intersect Heyerly Street all intersect at right angles. Mountain View Drive intersects Grand Prairie Road at a right angle.

- 3.10 ADC 12.190 requires that a cul-de-sac must be as short as possible, and is not to exceed 400 feet in length. A cul-de-sac must terminate with a circular turnaround. Four cul-de-sacs are shown within the proposed subdivision. The cul-de-sacs vary from about 150 feet to 280 feet in length. None is longer than 400 feet. All terminate in circular turnarounds.
- 3.11 ADC 12.290 requires sidewalks are required adjacent to public streets. Sidewalks along residential streets must be a minimum of 4 feet wide. Planter strips 4 feet wide may be provided between the curb and the sidewalk, at the property owner's option. The sidewalk along the frontage of each lot may be constructed at the time each house is built.
- 3.12 The tentative plat identifies the northwest corner of the subject property as "Park area, reserved for sale to the City." If the property is sold to the City as a park, it is likely that no development that requires construction of a sidewalk (such as a single-family residence) will occur on the property. Therefore, the sidewalk along this section of Mountain View Drive must be constructed at the time the street is built. The sidewalks along the frontage of the proposed manufactured home park (Lot 58) must also be constructed at the time the street is built. ADC 12.290 allows construction of the sidewalks along the residential lots in the subdivision to be deferred until residences are built on the lots.

And, because there are no residential lots proposed in the floodplain of Periwinkle Creek, the sidewalk along this new section of Mountain View Drive must also be built at the time the street is constructed. Due to the grade differential between the roadway and creek, and the hazard of water, the sidewalks across the creek will require pedestrian railings for safety.

- 3.13 ADC 6.130 floodplain regulations require that any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation. All streets within the proposed subdivision must conform with this requirement. The tentative plat includes a note which says "Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation."

The City's development review engineer has reviewed the elevation of the subject property and the 100-year flood elevation and determined that it is feasible to construct all the streets within the proposed subdivision with an elevation one foot below the flood elevation, or higher. Final alignment and elevation of streets is reviewed at the time construction drawings are submitted to the City for review through the Site Improvement (SI) process.

- 3.14 The speed limit for all streets within the development will be 25 mph, resulting in a minimum sight distance requirement at intersections of 250 feet. Several intersections along Mountain View Place appear to have sight distance slightly less than this amount and will require minor alignment modifications. Because the available sight distances along Mountain View Place will be at, or only slightly exceed the minimum required, the applicant may wish to consider construction of curb extensions ("bulb-outs") at intersections along the street. Curb extensions would eliminate parking near intersections, improve visibility and sight distance, shorten pedestrian crossing distances, and function as traffic calming features by narrowing the roadway.
- 3.15 ADC 12.040 allows development approvals to include conditions that require facilities to accommodate safe and convenient pedestrian and bicycle access within and from new subdivisions to adjacent residential areas and neighborhood activity centers, such as parks. The tentative plat shows a 20-foot wide emergency access between Lots 21 and 22. The access will provide a connection between Heyerly Place and Grand Prairie Road, that can also serve as a pedestrian and bicycle connection. The City's Parks Master Plan identifies a future bicycle trail along the north bank of Periwinkle Creek. To allow

for a connection between the bike path and the connection from Heyerly Place to Grand Prairie Road, a 10-foot wide easement is needed between Lots 30 and 31.

- 3.16 ADC 12.120 requires that where a street right-of-way is less than 60 feet wide, a 7-foot wide public utility easement must be dedicated on both sides of the right-of-way. All of the streets within the proposed subdivision have rights-of-way less than 60 feet, except Mountain View Drive. The easements are not shown on the plat.

Streets to which the proposed subdivision will connect

- 3.17 The applicant has submitted a "Traffic Impact Study," prepared by Lancaster Engineering, dated September 1997, and a letter that serves as an addendum to that traffic impact study, also prepared by Lancaster Engineering, dated January 5, 1998. Together these documents are the traffic impact study that provide the basis for a review of the impact of the proposed subdivision on the existing street system.
- 3.18 The traffic impact study estimates that full development of the proposed subdivision will generate a total of 668 weekday vehicle trips. Eighty-five percent of these trips will use the intersection of the new Mountain View Drive and Grand Prairie Road to enter and exit the subdivision. Eighty percent of those trips will use Grand Prairie Road west of Mountain View Drive, and the other 5 percent will use Grand Prairie Road east of Mountain View Drive.
- 3.19 ADC 12.060 requires that streets within and adjacent to a new development must be improved in accordance with the standards of ADC Article 12. Where the City Engineer determines that a required street improvement would not be timely, the City Engineer may accept a Petition for Improvement/Waiver of Remonstrance for a future assessment district.
- 3.20 Grand Prairie Road is not improved in accordance with the standards for street widths shown in ADC 12.120, the standards for sidewalks shown in ADC 12.290-12.320, or the standards for bikeways shown in ADC 12.340-12.350.
- (a) ADC 12.120: Grand Prairie Road is classified as a minor arterial street on the TSP functional classification map. The required paved street width for an arterial street is 40 feet to 70 feet. The paved width of Grand Prairie Road from about 100 feet east of Waverly Drive to Interstate 5, including along the frontage of the subject property, is approximately 26 feet. The pavement is beginning to crack within vehicle wheel paths, indicating that it cannot accommodate existing vehicle loading and is beginning to fail structurally. The posted speed limit on Grand Prairie Road is 45 miles per hour. The lack of sidewalks or paved shoulders, combined with high traffic volumes and speeds, prevents the road from safely accommodating bicycle and pedestrian trips.
 - (b) ADC 12.290-12.320: All development must include sidewalks adjacent to public streets. There are no sidewalks along Grand Prairie Road from about 100 feet east of Waverly Drive to Interstate 5, including along the frontage of the subject property. In the case of arterial streets, sidewalks must be built during construction of the street. The required width for a sidewalk on an arterial street is 7 feet. This width may be reduced to 6 feet if the sidewalk is separated from the curb by a landscaped planter strip at least 5 feet wide. The sidewalk along the new street section of Grand Prairie Road that has been built from Waverly Drive east for about 100 feet includes sidewalks set back from the curb.
 - (c) ADC 12.340-12.350: In the case of arterial streets, bike lanes must be built when the street is constructed. The minimum width for a bikeway is 6 feet per travel lane when adjacent to a curb.

3.21 The tentative plat submitted by the applicant shows that Grand Prairie Road will be improved at least across the frontage of the subject property. The improvements required by the standards of Article 12 cited above, and needed to accommodate vehicle, bicycle, and pedestrian trips include:

- (a) A 12-foot wide travel lane in each direction;
- (b) A continuous two-way center left-turn lane;
- (c) A bicycle lane in each direction;
- (d) A sidewalk on each side of the street.

This results in a paved street width of 48 feet curb to curb. This street width must be constructed from where the existing improvements end about 100 feet east of Waverly Drive to a point opposite the last driveway to the east on the north side of Grand Prairie Road, a distance of approximately 750 feet. From that point, the street improvements must taper to 36 feet by eliminating the center turn lane as the street approaches the bridge over Interstate 5, and match the width of the bridge.

3.22 ADC 12.140 requires that, if an existing street right-of-way that abuts new development does not meet the minimum widths specified in ADC 12.120, additional right-of-way must be dedicated.

Grand Prairie Road is designated as a minor arterial street on the TSP functional classification map (Figure 5.1.1-1). The minimum right-of-way width required for an arterial street is 70 feet. The right-of-way width of Grand Prairie Road across the westerly frontage of the subject property is only 60 feet for about 750 feet, then it widens to accommodate slopes that result from filling to construct the street.

An additional 5-foot width of right-of-way is needed along the Grand Prairie frontage of the property from its westerly boundary to a point opposite the last driveway to the east on the north side of Grand Prairie Road, a distance of approximately 750 feet. (The other additional 5 feet of width needed to provide the 70-foot wide right-of-way should come from the property which abuts the road on the north).

Construction of the street from the end of the 48-foot section to the bridge over Interstate 5 may require the dedication of additional right-of-way on the subject property. The elevation of the street rises to cross over Interstate 5 creating a fill slope that may extend on to the proposed subdivision lots. An alternative to providing additional right-of-way through this area may be to build a retaining wall so that the fill slope stays within the existing right-of-way. It is feasible to construct the street using either alternative.

3.23 Intersection capacity is typically the factor that constrains the ability of streets to accommodate traffic. The traffic impact study submitted by the applicant estimates how much traffic the proposed subdivision will generate at full build-out during the hour of the day that has the highest volume of traffic. The number of trips that will be generated by the new development is then added to the amount of existing traffic and traffic from other expected development (for example, a new manufactured home park approved at the corner of Waverly Drive and Grand Prairie Road, and the new Lexington Subdivision across Grand Prairie Road from the proposed subdivision).

The study then analyzes the capacity of the intersections of the streets to which the streets in the subdivision will connect. The ability of the intersections to accommodate the additional traffic from the proposed development is then evaluated. A letter from A-F is assigned to describe the operation of the intersection. An A rating is the best and F is the worst. The City of Albany has adopted D as the lowest acceptable level of service for the operation of intersections impacted by new development. The additional traffic from a proposed development may not cause the operation of an intersection that is impacted by the development to fall below level of service D.

- 3.24 The traffic impact study finds, from counts of existing traffic, that the peak hour for traffic is between 4:35 p.m. and 5:35 p.m. Development of the proposed subdivision will add 70 new trips during this evening peak hour. The trips are then distributed among the intersections that traffic will use. To determine the directional distribution of trips, the proximity of land uses such as employment, shopping, schools, and entertainment are considered. The study finds that 85 percent of the traffic that will be generated by the proposed subdivision will use the intersection of Grand Prairie Road and the new Mountain View Drive, and 15 percent will use the existing intersection of Waverly Drive and the existing Mountain View Drive.
- 3.25 The study finds that the intersection of Grand Prairie Road and the new Mountain View Drive is expected to operate at level of service C at the evening peak hour. The intersection of Grand Prairie Road and Waverly Drive was also evaluated, and it was found that it will operate at level of service C. (It now operates at level of service B.) The intersection of Waverly Drive and the existing Mountain View Drive now operates at level of service C, and it will also operate at level of service C during the evening peak hour after development of the proposed subdivision.

Other considerations

- 3.26 ADC 12.230 requires where a development abuts an existing arterial street, the design of the development must provide adequate protection for residential properties. Design requirements may include "lots of suitable depth abutting the arterial to provide adequate buffering and having frontage along another street," and/or "screen planting at the rear or side property line to be contained in a nonaccess reservation along the arterial."
- 3.27 Grand Prairie Road and Interstate 5 are arterial streets. The lots along Grand Prairie Road range in depth from about 90 feet to 200 feet. This depth allows required 15-foot front setbacks on Heyerly Place to be met with 75 to 185 feet of depth remaining for placement of a house, a backyard, and buffering and screening that the resident of the house may wish to plant or build.

Along Interstate 5, ADC 3.320 requires a "special noise corridor setback" of 50 feet in addition to the required 15-foot front setback. The review body may require additional noise mitigating features such as berms, landscaping, fences, or walls within the setback. The tentative plat shows that the 50-foot additional setback has been provided. Who will own and maintain this area along Lots 26 and 27 is unclear. The area should be combined with Lots 26 and 27. Who will own the area labeled "open space" west of Lot 57 on the tentative plat is also unclear. It must be combined with one of the lots shown on the plat, or otherwise combined with another parcel.

On a drawing submitted with a concurrent application to develop Lot 58 of the proposed subdivision, the applicant shows a 6-foot high berm, 24 to 36 feet in width to be constructed within the 50-foot noise setback for Lot 58. We assume the berm will also be placed in the setback along the rest of the subdivision lots that abut I-5 (Lots 26 and 27), but this will be made a condition of approval of the proposed subdivision.

- 3.28 Improvement of Grand Prairie Road for its full width, from where the existing street improvements end east of Waverly Drive, to Interstate 5, may be more than the minimum improvement needed to serve the proposed subdivision, and may not be roughly proportional to the impact of new traffic from the subdivision. However, because the subject property must be annexed to the City before the subdivision can be developed, other policies apply. See the "Information for the Applicant" section attached at the end of this staff report, and Condition 3.5 below.

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

SANITARY SEWER

- 4.1 ADC 12.500 requires that all proposed sewer plans and systems must be approved by the City Engineer as part of the tentative plat or site plan review process. The applicant has submitted a drawing titled "Edgewood Estates Second Addition, Sanitary Sewer and Storm Drain Plan," prepared by Ling & Associates Engineering, dated December 1, 1997, and revised February 3, 1998.
- 4.2 Sanitary sewer utility maps show that there are 8-inch mains in Brookside Avenue, Bartley Place, Mountain View Drive, and Wilt Court, and a 15-inch main that has been extended along Grand Prairie Road to a point 100 feet east of Waverly Drive.
- 4.3 The tentative plat shows that the area of the proposed subdivision west of the new Mountain View Drive, and south of Periwinkle Creek, will be served by extending the existing mains in Brookside Avenue, Wilt Court, and Bartley Place. No size for the pipes is shown on the plat, but the minimum size must be 8-inch.
- 4.4 The tentative plat shows that the area of the proposed subdivision north of Periwinkle Creek will be served by extending the existing 15-inch main in Grand Prairie Road to the new Mountain View Drive, then an 8-inch line south into the proposed subdivision. Other 8-inch lines will serve the lots along Heyerly Place and the cul-de-sacs that connect to it.

However, ADC 12.490 requires that new development extend sewer collection mains along the full length of the property to be developed, or a point identified by the City Engineer as necessary to accommodate likely system expansion. The City's sanitary sewer master plan shows that the 15-inch main in Grand Prairie Road must be extended east across Interstate 5, so the 15-inch main must be extended across the full frontage of the subject property to provide for later system expansion.

- 4.5 In reviewing the proposed subdivision and the manufactured home park to be constructed on Lot 58 of the subdivision, staff has discovered that the sanitary sewer system proposed for the manufactured home park shows top of manhole elevations that are higher than the surrounding ground elevation in the most eastern part of the park. This means that the area where this is shown would have to be filled, but it is not clear if this is what the applicant proposes. It also appears that the elevation of the sanitary sewer proposed in this area of the manufactured home park would conflict with the elevation of a proposed storm drain pipe.

An alternative for serving this area of the park would be to extend the line that will be constructed in Heyerly Place across Periwinkle Creek to serve the area of the manufactured home park. This would have to be considered in determining the grade for the sewer in Heyerly Place to make sure it was deep enough to also serve the manufactured home park. Either alternative, however, is feasible. Final alignments and grades are reviewed when construction plans are submitted for review to the City prior to construction.

WATER

- 4.6 ADC 12.440 requires that all proposed water plans and systems must be approved by the City Engineer as part of the tentative plat or site plan review process. The tentative plat submitted by the applicants shows how water service will be provided to the proposed subdivision.
- 4.7 Water utility maps show that there are 6-inch mains in Wilt Court and Bartley Place, an 8-inch main in Brookside Avenue, 12-inch mains in Mountain View Drive and Lexington Drive (across Grand Prairie Road), and a 24-inch main in Grand Prairie Road at the intersection of Waverly Drive.

- 4.8 The plat shows that the 24-inch main in Grand Prairie Road at Waverly Drive will be extended east to a point about 800 feet east of the intersection of Grand Prairie Road and the new Mountain View Drive. The 12-inch mains in Lexington Street and Mountain View Drive will be connected with a new 12-inch main. A 12-inch water main will be extended south along the new Mountain View Drive, with extensions along Brookside Avenue and Wilt Court to serve the lots along those streets. An existing line in Bartley Place will be extended to serve the new lots along the new cul-de-sac. A new main will be extended along Heyerly Place and extensions will be provided to the cul-de-sacs that connect to that street. The sizes of these lines is not specified on the plat.

All of the lines within the proposed subdivision must be a minimum of 8 inches in diameter to provide adequate fire flows. It may be possible to install 6-inch lines in some of the shorter cul-de-sacs if fire hydrants are not needed in the cul-de-sac. Lot 58 (the lot on which the manufactured home park is proposed) must have two 8-inch connections to the 12-inch main proposed in the new Mountain View Drive. Two connections are needed to provide a looped system for fire flows and to limit service interruptions at times when part of the line is being repaired.

ADC 12.430 requires that new development must extend water distribution mains along the full length of the frontage of the property to be developed, or to a point identified by the City Engineer as necessary to accommodate likely system expansion. So, the 24-inch main in Grand Prairie Road must be extended across the entire frontage of the subject property. It appears that the most likely east end of the line will be on the north side of the street, within the old Grand Prairie Road roadbed.

STORM DRAINAGE

- 4.9 ADC 12.530 requires that development approval be given only where adequate provisions for storm and flood water run-off have been made as determined by the City Engineer. All proposed storm sewer plans and systems must be approved by the City Engineer as part of the tentative plat review process.
- 4.10 Storm drain utility maps show that storm drainage to the subject property is provided by Periwinkle Creek, which flows from east to west across the site. There is a 30-inch private storm drain pipe through the existing manufactured home park to the south of the subject property, which discharges to a drainageway in the southeast quadrant of the property. The drainageway then flows to Periwinkle Creek. There are also roadside ditches along Grand Prairie Road and a drainageway in the northwest quadrant of the property. Water flows from the ditches along Grand Prairie Road into the drainageway in the northwest quadrant of the property. There is also a 30-inch public storm drain main on the west edge of the property between Wilt Court and Periwinkle Creek.
- 4.11 The sanitary sewer and storm drain plan submitted by the applicant shows that a 30-inch diameter storm drain pipe will be placed in the drainageway in the northwest quadrant of the property. The 30-inch pipe will pick up the water that enters the drainageway now, and part of the storm drainage from the proposed subdivision. The plan originally submitted by the applicant also showed that a 36-inch pipe would be placed in the drainageway in the southeast quadrant of the property, but that plan has been revised. This pipe would have picked up the water which now enters the drainageway, and the storm drainage from another part of the subdivision. The storm drain plan also shows that the storm drainage from other areas of the subdivision will be collected by a system of pipes that ultimately discharge to Periwinkle Creek. No drainage system for Grand Prairie Road is shown, but it can drain south to Periwinkle Creek. Pipe sizes are not shown on the plan, but final design details are reviewed when construction plans are submitted to the City prior to construction.
- 4.12 ADC 12.550 requires that a drainage facility be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The City Engineer must

review and approve the necessary size of the facility, based on the provisions of the storm drain master plan, and sound engineering principles, and assuming conditions of maximum potential watershed development.

The City's storm drain master plan shows that the drainageways in the northwest and southeast quadrants of the subject property are not adequate to accommodate expected flows without improvement. The master plan specifies a 30-inch pipe for the drainageway in the northwest quadrant, and a 54-inch pipe for the drainageway in the southeast quadrant.

The 30-inch pipe proposed in the northwest drainageway is adequate. The master plan shows that the 36-inch pipe proposed in the southeast drainageway must be a 54-inch pipe, but the pipe would be constructed in a wetland (see Finding 5.3 below). The flows which will enter the drainageway come from the existing manufactured home park to the south of the subject property (owned by the applicant) and from the proposed subdivision.

- 4.13 The applicant has agreed not to develop within the wetland identified as PER 8-A on the City's East I-5 Local Wetlands Inventory. It has been determined by the City's development review engineer that the existing drainageway in the southeast quadrant of the property can accommodate the drainage that will flow to it, if it is improved within a 30-foot wide easement. The applicant has revised the plan presented to the Planning Commission to show that the wetland will not be developed, except for improvements to the drainageway described above.
- 4.14 The City's storm drain master plan also shows that the existing 30-inch pipe that runs through the manufactured home park to the south is under-sized and should be replaced with a 48-inch pipe. Staff recommends that the 30-inch pipe be replaced with a 48-inch pipe.
- 4.15 The City's storm drainage master plan shows that Periwinkle Creek across the subject property can accommodate a 100-year storm flow, including the additional storm drainage from the proposed subdivision. The Periwinkle Creek channel was improved in 1978 by the Soil Conservation Service. The as-built plans show that the improvements included creating a channel with a 5-foot stream bed; 3:1 side slopes; a 7-foot wide shelf on the south bank; a 13-foot wide shelf on the north bank; and finally 3:1 side slopes to the natural ground. The Grand Prairie Water District currently has maintenance responsibility for the creek.

The applicant has submitted a letter to the City of Albany, with attached drainage calculations for Periwinkle Creek, prepared by Ling & Associates, dated January 12, 1998. The drainage calculations include a series of cross-sections across the Periwinkle Creek channel. The cross-sections show that the creek channel has generally retained its improved shape. The cross-sections show that some sections of the stream bed have narrowed, and some of the side slopes have slumped, thereby reducing the storm water carrying capacity of the creek.

The drainage calculations show that the existing creek can accommodate a 100-year storm flow with no further improvements. The high water elevation would range from 228.5 feet to 230.5 feet. The water at its highest elevation would be 0.9 feet below the top of the existing bank. The City prefers that there be at least 1.0 feet of freeboard, to provide a safety factor. The study finds that this can be accomplished by modifying the creek channel in some locations. The recommended modifications are:

- (a) Widen the bed of the creek at Lot 39 to yield a base width of 6 feet. Currently, the base width here is only 3 feet. The channel here can pass the 100-year runoff event with adequate freeboard, but the existing constriction causes backwater effects that may reduce freeboard upstream of this section.

- (b) Review other creek channel cross-sections and excavate as required to maintain a minimum base width of 6 feet.
- (c) Maintain the existing growth of short grass in the channel. It appears the channel is currently maintained this way. Certain assumptions used in this analysis are not valid if these conditions are not maintained in the future, and the estimated water surfaces will no longer apply.

These improvements should be made to provide for accommodation of the storm drainage from the proposed subdivision.

- 4.16 The tentative plat shows Periwinkle Creek located within an "existing drainageway easement." The current property owner apparently owns the land within the drainage easement, but that area is not identified on the plat as a lot or tract. The existing easement is 70 feet wide, 40 feet on the north side of the creek and 30 feet on the south side of the creek.

The applicant has stated that this area is intended to be sold to the City of Albany Parks Department at some time in the future, along with Tract A (shown on the plat). The area of the drainage easement must be shown on the plat as a separate tract, as required in Condition 1.1 above. (This area cannot be shown as a lot, because it is not configured to provide a buildable lot.)

- 4.17 The area where the drainageway in the northwest quadrant of the property will discharge to Periwinkle Creek is shown on the tentative plat as "open space." The area where the drainageway in the southeast quadrant of the property will discharge to the creek is shown with an "x" through it. It is uncertain who will own these areas. They must be combined with one of the subdivision lots, or be included with the area shown as the Periwinkle Creek drainage easement that will be shown as a tract.

- 4.18 There are a total of six outlets to Periwinkle Creek. ADC 12.370 requires 15-foot wide public easements to be dedicated, centered on pipes, so that the pipes can be maintained. A 30-foot wide public easement is needed to maintain the southeast drainageway.

- 4.19 The existing 30-inch pipe along the west boundary of the subject property is located within a 10-foot wide public easement (Linn County deed records MF-115-795). The tentative plat does not show the easement. It appears the easement is located along the west edge of proposed Lots 43, 45, and 48. The easement must be shown on the plat.

- 4.20 The storm drain plan submitted by the applicant does not show a specific type of drainage structure where the new Mountain View Drive will cross Periwinkle Creek. City staff observes that there are far fewer problems with drainage structures that have one clear span than there are with multiple span structures. The major problems with multiple span structures include head loss at the inlet, and plugging with brush, trees, and debris. A single span structure will be required (either a culvert or a bridge) to minimize the possibility of flooding that might occur if a multiple span structure was constructed.

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

- 4.22 A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Oregon Department of Environmental Quality (DEQ) for construction activities that disturb five or more acres of land.

- 4.23 ADC 6.130 requires that all land divisions in the floodplain district shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. Where the flood elevation has not been otherwise established, the elevation must be determined and certified by a registered engineer. This has been done in the drainage calculations for Periwinkle Creek submitted by the applicant.

In addition, a statement which says: "Development of property within the 100-year floodplain as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City" must be located on or attached to the recorded map or plat.

Other considerations

- 4.24 Extension of the 15-inch sanitary sewer line from where the existing line ends approximately 100 feet east of Waverly Drive to Interstate 5, and extension of the 24-inch water line from where the existing line ends approximately 100 feet east of Waverly Drive, may be more than the minimum improvement needed to serve the proposed subdivision, and may not be roughly proportional to the impact on the sewer system by the subdivision, but because the subject property must be annexed to the City before the subdivision can be developed, other policies apply. See the "Information for the Applicant" section attached at the end of this staff report.

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

- 5.1 *Comprehensive Plan Plate 7: Slopes* shows no areas of concern on the subject property. The tentative plat submitted by the applicant shows the property varies in elevation from approximately 232 to 240 feet. The property slopes generally from southeast to northwest.

- 5.2 *Comprehensive Plan Plate 5: Floodplains* shows that Periwinkle Creek across the subject property has a floodplain. FEMA/FIRM Community Panel No. 410136 0190B, dated September 29, 1986, shows that Periwinkle Creek across the subject property is in Zone A, "contained in channel." Zone A is described as an area of 100-year flood, base flood elevations and flood hazard factors not determined.

The base (100-year) flood elevation is not shown on the FEMA/FIRM map, so the applicant was asked to submit calculations that show the elevation of a 100-year flood along Periwinkle Creek. The applicant has provided that information as described under Criterion (4). The applicant has not incorporated the floodplain area into the proposed subdivision with the intent of developing it. The applicant proposes to sell this area to the City for use as a park. Setting the floodplain area aside as a separate tract on the subdivision plat has been required as a condition of approval.

ADC 6.130 requires that "In addition to the general review criteria for land divisions and planned developments in Article 11, applications within the floodplain district shall also be subject to the following standards."

- (1) All land division proposals shall be consistent with the need to minimize flood damage.***

The proposed subdivision has been designed to minimize flood damage by siting the lots outside the 100-year flood boundary of Periwinkle Creek. The 100-year flood is contained within the channel of Periwinkle Creek, and a condition of approval is that the property owner make minor improvements to the channel so that 1 foot of freeboard is provided between the 100-year flood water elevation and the top of the bank of Periwinkle Creek.

- (2) *All land division proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.*

Public sanitary sewer and water facilities serving the proposed subdivision will be located primarily underground, and are, therefore, not subject to flood damage. Gas, electrical, telephone, and cable television systems are privately owned.

- (3) *All land division proposals shall have adequate drainage provided to reduce exposure to flood damage.*

The lots within the proposed subdivision are located outside the 100-year flood boundary of Periwinkle Creek. The 100-year flood is contained within the channel of Periwinkle Creek, and a condition of approval is that the property owner make minor improvements to the channel so that 1 foot of freeboard is provided between the 100-year flood elevation and the top of the bank. The drainage system for the proposed subdivision has been reviewed under Review Criterion (4) above, and it has been found that the system can be made adequate if certain conditions of approval are met.

- (4) *Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Code.*

No lots are proposed within a the 100-year floodplain for Periwinkle Creek. The floodway lies within the floodplain. No lots are proposed in the floodway.

- (5) *Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.*

None of the lots within the proposed subdivision are within a floodplain. None of the streets that serve the lots are within a floodplain. One street, Mountain View Drive, is proposed to cross the floodplain for Periwinkle Creek. No elevation for this crossing is shown on the tentative plat, but a note on the plat that says "Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than 1 foot below the 100-year flood elevation."

The City's development review engineer has reviewed the elevation of the subject property and the 100-year flood elevation and determined that it is feasible to construct all the streets within the proposed subdivision with an elevation 1 foot below the flood elevation, or higher. Construction of the streets in conformance with this requirement is a condition of approval of the subdivision. Final alignment and elevation of streets is reviewed at the time construction drawings are submitted to the City for review through the Site Improvement (SI) process.

- (6) *All land divisions or planned developments in the floodplain district shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: "Development of property within the 100-year floodplain as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City."*

The tentative plat submitted by the applicant does not show the location of the 100-year flood contour line followed by the date the flood elevation was established. The elevation has been determined in the drainage calculations submitted by the applicant. The calculations have been certified by a registered

engineer. Placement on the final plat of the contour line and the statement required above is a condition of approval of the subdivision.

- 5.3 *Comprehensive Plan Plate 6: Wetland Sites* shows a wetland site on the subject property, but designates it as one on which there is incomplete information. (We now have more information, however.) The U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory map (dated 1994) shows the area of Periwinkle Creek is wetlands.

The City is required to notify the Oregon Division of State Lands (DSL) when an application is received for land that has wetlands shown on the NWI map. That notification has been given to DSL. DSL has responded that a removal-fill permit is required from DSL. DSL has also noted that the applicant has submitted a wetland delineation to them, but approval of the delineation has not yet been given. Approval of the delineation is the next step in DSL's process for applying their regulations. The applicant has also submitted a delineation to the City, prepared by Jay R. Lorenz, Ph.D., and dated September 1997.

ADC 6.280 regulates wetlands in certain areas, but the area in which the subject property is located is not one of those areas. The applicant originally proposed to fill two of the wetlands identified in the delineation (two existing ditches), and preserve the third (along Periwinkle Creek). The applicant has now agreed not to develop one of the wetlands, but improve the drainageway that runs through it. Whether filling the other wetland will be allowed is a decision that will be made by DSL and the U.S. Army Corps of Engineers. If DSL determines it has jurisdiction of the identified wetland, they will decide whether the wetland can be filled, and then, if filling is allowed, whether the applicant must "mitigate" the filling of the wetland. Mitigation might include replacing the wetland on the same property, or elsewhere.

As part of Periodic Review of the City's Comprehensive Plan, the Planning Division has retained a consultant to map and evaluate wetlands within an area that includes the subject property. The work done by the consultant (the East I-5 Local Wetlands Inventory) shows that the wetlands within the banks of Periwinkle Creek could be classified as locally significant wetlands. The work also shows that the wetlands along the ditch in the southeast quadrant of the subject property could be classified as locally significant. (These wetlands are identified as PER-4 and PER 8-A in the consultant's work.) These wetlands may be regulated by the City in the future, but there are not applicable regulations in place now. City staff plans later this year to propose regulations for locally significant wetlands as part of the work being done on Goal 5 of the Comprehensive Plan for Periodic Review.

(The wetland consultant's work shows that the wetlands along Periwinkle Creek total about 2.47 acres; the wetland along the ditch in the northwest quadrant of the property is about 0.3 acres; and the wetland along the ditch in the southeast quadrant is about 0.8 acres. The consultant also identified two additional areas of wetlands that total about 0.1 and 0.8 acres on the property.)

ORS 227.350 allows City approval of a subdivision application, when DSL has responded, if the approval includes notice that issuance of a permit under ORS 196.600 to 196.905 by DSL is required for the project before any physical alteration takes place within the wetlands. This notice will be included in the conditions of approval for the subdivision.

The applicant has agreed to set aside the wetland identified as PER 8-A as open space.

- 5.4 *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat* shows an area of natural vegetation and wildlife habitat that corresponds roughly to the wetlands identified as PER-4 and PER 8-A in the wetland consultant's work referenced in Finding 5.3 above. However, neither the

Comprehensive Plan, nor the ADC, currently provide any reference to regulating or otherwise managing these areas.

The property is currently being farmed to produce ryegrass, so the predominant vegetation on the property is ryegrass. There are also areas that are covered with blackberries, and wooded areas with ash, cottonwood, red alder trees along Periwinkle Creek and in the wetland area along the ditch in the southeast quadrant of the property. There are also a variety of other grasses on the property, and what remains of an old apple orchard in the southeast corner of the property.

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

**EXHIBIT D
TENTATIVE SUBDIVISION MAP
FILE M1-10-97**

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

NOTES

1. This map shall be submitted to the City Engineer with this project.

2. This project shall be constructed in one phase.

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

4. Owners of "W" Court, "X" Court and "Y" Court to be provided as shown on this map.

DEVELOPER'S NOTES

1. Property south of Parkville is owned by landowner(s). The City Engineer shall verify the property boundaries for this map and the owner(s) of Parkville. This map shall be submitted to the City Engineer for review.

2. The City Engineer shall verify the boundaries for this map and the owner(s) of Parkville. This map shall be submitted to the City Engineer for review.

PLANS

The applicant has checked to see that all proposed improvements are shown on the site plan for each improvement. Parkville Street shall also be shown as part of this plan. The City Engineer shall verify the boundaries for this map and the owner(s) of Parkville. This map shall be submitted to the City Engineer for review.

DEVELOPER'S NOTES

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PLANS

The applicant has checked to see that all proposed improvements are shown on the site plan for each improvement. Parkville Street shall also be shown as part of this plan. The City Engineer shall verify the boundaries for this map and the owner(s) of Parkville. This map shall be submitted to the City Engineer for review.

Any other public or private utility lines shown on this map shall be shown as part of this plan. The City Engineer shall verify the boundaries for this map and the owner(s) of Parkville. This map shall be submitted to the City Engineer for review.

OWNER: DEL WALT
23245 SE HWY. 24
ALBANY, OREGON 97321
(503) 324-8844

ENGINEER: GLENN A. LING
LINC & ASSOCIATES ENGINEERING
602 NW 24th STREET, SUITE 1A
CORVALLIS, OREGON 97331
(541) 754-7200

LOT AREAS

1	8750 sq. ft.	78	8880 sq. ft.
2	8750 sq. ft.	79	8880 sq. ft.
3	8750 sq. ft.	80	8880 sq. ft.
4	8750 sq. ft.	81	8880 sq. ft.
5	8750 sq. ft.	82	8880 sq. ft.
6	8750 sq. ft.	83	8880 sq. ft.
7	8750 sq. ft.	84	8880 sq. ft.
8	8750 sq. ft.	85	8880 sq. ft.
9	8750 sq. ft.	86	8880 sq. ft.
10	8750 sq. ft.	87	8880 sq. ft.
11	8750 sq. ft.	88	8880 sq. ft.
12	8750 sq. ft.	89	8880 sq. ft.
13	8750 sq. ft.	90	8880 sq. ft.
14	8750 sq. ft.	91	8880 sq. ft.
15	8750 sq. ft.	92	8880 sq. ft.
16	8750 sq. ft.	93	8880 sq. ft.
17	8750 sq. ft.	94	8880 sq. ft.
18	8750 sq. ft.	95	8880 sq. ft.
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SITE DATA

1. TOTAL AREA: 42.00 ACRES
2. ZONING: R-10
3. PLANNING CODE: SINGLE FAMILY RESIDENTIAL
4. LOT AREA: 8880 SQ. FT.
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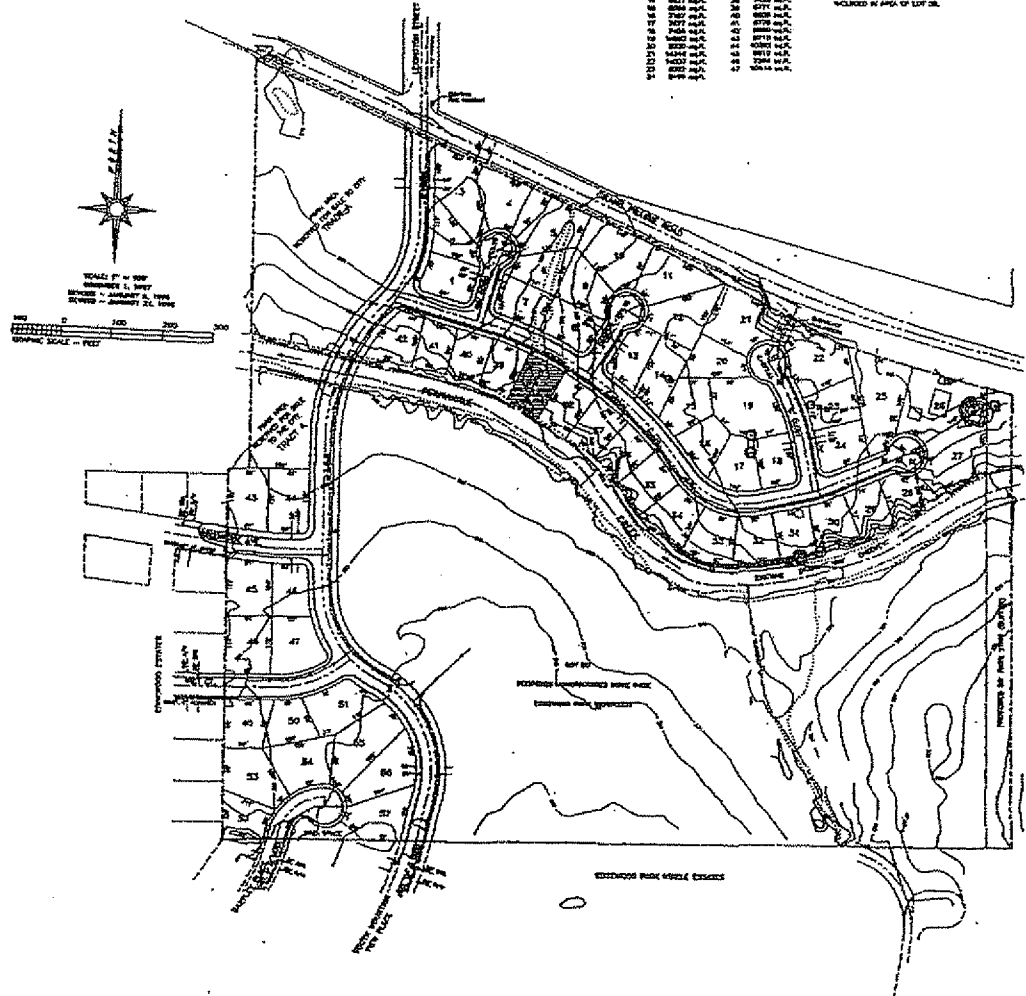


EXHIBIT E
LAND USE CONDITIONS OF APPROVAL
Subdivision File M1-10-97

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

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

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

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

None.

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

- 3.1 Center line curve radii for streets within the proposed subdivision shall be a minimum of 200 feet. The tentative plat appears to show a 150-foot radius curve on Heyerly Place. The final plat shall be revised to show a 200-foot minimum radius curve.
- 3.2 Sidewalks shall be constructed on both sides along all the streets within the proposed subdivision. The sidewalks must be a minimum of 4 feet wide. Planter strips 4 feet wide may be provided between the curb and the sidewalk, at the property owner's option. The sidewalk along Mountain View Drive along the frontage of the property proposed to be sold to the City for a park, the sidewalk on both sides of Mountain View Drive where it crosses Periwinkle Creek, and the sidewalk along the frontage of Lot 58, shall be constructed at the time the street is built. The sidewalk along the frontage of each other proposed lot may be built at the time the house is built.
- 3.3 **Prior to final plat approval** (except as allowed in Condition 3.5 below), construct Grand Prairie Road to City standards from where the existing street improvements end approximately 100 feet east of Waverly Drive to the bridge over Interstate 5. The street section shall be 48 feet wide from where the existing improvements end to the east side of the last driveway on the north side of Grand Prairie Road, a distance of about 750 feet. The street section shall include: one 12-foot wide travel lane in each direction; a continuous two-way center left-turn lane; a bicycle lane in each direction; and a sidewalk on each side of the street.

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

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

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

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

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

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

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

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

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

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

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

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

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

SANITARY SEWER

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

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

WATER

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

STORM DRAINAGE

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

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

"Development of property within the 100-year floodplain as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City" must be located on or attached to the recorded map or plat.

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

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

**EXHIBIT F
FINDINGS OF FACT FOR SITE PLAN REVIEW
FILE SP-98-97**

(1) Public facilities can accommodate the proposed development.

- 1.1 The applicant has submitted a three-page set of plans that shows the proposed manufactured home park. The plans were prepared by Ling & Associates Engineering, dated December 1, 1997, and revised February 3, 1998.

STREETS

Streets within the manufactured home park

- 1.2 ADC 12.250 allows private streets within manufactured home parks, unless the review body determines that public streets are needed to provide for circulation and/or access to neighboring properties.

Although it is not shown on the plans, the applicant has stated that the streets within the proposed park will be private.

- 1.3 ADC 10.260 requires streets in manufactured home parks to have a minimum surfaced width of 30 feet if no parking is allowed on one side of the street only.

The plans show that the streets within the park will be 30 feet wide. So, no parking will be allowed on one side of the street.

- 1.4 ADC 10.290 requires that walkways a minimum of 4-foot wide connect each manufactured home space with common areas, public streets, and play areas. All walkways must be separated, raised, or protected from vehicular traffic and provide access for handicapped persons.

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

- 1.5 The speed limit on Mountain View Drive will be 25 miles per hour, resulting in a minimum sight distance requirement at the intersection of 250 feet. The intersection of the street that connects the proposed manufactured home park with Mountain View Drive appears to have less sight distance than this, and will require a minor alignment modification. Because the available sight distance along Mountain View Place will be at, or only slightly exceed, the minimum required, the applicant may wish to consider construction of curb extensions ("bulb-outs") at intersections along the street. Curb extensions would eliminate parking near intersections, improve visibility and sight distance, shorten pedestrian crossing distances, and function as traffic calming features by narrowing the roadway.

Streets to which the proposed manufactured home park will connect

- 1.6 The streets within the proposed manufactured home park will connect to a new section of Mountain View Drive that will be extended from where it ends now, at the south boundary of the subject property, north to Grand Prairie Road. The new section of Mountain View Drive has not yet been built. The street must be built.

A parcel along the west side of Mountain View Drive has been shown on the tentative plat for the subdivision that will create the lot on which the manufactured home park will be developed as reserved for sale to the City as a park. If the property is sold to the City as a park, it is likely that no development that requires construction of a sidewalk (such as a single-family residence) will occur on the property. Therefore, the sidewalk along this section of Mountain View Drive must be constructed at the time the street is built. The sidewalks along the frontage of the proposed manufactured home park (Lot 58) must also be constructed at the time the street is built. And, because there are no residential lots proposed in the floodplain of Periwinkle Creek, the sidewalk along this new section of Mountain View Drive must also be built at the time the street is constructed. Due to the grade differential between the roadway and creek, and the hazard of water, the sidewalks across the creek will require pedestrian railings for safety.

- 1.7 The applicant has submitted a "Traffic Impact Study," prepared by Lancaster Engineering, dated September 1997, and a letter that serves as an addendum to that traffic impact study, also prepared by Lancaster Engineering, dated January 5, 1998. Together these documents are the traffic impact study that provide the basis for a review of the impact of the proposed manufactured home park on the existing street system.

- 1.8 The traffic impact study estimates that full development of the proposed manufactured home park will generate a total of 480 weekday vehicle trips. Eighty-five percent of these trips will use the intersection of the new Mountain View Drive and Grand Prairie Road to enter and exit the manufactured home park. Eighty percent of those trips will use Grand Prairie Road west of Mountain View Drive, and the other 5 percent will use Grand Prairie Road east of Mountain View Drive. Fifteen percent of the trips will use the existing section of Mountain View Drive to Waverly Drive. This street is classified as a local street, and is improved to City standards. Development of the proposed manufactured home park will also generate bicycle and pedestrian trips.

- 1.9 Grand Prairie Road is not improved in accordance with the standards for street widths shown in ADC 12.120, the standards for sidewalks shown in ADC 12.290-12.320, or the standards for bikeways shown in ADC 12.340-12.350.

- (a) ADC 12.120: Grand Prairie Road is classified as a minor arterial street on the TSP functional classification map. The required paved street width for an arterial street is 40 feet to 70 feet. The paved width of Grand Prairie Road from about 100 feet east of Waverly Drive to Interstate 5, including along the frontage of the subject property, is approximately 26 feet. The pavement is beginning to crack within vehicle wheel paths, indicating that it cannot accommodate existing vehicle loading and is beginning to fail structurally. The posted speed limit on Grand Prairie Road is 45 mile per hour. The lack of sidewalks or paved shoulders, combined with high traffic volumes and speeds, prevents the road from safely accommodating bicycle and pedestrian trips.
- (b) ADC 12.290-12.320: All development must include sidewalks adjacent to public streets. There are no sidewalks along Grand Prairie Road from about 100 feet east of Waverly Drive to Interstate 5, including along the frontage of the subject property. In the case of arterial streets, sidewalks must be built during construction of the street. The required width for a sidewalk on an arterial street is 7 feet. This width may be reduced to 6 feet if the sidewalk is separated from the curb by a landscaped planter strip at least 5 feet wide. The sidewalk along the new street

section of Grand Prairie Road that has been built from Waverly Drive east for about 100 feet includes sidewalks set back from the curb.

- (c) ADC 12.340-12.350: In the case of arterial streets, bike lanes must be built when the street is constructed. The minimum width for a bikeway is 6 feet per travel lane when adjacent to a curb.

1.10 The tentative plat submitted by the applicant shows that Grand Prairie Road will be improved at least across the frontage of the subject property. The improvements required by the standards of Article 12 cited above, and needed to accommodate vehicle, bicycle, and pedestrian trips include:

- (a) a 12-foot wide travel lane in each direction;
- (b) a continuous two-way center left-turn lane;
- (c) a bicycle lane in each direction;
- (d) a sidewalk on each side of the street.

This results in a paved street width of 48 feet curb to curb. This street width must be constructed from where the existing improvements end about 100 feet east of Waverly Drive to a point opposite the last driveway to the east on the north side of Grand Prairie Road, a distance of approximately 750 feet. From that point, the street improvements must taper to 36 feet by eliminating the center turn lane as the street approaches the bridge over Interstate 5, and match the width of the bridge.

1.11 ADC 12.140 requires that, if an existing street right-of-way that abuts new development does not meet the minimum widths specified in ADC 12.120, additional right-of-way must be dedicated.

Grand Prairie Road is designated as a minor arterial street on the TSP functional classification map (Figure 5.1.1-1). The minimum right-of-way width required for an arterial street is 70 feet. The right-of-way width of Grand Prairie Road across the westerly frontage of the subject property is only 60 feet for about 750 feet, then it widens to accommodate slopes that result from filling to construct the street.

An additional 5-foot width of right-of-way is needed along the Grand Prairie frontage of the property from its westerly boundary to a point opposite the last driveway to the east on the north side of Grand Prairie Road, a distance of approximately 750 feet. (The other additional 5 feet of width needed to provide the 70-foot wide right-of-way should come from the property which abuts the road on the north.)

Construction of the street from the end of the 48-foot section to the bridge over Interstate 5 may require the dedication of additional right-of-way on the subject property. The elevation of the street rises to cross over Interstate 5 creating a fill slope that may extend on to the proposed subdivision lots. An alternative to providing additional right-of-way through this area may be to build a retaining wall so that the fill slope stays within the existing right-of-way. It is feasible to construct the street using either alternative.

1.12 Intersection capacity is typically the factor that constrains the ability of streets to accommodate traffic.

The traffic impact study submitted by the applicant estimates how much traffic the proposed manufactured home park will generate at full build-out during the hour of the day that has the highest volume of traffic. The number of trips that will be generated by the new development is then added to the amount of existing traffic and traffic from other expected development (for example, a new manufactured home park approved at the corner of Waverly Drive and Grand Prairie Road, and the new Lexington Subdivision across Grand Prairie Road from the proposed subdivision).

The study then analyzes the capacity of the intersections of the streets to which the streets in the manufactured home park will connect. The ability of the intersections to accommodate the additional traffic from the proposed development is then evaluated. A letter from A-F is assigned to describe the

operation of the intersection. An A rating is the best and F is the worst. The City of Albany has adopted D as the lowest acceptable level of service for the operation of intersections impacted by new development. The additional traffic from a proposed development may not cause the operation of an intersection that is impacted by the development to fall below level of service D.

- 1.13 The traffic impact study finds, from counts of existing traffic, that the peak hour for traffic is between 4:35 p.m. and 5:35 p.m. Development of the proposed manufactured home park will add 56 new trips during this evening peak hour. The trips are then distributed among the intersections that traffic will use. To determine the directional distribution of trips, the proximity of land uses such as employment, shopping, schools, and entertainment are considered. The study finds that 85 percent of the traffic that will be generated by the proposed manufactured home park will use the intersection of Grand Prairie Road and the new Mountain View Drive, and 15 percent will use the existing intersection of Waverly Drive and the existing Mountain View Drive.
- 1.14 The study finds that the intersection of Grand Prairie Road and the new Mountain View Drive is expected to operate at level of service C during the evening peak hour. The intersection of Grand Prairie Road and Waverly Drive was also evaluated, and it was found that it will operate at level of service C. (It now operates at level of service B.) The intersection of Waverly Drive and the existing Mountain View Drive now operates at level of service C, and it will also operate at level of service C during the evening peak hour after development of the proposed manufactured home park.

Other considerations

- 1.15 ADC 12.230 requires where a development abuts an existing arterial street, the design of the development must provide adequate protection for residential properties. Design requirements may "screen planting at the rear or side property line to be contained in a nonaccess reservation along the arterial."
- 1.16 Interstate 5 is an arterial street. Along Interstate 5, ADC 3.320 requires a "special noise corridor setback" of 50 feet in addition to the required 15-foot front setback. This setback is shown on the plans. The review body may require additional noise mitigating features such as berms, landscaping, fences, or walls within the setback. Sheet 3 of 3 of the plans shows a 6-foot high berm, 24 to 36 feet in width to be constructed within the 50-foot noise setback along I-5.
- 1.17 Improvement of Grand Prairie Road for its full width, from where the existing street improvements end east of Waverly Drive, to Interstate 5, may be more than the minimum improvement needed to serve the proposed manufactured home park, and may not be roughly proportional to the impact of new traffic from the manufactured home park. However, because the subject property must be annexed to the City before the manufactured home park can be developed, other policies apply. See the "Information for the Applicant" section attached at the end of this staff report, and Condition 1.6 below.

SANITARY SEWER

- 1.18 ADC 12.500 requires that all proposed sewer plans and systems must be approved by the City Engineer as part of the tentative plat or site plan review process. The applicant has submitted a drawing titled "Edgewood Estates Second Addition, Sanitary Sewer and Storm Drain Plan," prepared by Ling & Associates Engineering, dated December 1, 1997, and revised February 3, 1998. This drawing also shows how sanitary sewer service will be provided to the proposed manufactured home park.
- 1.19 Sanitary sewer utility maps show that there is an 8-inch main in Brookside Avenue, and a 15-inch main that has been extended along Grand Prairie Road to a point 100 feet east of Waverly Drive.

- 1.20 The sanitary sewer plan for the proposed manufactured home park shows that sanitary sewer service will be provided by connecting to the existing sewer in Brookside Avenue, and extending lines within the streets in the park. No size for the pipes is shown on the plan, but the minimum size must be 8-inch. ADC 12.490 requires that public sewer mains must be extended to within 100 feet of any structure that is being served.

However, ADC 12.490 requires that new development extend sewer collection mains along the full length of the property to be developed, or a point identified by the City Engineer as necessary to accommodate likely system expansion. The City's sanitary sewer master plan shows that the 15-inch main in Grand Prairie Road must be extended east across Interstate 5, so the 15-inch main must be extended across the full frontage of the subject property to provide for later system expansion.

- 1.21 In reviewing the proposed manufactured home park and subdivision, staff has discovered that the sanitary sewer system proposed for the manufactured home park shows top of manhole elevations that are higher than the surrounding ground elevation in the most eastern part of the park. This means that the area where this is shown would have to be filled, but it is not clear if this is what the applicant proposes. It also appears that the elevation of the sanitary sewer proposed in this area of the manufactured home park would conflict with the elevation of a proposed storm drain pipe.

An alternative for serving this area of the park would be to extend the line that is shown to be constructed for the subdivision in Heyerly Place across Periwinkle Creek to serve this area of the manufactured home park. This would have to be considered in determining the grade for the sewer in Heyerly Place to make sure it was deep enough to also serve the manufactured home park. It also means that the existing sanitary sewer that now ends about 100 feet east of Waverly Drive would have to be extended along Grand Prairie Road, Mountain View Drive, and Heyerly Place to serve the manufactured home park. Either alternative, however, is feasible. Final alignments and grades are reviewed when construction plans are submitted for review to the City prior to construction.

WATER

- 1.22 ADC 12.440 requires that all proposed water plans and systems must be approved by the City Engineer as part of the tentative plat or site plan review process. The tentative plat for Edgewood Estates Second Addition submitted by the applicant also shows how water service can be provided to the proposed manufactured home park.
- 1.23 Water utility maps show that there is a 24-inch main in Grand Prairie Road at the intersection of Waverly Drive.
- 1.24 The plat shows that the 24-inch main in Grand Prairie Road at Waverly Drive will be extended east to a point about 800 feet east of the intersection of Grand Prairie Road and the new Mountain View Drive. The 12-inch mains in Lexington Street and Mountain View Drive will be connected with a new 12-inch main. A 12-inch water main will be extended south along the new Mountain View Drive to connect to the existing line located where Mountain View Drive now ends, and service will be provided to the proposed manufactured home park off this line.
- 1.25 ADC 12.430 requires that new development must extend water distribution mains along the full length of the frontage of the property to be developed, or to a point identified by the City Engineer as necessary to accommodate likely system expansion. So, the 24-inch main in Grand Prairie Road must be extended across the entire frontage of the subject property. It appears that the most likely east end of the line will be on the north side of the street, within the old Grand Prairie Road roadbed.

- 1.26 The manufactured home park must have two 8-inch connections to the 12-inch main proposed in the new Mountain View Drive. Two connections are needed to provide a looped system for fire flows and to limit service interruptions at times when part of the line is being repaired. The size of the lines off the main in Mountain View Drive are not shown, but they must be a minimum of 8 inches in diameter to provide adequate fire flows.

STORM DRAINAGE

- 1.27 ADC 12.530 requires that development approval be given only where adequate provisions for storm and flood water run-off have been made as determined by the City Engineer. All proposed storm sewer plans and systems must be approved by the City Engineer as part of the tentative plat review process.
- 1.28 Storm drain utility maps show that storm drainage to the subject property is provided by Periwinkle Creek, which flows from east to west across the site. There is a 30-inch private storm drain pipe through the existing manufactured home park to the south of the subject property, which discharges to a drainageway in the southeast quadrant of the property. The drainageway then flows to Periwinkle Creek.
- 1.29 The sanitary sewer and storm drain plan originally submitted by the applicant showed that a 36-inch pipe would be placed in the drainageway in the southeast quadrant of the property. That plan has been revised. The plan also shows that a storm drainage system will be constructed to drain the park with two additional points of discharge to Periwinkle Creek. Pipe sizes are not shown on the plan, but final design details are reviewed when construction plans are submitted to the City prior to construction.
- 1.30 ADC 12.550 requires that a drainage facility be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The City Engineer must review and approve the necessary size of the facility, based on the provisions of the storm drainage master plan, and sound engineering principles, and assuming conditions of maximum potential watershed development.

The City's storm drain master plan shows that the drainageway in the southeast quadrant of the subject property is not adequate to accommodate expected flows without improvement. The master plan specifies a 54-inch pipe. The flows which will enter the drainageway come from the existing manufactured home park to the south of the subject property (owned by the applicant) and from the proposed manufactured home park.

- 1.31 The applicant has agreed not to develop within the wetland identified as PER 8-A on the City's East I-5 Local Wetlands Inventory. It has been determined by the City's development review engineer that the existing drainageway in the southeast quadrant of the property can accommodate the drainage that will flow to it, if it is improved within a 30-foot wide easement. The applicant has revised the plan presented to the Planning Commission to show that the wetland will not be developed, except for improvements to the drainageway.
- 1.32 The City's storm drain master plan also shows that the existing 30-inch pipe that runs through the manufactured home park to the south is under-sized and should be replaced with a 48-inch pipe. Staff recommends that the 30-inch pipe be replaced with a 48-inch pipe.
- 1.33 The City's storm drainage master plan shows that Periwinkle Creek across the subject property can accommodate a 100-year storm flow, including the additional storm drainage from the proposed manufactured home park. The Periwinkle Creek channel was improved in 1978 by the Soil Conservation Service. The as-built plans show that the improvements included creating a channel with a 5-foot stream bed; 3:1 side slopes; a 7-foot wide shelf on the south bank; a 13-foot wide shelf on the north bank; and

finally 3:1 side slopes to the natural ground. The Grand Prairie Water District currently has maintenance responsibility for the creek.

The applicant has submitted a letter to the City of Albany, with attached drainage calculations for Periwinkle Creek, prepared by Ling & Associates, dated January 12, 1998. The drainage calculations include a series of cross-sections across the Periwinkle Creek channel. The cross-sections show that the creek channel has generally retained its improved shape. The cross-sections show that some sections of the stream bed have narrowed, and some of the side slopes have slumped, thereby reducing the storm water carrying capacity of the creek.

The drainage calculations show that the existing creek can accommodate a 100-year storm flow with no further improvements. The high water elevation would range from 228.5 feet to 230.5 feet. The water at its highest elevation would be 0.9 feet below the top of the existing bank. The City prefers that there be at least 1.0 feet of freeboard, to provide a safety factor. The study finds that this can be accomplished by modifying the creek channel in some locations. The recommended modifications are:

- (a) Widen the bed of the creek at Lot 39 to yield a base width of 6 feet. Currently, the base width here is only 3 feet. The channel here can pass the 100-year runoff event with adequate freeboard, but the existing constriction causes backwater effects that may reduce freeboard upstream of this section.
- (b) Review other creek channel cross-sections and excavate as required to maintain a minimum base width of 6 feet.
- (c) Maintain the existing growth of short grass in the channel. It appears the channel is currently maintained this way. Certain assumptions used in this analysis are not valid if these conditions are not maintained in the future, and the estimated water surfaces will no longer apply.

These improvements should be made to provide for accommodation of the storm drainage from the proposed manufactured home park.

- 1.34 The tentative plat shows Periwinkle Creek located within an "existing drainageway easement." The current property owner apparently owns the land within the drainage easement, but that area is not identified on the plat as a lot or tract. The existing easement is 70 feet wide, 40 feet on the north side of the creek and 30 feet on the south side of the creek.

The applicant has stated that this area is intended to be sold to the City of Albany Parks Department at some time in the future, along with Tract A (shown on the plat). The area of the drainage easement must be shown on the plat as a separate tract. (This area cannot be shown as a lot, because it is not configured to provide a buildable lot.)

- 1.35 The area where the proposed pipe in the southeast drainageway will discharge to the creek is shown with an "x" through it. It is uncertain who will own these areas. They must be combined with one of the proposed subdivision lots, or be included with the area shown as the Periwinkle Creek drainage easement that will be shown as a tract on the final plat.
- 1.36 There are a total of three outlets to Periwinkle Creek that will be constructed to serve the proposed manufactured home park. ADC 12.370 requires 15-foot wide public easements to be dedicated, centered on the pipes, so that the pipes can be maintained. A 30-foot wide public easement is needed for the drainageway in the southeast quadrant of the property.
- 1.37 The storm drain plan submitted by the applicant does not show a specific type of drainage structure where the new Mountain View Drive will cross Periwinkle Creek. City staff observes that there are far

fewer problems with drainage structures that have one clear span than there are with multiple span structures. The major problems with multiple span structures include head loss at the inlet, and plugging with brush, trees, and debris. A single span structure will be required (either a culvert or a bridge) to minimize the possibility of flooding that might occur if a multiple span structure was constructed.

- 1.38 Excavation and/or fill within the Periwinkle Creek channel may be subject to regulation by the Oregon Division of State Lands and/or the U.S. Army Corps of Engineers. Excavation and/or fill may be subject to regulation by the City of Albany Building Division. The applicant must meet the applicable regulatory requirements of these agencies.
- 1.39 A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Oregon Department of Environmental Quality (DEQ) for construction activities that disturb five or more acres of land.

Other considerations

- 1.40 Extension of the 15-inch sanitary sewer line from where the existing line ends approximately 100 feet east of Waverly Drive to Interstate 5, and extension of the 24-inch water line from where the existing line ends approximately 100 feet east of Waverly Drive, may be more than the minimum improvement needed to serve the proposed manufactured home park, and may not be roughly proportional to the impact on the sewer system by the manufactured home park, but because the subject property must be annexed to the City before the manufactured home park can be developed, other policies apply. See the "Information for the Applicant" section attached at the end of this staff report.

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

- 2.1 *Comprehensive Plan Plate 7: Slopes* shows no areas of concern on the subject property. The tentative plat submitted by the applicant shows the property varies in elevation from approximately 232 to 240 feet. The property slopes generally from southeast to northwest.
- 2.2 *Comprehensive Plan Plate 5: Floodplains* shows that Periwinkle Creek across the subject property has a floodplain. FEMA/FIRM Community Panel No. 410136 0190B, dated September 29, 1986, shows that Periwinkle Creek across the subject property is in Zone a, "contained in channel." Zone a is described as an area of 100-year flood, base flood elevations and flood hazard factors not determined.

The base (100-year) flood elevation is not shown on the FEMA/FIRM map, so the applicant was asked to submit calculations that show the elevation of a 100-year flood along Periwinkle Creek. The applicant has provided that information as described under Criterion (4). The applicant has not incorporated the floodplain area into the proposed manufactured home park.

ADC 6.131 requires that "In addition to the general review criteria applicable to manufactured home parks..., application for such within the floodplain district shall include an evacuation plan indicating alternative vehicular access and escape routes.

The proposed manufactured home park is not proposed with the 100-year floodplain for Periwinkle Creek. The floodplain is located on the parent parcel where the manufactured home park will be developed, but the boundary of the park is located south of the floodplain. The floodplain is contained in the channel of Periwinkle Creek. So, no evacuation plan is required.

- 2.3 *Comprehensive Plan Plate 6: Wetland Sites* shows a wetland site on the subject property, but designates it as one on which there is incomplete information. (We now have more information, however.) The U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory map (dated 1994) shows the area of Periwinkle Creek is wetlands.

The City is required to notify the Oregon Division of State Lands (DSL) when an application is received for land that has wetlands shown on the NWI map. That notification has been given to DSL. DSL has responded that a removal-fill permit is required from DSL. DSL has also noted that the applicant has submitted a wetland delineation to them, but approval of the delineation has not yet been given. Approval of the delineation is the next step in DSL's process for applying their regulations. The applicant has also submitted a delineation to the City, prepared by Jay R. Lorenz, Ph.D., and dated September 1997.

ADC 6.280 regulates wetlands in certain areas, but the area in which the subject property is located is not one of those areas. The applicant originally proposed to fill two of the wetlands identified in the delineation (two existing ditches), and preserve the third (along Periwinkle Creek). The applicant has now agreed not to develop one of the wetlands, but improve the drainageway that runs through it. Whether filling the other wetland will be allowed is a decision that will be made by DSL and the U.S. Army Corps of Engineers. If DSL determines it has jurisdiction of the identified wetland, they will decide whether the wetland can be filled, and then, if filling is allowed, whether the applicant must "mitigate" the filling of the wetland. Mitigation might include replacing the wetland on the same property, or elsewhere.

As part of Periodic Review of the City's Comprehensive Plan, the Planning Division has retained a consultant to map and evaluate wetlands within an area that includes the subject property. The work done by the consultant (the East I-5 Local Wetlands Inventory) shows that the wetlands within the banks of Periwinkle Creek could be classified as locally significant wetlands. The work also shows that the wetlands along the ditch in the southeast quadrant of the subject property could be classified as locally significant. (These wetlands are identified as PER-4 and PER 8-A in the consultant's work.) These wetlands may be regulated by the City in the future, but there are not applicable regulations in place now. City staff plans later this year to propose regulations for locally significant wetlands as part of the work being done on Goal 5 of the Comprehensive Plan for Periodic Review.

(The wetland consultant's work shows that the wetlands along Periwinkle Creek total about 2.47 acres; the wetland along the ditch in the northwest quadrant of the property is about 0.3 acres; and the wetland along the ditch in the southeast quadrant is about 0.8 acres. The consultant also identified two additional areas of wetlands that total about 0.1 and 0.8 acres on the property.)

ORS 227.350 allows City approval of a subdivision application, when DSL has responded, if the approval includes notice that issuance of a permit under ORS 196.600 to 196.905 by DSL is required for the project before any physical alteration takes place within the wetlands. This notice will be included in the conditions of approval for the subdivision.

The applicant has agreed to set aside the wetland identified as PER 8-A as open space. The open space must be shown on the site plan for the manufactured home park.

- 2.4 *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat* shows an area of natural vegetation and wildlife habitat that corresponds roughly to the wetland identified as PER 8-a in the wetland consultant's work referenced in Finding 2.3 above. However, neither the Comprehensive Plan, nor the ADC, provide any reference to regulating or otherwise managing these areas.

The property is currently being farmed to produce ryegrass, so the predominant vegetation on the property is ryegrass. There are also areas that are covered with blackberries, and wooded areas with ash, cottonwood, red alder trees along Periwinkle Creek and in the wetland area along the ditch in the southeast quadrant of the property. There are also a variety of other grasses on the property, and what remains of an old apple orchard in the southeast corner of the property.

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

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

- 3.1 The design of the proposed manufactured home park is a 30-foot wide looped street through the park. The northern section of the street follows the curve of Periwinkle Creek, and the southern section of the street follows the south boundary of the park. Sidewalks a minimum of 4-foot wide are required along the streets. The plot plan of a typical manufactured home space shown on Sheet 3 of 3 of the plans shows each space will have an attached double-car garage. The plot plan also shows the spaces will be landscaped.

- 3.2 The area covered by the park is 18.5 acres. One-hundred manufactured home spaces will be provided. This results in a gross land area of about 8,000 square feet per space, or a density of about 5.4 homes per acre. ADC allows private streets and common area to be included in the density calculation. Even if the area used for streets is taken out of the calculation, the resulting square footage of land is about 7,000 square feet per manufactured home space. All of the spaces are larger than 4,000 square feet and many are much larger.

- 3.3 A 50-foot wide additional noise setback has been provided along the east boundary of the proposed park adjacent to Interstate 5, in conformance with ADC 3.320. Sheet 3 of 3 of the plans submitted by the applicant shows a 6-foot high berm, approximately 24-36 feet in width to be constructed within the 50-foot setback, with a 4-foot wide path along it.

ADC 3.370 requires buffering and screening between a manufactured home park and any arterial street, so this must be provided between the manufactured home park and Interstate 5. Buffering and screening is intended to reduce the impacts between uses that have different impacts.

- 3.4 The operating characteristics of the proposed manufactured home park will be similar to any other residential development—vehicle, bicycle, and pedestrian traffic through the development and outdoor activities by the residents. The residents will have the opportunity to access Periwinkle Creek, and the recreational facilities provided primarily in the area of the park already built. These opportunities include a swimming pool in the clubhouse, a system of walking paths, and open spaces used for baseball, and a playground. There are approximately 2.6 acres of recreation area in the existing section of the park, including the clubhouse. The 50-foot noise buffer along I-5 will also be landscaped and have a walking path along the manufactured home park side of the berm. This will provide about another 1 acre of outdoor common area with a 4-foot wide path that can be used for walking.
- 3.5 Surrounding development and land uses include a proposed residential single-family subdivision to the north across Periwinkle Creek, Interstate 5 to the east, the existing manufactured home park to the south, and a proposed residential single-family subdivision to the west.
- 3.6 The design of the proposed subdivision to the north and west of the proposed manufactured home park includes curvilinear streets with cul-de-sacs. Mountain View Drive, which forms the east boundary of

the subdivision to the west, follows the curves of the street within the manufactured home park. Heyerly Place within the subdivision to the north follows Periwinkle Creek and the curves of the street along the creek within the proposed manufactured home park. The operating characteristics of the proposed residential subdivision are expected to be the same as those of any other residential development.

- 3.7 The applicant intends to buy the parcel on which the subdivision and the park will be located and both will be developed by the applicant. Both developments were designed by the applicants engineer. They are designed to be compatible in their physical characteristics and their operating characteristics.
- 3.8 The design of Interstate 5 includes a straight, paved, four-lane highway with a median. The operating characteristics of the highway include the movement of traffic at relatively high speeds which produces noise. Buffering and screening along the east edge of the proposed manufactured home park is required to mitigate the difference in impact between the park and the highway. The 50-foot wide setback and the berm shown on the plans partially fulfill the buffering and screening requirement as discussed in Finding 3.12 below.
- 3.9 The proposed manufactured home park has been designed as an extension of the existing manufactured home park to the south. The applicant also developed and owns the existing park. The design of the existing park is similar to the proposed park—curvilinear streets, landscaped spaces, and some garages. The operating characteristics of the existing park are similar to those expected in the proposed park.
- 3.10 ADC 3.370 requires a 10-foot wide area of buffering and screening between a manufactured home park and residential single-family development. Where one of these uses would be abutting the other, except for separation by right-of-way, buffering but not screening is required.

The plans submitted by the applicant show a 20-foot wide area with trees planted every 30 feet along Mountain View Drive. The trees meet the ADC requirement for buffering, but shrubs and ground cover are also required. This will be a condition of approval of the manufactured home park. No screening is required.

- 3.11 The vacant land that the applicant proposes to develop as a residential single-family subdivision is located across Periwinkle Creek to the north of the proposed manufactured home park. ADC 3.370 allows only one-half of the 10-foot buffer width that would usually be required to be provided where a proposed use abuts undeveloped property. The plans submitted by the applicant show no buffer area has been provided.

The creek is considered right-of-way for the purpose of evaluating whether screening is required. The width of the creek drainage easement is the same width (or greater) than a street right-of-way, and serves the same function of providing space between the two developments. No screening will be required along the north boundary of the manufactured home park.

- 3.12 ADC 3.370 requires a 10-foot wide area of buffering and screening between a manufactured home park and any arterial street. Interstate 5 is an arterial street, so buffering and screening is required. The 50-foot wide noise setback shown on the plans meets the width requirement for the buffer area, and the berm meets the screening requirement. (ADC 9.250 allows "an earth berm combined with evergreen plantings or a fence which forms a sight and noise buffer a least six feet in width within two years of installation.") The requirements for the buffer area will be specified as a condition of approval.

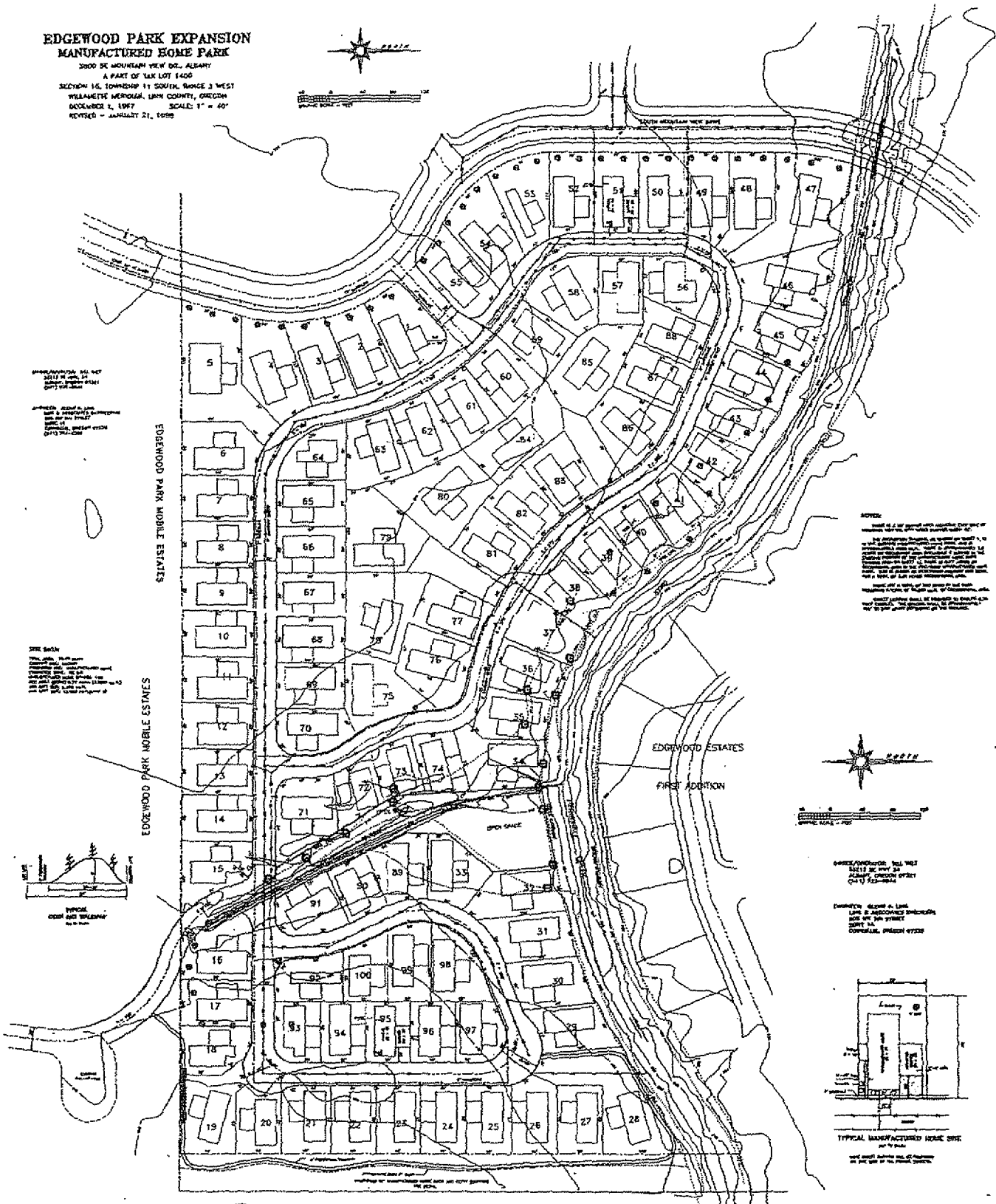
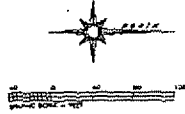
(4) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

- 4.1 The parking areas identified on the plans for the proposed manufactured home park are the double-car garages shown on the plot plan for a typical home space and on-street parking for guests.
- 4.2 The garages are shown to be attached to the manufactured home, so it will be safe for people to walk from the garage to the home.
- 4.3 Parking is allowed on one side of the streets within the park, because the streets will be 30 feet wide, except that the street which runs north/south will be only 24-feet wide, so parking is not allowed on the street. A 4-foot sidewalk must be provided along the streets and a 3-foot wide walk must be provided from the street to each home, so it will be safe for people to walk from a parking place on the street to a home.
- 4.4 One street connection to Mountain View Drive is proposed. As discussed under Finding 1.5, the site distance for this intersection is below or at the minimum. A more detailed evaluation of this intersection and measures to improve its efficiency and safety have been required as a condition of approval of the manufactured home park (Condition 1.6). A sidewalk must be constructed along the street connection to provide pedestrian access to and from Mountain View Drive and the park. This sidewalk must be shown on the revised plans required in Condition 1.2.

**EXHIBIT G
APPROVED SITE PLAN
FILE SP-98-97**

**EDGEWOOD PARK EXPANSION
MANUFACTURED HOME PARK**

3000 DE MOUNTAIN VIEW DR., ALBANY
A PART OF TAX LOT 1400
SECTION 16, TOWNSHIP 11 SOUTH, RANGE 3 WEST
WILLAMETTE METROPOLITAN, LINN COUNTY, OREGON
OCTOBER 1, 1987 SCALE: 1" = 40'
REVISED - JANUARY 21, 1988

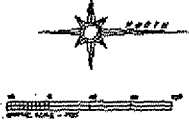


APPROVED BY THE CITY OF ALBANY
ON 10/1/87
FOR THE CITY OF ALBANY
BY THE CITY ENGINEER
CITY ENGINEER

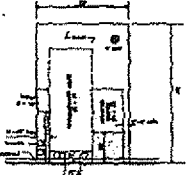
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BY: [Signature]
FOR: [Signature]
CITY ENGINEER



NOTES:
1. THIS PLAN IS TO BE CONSIDERED AS A PART OF THE SUBMITTAL TO THE CITY OF ALBANY.
2. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN.
3. THE CITY ENGINEER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED.
4. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN.
5. THE CITY ENGINEER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED.



APPROVED BY THE CITY OF ALBANY
ON 10/1/87
FOR THE CITY OF ALBANY
BY THE CITY ENGINEER
CITY ENGINEER



TYPICAL MANUFACTURED HOME UNIT
10' x 30'

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

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

(1) Public facilities can accommodate the proposed development.

STREETS

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

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

The system of walkways described above must be constructed.

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

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

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

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

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

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

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

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

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

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

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

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

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

SANTARY SEWER

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

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

WATER

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

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

STORM DRAINAGE

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

- 1.22 Excavation and/or fill within the Periwinkle Creek channel may be subject to regulation by the Oregon Division of State Lands and/or the U.S. Army Corps of Engineers. Excavation and/or fill may be subject to regulation by the City of Albany Building Division. The applicant must meet the applicable regulatory requirements of these agencies.
- 1.23 Obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality (DEQ) for construction activities that disturb five or more acres of land.

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

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

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

- 3.1 Provide the 20-foot wide buffer area with trees planted every 30 feet along Mountain View Drive shown on the plans. A 10-foot wide buffer is required within the 20-foot area. This buffering shall conform with the specifications listed in 3.4 below. No screening is required along this west boundary of the park.
- 3.2 Provide a minimum 5-foot buffer area along the north boundary of the park. If another 5-foot width is not provided on the other side of Periwinkle Creek with development of the proposed subdivision, a 10-foot buffer width is required with the manufactured home park. No screening will be required along this boundary of the park.
- 3.3 Provide a 10-foot wide area of buffering and screening along the east boundary of the park, within the 50-foot wide noise buffer along Interstate 5. Construct the 6-foot high, 24- to 36-foot wide berm shown on Sheet 3 of 3 of the plans. This berm meets the screening requirement for this boundary of the park. (ADC 9.250 allows "an earth berm combined with evergreen plantings or a fence which forms a sight and noise buffer a least six feet in height within two years of installation.")
- 3.4 Where buffering is required in these conditions of approval, the buffering shall comply with the requirements of ADC 9.240. The minimum improvements within a buffer area consist of the following:
 - (1) At least one row of trees. These trees will be not less than 10 feet high at time of planting for deciduous trees and spaced not more than 30 feet apart and 5 feet high at time of planting for evergreen trees and spaced not more than 15 feet apart. This requirement may be waived by the Director where it can be demonstrated that such trees would conflict with other purposes of this Code (e.g. solar access).

- (2) At least five 5-gallon shrubs or ten 1-gallon shrubs for each 1,000 square feet of required buffer area.
- (3) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs).

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

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

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

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

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

EXHIBIT I
DEVELOPMENT AGREEMENT
DA-01-98 (FILES AN-05-97, M1-10-97 AND SP-98-97)

This Development Agreement ("Agreement") is entered into this 10 day of MARCH, 1998, by and between the City of Albany, an Oregon municipal corporation ("City") and William S. Wilt (referred to herein as "Wilt" or the "Property Owner"), pursuant to ORS 94.504 to 94.528.

Recitals

A. Mildred P. Heyerly, Trustee, The Heyerly Family Trust, owns property located outside the City of Albany and described in Exhibits A and B of this ordinance and incorporated herein. She has agreed to sell the property to Wilt pursuant to an Agreement of Purchase and Sale dated, 10-97 (together with all supplements and amendments thereto, the "Purchase Agreement"). In connection with the acquisition of the Heyerly property, Wilt wishes to annex the Heyerly property to the City and to develop that property.

B. Wilt wishes to develop the Property with a subdivision and manufactured home park more particularly described in Exhibits D and G of this ordinance and incorporated herein (the "Project").

C. Heyerly and Wilt have applied to the City for annexation of the Heyerly property to the City and for various land use approvals: Tentative-Subdivision approval of the division of a 42.89-acre parcel into 57 single family lots (Lots 1 - 57 which range in size from 6,625 square feet to 16,668 square feet), one Lot (Lot 58 that contains 18.5 acres) and two tracts and concurrent Site Plan Review approval of the construction of a 100 space manufactured home park expansion (Edgewood Mobile Estates).

D. City is willing to annex the Heyerly property provided Wilt acquires the Heyerly property and provided further that certain duties in connection with the design, development, financing and construction of certain off-site improvements (the "Improvements") are performed. The Improvements include, among other things, street improvements, extensions to storm drains, sanitary sewers, water systems and other utilities, all as more particularly described in Exhibits E and H of this ordinance and incorporated herein. Wilt is willing to construct the Improvements if he acquires title to the Property, and the annexation and Land Use Approvals are obtained and are final.

E. The parties wish to contract in the same agreement to annex the Heyerly property, to construct the Improvements and to grant the land use approvals. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislative Assembly adopted ORS 94.504 to 94.528 which authorize the City to enter into an agreement with any person having a legal or equitable interest in real property providing for the development of the property and establishing certain development rights and obligations (hereafter referred to as "Development Agreement").

F. The City determines that the Project which is the subject of this Agreement is a development for which a Development Agreement is appropriate. This Agreement will eliminate uncertainty in planning, provide for orderly development of the Property, provide for installation of necessary improvements and payment of fees, remedy existing controversies about the Property, and assist in attaining the most effective utilization of resources within the City at the least economic cost to its citizens. In consideration of these benefits to the City and the public benefits of the Project, Wilt will receive the assurances that the City will grant permits and approvals required for development of the Project in accordance with procedures required by law and this Agreement, and that Wilt may proceed with the Project in accordance with the existing ordinances, rules, regulations, and official policies and regulations of the City except as otherwise provided in this Agreement.

G. The City of Albany Planning Commission has recommended approval of the Tentative Subdivision and Site Plan Review requested by Wilt. This recommendation followed a public hearing conducted on February 2, 1998.

H. The City Council provided notice of a public hearing to consider entry into this Agreement and conducted a public hearing on the annexation, this Development Agreement, and the Land Use Approvals. This public hearing occurred on February 11, 1998. On February 11, 1998, the City Council adopted City of Albany Resolution No. 3903, approving the Annexation, and Ordinance No. 5350, approving this Agreement pursuant to ORS 94.508, the Tentative Subdivision and the Site Plan, the efficacy of which is conditioned upon and subject to Wilt's acquisition of the Property under and pursuant to the Heyerly Purchase Agreement.

I. On the basis of the evidence presented to the Planning Commission and City Council, and the staff reports and applications for Land Use Approvals, and the findings and conclusions entered in connection with the Land Use Approvals, the City finds and declares that this Agreement is consistent with the City of Albany Comprehensive Plan and Albany Municipal Code, including the Albany Development Code.

J. This Agreement vests the rights to develop the Project on the Property in accordance with the Land Use Approvals. Nothing in this Agreement limits use of the Property for other lawful purposes, so long as any required City approved process is followed. Nothing in this Agreement should be construed as setting a precedent for future development or annexation agreements.

AGREEMENT

Now therefore, in consideration of the promises and the mutual covenants contained in this Agreement, the parties agree as follows:

Section 1. General Provisions:

1.1. Incorporation of Recitals. The Preamble, the Recitals, and all defined terms set forth in both, are hereby incorporated into this Agreement as if set forth herein in full.

1.2. Property Description and Binding Covenants. The Property is that property described in Exhibits A and B of this ordinance. It is intended and determined that the provisions of this Agreement shall constitute covenants which shall run with title to the Property and the benefits and burdens hereof shall bind and inure to all successors in interest to the parties hereto.

1.3. Term. The term of this Agreement shall commence on the date upon which Wilt acquires title to both the Heyerly property and shall run for a period of four years from that date.

1.4. Amendment to the Agreement.

1.4.1. Generally. This Agreement may be amended only in a writing, signed by the City and the Owner vested in title as of the date of such writing, in accordance with Oregon Laws, 1993, ch. 780, subject to the foregoing provisions.

1.4.2. Amendments Requiring Notice and an Opportunity For a Hearing. Any amendment to this Agreement relating to the term, permitted uses, density or intensity of use, height or size of buildings, provisions for reservation or dedication of land, conditions, terms, restrictions and requirements relating to subsequent discretionary actions, monetary contributions by Property Owner, or any conditions, covenants and restrictions relating to the use of Property shall require notice and an opportunity for a public hearing before the parties may execute an amendment hereto unless ministerial in which case the matter may be decided by the City Community

Development Director. Amendments to any other aspect of this Agreement shall not require notice or an opportunity for a public hearing before the parties may execute such an amendment to this Agreement.

1.5. Enforceability. Unless this Agreement is amended or terminated pursuant to the provisions of this Agreement, and its adopting ordinance, this Agreement shall be enforceable by any party hereto notwithstanding any change hereafter in any applicable comprehensive plan, building regulation, zoning ordinance or other land use regulation, adopted by the City which changes, alters or amends the rules, regulations and policies applicable to the development of the Property at the time of approval of this Agreement.

1.6. City Findings. The City hereby finds and determines that execution of this Agreement is in the best interest of the public health, safety and general welfare and is consistent with the City of Albany Comprehensive Plan and Albany Municipal Code, including the Albany Development Code.

1.7. Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the Property Owner and City of Albany and their successors and assigns. No other person shall have any right of action based upon any provision in this Agreement.

Section 2. Development of the Property:

2.1. Permitted Uses, Density and Intensity of Uses, Height and Size of Allowed Structures. Following final City action on City of Albany Ordinance No. 5350, approving the Land Use Approvals, and Wilt's acquisition of the Heyerly property, the Property may be used for the Project described in Exhibits D and G of this ordinance. The uses allowed under this Agreement generally include a 57 residential single-family lot subdivision and a 100-space manufactured home park expansion. The approximate square footage of the building in the Project may be increased or decreased by 15% without an amendment to this Agreement. The Property may also be used for and the Project may consist of any residential use allowed by the City of Albany RS-6.5 (Residential Single Family - 6 to 8 units per acre) zoning district, which has equivalent transportation and sewer and water utility impacts as the proposed Project.

2.2. Vesting of Development Rights. Subject to the provisions of this Agreement, the City grants Property Owner and their successors and assigns a fully vested entitlement and right to develop the Property for the Project. In consideration of the City's entry into this Agreement, the Property Owner will comply with the requirements of Section 2 of this Agreement. The parties acknowledge that the execution of this Agreement by the City is a material consideration for Property Owners' agreement to comply with conditions of approval to this Agreement. Except as specifically authorized in this Agreement, no further transportation mitigation or public facilities and improvement requirement or fee shall be required for any part of the Project, except to the extent the requirement or fee is imposed on all new and existing developments within the City.

2.3. Dedication of Real Property. In exchange for annexation of the Heyerly property, Property Owner agrees to dedicate by statutory warranty deeds or easements the real property interests described in Exhibits E and H of this ordinance and incorporated herein. These property interests include, but are not limited to, right-of-way dedications for Grand Prairie Road, and South Mountain View streets and utility easements for a sewer line, water line and pedestrian ways. The City shall have an option to purchase, for park purposes, the property shown on the Tentative Subdivision map as Tract A at fair market value. If the parties cannot agree upon the fair market value, said value shall be determined by appraisal. If the parties cannot agree on an appraiser, the City shall nominate 3 appraisers and, Wilt shall select an appraiser from City nominees. The appraiser thus selected may obtain such testing as shall be deemed necessary. The cost of said appraisal and testing shall be borne equally by both parties. City's option to purchase shall last one year from the City's acceptance of the improvements to Grand Prairie Road and Mountain View Drive. Both parties agree to cooperate as necessary to secure a market value appraisal.

2.4. Conditions of Annexation. In exchange for annexation of the Heyerly property, Property Owner agrees to construct the Improvements specified in Exhibits E and H of this ordinance.

2.5. Schedule of Fees and Charges. The City is limited in the imposition of fees and charges for development of the Project to those fees and charges listed in the resolutions attached as Attachment 1 of this exhibit and incorporated herein. In addition, the City may charge any processing fee for land use approvals, building permits and similar permits and entitlements which are in force and effect on a Citywide basis at the time application is submitted for those permits. The City shall not be entitled to impose any system development charge for development of the Project or connection to City utilities and services which is not listed in Attachment 1.

2.6. Annexation Approval. City agrees to annex the Heyerly property in exchange for the conditions of annexation specified herein. This annexation shall be allowed by City of Albany Resolution No. 3903.

2.7. Land Use Approvals. City agrees to approve the Land Use Approvals requested by Wilt for the Property. These approvals shall be granted in other portions of City of Albany Ordinance No. 5350 and shall be subject to the same conditions as are stated in Section 2.6.

Section 3. Limitations on the Use of the Property:

3.1. Future Rules, Ordinances and Regulations. Except as otherwise provided in this Agreement, the ordinances, rules, regulations and official policies governing the Property including, but not limited to, the law governing the issuance of permits and approvals for the Project and the land use regulations applicable to the Project shall be those ordinances, rules, regulations in effect as of the date of the applications for Land Use Approvals. To the extent any future rules, ordinances, regulations or policies are inconsistent with the permitted uses, density and intensity of use, maximum building height and size, as provided in Section 2.1 of this Agreement, the terms of Section 2.1 prevail. To the extent any future rules, ordinances, regulations or policies are not inconsistent with the permitted uses, density and intensity of use, maximum building height and size, limitation on fees, or any other term of this Agreement, such rules, ordinances, regulations or policies shall be applicable to the same extent as to other property in City. Notwithstanding anything in this Agreement to the contrary, the City shall apply the Uniform Building Code and state structural specialty codes to building permits for the Project that are in effect at the time of application for those permits .

3.2. Application of Changes. This Agreement does not preclude the application of changes in City laws, regulations, plans or policies, the terms of which are specifically mandated and required by changes in state or federal laws or regulations. To the extent that such changes in City laws, regulations, plans or policies prevent or preclude compliance with one or more provisions of this Agreement, the City and the Property Owner shall take such action as may be required pursuant to Section 5.1 of this Agreement.

3.3. Authority of the City. This Agreement shall not be construed to limit discretion of the City or any of its officers or officials with regard to building permit approvals, inspections and other decisions of a similar character which require the exercise of discretion by the City or any of its officers or officials, provided that subsequent discretionary actions shall not prevent development of the Property for the uses and to the density and intensity of development as provided by Section 2.1 of this Agreement.

Section 4. Construction of the Improvements:

4.1. Compliance with AMC ch. 15.06. All Improvements required to be constructed by Wilt under Section 2.4 shall be constructed consistent with the provisions of AMC Chapter 15.06, the provisions of which are incorporated herein.

4.2. Compliance with Development Conditions. Property Owner recognize that compliance with all conditions of approval required under Section 2.4 and set out in Exhibits E and H of this ordinance is necessary prior to signing of the Final Subdivision Plat or prior to issuance of building permits for the manufactured home park.

Section 5. Other Rights, Duties and Obligations of the Parties:

5.1. City Cooperation. In accordance with the above provisions, the City agrees to cooperate with Property Owner in securing all permits which may be required by the City, Linn County, or the State of Oregon in connection with the Improvements and the Project. In the event that state or federal laws or regulations or action of any governmental jurisdiction other than the City, prevents or precludes compliance with one or more provisions of this Agreement, or requires changes in plans, maps or permits, the provisions of this Agreement shall be modified, extended or suspended as may be necessary to comply with the county, state and federal laws or regulations or the actions of other governmental jurisdictions. Each party agrees to extend to the other party its prompt and reasonable cooperation in so modifying this Agreement. However, it is specifically understood and agreed by and between the parties hereto that the development contemplated by this Agreement is a private undertaking. No partnership, joint venture or other association of any kind is formed by this Agreement.

5.2. Moratoria, Quotas, Restrictions or Other Limitations. In the event that the City enacts a policy, ordinance, resolution or other measure limiting development, the City shall treat and consider the Property no less favorably than any other property subject to a Development Agreement or other fully vested entitlement to develop property and shall process and issue permits and approve maps for all such similarly situated property in a uniform, equitable and proportionate manner. Nothing in the foregoing shall be deemed to preclude the imposition of a limitation by City on a particular type of development when such limitation is based on an adverse impact on public health or safety specifically related to that type of development and where all development within the City of Albany creating such an adverse impact is uniformly subject to the limitation.

5.3. Effect of Legal Contest to Development Agreement. In the event of an appeal of City of Albany Ordinance No. 5350, Property Owner agrees to intervene in the proceeding and defend the Ordinance in that appeal and any subsequent review proceeding. The Property Owner agrees to record all conditions of the development approvals for the Project as covenants running with the land. In the event of any subsequent invalidation or reversal of any land use approval granted pursuant to this agreement, such covenants and restrictions shall survive and shall forever bind all subsequent owners of the property such that no development may occur without compliance with said conditions unless modified by the City.

5.4. Assignment. This Agreement may be assigned by any of the Property Owner with the consent of the City, which consent shall not be unreasonably withheld.

5.5. Future Discretionary Approvals. The discretionary approvals for use of the Property under this Agreement are those allowed through adoption of Ordinance No. 5350. The requirements for those approvals are stated in Resolution No. 3903 and Ordinance No. 5350 and incorporated as Exhibits E and H hereto. Except as provided in Section 2.1 with respect to *de minimis* changes in square footage, any modification to the site plan approval shall be limited to development of the same general character as the Project and with the same traffic, public infrastructure and utility impacts. Any site plan modification shall be allowed only as provided by City law.

Section 6. Default, Remedies, and Termination:

6.1. General Provisions. Subject to extensions of time by mutual consent in writing, failure or unreasonable delay by either party to perform any term or provisions of this Agreement shall constitute default. In the event of an alleged default or breach of any term or condition of this Agreement, the party alleging such default or

breach shall give the other party not less than seven (7) days notice in writing specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured. During any such seven (7) day period, the party charged shall not be considered in default for purposes of termination or instituting legal proceedings.

After notice and expiration of the thirty-day period without cure, the other party to this Agreement at its option may institute legal proceedings pursuant to this Agreement or give notice of intent to terminate the Agreement.

If this Agreement is rescinded or terminated before substantial completion of the Improvements listed in Exhibit E and H of this ordinance, the Property Owner shall petition for withdrawal of the Heyerly property from the City of Albany.

6.2. Enforced Delay, Extension of Times of Performance. In addition to specific provisions of this Agreement, performance by either party hereunder shall not be deemed to be in default where delays or default are due to war, insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the City of Albany, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation, or similar bases for excused performance which is not within reasonable control of the party to be excused, provided written notice of such delay is given by the party suffering the delay to the other parties hereto, within five (5) days of the commencement of such delay, an extension of time for such cause shall be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon.

6.3. Legal Action. In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation. Venue for all legal actions shall be in Linn County Circuit Court, State of Oregon, or Federal District Court for the District of Oregon.

6.4. Applicable Law and Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Oregon. Should any action be brought by either party for breach of this Agreement or to enforce any provisions herein, the prevailing party to such action shall be entitled to reasonable attorneys' fees, court costs and such other costs as may be fixed by the court. Attorneys' fees shall include attorneys' fees on any appeal, and in addition a party entitled to attorneys' fees shall be entitled to all other reasonable costs for investigating such actions, taking depositions and discovery, and all other necessary costs incurred in the litigation. All such fees shall be deemed to have accrued on commencement of such action and the right to collect such fees as the prevailing party shall be enforceable whether or not such action is prosecuted to a final judgment.

Section 7. Hold Harmless Agreement:

7.1 Property Owner hereby agrees to indemnify, defend and hold the City of Albany, its elective and appointive boards, commission, officers, agents, employees and representatives harmless from any liability for damage or claims for damage for personal injury, or bodily injury including death, as well as from claims for property damage which may arise from Property Owner's performance of this Agreement, whether such performance be by Property Owner, or by any of Property Owner's contractors, subcontractors, or by any one or more persons directly or indirectly employed by, or acting as agent for Property Owner or any of Property Owner's contractors or subcontractors,, unless such damage or claim arises from the negligence or willful misconduct of the City. Property Owner agree to and shall defend and indemnify the City and its elective and appointive boards, commission, officers, agents and employees from any suits or actions at law or in equity arising out of the execution, adoption or implementation of this Agreement (exclusive of any such actions brought by Property Owner, their heirs, successors or assigns).

Section 8. Miscellaneous Provisions:

8.1. Severability. Except as set forth herein, if any term, provision, covenant or condition of this Agreement or the application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the parties. However, in the event that each or any of the provisions of Section 2 is held to be invalid, void or unenforceable, then this entire Agreement shall be deemed void and unenforceable.

8.2. Other Necessary Acts. Each party shall execute and deliver to the other all such further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to the other party the full and complete enjoyment of its rights and privileges hereunder.

8.3. Construction. This Agreement shall be subject to and construed in accordance and harmony with the City of Albany Comprehensive Plan and Albany Municipal Code, including the Albany Development Code, and it may be amended, provided that such amendments do not affect the rights granted to the parties by this Agreement. This Agreement has been reviewed and revised by legal counsel for both City and Property Owner, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

8.4. Notices. Formal written notices, demands, correspondence and communications between the City and Property Owner required by this Agreement shall be sufficiently given if dispatched by postage prepaid first-class mail to the principal offices of the City and Property Owner. Such written notices, demands, correspondence and communications may be directed in the same manner to such other persons and addresses as either party may from time to time designate.

Notice required to be given to the City of Albany shall be addressed as follows:

Steve Bryant, City Manager
City of Albany
City Hall
333 Broadalbin Street SW
P.O. Box 490
Albany, Oregon, 97321

with a copy to:

James V. B. Delapoer, City Attorney
City Attorney's Office
425 Second Avenue SW
Albany, Oregon 97321-0014

Notice required to be given to the Property Owner shall be addressed as follows:

William S. Wilt
Inter-City Housing
33213 Highway 34
Albany, OR 97321

with a copy to:

George B. Heilig
566 NW Van Buren Avenue
Corvallis, OR 97330

with a copy to:
Glenn A. Ling
Ling & Associates
605 NW 5th Street, Suite 1A
Corvallis, OR 97330

Either party may change the address stated herein by giving notice in writing to the other party, and thereafter notices shall be addressed and transmitted to the new address.

8.5 Recordation. Upon adoption of Ordinance No. 5350, this Agreement shall be presented by City for recordation in the office of the Linn County Clerk, with the appropriate fee which shall be paid by the Property Owner.

8.6. Counterparts. This Agreement may be executed in counterparts and, once a counterpart has been signed and delivered by all of the signatories, all counterparts shall constitute one and the same agreement.

8.7. Warranty of Authority. Each party represents that the person signing this Agreement on behalf of the party is authorized to do so and has authority to bind his or her principal.

DATED AND EFFECTIVE this 10 day of March 1998

DEVELOPER/PROPERTY OWNER (Linn County Assessor's Map No. 11-3W-16 Tax Lot 1400):

Name: William Wilt Signature: [Signature] Date: 3-10-98
Address: _____ Telephone: _____
Name(s): _____ Signature(s): _____ Date: _____
Address: _____ Telephone: _____

STATE OF OREGON)
County of Benton) ss.
City of Corvallis)

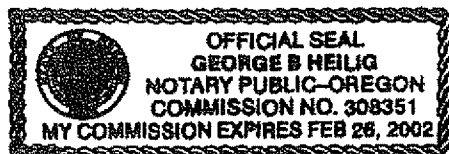
STATE OF OREGON)
County of _____) ss.
City of _____)

Personally appeared the above named
William S Wilt and
acknowledged the foregoing instrument
to be their voluntary act and deed. Before
me this 10 day of MARCH, 1998

The foregoing instrument was acknowledged by
_____, President,
and by _____, Secretary,
of _____
on behalf of the corporation. Before me this
___ day of _____, 19___.

[Signature]
Notary Public for Oregon
My Commission Expires: 2-26-02

Notary Public for Oregon
My Commission Expires: _____



DEVELOPER/PROPERTY OWNER (Linn County Assessor's Map No. 11-3W-16 Tax Lot 1409):

Name: _____ Signature: _____ Date: _____
Address: _____ Telephone: _____
Name(s): _____ Signature(s): _____ Date: _____
Address: _____ Telephone: _____

STATE OF OREGON)
County of _____) ss.
City of _____)

STATE OF OREGON)
County of _____) ss.
City of _____)

Personally appeared the above named
_____ and
acknowledged the foregoing instrument
to be their voluntary act and deed. Before
me this ___ day of _____, 19__.

The foregoing instrument was acknowledged by
_____, President,
and by _____, Secretary,
of _____,
on behalf of the corporation. Before me this
___ day of _____, 19__.

Notary Public for Oregon
My Commission Expires: _____

Notary Public for Oregon
My Commission Expires: _____

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant, as City Manager of the City of Albany, Oregon, pursuant to Ordinance No. 5350, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms therein this 10th day of March, 1998.

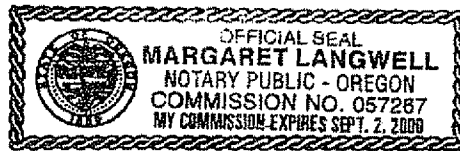
CITY OF ALBANY, OREGON

Steve Bryant
City Manager

STATE OF OREGON)
County of Linn) ss
City of Albany)

Steve Bryant, City Manager, personally appeared and acknowledged acceptance of the foregoing instrument on behalf of the City of Albany. Before me this 10 day of March 1998

Margaret Langwell
City Recorder City Clerk
My Commission Expires Sept 2, 2000



APPROVED AS TO FORM:

City Attorney

Date

ATTACHMENT 1
REQUIRED FEES AND CHARGES
DEVELOPMENT AGREEMENT
DA-01-98 (AN-05-97, M1-10-97 AND SP-98-97)

PUBLIC WORKS FEES

WATER METER FEES:

Fees for new water service hook-ups, new meters or deposits vary according to individual main and meter sizes. Please call (541) 917-7676 in Engineering for estimate.

SEWER/WATER IN-LIEU-OF ASSESSMENTS:

An in-lieu-of assessment fee is charged when previously unassessed properties propose to connect to the sewer/water system. At the time when a development request is initiated, the Finance Department determines when the sewer/water lines were built, and how they were paid for to see if an "in-lieu" fee is due. The Engineering Division then determines the amount based on the formula in the Municipal Code. Please call (541) 917-7676 in Engineering for information.

If you are planning to develop a piece of property, you may want to check on this fee on the front end. It will not usually show up as an encumbrance in a preliminary title report.

NORTH ALBANY MAJOR STREET IMPROVEMENT FUND:

Development approval for sites fronting arterial and collector roadways in North Albany are subject to contributing one-half of the cost of a "typical" local street improvement, including sidewalk and drainage (\$155 per front foot) to help pay for the non-oversizing portion of future improvements to major roadways in North Albany. Please call (541) 917-7676 in Engineering for information.

SYSTEM DEVELOPMENT CHARGES:

System Development Charges (SDCs) are those fees charged to satisfy that portion of new demand on parks, transportation, water, and wastewater services generated specifically by a new development. Adequate funding for growth-driven capital improvements is necessary to maintain health, safety, commerce, and quality of life within a community. In an effort to secure a constant, equitable framework by which SDCs are collected and disbursed, the Oregon State Legislature adopted a State law (House Bill 3224) which regulates SDCs.

The bill establishes requirements for the calculation of fees, and specifies that fees collected must be spent on the capital improvement projects for which they have been assessed. The City is required to provide an annual accounting of SDCs showing the amount collected for each system and the projects that were funded.

SDCs are divided into two categories: (1) "Reimbursement Fees," which pertain to existing capital improvements, or those under construction, and (2) "Improvement Fees," which pertain to future capital improvements. An SDC can be assessed for either fee, category, or for both. Credit may be given against an SDC when a developer is required to construct a "qualified public improvement" that meets certain conditions.

PUBLIC WORKS FEES

SEWER: Please call (541) 917-7676 in Engineering for information.

RESIDENTIAL:

Per living unit \$ 1,120.00

NON-RESIDENTIAL: (Excluding Industrial)

Other methods of calculation may be used in some situations, such as motels & RV parks

First six drainage fixtures \$ 1,120.00

Each additional fixture \$ 187.00

INDUSTRIAL:

Call for estimate may vary

These fees are in addition to potential in-lieu-of assessment charges, refer to item 11.

WATER: Please call (541) 917-7676 in Engineering for information.

RESIDENTIAL AND NON-RESIDENTIAL:

Residential developments pay the higher fee of \$1,000/unit or the meter size fee.

Example:

3/4" Meter \$ 1,000.00

1" Meter \$ 1,670.00

2" Meter \$ 5,330.00

These fees are in addition to installation and potential in-lieu-of assessment charges, refer to items 10 and 11.

TRANSPORTATION: Please call (541) 917-7676 in Engineering for information.

RESIDENTIAL AND NON-RESIDENTIAL:

Example:

Single Family Residence/Manufactured home on private lot \$ 1,260.00

Apartment/Duplex \$ 854.00

Manufactured home placed in a park (paid for at time of park development) \$ 635.00

Institutional, Commercial, Office & Industrial may vary

These fees are in addition to potential North Albany Major Street Improvement Fund charges, refer to item 12.

ENCROACHMENT PERMITS: Please call (541)917-7676 in Engineering for information.

For permitted activity in the public right-of-way \$ 30.00

e.g. driveways, sidewalks, temporary blocking of public way

PARKS AND RECREATION FEES

PARKS SYSTEM DEVELOPMENT CHARGES:

Please call (541)917-7777 in Parks and Recreation for information.

RESIDENTIAL CONSTRUCTION THAT INCLUDES BEDROOMS:

Including Manufactured Home Placement Permits	
Per Bedroom	\$205.00
Per square foot of new construction	\$.40

L G A L D E S C R I P T I O N
FOR WILT ANNEXATION

Beginning at a 5/8" iron rod which marks the Northeast corner of Lot 3, Block 1 of EDGEWOOD ESTATES in the Southwest 1/4 of Section 16, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; THENCE North 00 degrees 33 minutes 12 seconds East for a distance of 10.62 feet to the south line of that property described in Deed Volume 420, Page 518; THENCE South 89 degrees 46 minutes 14 seconds East for a distance of 41.79 feet to the southeast corner of said property described in Deed Volume 420, Page 518; THENCE North 00 degrees 31 minutes 09 seconds East for a distance of 805.32 feet to a 5/8" iron rod on the southerly right of way line of Grand Prairie Road; THENCE South 65 degrees 55 minutes 48 seconds East, along said southerly right of way line, for a distance of 889.06 feet; THENCE South 63 degrees 01 minutes 08 seconds East, continuing along said southerly right of way line, for a distance of 406.61 feet; THENCE, continuing along said southerly right of way line, along a curve to the left having a radius of 2929.79 feet and an arc length of 162.03 feet, being subtended by a chord of South 73 degrees 11 minutes 14 seconds East for a distance of 162.01 feet; THENCE South 74 degrees 46 minutes 18 seconds East, continuing along said southerly right of way line, for a distance of 203.92 feet to the westerly right of way line of Interstate 5; THENCE South 00 degrees 11 minutes 40 seconds East, along said westerly right of way line, for a distance of 893.63 feet; THENCE North 89 degrees 49 minutes 30 seconds West for a distance of 1585.14 feet to the Northwest corner of Lot 5, Block 5, EDGEWOOD ESTATES; THENCE North 00 degrees 33 minutes 12 seconds East 720.59 feet to the point of beginning.
Contains 42.89 acres, more or less.

STATUTORY WARRANTY DEED

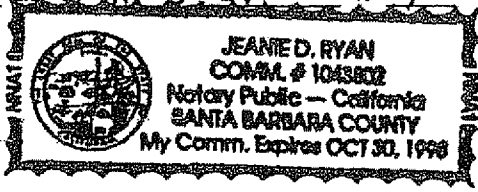
MILDRED P. HEYERLY TRUSTEE OF THE HEYERLY FAMILY TRUST DATED NOVEMBER 24, 1970, TRUST B
grantor, conveys and warrants to WILLIAM S. WILT Grantee, the following described real property free of encumbrances
except as specifically set forth herein situated in LINN County, Oregon, to wit:

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION
OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT,
THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR
COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON
LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.0930. The said property is free from
encumbrances except for easements, covenants, conditions, restrictions, reservations, set back lines, powers of special districts and
easements of record, if any

The true consideration for this conveyance is \$ paid to an accommodator as part of a IRC 1031 exchange. (Here comply with the
requirements of ORS 93.030)

Dated this 6 day of March 19 98



THE HEYERLY FAMILY TRUST
Mildred P. Heyerly trustee
MILDRED P. HEYERLY TRUSTEE

~~State of Oregon~~ ^{State of California}, County of Santa Barbara
The foregoing instrument was acknowledged before me
on the 6th day of March, 1998
by Mildred P. Heyerly, Trustee
The Heyerly Family Trust

Jeaned Ryan
Notary Public for Oregon
My commission expires: 10-30-98

State of Oregon, County of _____
The foregoing instrument was acknowledged before me
this _____ day of _____, 19____
by _____ President
and _____ Secretary
of _____
a _____
corporation, on behalf of the corporation.

Notary Public for Oregon
My commission expires:

WARRANTY DEED

GRANTOR: THE HEYERLY FAMILY TRUST
GRANTEE: WILLIAM S. WILT

Until a change is requested, all tax statements shall be
sent to the following address:
WILLIAM S. WILT
BARE LAND H 3W 16 1400, LINN COUNTY
ALBANY, OREGON 33213 SE HWY 34

Escrow No. 240192L Title No.
recording return to:
WILLIAM S. WILT 33213 SE HWY 34
BARE LAND H 3W 16 1400, LINN COUNTY
ALBANY, OREGON

This Space Reserved for Recorder's Use

RECORDED 3/10/98 @ 11:43 A.M.
MF 927 p. 150

We certify this to be a true and exact copy
of the original
PICOR TITLE INSURANCE COMPANY
By: [Signature]

City of Albany
Planning Division
P.O. Box 490
Albany, OR 97321

March 9, 2011

Reference: Notice of Public Hearing, PA-01-11, March 3, 2011


The application to divide the existing parcel of land into two parcels and to terminate the existing Development Agreement and two development approvals tied to the property generates more questions for me. I called the Planning division and spoke with the planner on duty to see if I could get some additional information. I asked if there were any more Public Hearings to be scheduled in regards to what the future plans were for the above property if the application referenced above was approved. The answer was to date no applications had been submitted and that not all applications require Public Hearings. My concern is that if the application is approved there may not be another chance to comment on what happens to this property in the future.

I am also very concerned that by approving the application the requirement to install a bridge over Periwinkle Creek on Mountain View Drive will go away. The proposed Parcel 1 on the North side of Periwinkle Creek can be developed without the bridge as it would have two access points onto Grand Prairie Road. This would be fine. The real problem is that Parcel 2 could also be developed without the bridge. Mountain View Drive could be tied directly into Brookside and to Bartley Drive via Wilt Court and Bartley Place. The problem with this is the additional traffic load that ends up between Brookside and Waverly Drive.

I would only be in favor of the application being approved if there is some new agreement developed that requires the bridge over Periwinkle Creek on Mountain View Drive to be built if Parcel 2 is developed. I would also ask that the agreement states that Mountain View Drive will not be tied directly into Brookside or into Bartley Drive via Wilt Court or Bartley Place in the future.



Richard Leedy
3404 Bartley Dr. S.E.
Albany, Or 97322



March 7, 2011

RECEIVED
RECEIVED

MAR 9 2011

PLANNING DIVISION

City of Albany

Planning Division

P.O. Box 490

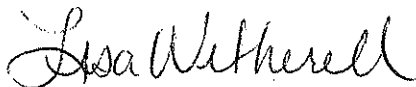
Albany, OR 97321

RE: Tentative Partition plat to divide a 41.52 acre property(3320 Grand Prairie Rd) Map # 11S-3W-16;
Tax Lot 1400.

I live at 3755 Hemlock Pl SE, Albany OR. Unfortunately I will be out of town when you are holding your meeting on March 23, 2011. My concern with this property being changed to allow 100 space manufactured home park is:

1. The added **Traffic on Mount View Drive**, currently there can be quite a bit of congestion on (mornings and evening) at Mountain View and Waverly when South Albany High School is in session. I leave my home during the weekday at 7:15-7:20 am and many times have to wait quite a while to get out onto Waverly due to all the traffic coming and going to South Albany High School. I am not only concern with the traffic during school times but overall the traffic that would increase on Mountain View with the addition of 100 manufactured homes to this area.
2. I am also very concerned with the value of my home going down with an additional manufactured mobile home park being added to this area. We already have one manufactured mobile home park, I think that is enough for the area.

Sincerely,



Lisa Wetherell

Wetherell
3755 Hemlock Pl SE
Albany OR 97322

March 11, 2011

City of Albany
Community Development Department
P.O. Box 490
Albany, OR 97321

RECEIVED
MAR 15 2011
BUILDING DIVISION

Re: File - PA-01011

Dear Council Members:

I will not be able to attend the above meeting on March 23 rd and would like my opposition made part of the record.

I have owned a home on NE Hemlock Pl. (right off Mountain View Dr.) for the past 18 years. Over those years I have seen the traffic on Mountain View Dr. become a real problem especially in the morning and then around 5 pm. If you are going to terminate the existing Development Plan, then I would encourage you to have the access off of Grand Prairie for this Tentative Subdivision Plat.

This is the most logical way to access this property and thereby relieve further congestion on Mountain View Dr. With further development using Mountain View Dr. A traffic signal needs to be placed at the intersection with Waverly St. Without further usage of Mountain View Dr. I don't see a need for a signal in the near future.

Therefore, I do not feel that this Tentative Subdivision Plat meets Item #3 for the Approval Standards.

The wetland adjacent to Periwinkle Creek is another issue but I am confident the the Division of State Lands will monitor any encroachments.

Sincerely,



Carolyn P. Spulnik
P.O. Box 1568
Waldport, OR 97394

Residence on ref: PA-01-11
Albany, Oregon 97322

RECEIVED

City of Albany
Planning Division
PO Box 490
Albany, Or 97321

MAR 14 2011
3:27 de

BUILDING DIVISION

Reference: Planning rezone notice, March 3, 2011, reference PA-01-11.
Property: 3320 Grand Prairie Road SE, Albany, Oregon.

As residence, within the area affected, we are against the rezoning of the property at 3320 Grand Prairie Road SE, Albany, OR.

The current zoning, of the parcels in question, does considered the same type of property and same value of property of stick built residential single-family homes. A change would devalue the current single-family home property in this area.

Changing the above property would also create a traffic increase from and to Waverly Drive down Brookside Ave. to the rezoned area.

Due to the recent new speed bumps installed on Mountain View Dr. a high volume of the previous traffic flow was diverted to Brookside Avenue. The current mobile home park was previously assessed from Mountain View Drive. The change in traffic flow increased the amount and speed of traffic on Brookside Ave. and created hazardous conditions for school children walking in this area. The proposed access would add even more traffic through this area, adding to our problem!

In the event that the zoning is approved for the proposed manufactured home park, then access should only be considered from Grand Prairie Road. The manufactured home park should be maintained in a fenced area, without access from through Brookside Ave., Wilt Ct., or Mountain View Dr. in order to maintain the present traffic flow.

Sincerely,

for MERVIN & SILVIA PATRICK 3272 MILLBROOK PL. SE.

for KENNETH R. @ DIANE FORTY 3250 MILLBROOK P SE

for Wanda Humphrey 3221 Mill Brook SE

for Jim McDaniel 3238 Millbrook Pl

for Bette & Kenneth Strong 3301 Echo Spring Pl. SE.

Angie Nard 3353 Echo Springs Pl SE

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Sincerely,

Kyler Gulasky 2830 Brookside Ave SE Kyler Gulasky

R.D. Bob Inman 3310 Idlewood Pl. SE Albany

W.E. Harris 2987 Brookside Ave SE Albany

LARRY KLEINDE 3004 BROOKSIDE AV SE ALBANY

Pat Gagne 3243 Millbrook Pl SE Albany

Doug Coleen 2874 Brookside SE Albany

Residence on ref: PA-01-11
Albany, Oregon 97322
March 8, 2011

RECEIVED

MAR 14 2011

3:27 de

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Sincerely,

KAT	<u>Kathleen M Hodson</u>	<u>3008 Wilt Ct SE Albany 97322</u>
	<u>Dave Nixen</u>	<u>3009 Wilt Ct SE Albany 97322</u>
	<u>Brenda Nixen</u>	<u>3009 Wilt Ct S.E. Albany 97322</u>

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Sincerely,

Timothy Grover 3315 Idelwood Pl. SE, Albany

Sharon Grover 3315 Idelwood Pl. SE Albany, OR 97322

RECEIVED
MAR 16 2011
BUILDING DIVISION

Residence on ref: PA-01-11
Albany, Oregon 97322
March 8, 2011

City of Albany
Planning Division
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Sincerely,

Joseph W. Thier 3510 SE Bartley Dr
Gregory Thier 3510 Bartley Dr. SE
Jack Hest 3446 Bartley Dr. SE
Condor McQuinn 3488 Bartley Dr SE
C. D. Moore 3488 Bartley Dr SE
Steve V. Perry 3455 Bartley Dr SE Albany OR

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Sincerely,

Linda Kleinle 3004 Brookside Ave SE Albany OR
Barbara Aronson 2929 Brookside SE Albany, OR 97322
Robert Hower 3594 Bartley Dr SE Albany, OR
Katherine B. Nooshay 3552 Bartley Dr SE Albany OR

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, February 7, 2011
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 Dick Olsen, Jeff Christman, Bill Coburn, Floyd Collins, Bessie Johnson, and Ralph Reid, Jr.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

REVIEW OF ALBANY STRATEGIC PLAN

City Manager Wes Hare explained that the Strategic Plan (SP) is the City Council's document. Staff has a key role in making the SP relevant by transcribing it in relational terms, resources, and measurable progress. Hare said Directors met in November to review the SP.

Hare said the introduction has been changed to be more approachable to the public, by summarizing the SP on one page. It provides readers who choose not to go past Page 1 an idea of what the SP does.

Hare reviewed the specific changes as listed in the *Proposed Changes to the Strategic Plan*, in the agenda file.

Other changes the Council discussed include:

- Delete Objective 10.1
- Add "seek federal funds"
- Discussed deleting the first Goal on page 6
- Under Objective 10.2, deleted the word "downtown"
- Discussed walk ability and connectivity of sidewalks
- Change the "Action" for Objective 10.9 to be the text under Objective 10.9
- Discussed public safety training and various seismic valuations
- Discussed the health of Albany's fire trucks
- Use stronger language to describe derelict properties in Objective 10.23
- Discussed Goal 2 on page 22 and if being a "model" is realistic given financial restraints. Staff will revise language to convey the City's continued efforts toward sustainable practices
- Under Great Neighborhoods, discussed establishing a Task Force for affordable housing to be implemented when Albany becomes an entitlement community and is eligible for funding

Hare said that conversations continue with the Council of Governments about Albany reaching the Metropolitan Planning Organization (MPO) status.....

Hare discussed when to take the public safety levy to the voters. Hare suggested they take it to voters in November 2011. The current levy expires in 2013. Discussion followed.

Konopa suggested staff check with Benton County to see what they are taking to the voters. Discussion followed regarding compression resulting from three recent actions by other agencies.

CITY MANAGER

Hare gave an update on Blue the dog. The owner has filed a lawsuit for \$60,000 for damages, claiming violations of certain constitutional rights. The owner claims lack of due process, emotional distress, and loss of companionship. Now that legal action is pending, Hare cautioned the Council against discussing the case with the public.

COUNCILOR COMMENTS

There were no comments from the Councilors.

ADJOURNMENT

There being no further business, the Work Session adjourned at 5:54 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
Deputy City Clerk

Stewart Taylor
Finance Director

CITY OF ALBANY
CITY COUNCIL WORK SESSION
City Hall, Municipal Court Room
333 Broadalbin Street SW
Monday, February 21, 2011
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 Dick Olsen, Bill Coburn, Bessie Johnson, Ralph Reid, Jr., and Jeff Christman

Councilors absent: Councilor Floyd Collins

BUSINESS FROM THE PUBLIC

There was no business from the public.

MUNICIPAL COURT ANNUAL REPORT, REVIEW JUDGE'S CONTRACT

Municipal Court Judge Robert Scott said that the number of cases is down again this year. He said that this year's numbers closely match those of the 1997 statistics. There was a dramatic increase in 2007 and 2008. In the past three or four years electronic ticketing was brought in by Albany Police Department (APD). Everything is running smoothly between Municipal Court staff and APD staff. He said that although revenue is down, more revenue is received than expended.

City Manager Wes Hare said that this reflects the fact that tickets are not used as a revenue source, and that our goal is to keep the city safe. He said that there is no quota system and he believes the data is a good indicator of that. Councilor Bill Coburn asked why the number of contempt cases has increased. Scott said that contempt can be used to enforce people to pay their fines, and is also used in minor-in-possession cases if a person is not following through with the requirements.

Councilor Ralph Reid said that he commends Scott for reducing the backlog. Scott said that he couldn't do it without his staff; they are great and he appreciates all that they do.

Konopa said that this item is scheduled for Wednesday's City Council Meeting.

CAROUSEL BUILDING PLANS

Dr. Gary Goby handed out photos and drawings of the plans for the carousel (see agenda file). He said that parking would be a bit different and would include diagonal parking spaces. Goby said that the existing building is an old warehouse from the 1930s and behind it is the railroad property. He said that the proposed building on that site is two stories; the basement and the main floor. The main floor will house the carousel in a 90-foot dodecagon which will be glass fronted for high visibility and will include a carving/painting area, museum, gift shop, concession area, and entertainment/arcade party area. The basement will house a larger carving area. There will be a structural roof with a membrane roof over the top of it. He said that it will be highly visible and people would be able to see it from the bridge.

Goby said that they have met with the Landmarks Advisory Commission and they offered some suggestions for how store fronts might look. If the railroad vacates that area they would like to put in a bicycle storage area, access to the basement, and signage. Goby said that the average carving time for one animal is two years.

Jack Burrell, K&D Engineering, Inc., said that this is an exciting project. He said that the concept of turning the street into a one-way street instead of a two-way street is a good plan and will add more parking to downtown. It is going to require some of the right-of-way to make the carousel fit. Their preference is to bump out the carousel and acquire the right-of-way or have it vacated. He said that they are looking for direction from the City Council.

Reid asked how far from the structure the awning would hang. Burrell said that they are projecting four feet. Councilor Bessie Johnson said that there will be quite an addition of parking spaces. Councilor Jeff Christman asked Transportation Systems Analyst Ron Irish if this project is in the Transportation System Plan (TSP). Irish said that it is and involves adding more parking and converting the Washington Street, First Avenue, and Second Avenue intersections to an all-way stop. It is in the TSP as a short-term project.

Coburn said that diagonal parking can be dangerous when backing out of a parking space. He would like to see it moved as far south as possible. It would be great to have a three-way stop at that intersection. Johnson said that diagonal parking is easier for many people compared to parallel parking. She said that it will add so many more parking spaces compared to parallel parking.

Reid asked what the input has been from the US Postal Service (USPS), the Senior Center, and the Chamber of Commerce regarding the noise coming from the outside speakers. Goby has not talked to these groups yet.

Christman asked what the timeframe is for this project. Goby said their goal is for the building to be ready by 2013, depending upon fundraising.

Johnson asked if the building is in the historic district. Goby said that it is not in the historic district, but they are working to complement the historic design of the buildings.

Konopa asked if staff needs any direction on this project. Irish said that staff had suggested the group make a presentation because the design concept hinged on the Council's willingness at some point to consider a vacation of part of the right-of-way.

Kate Foster, 2815 Marion Street SE, said that diagonal parking is best when there are two lanes for traffic flow. She said that it is a bad idea to go out into the street and interrupt the flow of traffic. Two lanes of traffic are needed. She loves the project, but she doesn't like the traffic interruption. The carousel group should alter their plans to work within the existing space.

Camron Settlemier, 230 Seventh Avenue, said that he loves the idea of the carousel project, but he has some concerns with this project. He said that this building will be inconsistent with the historic look and feel of Downtown Albany. The visual look will be a distraction and will not be good for the downtown area.

Konopa asked if staff could bring back a report on traffic patterns for First Avenue. Christman said that he would feel more comfortable with the project concept if there was a defined timeframe. Goby said that the problem is that the group won't have a firm date until a footprint of the building has been decided. Konopa said that George Crandall should look at the design. Goby said that Crandall has reviewed the plans and is behind this project. Konopa also suggested having Rob Dortignacq review the plans. She said this will give the Council assurance regarding the project.

Hare said that City Council can approve the conceptual portion of this project and that is what the folks are looking for tonight. The project will be required to go through the regular site-plan review process and there will be opportunities for public input. Coburn doesn't have a problem conceptionally with the project and he is in favor of moving to the next step.

Councilor Dick Olsen asked if there are any objections to closing the street. Irish said that USPS has a semi-truck that backs up opposite to the carousel, so it would be difficult for them to have the street closed. Olsen said that he thinks the project is a good idea and would like them to have more space instead of less.

TAKENA STREET PARKING UPDATE

Irish said that the residents on Takeda Street have been invited to attend the Wednesday meeting. The residents originally came to the City about parking concerns because several residents have received parking tickets for parking on the shoulder of the sidewalks. He said that the road is only 27 feet wide. He said that the neighborhood participated in coming up with design options. The school zone has been extended, and the parking restriction signs have been removed temporarily. Irish said that the signs were removed to see what the demand of West Albany High School parking is since they now have more parking available at the school. The shoulder varies from two to three feet and drivers would block the sidewalks when parking on the shoulder. This could become an American's with Disabilities Act (ADA) issue. The other problem is emergency vehicle access because there are no gaps for emergency vehicles.

Irish said, the residents like two of the plans. The first option is to do something to the shoulder areas to better delineate that it is a shoulder area. Irish suggested a difference in color or texture. The other option is to remove parking from one side of the road for the length of the street. He said that this would provide seven feet for parking and 20 feet for vehicle travel widths. The neighborhood only liked this option if it came with the offer to widen on-site driveways.

Irish said that the residents did not like option to do nothing because they are worried about getting citations and meeting ADA requirements. He said that the least appealing choice is to rebuild the street and that would also be the most expensive option. He said that the street couldn't be widened consistently for the length of the street.

Johnson asked what residents are going to do if they have two cars and parking is restricted on one side of the street. Irish said that they will have their driveway widened to accommodate their vehicles. Coburn doesn't understand how the driveways would be widened. Irish said that most will still have the same curb cut but the driveway concrete pad would be widened. Coburn is surprised that they would choose to eliminate street parking. He asked if this type of street is unique to Albany. Irish said that there are few others, mostly off of Queen Avenue. Hare said that this is an old neighborhood and that these people have been dealing with this for awhile. He said that talking to the residents and finding out what they want matters most. Irish said that there is a four-person neighborhood design team.

Johnson asked, why the City is going to foot the bill on this and what if we start receiving similar requests from other neighborhoods? Irish said that one of the options to pay for the street is to designate it as a bike boulevard. Public Works

Director Diane Taniguchi-Dennis said that it is hard to charge the citizens for something that they are being encumbered for, and it would add insult to injury.

Olsen said that he feels like we are beating a dead horse. He suggested asking police officers to not give parking tickets on this street. Hare said that the problem is that the sidewalks are being blocked and that could become an ADA issue and emergency vehicle access is another problem. Irish said that the ADA issue could be resolved by not allowing vehicles to park on the shoulder, but that won't resolve the issues for the residents.

Reid asked how long the street is. Irish said that it is 1,300 feet. Konopa said that she is concerned that we will be setting a precedent for other streets. Irish said that this street is unique because it can be designated a bike boulevard and would qualify for System Development Charges (SDC) dollars that the other streets are not eligible for. Taniguchi-Dennis said that option A-2, restricting parking along one side of the street and prohibit "shoulder" parking, is the cheapest.

DISCUSSION OF KNOX BUTTE ROAD LIGHTING

Airport & Transit Manager Chris Bailey, said that Oregon Department of Transportation (ODOT) is installing light poles around the I-5 interchange at Knox Butte Road and there are a few of them at the eastern end of their project that are in-line with the north end of the runway. She said that several of the Airport Advisory Commissioners (AAC) raised some concerns about the impact of the light poles. ODOT staff received Federal Aviation Administration (FAA) approval for the project. ODOT could shorten the poles to 25-feet but the extra cost would need to be paid for by the City. She said that the AAC recommends not putting in the eight light poles because they would present a risk to flight safety and would affect a runway extension. If the runway is extended in the future, any pole would intrude into the airspace.

Bailey said that staff is asking for direction from the City Council. The options are to: continue with the project knowing that they are a threat to air safety; ask ODOT to not install four to eight of the poles; or ask ODOT to install shorter poles. She said that in any case, the poles will interfere with keeping clear airspace in the area.

Bailey said that work has been temporarily stopped by ODOT because some of the AAC members have called their local representatives. Taniguchi-Dennis said that the irony of this is that ODOT had been asked to install lighting on several occasions previously, but said that they didn't have the funding to do it. Konopa said that she has heard from people that it is very dark in that area. She asked why they can't use shorter poles or some sort of reflector markers. Coburn said that the interchange design is supposed to happen within the next ten years.

Jerry Wilken said that the FAA doesn't really understand what they are looking at. He said that ODOT should have gone through the state first. He has used that intersection often and it is very dangerous to turn left off the freeway and the lighting will cause more accidents.

Christman asked if there were four lights at the intersection. He said that if they get rid of the four to the west end then there would be area to land if a pilot is having engine problems. Bailey said that any vertical structure right at the end of the runway is dangerous. Wilken said that if we asked them not to put them in, there won't be any cost to the City. Konopa said that there are other alternatives and it is too bad that ODOT is not looking at other options.

Johnson asked if any of the pilots have had to make an emergency landing and wonders how often it happens. Ron Terhaar said that he only knew of one and it was when a plane caught a wheel in the wire to the south of the runway.

MOTION: Reid made a motion to request that ODOT not put the light poles in and Olsen seconded the motion. The motion passed 5-0.

Christman said that the conflict regarding traffic flow on Knox Butte and the Airport remains. He said that there are still issues and there needs to be a discussion.

COUNCILOR COMMENTS

Christman said that when they meet with the Linn County Commissioners he would like to discuss Goldfish Farm Road between Santiam Highway and Dogwood Street.

Coburn suggested having traffic count done on First Avenue where the proposed carousel is going to be. He doesn't think that there is very much traffic that travels that way. He doesn't want the carousel to blend in and match the buildings and houses. Taniguchi-Dennis said that one of the problems for the group is that they need off-site parking. Olsen agrees with Coburn, but would like to see something other than shiny aluminum used for the carousel.

Konopa said that Senator Jeff Merkley was in Albany yesterday and she showed him the carousel and plans for it. She said that Merkley said that the downtown area is looking really nice and talked about how much it has improved.

CITY MANAGER REPORT

Hare said that he helped the city of Astoria with their goal session. He said that it was interesting to get a different perspective on issues within another city. They have an old hotel that has been converted into a low-income housing development, and it is not contributing to the downtown area. There is also a boutique hotel and the area around it is flourishing.

Taniguchi-Dennis said that there was one response from the Request for Proposals for a Fixed Base Operator at the Airport and it has been rejected because it didn't include a business plan.

ADJOURNMENT

There being no further business, the Work Session adjourned at 6:15 p.m.

Respectfully submitted,

Reviewed by,

Diana Eilers
Administrative Assistant I

Stewart Taylor
Finance Director

CITY OF ALBANY
 CITY COUNCIL
 Council Chambers
 Wednesday, February 23, 2011
 6:45 p.m.

MINUTES

CALL TO ORDER

Mayor Konopa called the meeting to order at 6:48 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

RECESS INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION OR LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660 (2)(h)

The Regular Session was recessed into an Executive Session at 6:48 p.m.

RECONVENE

The Regular Session was reconvened at 7:19 p.m.

SCHEDULED BUSINESS

Communication

Accepting resignation from John Vandepas from the City Tree Commission.

MOTION: Councilor Johnson moved to accept the resignation of John Vandepas from the City Tree Commission and send him a letter of thanks for his service. Councilor Reid seconded the motion and it passed 6-0.

Business from the Public

No one wished to speak.

Adoption of Resolutions

Establishing system development charges (SDC) for impacts to the Albany Transportation System, establishing an appeal fee, and repealing Resolution No. 5806.

Konopa explained that this resolution was carried over from the February 9, 2011, City Council meeting. A motion to adopt had neither passed nor failed as there were not four votes either for or against it and it takes four votes of the Council for a successful decision on a motion.

MOTION: Councilor Christman restated his motion to adopt the resolution as presented. Councilor Olsen seconded the motion and it failed 3-4, with Reid, Councilor Collins, Councilor Coburn, and Konopa voting no. Konopa explained her vote saying that she didn't like waiting the 18 months for implementation.

MOTION: Olsen moved to amend the resolution to include changing the review period to six months rather than 18 months. Johnson seconded the motion.

Johnson asked what the Councilors that voted no on the first motion objected to.

Collins said he was concerned about the message that goes out the door. If the economy starts to turn around, he agrees the City should start the ramp. But if not, he wants the opportunity to vote on not initiating the ramp-up in fees. He suggested staff return to the Council for review in six months with the possibility of raising the fees.

Public Works Director Diane Taniguchi-Dennis said she thinks some of the concern the Council has is that the resolution implies the ramp-up will happen if the Council takes no other action and that is not a message that folks want to give to the community. She said there are two options for the Council; a flat fee and implement increase on a ramped approach with Council approval, or the ramp with a condition that the increases can happen only with Council approval.

Coburn would prefer to look at the fee resolution in 18 months rather than automatically implementing the ramp-up. He doesn't believe the economy will change enough during those months that it would warrant an increase in fees. He already has a hard time with the methodology.

Konopa said it was a complete process with a number of people participating and with projects identified; adopting the fee in order to fund the transportation plan was the natural next step.

City Manager Wes Hare said the Council had differing opinions during the process. As the Mayor said, it isn't just a question of methodology. The project list has been developed over a very long period of time and the Council has identified projects that need to be done in order to accommodate growing transportation needs. He mentioned that Albany is one of the faster growing cities in the state according to the census. A plan was developed and adopted by the Council, and it needs to be funded. The question is when the Council would want to set the SDCs so that plan could be accomplished. What is proposed is a start date of July 1, 2012, and the plan is based on that date.

Olsen said the plan is based on the transportation system currently in the City. If the City continues to grow, there will be a need for additional projects like street lights, streets, sewer, etc. to meet that growth.

Taniguchi-Dennis suggested that new language be incorporated into the fifth "WHEREAS" in the resolution on page four of the Council agenda, to strengthen it. It could read, "WHEREAS the future annual fee increases envisioned in the ramp-up will only be implemented with Council action based on an analysis of economic indicators." It doesn't lock the Council into any future ramps other than that they would be considered.

Collins said he can't support the motion but is willing to support an amendment to the resolution as suggested by the Public Works Director.

Konopa asked if any site plans had been filed with the Building Department lately. Community Development Director Greg Byrne said they have been doing six or seven homes, two large big box projects that are in building review, and then some smaller commercial projects. That characterizes the activity level that they have had for some time; it is fairly low.

Olsen asked, would you consider that an increase in activity? Byrne said it is a decrease over the last few months in the case of single family homes, in large part because the federal tax credit expired in the spring.

Konopa asked what the proposed increases would be. Taniguchi-Dennis explained that the proposal in the resolution starts the year with a first step at \$1,716.83, and then an increase in July 2012. She reminded the Council that the Oak Street project is dependent on some action by the Council.

Collins went through the timeline that the motion addresses. It would be 18 months before implementation.

VOTE: A vote was taken on the motion and it failed 1-5, with Christman, Reid, Collins, Coburn, and Johnson voting no.

MOTION: Collins moved to amend the resolution to include language in the fifth "WHEREAS" to read "future increases will only be implemented with Council action based on a review of economic indicators." Coburn seconded the motion.

Taniguchi-Dennis clarified that a new resolution would come to the Council in February 2012 to consider an increase to take effect in July 2012. In other words, a specific action by the Council would be needed to make any increases.

Christman said he would like to see what economic indicators would be chosen before any work on changing fees were to start. A list brought to the Council before staff starts work would be sufficient.

VOTE: A vote was taken on the amending motion and it passed 5-1, with Reid voting no.

Granting the Airport Manager specific authority with regard to aircraft that are not airworthy or for which the appropriate fees have not been paid.

MOTION: Reid moved to adopt the resolution granting the Airport Manager specific authority with regard to aircraft that are not airworthy or for which the appropriate fees have not been paid. Coburn seconded the motion.

Coburn questioned the sixth paragraph, second sentence, which says "...the Airport Manager is authorized to require the removal of any aircraft in open storage at the Albany Municipal Airport or stored in a City-owned "T" Hangar if the aircraft is not airworthy. An aircraft will be deemed not airworthy if, in the reasonable judgment of the Airport Manager, the aircraft is not eligible for an airworthiness certification by appropriate regulatory officials and if that condition has continued for 90 of the previous 180 days...". He said that he doesn't know the qualifications of the Airport Manager to make that judgment. Airport and

Transit Manager Chris Bailey said they would most likely hire someone who has the expertise and can judge the airworthiness of an aircraft.

Hare said the Airport Commission approved this language and that for the most part the Council would be relying on the judgment of staff as they do for many things in the City.

City Attorney Jim Delapoer said in this particular case, it is obvious that the aircraft is nonairworthy. The Airport Manager will most likely rely on advice from third party experts in future cases. Every judge who decides a case is not an expert on that case. His decision is based on evidence. If it is not obvious, the City will do the same, gather evidence. The Airport Manager would engage technical expertise to provide evidence regarding airworthiness. "Airworthiness" is a recognized standard in the industry.

VOTE: A vote was taken on the motion and it passed 6-0, and it was designated Resolution No. 5983.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) January 24, 2011, City Council Work Session.
 - b) January 31, 2011, City Council Work Session.
 - c) February 9, 2011, City Council Regular Session.
- 2) Approving a liquor license for Clemenza Café & Wine Shop, 236 First Avenue SW.
- 3) Appropriating a special purpose grant from the Fiscal Year 2010 State Homeland Security Grant Program to provide for the services of an Americorps VISTA (Volunteers in Service to America) member and materials to assist the Linn-Benton Vulnerable Populations Committee in developing a Linn-Benton Vulnerable Populations Plan. RES. NO. 5984
- 4) Appropriating a special purpose grant from the Fiscal Year 2010 State Homeland Security Grant Program to provide phase two of a regional urban search and rescue exercise. RES. NO. 5985
- 5) Granting a temporary easement to Northwest Natural Gas. RES. NO. 5986
- 6) Municipal Court Judge.
 - a) Approving contract renewal for Municipal Court Judge Robert Scott for CY2011.
 - b) Appointing Municipal Court Judge Pro Tems, and repealing Resolution No. 5883. RES. NO. 5987

MOTION: Christman moved to adopt the Consent Calendar as presented. Reid seconded the motion and it passed 6-0.

Appointments

City Tree Commission and Traffic Safety Commission.

MOTION: Reid moved to approve the appointment of Orlando Gonzales to the City Tree Commission and Greg Hamann to the Traffic Safety Commission. Olsen seconded the motion and it passed 6-0.

Reports

Police and Fire Facility Assessments and Evaluations.

Police Chief Ed Boyd asked the Council to look at the proposal as an "a-la-carte" menu rather than the whole package.

Scott Souders, General Manager, and Russ Carter, President of ZCS Engineering Inc. explained their *Statement of Qualifications and Fee Proposal for Facilities Assessment Preliminary Planning and Design*. Carter said that Part A identifies needs for each of the departments, then establishes programming for each of the facilities that will move forward in evaluating the different options for different sites regardless of which site is chosen. They would evaluate current needs and out to 20, 30, and 40 years for both facilities.

Christman asked, can you give a ball park range for costs if only Part A is completed? Souder said around \$25,000 for the Police Department assessment and around \$22,000 for the Fire Department assessment. He said they would not move into Part B without the Police and Fire Chiefs' approval, which is to take the information from Part A, look at the properties, and apply the information to the properties.

Carter said Part A is the normal step that would take place for a design of a project. It is not specific to a site or property.

Konopa mentioned that she would like to see the needs applied to Fire Station 11, if it is doable on that site.

Souder and Carter reviewed the Summary of Fees on pages 61 and 80 of the agenda file.

Collins said the needs assessment is what he was asking for. He supports that. He is not in favor of expending the total \$300,000. He doesn't want to complete all the options offered by ZCS Engineering.

Carter mentioned that sometimes it is fairly simple to identify what property wouldn't necessarily work for an essential public (safety) building.

Collins said yes, he agrees. Codes have changed for public safety buildings; requirements are stricter.

Coburn asked how this particular consulting service was chosen. Assistant Public Works Director/City Engineer Mark Shepard said consulting services selection is based on the value of the services. For a contract under \$50,000 the City can select any consultant. For a contract over \$50,000 and less than \$150,000 the City can go to the Consultant of Record list. The list was compiled through an open public process in which consultants submit their statement of qualifications in specific fields. They were reviewed to make sure they meet the City's standards and then added to the list. If it is over the \$150,000 the process requires a public request for qualifications.

Coburn said he was considering Hare's recommendation in his memo not to spend additional resources to analyze potential Police and Fire facilities, but to proceed with construction of the Police Station and look for property for a new Fire Station. He was thinking of supporting a cheaper, easier process. He said the City did a "Needs Study" in 2003 for the Police Department and doesn't think it has changed much. He does support a "Needs Study" for the Fire Department.

Collins said the Council can stop at any time in the vertical progression timeline. He thinks a "Needs Analysis" is a valid step for both facilities.

Johnson thought the City had already done an analysis. She feels this is repetitive. She thinks the Chief has done everything the Council has asked and she does not support more consulting reports.

Boyd said their study will only confirm what he has been telling the Council for the last 18 months. But if the Council and the community feel more comfortable and feel it needs to be done for due-diligence, he will support it.

Olsen said he has no doubt that the Police Chief knows the needs of the department but there are buildings in town that may fit the purpose and he would like to know if they could work. He would also like someone who could give an estimate on repairing the existing Fire Department building or has a background regarding historical buildings.

Christman asked what the reference to relationship diagrams and site area requirements would be. Souders said they are models that identify individual space needs within the building and how they work together. They would then be programmed onto the individual sites.

Souders spoke to the work already done by the Police Department saying their intent is not to redo what has already been done. They will take Chief Boyd's information and incorporate what other needs they find or are required and bring their additional information to the Council.

MOTION: Christman moved to authorize spending funds for Part "A" under the scope of work for both the Fire and Police Stations (around \$50,000). Coburn seconded the motion.

Carter said their work will be defining pieces of the puzzle, the shapes and needs. They may be assembled differently from site to site.

Collins commented that when they toured the Police Department the Council recognized that when the building was built the number of personnel was projected to be much less. Under today's standards, given the number of employees, they would be looking at a different configuration. Given the standards for a public safety facility, you need so many feet in the configuration, proximity, etc. What these folks would be doing is basically, configuring the spatial relationship. That is some of the information that Boyd's report doesn't have. The standards for each work area. Collins believes defining these kinds of issues upfront will save money in the long run.

VOTE: A vote was taken on the motion and it passed 4-2, with Olsen and Johnson voting no.

Takena Street, Queen Avenue to 12th Avenue.

Transportation Analyst Ron Irish said the staff report was discussed at the work session on Monday. He gave some history of the street and the concerns of the residents with parking and speeding. Specifically, the section of Takena Street between Queen Avenue and 12th Avenue. Staff held a neighborhood meeting and met with a few volunteers from that meeting, formed a Design Team, and met a couple of times to review options. They then took the issues to the Transportation Committee. He said two changes have already been made on the street as a result of the design team meetings: the reduced speed school zone for Takena Elementary School has been extended south to 13th Avenue, and the parking restriction signs south of 14th Avenue have been pulled. The change to the boundary of the reduced speed school zone is permanent. The removal of parking restriction signs is a test and was done in an attempt to verify the current level of overflow parking generated by West Albany High School. Some of the problems that remained on the street revolved around the width of the street. The street is very narrow, so narrow that there was a Council

resolution to authorize residents to park up on the curbs. The residents would periodically receive tickets for doing that from Officers unaware of the resolution. The problems that the Design Team focused on were related to vehicles that park over the curb and block the sidewalk (mainly tickets and ADA issues) and the limited ability of Fire trucks to provide emergency vehicle service to the residents. The neighborhood Design Team recommended: better identify allowable shoulder parking areas; restrict parking along one side of the street and prohibit "shoulder" parking; or a configuration of having every other space being no parking allowed on both sides of the street. There were two options not favored by the Design Team or the Transportation Committee: do nothing or reconstruct the road.

There followed Council discussion regarding making changes to the shoulder area between the curb and sidewalk in order to better identify the area of the street where parking is allowable.

Michael Baker, 1550 Takena Street, said she doesn't like the every other block suggestion. She is concerned that her visitors would not be able to park in front of her house. She would prefer to leave it the way it is. She would prefer the Council initiated an education plan.

Hare mentioned that if the Council does nothing, they will be dealing with this problem periodically.

Kathy Lyons, 1229 Takena Street, said expansion of the driveways is what she heard the neighborhood to favor most. She thinks speed bumps would be appropriate. She said there is a lot of traffic on the street.

Irish mentioned that on past projects where parking is removed System Development Charges money have been used. The Council is not obligated to use it, but the opportunity is there.

Collins commented on the public safety access element. For him it is the most important. He would support increasing driveways and removing parking.

There was continued discussion regarding how often the residents get ticketed and if an education program for the neighborhood would be sufficient.

MOTION: Coburn moved to do nothing at this time. Reid seconded the motion and it passed 5-1, with Christman voting no.

Lowe's project update.

Delapoer provided the Council with a "Summary of City/Lowe's Infrastructure Funding Agreement" (in agenda file). He said he and the City Manager had been tasked to work with Lowe's and the Perlenfein property owners to craft agreements to implement the Council's decision to provide public funding for the Oak Street punch-through to facilitate the location of the Lowe's store in Albany on 9th Avenue. Because of three varying concerns, there will be simultaneous closings regarding the properties and agreements. The City and Lowe's will sign the Infrastructure Funding Agreement, Lowe's will purchase the property from the Conser's, and the City will purchase the Perlenfein property. He provided a copy of the Oak Street punch-through proposed drawing and a "Summary of City/Perlenfein Legal Purchase Agreement" (in agenda file). The approximately half acre of property will be purchased for \$1.6 million and the agreement is complicated by the fact that the land is subject to past petroleum contamination and the need to move the building currently on it. He had a copy of an environmental assessment available for the Council. He said the Perlenfeins have spent hundreds of thousands of dollars remediating the property. Delapoer said the Department of Environmental Quality (DEQ) said they have a "no further action" letter pending. It is only waiting for signatures. He explained the risks the City would be taking with a contaminated site. Delapoer added that if the whole deal falls apart, the City will lose the costs spent on design.

Konopa commented on the high cost for a building the City intends to tear down.

There followed discussion regarding contamination testing under different levels.

Collins asked, is Lowe's in agreement with the draft agreement? Delapoer said yes. Collins said this is consistent with past action; for instance, when the City negotiated the parking lot at the train station. With the conditions that the City Attorney has discussed, the City is protected.

Coburn is comfortable with what Delapoer is negotiating.

Reid was concerned on how deep the City would have to excavate for the DEQ. Delapoer said he based his information on the most recent study provided by Cascade Earth Science. They told him the worst case scenario would be \$10,000 for soil testing.

Shepard added that the City is buying the right-of-way prior to design and it is based on a sketch, but the exact location of the right-of-way line on the east side may move, depending on what's required from the Oregon Department of Transportation. In addition, more right-of-way may be required for a signal pole.

Ed Perlenfein, part owner of the property to be purchased for the punch-through, gave some history regarding the property saying they had a Phase One contamination test done when they bought the property.

No contamination was found. Cascade Earth Science ran down 20 to 30 feet in 1990 and found very small areas of limited contamination, none on the property that the City is receiving.

Ed Schultz, lawyer for Lowe's and Perlenfeins, said that in November final samples were taken and tested. The DEQ reported that they were eight times less than the base standard.

Shepard mentioned that if the City encounters contamination, they would still have to treat it in a very specific way.

Delapoer said \$25,000 has been indemnified. It is more than enough to remediate contamination if the worst case scenario is encountered.

BUSINESS FROM THE COUNCIL

Councilor Olsen: Albany Municipal Code 6.18, Dangerous Dogs.

Olsen introduced the dog ordinance and said he felt the current ordinance gave the Judge no alternatives except euthanasia.

MOTION: Olsen moved to adopt the ordinance that amends language to AMC 6.18, Dangerous Dogs. Coburn seconded the motion.

Collins was concerned about notifying potential adoptive owners that the dog was declared dangerous and not have it be adopted by anyone with children.

Delapoer explained that this ordinance was not written for any specific case currently being litigated. The case regarding the dog "Blue" may or may not be affected by the amendment. He also commented that the concerns that Collins has are a moral value or judgment that is impossible to track legally. All policies have potential risks.

Christman said this gives the judge a lot of leeway to an alternative. He thinks the Council is opening up a huge door and Court clients could potentially go in front of Judge Scott and if they do not like his decision bring it to the Council and it then becomes a front page story in the newspaper.

Coburn doesn't think it is bad to give the Judge options. He is comfortable with this amendment.

Johnson said it seems this amendment would need a lot of monitoring to be effective. She feels the Police are overworked now and no one will be able to follow up on it. She said the current ordinance does enough and is not in favor of changing the ordinance.

Konopa said as circumstances change, ordinances need to be changed. It is always possible to improve an ordinance.

Boyd said the department does not support changes to the ordinance. They feel it is inappropriate to declare a dog dangerous and send it to another community, where it could possibly offend again.

Olsen commented on the process he went through to ask Delapoer to draft the changes. He recommends the revision to the ordinance.

Reid said he agrees with Christman and Johnson.

Ellen Hamill, 2042 Hill Street, said there are backgrounds on all dogs that need to be considered when adopting. She asked the Council to loosen up the ordinance. Potentially, all dogs are dangerous.

VOTE: A vote was taken on the motion and it failed 2-4, with Christman, Reid, Collins, and Johnson voting no.

Reid thanked the City Sewer Department crew for their prompt attention to a problem encountered by one of his constituents.

Christman provided a spreadsheet regarding his thoughts on funding a Police and Fire Station. His calculations include leaving the Fire Station in the downtown area. He asked that the Council be able to review the spreadsheet at a work session. The Council scheduled to review it at the March 21 Council Work Session.

Appointments to Council of Governments (COG) Regional Wetlands Board.

MOTION: Johnson moved to reappoint Councilor Collins as the City's representative, Councilor Olsen as the alternate, and Community Development Director Greg Byrne as the staff lead to the COG Regional Wetlands Board. Coburn seconded the motion and it passed 6-0.

NEXT MEETING DATE

The next meeting of the Council is a Work Session scheduled for Monday, March 7, 2011, at 4:00 p.m., in the Municipal Court Room, of City Hall.

The next Regular Session is scheduled for Wednesday, March 9, 2011, at 7:15 p.m., in the Council Chambers, of City Hall.

ADJOURNMENT

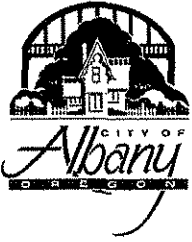
There being no other business, the meeting was adjourned at 11:06 p.m.

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 Hodney, Director of Parks and Recreation

DATE: March 18, 2011, for the March 23, 2011 City Council Meeting

SUBJECT: Resolution authorizing a Local Government Grant Program Application for East Thornton Lake Natural Area Project

RELATES TO STRATEGIC PLAN THEME: ● An Effective Government

● Great Neighborhoods

RELATES TO:

● Master plans

Action Requested:

Approve a resolution authorizing the City of Albany Parks & Recreation Department to apply for a local government grant from the Oregon Parks and Recreation Department for the Acquisition of East Thornton Lake Natural Area and authorizing the Parks & Recreation Director to sign the application.

Discussion:

The East Thornton Lake Natural Area was acquired from the Trust for Public Land in November 2010. Consideration for the property was \$2.25 million, of which \$1.25 million was paid by the City at the time of closing. The remaining \$1 million of the purchase price was secured with a promissory note issued by the Trust. The City has until March 2012 to pay off the note. Per the City Council's instructions, we are applying for various grants to fund the balance.

Staff would like to seek funding in the amount of \$500,000 from the Local Government Grant Program, which is administered by the Oregon Parks and Recreation Department. The grant program requires a 1:1 match from the City. Our local match would be met by funds previously spent from the Pepsi Settlement and from the Parks SDC program. We are also pursuing grants from other sources and private cash donations for another \$500,000.

The application deadline is April 8, 2011. If awarded, grant funding would be available after August 1, 2011.

Budget Impact:

If awarded, the \$500,000 grant will be received in FY 2011-2012. The required match for this grant is achieved with Pepsi Settlement money and Parks SDC funds previously spent.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF ALBANY PARKS & RECREATION DEPARTMENT TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR THE ACQUISITION OF EAST THORNTON LAKE NATURAL AREA AND AUTHORIZING THE PARKS & RECREATION DIRECTOR TO SIGN THE APPLICATION.

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program; and

WHEREAS, the City of Albany Parks and Recreation Department 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 City Council has identified the acquisition of East Thornton Lake Natural Area as a high priority need in the City of Albany; and

WHEREAS, the applicant hereby certifies that the matching share for this application is readily available at this time in the Parks & Recreation Fund.

NOW, THEREFORE IT BE RESOLVED that the City of Albany Parks & Recreation Department be authorized to apply for a Local Government Grant from the Oregon Parks and Recreation Department for East Thornton Lake Natural Area.

DATED AND EFFECTIVE THIS 25th DAY OF MARCH, 2011.

Mayor


ATTEST:

City Clerk



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Ed Hodney, Director of Parks and Recreation 

DATE: March 16, 2011, for the March 25, 2011 City Council Meeting

SUBJECT: Oregon Watershed Enhancement Board Grant Applications for East Thornton Lake Natural Area Project

RELATES TO STRATEGIC PLAN THEME: ● An Effective Government

● Great Neighborhoods

RELATES TO:

● Master plans

Action Requested:

Approve a Motion authorizing two applications for grant funding to the Oregon Watershed Enhancement Board (OWEB) toward the acquisition and the restoration of the East Thornton Lake Natural Area, and authorizing the Parks and Recreation Director to sign the applications.

Discussion:

The East Thornton Lake Natural Area (ETLNA) was acquired from the Trust for Public Land in November 2010. Consideration for the property was \$2.25 million, of which \$1.25 million was paid by the City at the time of closing. The remaining \$1 million of the purchase price was secured with a promissory note issued by the Trust. The City has until March 2012 to pay off the note. Per the City Council's instructions, we are applying for various grants to fund the balance. Staff would like to seek funding in the amount of \$250,000 from OWEB for the acquisition of ETLNA. Our local match would be met by funds previously spent from the Pepsi Settlement and from the Parks SDC program.

In addition, we wish to file a grant request for a management plan to guide habitat enhancement at ETLNA. This effort would involve the assessment of existing plant and animal resources on the site, along with the preparation of a management plan to guide the City's effort. The estimated total cost of this proposal is \$50,000, with a grant of \$25,000 to be matched by the value of in-kind City and volunteer services and contractual services money budgeted in the FY 2011-2012 Parks SDC program.

Budget Impact:

If awarded, these grants would be received in FY 2011-2012.



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: *Edward Boyd*
Edward Boyd, Chief of Police

DATE: March 10, 2011, for March 23, 2011, City Council Meeting

SUBJECT: Full On-Premises Sales, Commercial Establishment, Change Ownership Liquor License Application for Loafer's, Inc., D/B/A Loafer's, 222 SW Washington Street.

Action Requested:

I recommend the Full On-Premises Sales, Commercial Establishment, Change Ownership Liquor License Application for Loafer's, Inc., D/B/A Loafer's, be approved.

Discussion:

Wendy Torgeson, on behalf of Loafer's, Inc., D/B/A Loafer's, has applied for a Full On-Premises Sales, Commercial Establishment, Change Ownership liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicant has no criminal record.

Budget Impact:

None.

MR



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Jorge Salinas, Information Technology Director *JS*
DATE: March 10, 2011, for the March 23, 2011, City Council Meeting
SUBJECT: Extend the Contract for Leasing the Copiers throughout the City
RELATES TO: ● An Effective Government

Action Requested:

Approval to extended copier contract on a month-to-month basis until a new contract can be signed. According to the RFP schedule, we are expecting to have the new contract signed in June.

Discussion:

As of April 15, 2011, the current copier contract will have been in place for four years. In order to continue this service under contract and allow us time to complete the RFP process, we need to extend the current copier contract on a month-to-month basis until a new contract can be signed.

A Request for Proposal was released as of March 2, 2011. We are expecting vendor proposals to arrive during the month of March. We will analyze the proposals and interview vendors during April. We will select a vendor in May and award the contract in June. All leased copiers will be replaced once the vendor has been selected.

Below please find a complete schedule for the RFP process:

City Advertise RFP	March 2, 2011
Final Date to Submit Changes/Solicitation Protests	March 21, 2011, 4:00 p.m.
Last Date for Addenda	March 24, 2011
Proposal Submittal Date	Thursday, March 31, 2011, 4:00 p.m.
Vendor Selection Process (top 3)	April 18, 2011
Vendor Interviews	May 2, 2011 through May 5, 2011
Vendor Selection Process (final)	May 9, 2011
Notice of Intent to Award	May 26, 2011
Protest Period	May 27, 2011 through June 2, 2011
Award Contract to Vendor	June 3, 2011

Budget Impact:

Monthly lease cost will remain the same during the contract extension.

JS

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Wayne L. and Mary Kay Forslund

A variable width water line easement as part of a water line replacement project on Kouns Drive.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 23TH DAY OF MARCH 2011.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES AND ACCESS

THIS AGREEMENT, made and entered into this 10 day of March, 2011, by and between Wayne L. and Mary Kay Forslund, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public utilities services over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:
See legal description on attached Exhibit A and maps on attached Exhibits B and C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTORS:

Wayne Forslund
Wayne Forslund

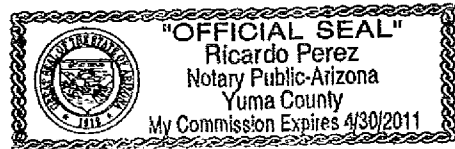
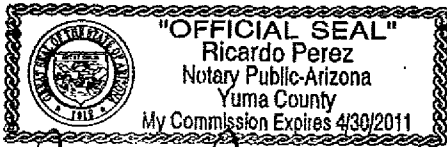
Mary Kay Forslund
Mary Kay Forslund

STATE OF ~~OREGON~~ Arizona)
County of Yuma) ss.
City of Yuma)

STATE OF ~~OREGON~~ Arizona)
County of Yuma) ss.
City of Yuma)

The foregoing instrument was acknowledged before me this 10 day of March, 2011, by Wayne Forslund as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 10 day of March, ~~2008~~, 2011, by Mary Kay Forslund as her voluntary act and deed.



Ricardo Perez
Notary Public for ~~Oregon~~ Arizona
My Commission Expires: 4/30/2011

Ricardo Perez
Notary Public for ~~Oregon~~ Arizona
My Commission Expires: 4/30/2011

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2011.

City Manager

ATTEST:

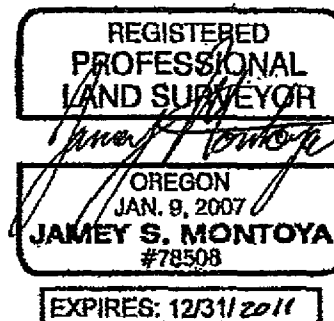
City Clerk

Exhibit "A"
(Waterline Easement)

An easement for utility purposes lying in the Northeast 1/4 of Section 3, Township 11 South, Range 4 West, Willamette Meridian, Benton County, Oregon, said easement being a portion of Parcel 1 of Partition Plat No. 95-35, a partition plat recorded in the Benton County Records and is more particularly described as follows:

Beginning at the most northerly corner of said Parcel 1; thence South 10°40'03" West, on the east boundary line of said Parcel 1, a distance of 112.18 feet; thence North 05°33'12" East 20.00 feet; thence North 06°21'30" East 26.49 feet; thence North 11°24'13" East 63.11 feet to a point on the north boundary line of said Parcel 1; thence North 57°56'41" East, on the said north boundary line, a distance of 4.03 feet to the Point of Beginning.

END OF DESCRIPTION



January 24, 2011
EXHIBIT "A" PARCEL 1
WATERLINE EASEMENT
(08-27) JSM:nm

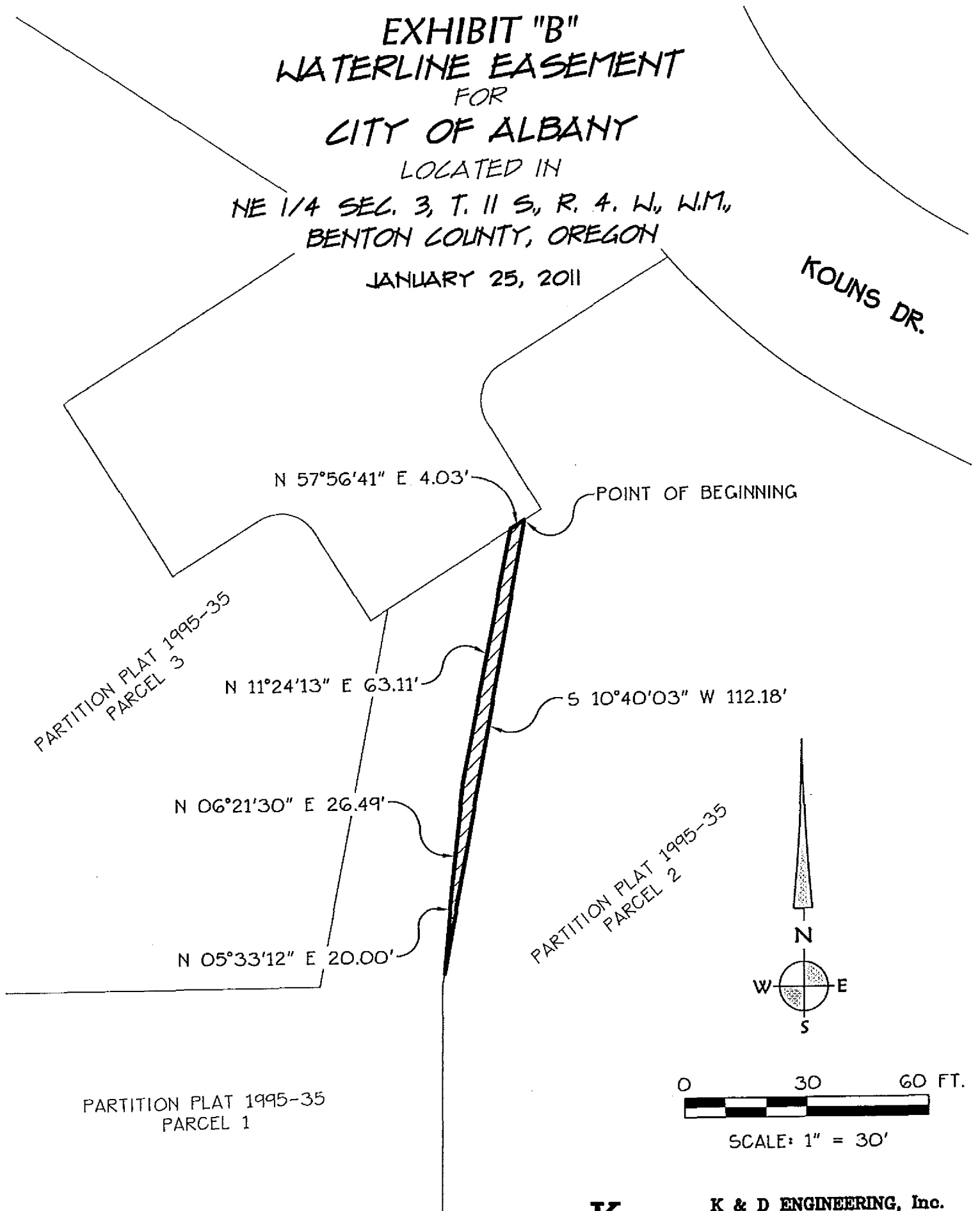
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EXHIBIT "B"
WATERLINE EASEMENT
FOR
CITY OF ALBANY

LOCATED IN
NE 1/4 SEC. 3, T. 11 S., R. 4. W., W.M.,
BENTON COUNTY, OREGON

JANUARY 25, 2011

KOUNS DR.



Date: 1/25/2011 Time: 13:57
Scale: 1=30
File: dwg\2008\08-27\easement...coa.dwg (Jamey M)



K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

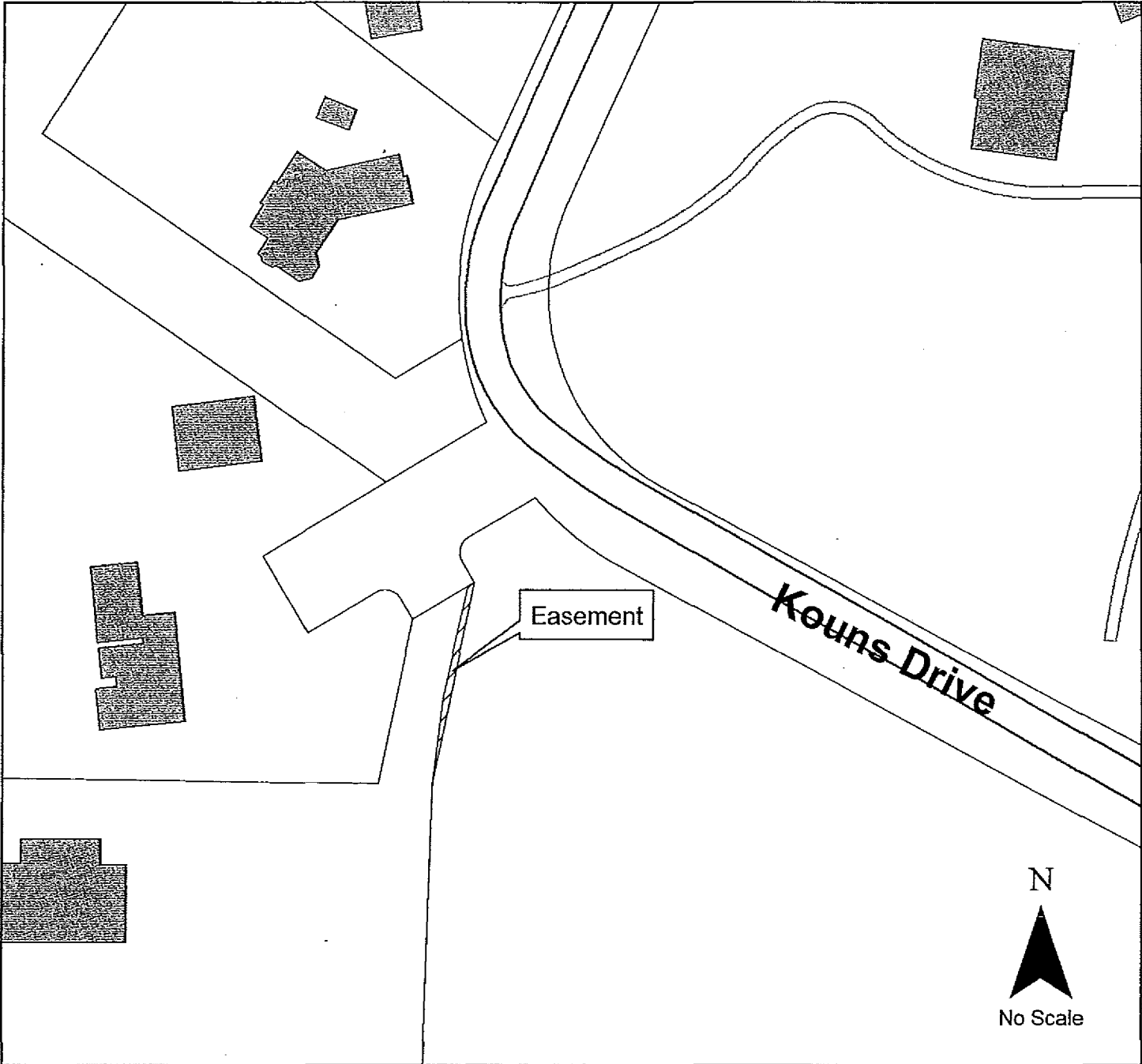
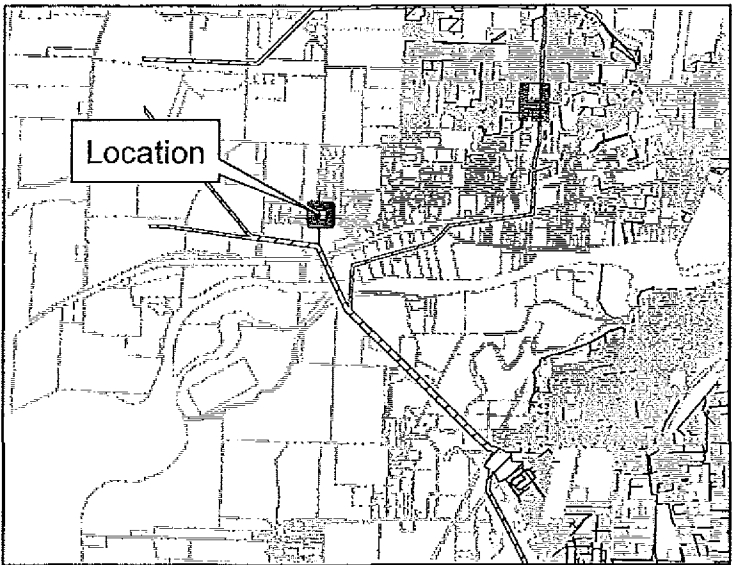
EXHIBIT C

11SO4W03A 01400

A variable width water line easement as part of a water line replacement project on Kouns Drive.



Geographic Information Services



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Wayne L. and Mary Kay Forslund

A variable width water line easement as part of a water line replacement project on Kouns Drive.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 23TH DAY OF MARCH 2011.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES AND ACCESS

THIS AGREEMENT, made and entered into this 10 day of March, 2011, by and between Wayne L. and Mary Kay Forslund, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public utilities services over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

See legal description on attached Exhibit A and maps on attached Exhibits B and C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTORS:

Wayne Forslund
Wayne Forslund

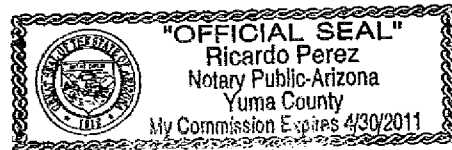
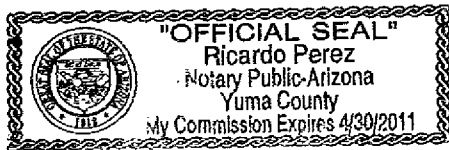
Mary Kay Forslund
Mary Kay Forslund

STATE OF ^{Arizona} OREGON)
County of Yuma) ss.
City of Yuma)

STATE OF ^{Arizona} OREGON)
County of Yuma) ss.
City of Yuma)

The foregoing instrument was acknowledged before me this 10 day of March, 2011, by Wayne Forslund as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 10 day of March, 2008, 2011 by Mary Kay Forslund as her voluntary act and deed.



Ricardo Perez
Notary Public for Oregon Arizona
My Commission Expires: 4/30/2011

Ricardo Perez
Notary Public for Oregon Arizona
My Commission Expires: 4/30/2011

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2011.

City Manager

ATTEST:

City Clerk

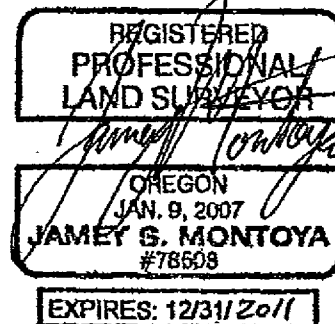
Exhibit "A"

(Waterline Easement)

An easement for utility purposes lying in the Northeast 1/4 of Section 3, Township 11 South, Range 4 West, Willamette Meridian, Benton County, Oregon, said easement being a portion of Parcel 2 of Partition Plat No. 95-35, a partition plat recorded in the Benton County Records and is more particularly described as follows:

Beginning at a point on the northerly boundary line of said Parcel 2 that bears South 58°18'53" West 7.91 feet from the most northerly corner thereof; thence South 11°24'13" West 129.12 feet; thence South 06°21'30" West 25.47 feet; thence South 05°33'12" West 23.89 feet; thence North 84°46'30" West 20.00 feet; thence North 05°33'12" East 4.14 feet to a point on the westerly boundary of said Parcel 2; thence on said westerly boundary the following three courses: 1) North 10°40'03" East 112.18 feet, 2) North 57°56'41" East 4.96 feet, 3) North 31°40'27" West 9.56 feet; thence leaving westerly boundary of said Parcel 2, North 11°24'13" East 35.02 feet to a point on the northerly boundary line of said Parcel 2; thence North 58°18'53" East, on said northerly boundary line, a distance of 27.39 feet to the Point of Beginning.

END OF DESCRIPTION



January 24, 2011
EXHIBIT "A" PARCEL 2
WATERLINE EASEMENT
(08-27) JSM:nm
Z:\Projects\2008\08-27\Surveying\Documents\KOUNS DR WL\PARCEL2EASE.doc

EXHIBIT "B"

WATERLINE EASEMENT

FOR

CITY OF ALBANY

LOCATED IN
 NE 1/4 SEC. 3, T. 11 S., R. 4. W., W.M.,
 BENTON COUNTY, OREGON

JANUARY 25, 2011

S 58°18'53" W 7.91'
 N 58°18'53" E 27.39'

THE MOST NORTHERLY
 CORNER OF PARCEL 2

POINT OF BEGINNING

KOUNS DR.

N 11°24'13" E 35.02'

N 31°40'27" W 9.56'

N 57°56'41" E 4.96'

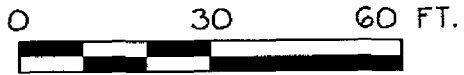
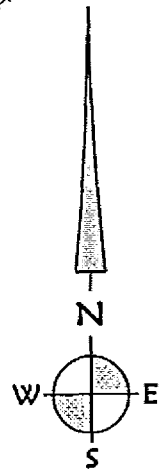
WATERLINE EASEMENT

S 11°24'13" W 129.12'

N 10°40'03" E 112.18'

PARTITION PLAT 1995-35
 PARCEL 2

PARTITION PLAT 1995-35
 PARCEL 3



SCALE: 1" = 30'

N 05°33'12" E 4.14'

S 06°21'30" W 25.47'

S 05°33'12" W 23.89'

PARTITION PLAT 1995-35
 PARCEL 1

N 84°46'30" W 20.00'

Date: 1/25/2011 Time: 13:38
 Scale: 1=30
 File: dwg\2008\08-27\easement_coa.dwg (Jamey M)



K & D ENGINEERING, Inc.
 276 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (541) 928-2583

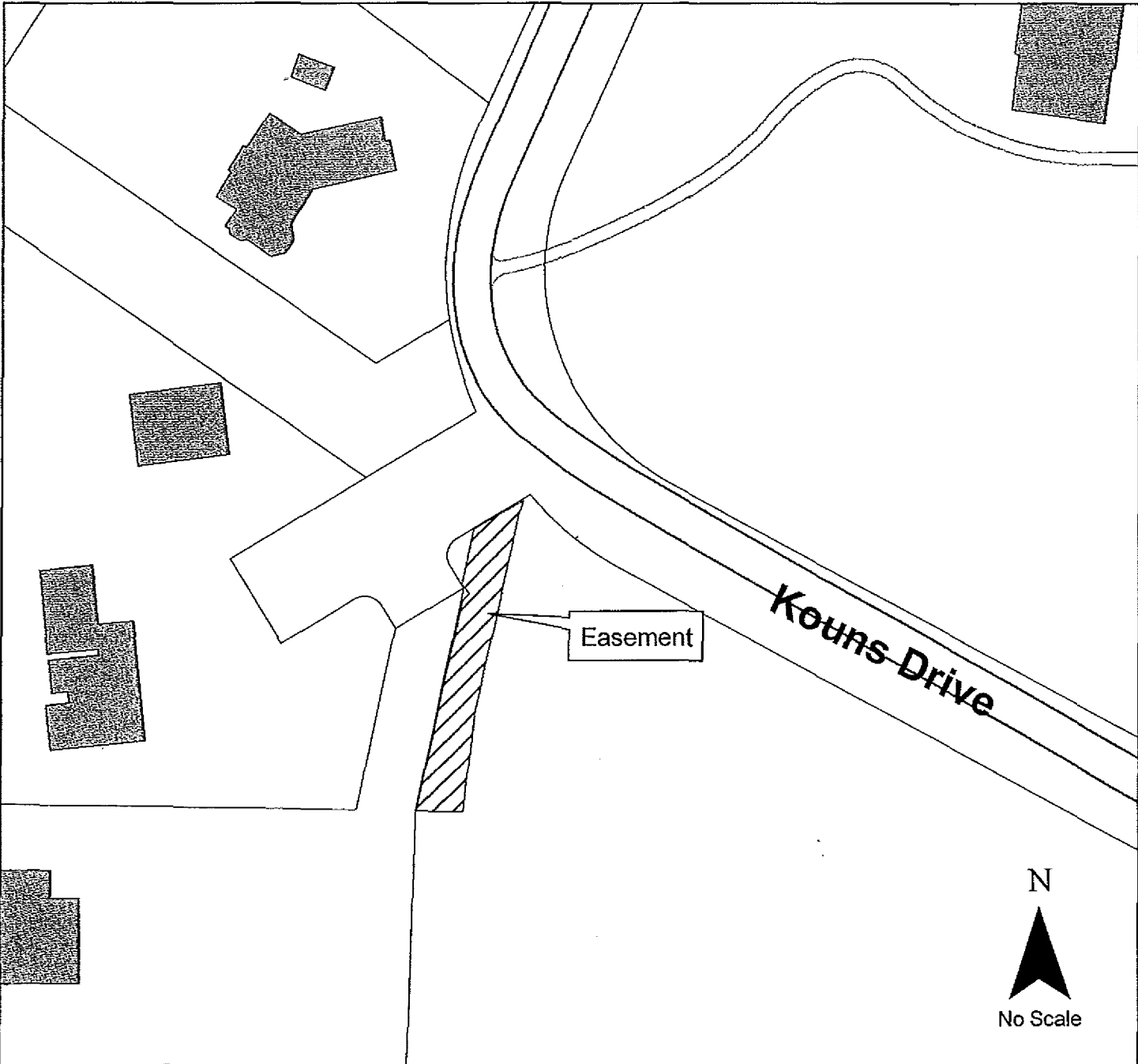
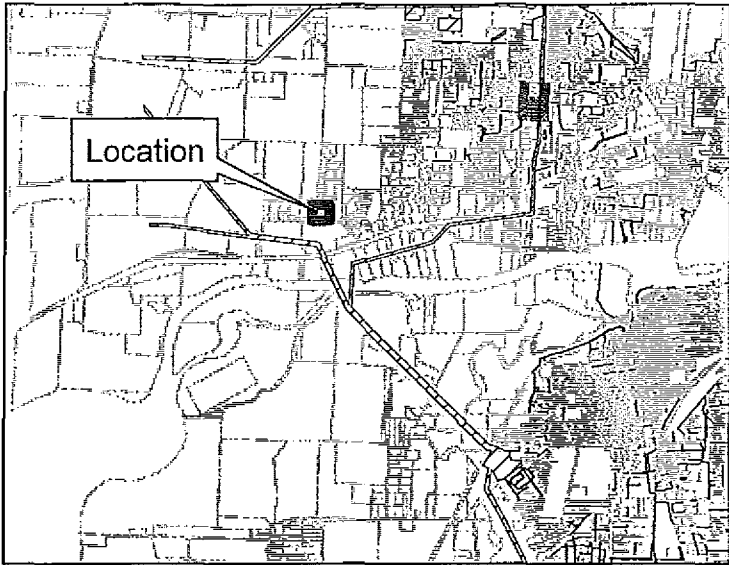
EXHIBIT C

11SO4W03A 01500

A variable width water line easement as part of a water line replacement project on Kouns Drive.



Geographic Information Services





TO: Albany City Council

VIA: Wes Hare, City Manager
 Diane Taniguchi-Dennis, P.E., Public Works Director *taniguchidennis*

FROM: Mark W. Shepard, P.E., City Engineer *MWS*
 Staci Belcastro, Civil Engineer III

DATE: March 10, 2011, for the March 23, 2011, City Council Meeting

SUBJECT: Award of Bid for BR-10-01, Columbus Street Bridge Repair

RELATES TO STRATEGIC PLAN THEME: A Safe City

Action Requested:

Staff requests that Council award this contract in the amount of \$151,450.01 to the low bidder, Capital Concrete Construction of Aumsville, Oregon.

Discussion:

On Tuesday, March 25, 2011, bids were opened for BR-10-01, Columbus Street Bridge Repair. There were seven bids submitted for this project, ranging from \$151,450.01 to \$215,121.00. The Engineer's estimate was \$160,000. A bid summary is included as Attachment I.

Project Description

This project includes repair of the Columbus Street Bridge located at Columbus Street over the Santiam-Albany Canal. The timber portion of the bridge is rotting and will be removed and replaced with new concrete supports and steel pile. In addition to bridge construction, the existing water line that crosses the bridge will be removed and replaced. A project vicinity map is included as Attachment A.

If the project is not completed this summer to address the rotting timber portion of the bridge, there will likely be a requirement to provide weekly inspections of the deteriorated areas of the bridge and possibly impose load limits.

Summary of Total Estimated Project Costs

Based on the project bid and anticipated related costs, a summary of the total estimated project cost is shown in the table below. The amounts have been rounded to the nearest \$100.

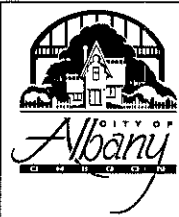
Project Components	Estimated Cost
I. Costs Maple Reservoir Seismic Improvements	
a. Consultant Design & Construction Engineering	\$ 10,000
b. City Engineering	\$ 15,000
<i>Engineering Subtotal</i>	\$ 25,000
II. Construction Costs Maple Reservoir Seismic Improvements	
a. Construction Contract	\$ 151,500
b. Contingency (10%)	\$ 15,200
c. Miscellaneous Project Costs	\$ 5,000
<i>Construction Subtotal</i>	\$ 171,700

<i>Total Estimated Project Cost</i>	\$ 196,700
<i>Project Budget</i>	\$ 165,000
<i>Under/(Over) Project Budget</i>	\$ (31,700)

Budget Impact:

Staff will work to minimize change orders and complete the Columbus Street Bridge repair close to the project budget. There are funds available in the Street Capital Projects Reserves to cover the estimated overage. This project will be funded from State Highway Fund (250-50-2700).

SLB:prj
Attachments (2)

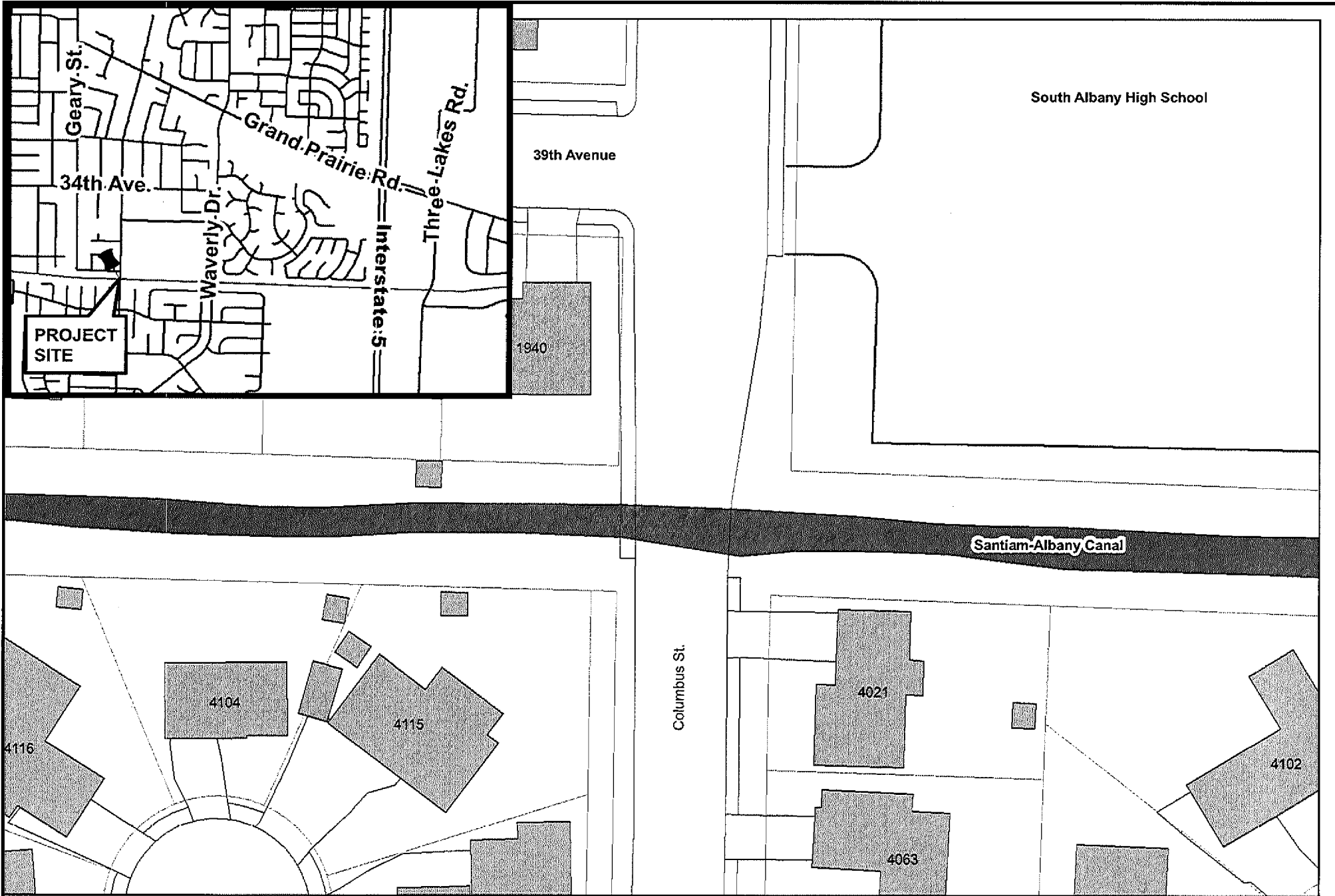


CITY OF ALBANY, OREGON
Public Works Department
Construction Contract Bids


Project: BR-10-01, Columbus Street Bridge Repair

Bid Opening: Tuesday, March 8, 2011

Engineer's Estimate	Capital Concrete construction, Inc.	Legacy Contracting, Inc.	Bergerson Construction, Inc.	2KG Contractors, Inc.
\$160,000.00	\$151,480.01	\$174,210.00	\$176,808.00	\$189,000.00
		Brown Contracting, Inc.	Jeff Carter Construction, Inc.	Deschutes Construction
		\$183,506.98	\$204,904.00	\$215,121.00



BR-10-01, COLUMBUS STREET BRIDGE REPAIR

 The City of Albany is pleased to have your business, and other contractors have been approved for many years. All work must be done in accordance with the City of Albany's standards and specifications. All the contractor's proposed work must be done in accordance with the City of Albany's standards and specifications. The City of Albany is not responsible for any errors or omissions on this map. Prior to making any property, our files or other information shown in full or in part upon the contractor's proposal, the contractor should verify the information that can be obtained from the City of Albany.

SITE MAP

Attachment A

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

0 25 50 Feet

SITE MAP

Attachment A

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



TO: Albany City Council

VIA: Wes Hare, City Manager
Diane Taniguchi-Dennis, P.E., Public Works Director *Diane Taniguchi-Dennis*

FROM: Jeni Richardson, P.E., Civil Engineer III *Jeni Richardson*
Ronald G. Irish, Transportation Systems Analyst

DATE: March 7, 2011, for the March 23, 2011, City Council Meeting

SUBJECT: Report on Final 2010-2013 Statewide Transportation Improvement Program

RELATES TO STRATEGIC PLAN THEME: ● Effective Government

Action Requested:

Information only. Receive the summary of Albany area projects in the final 2010-2013 Oregon Statewide Transportation Improvement Program.

Discussion:

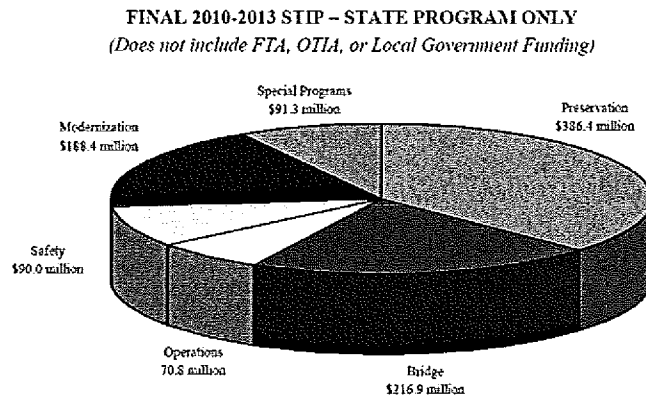
The Statewide Transportation Improvement Program (STIP) is Oregon's adopted four-year investment program for major state and regional transportation systems, including interstate, state, and local highways and bridges, public transportation systems, and federal and tribal roads. It covers all major transportation projects for which funding is approved and that are expected to be built or carried out during a certain time frame. Federal law requires that the Oregon Transportation Commission (OTC) adopt a new STIP every two years.

The STIP includes all major transportation projects and programs in Oregon that are funded with federal dollars. It also includes state-funded projects that relate to the state highway system, and "regionally significant" locally-funded projects in metropolitan areas that affect the state's transportation system. The STIP does not identify routine maintenance projects, but does identify major pavement repairs and overlays, especially those on interstate and regional highways.

The STIP is a project scheduling and funding document. It lists transportation projects that are in adopted city and county transportation system plans (TSP) or other metropolitan, state, or federal planning documents and that meet program eligibility and prioritization criteria.

The STIP only includes projects for which there is committed funding available. The largest five programs account for more than 90% of the funds. Most projects in the STIP are in the Preservation program and involve improvements to existing facilities, such as repaving a highway or protecting a road from a rock slide. The Modernization program is the program that funds projects that add capacity to the state's highway system. The STIP also includes project development work, such as engineering and environmental studies for future projects, and "earmarked" projects that are specifically designated in federal legislation.

The expected distribution of funding in this STIP cycle is shown in the figure below.



Projects in the Albany area include:

Work Type	Project Name	Year	Phase	Program Funds	Matching Funds
Pavement Preservation	US20: Corvallis-Albany Overlay	2011	Construction	\$4,958,000	STP
Operations	OR99E @ 53 rd Ave – Signal Modifications	2010	Design & Construction	\$293,000	Earmark
Safety	Rail Crossing Safety Project: Main St	2010	Design	\$175,000	STP-RR
Special Programs	Periwinkle Creek Trail	2010	Other	\$114,000	NREC-TR
Modernization	I-5: S Jefferson Interchange – US20 Interchange	2010	Design	\$3,825,000	NHS & Other

The fact that there are no Albany area projects beyond 2011 illustrates the fact that these funds are extremely limited and the statewide need is extremely large. The planning steps that precede the STIP process are important for positioning a project for future funding. For an Albany project to be considered, the project must first be included in an adopted TSP or rank high in statewide priority database for bridge and safety projects. To assure the project is ready; some must have or be able to secure the necessary environmental and preliminary design approvals. In addition, the availability of local matching fund is often a factor in project selection.

Albany participates in the STIP process through the Area Commission on Transportation (ACT), the advisory body that represents our area. ACT's focus primarily on the Modernization projects for their area. They evaluate the merits of potential projects using statewide criteria and they consider available funding along with regional and local community needs before making recommendations for the upcoming STIP cycle. Counselor Reid and Transportation System Analyst Ron Irish are Albany's representatives on the ACT.

Budget Impact:

None.

Jeni:kw