



NOTICE OF PUBLIC HEARING

**CITY OF ALBANY
PLANNING COMMISSION
City Council Chambers, 333 Broadalbin Street SW
Monday, February 25, 2013
5:15 p.m.**

REVISED 2/25/13

AGENDA

1. CALL TO ORDER (Chair Faller)
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. INTRODUCTIONS OF NEW COMMISSIONERS
 - a. Daniel (Dan) Sullivan
 - b. Danon Kroessin
5. COMMENTS FROM THE PUBLIC
6. APPROVAL OF MINUTES:
 - a. November 27, 2012 Planning Commission Meeting
7. QUASI-JUDICIAL PUBLIC HEARING

VC-02-12 & VC-03-12 – Applications for the Vacation of portions of the Madison Street right-of-way, north of Water Avenue (Planning file VC-02-12); and the Vacation of a portion of the Main Street right-of-way, north of Water Avenue (Planning file VC-03-12). The applicant for VC-02-12 is Edgewater Village LLC; and the applicant for VC-03-12 is the City of Albany.

PD-01-12; SD-01-12; and WG-01-12 -

- a. PD-01-12: An interim submittal for a Planned Development that would include 58 residential single-family lots and open space on about 6.37 acres (Edgewater Village).
 - b. SD-01-12: A Subdivision Tentative Plat that would divide the 6.37-acre Planned Development into 58 residential single-family lots and open space. The subdivision would be platted in six phases.
 - c. WG-01-12: A Willamette Greenway review for construction of a 58-unit Planned Development.
8. ACTIVITY UPDATE
 - a. **Appoint Hearings Board member for Post position - NEW**
 9. NEXT PLANNING COMMISSION MEETING DATES:
 - a. Monday, March 4, 2013 – Joint Planning Commission/City Council/Business Ready Taskforce
 10. ADJOURN

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.

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling 541-917-7500.

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CITY OF ALBANY
PLANNING COMMISSION
City Hall Council Chambers, 333 Broadalbin Street
Monday November 27, 2012
5:15 p.m.

MINUTES

Planning Commissioners present: David Faller; Dala Rouse; Michael Styler; Larry Tomlin; Lolly Gibbs

Planning Commissioners absent: Cordell Post; Kristin Richardson

Staff present: Heather Hansen, Planning Manager, Ron Irish, Transportation Systems Analyst, Anne Catlin, Lead Long Range Planner, Tari Hayes, Administrative Assistant

Others present: 7 others in audience

CALL TO ORDER

Chair Faller called the meeting to order at 5:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

COMMENTS FROM THE PUBLIC: None.

APPROVAL OF THE MINUTES:

- November 19, 2012 Planning Commission Meeting
- October 10, 2012 Joint Planning/City Council Meeting

MOTION: Tomlin moved to approve both sets of minutes as corrected. Gibbs seconded it. Motion **passed** unanimously.

CONSOLIDATED LEGISLATIVE PUBLIC HEARING: CP-04-12, DC-06-12 & ZC-07-12

This is a continued public hearing from November 19, 2012. The proposed action is the adoption of the South Albany Area Plan and is a legislative action. In this instance, however, only five parcels are affected by the map amendment aspects of the proposed plan. The City, therefore, has elected to give the notice that would customarily be given in a quasi-judicial proceeding (adjacent property owners within 300 feet) and to conduct the hearing with all the rights and procedural safeguards ordinarily afforded affected property owners in a quasi-judicial hearing.

Chair Faller opened the public hearing at 5:20 p.m.

DECLARATIONS: None

Hansen summarized the meeting procedures.

STAFF REPORT:

Hansen explained that the Planning Commission requested that staff return with some options for discussion that address issues raised at the Planning Commission meeting on November 19, 2012. She reviewed the issues outlined in the memo in the agenda packet.

1. OAK CREEK TRANSITION AREA – FRONTAGE VERSUS AREA

Mark Grenz and Matt Wellner both suggested that the development allowance only say "40% of frontage" and not also "40% of area" since that would be more restrictive in some cases.

Hansen said staff had expressed concern about how there may be unintended consequences based on how it could be interpreted by other developers. Therefore revisions are proposed to Article 8 to only include 40 % of the subject site's frontage on the north side of the Oak Creek Parkway. Additional language and graphics are proposed to ensure a continuous view of the Oak Creek corridor and associated open spaces that are not obstructed by the development area. This is necessary to maintain visual and physical access to Oak Creek from the Oak Creek Parkway

2. OAK CREEK TRANSITION AREA – 40% VERSUS 50%

Matt Wellner requested that the allowance for development in the OCTA be increased from 40% to 50%.

Hansen explained that the original proposals were in the 20-30% range. The number was increased to 40% after discussions with property owners. If development in the OCTA is designed as envisioned, 50% could work. Due to wetlands and other constraints, it will be difficult to reach in many cases anyway.

3. PLAN DESIGNATION FOR PORTION OF SITE #1

Mark Grenz requested that a 15-20 acre portion of the property be redesignated from URR (Urban Residential Reserve) to MDR (Medium Density Residential) instead of to IL (Industrial-Light) as shown on the SAAP Land Use Plan.

Hansen said she asked SAAP transportation consultant, Susan Wright, PE of Kittleson & Associates if there would be significant impacts to the transportation system from redesignating the property to Medium Density Residential, instead of Industrial-Light, and whether or not additional analysis will be needed prior to adopting the SAAP. Hansen explained that Ms. Wright did a trip generation comparison on 11/21 and informed staff that both single family residential (at 12.7 units per acre) or apartments (at 20 units per acre) have substantially more trips than 20 acres of industrial park; more than twice the average weekday trips – 1,223 for Industrial Park, 2,418 for Single-family, and 2,600 for Medium Density Residential.

The proposed request to MDR would likely require Transportation Planning Rule (TPR) analysis since the trip intensity is more than what was assumed in the TSP. Hansen explained that keeping the land designated URR or designating it as proposed in the SAAP would not require the TPR analysis because the TSP modeling assumed the land would be industrial. Staff recommends leaving the site shown as industrial in the South Albany Area Plan but do not change the Comprehensive Plan designation now.

Hansen reviewed input from the Plan consultant, noting that a change to MDR would set the stage for a conventional "introverted" apartment complex, as opposed to being an integrated part of a complete and great neighborhood. This is due to physical barriers surrounding the site: the railroad, the elevated Ellingson railroad over-crossing, and the business park. In that respect, it doesn't meet the vision and objectives for South Albany.

Hansen noted that Mr. Grenz had asked if we could do something similar to what the state is doing with the Council of Governments (COG) regarding permitting for industrial land. City staff has been working with staff from the Oregon departments of State Lands and Land Conservation and Development to develop a streamlined permitting process for development in the South Albany Plan area. This is experimental and could take a year to complete.

4. OAK CREEK PARKWAY ALIGNMENT ON WEST SIDE OF COLUMBUS

Matt Wellner proposed that an "Area of Interest" be added to the SAAP maps, and that a note be added to Article 8.

Hansen described the unique situation of the Oak Creek parkway alignment just west of Columbus. She explained that depending on the location of the wetlands, we may not need the parkway and the Seven Mile Lane crossing. She said the note shown on the Land Use Plan that was handed out at the November 19, 2012 Planning Commission meeting would not be workable to add this to all SAAP maps, so staff proposes to either maintain status quo – no changes– recognizing that there are already caveats on the maps, and in the Comprehensive Plan and Development Code or make changes to the legend on the Street Framework map and add the text to the Comprehensive Plan.

5. OAK CREEK PARKWAY ALIGNMENT ON EAST SIDE OF COLUMBUS

Kent Chapman had asked why the proposed parkway "drops down" from the existing access road and goes through his property instead of just following the access road to the north.

Hansen explained the parkway alignment east of Columbus can change. The key is the intersection of the road at Columbus. The alignment dipped ~~it~~ down to avoid the grove of trees and create the opportunity for the tree grove to become part of the Oak Creek-corridor.

Hansen referred to Attachment C, an email from Ron Litwiller dated November 20, 2012, be submitted into the record. Litwiller was confident that the road alignment could be worked out between Mennonite Village and Mr. Chapman that would achieve the City's goals. Hansen said the diagram could be revised to move the parkway to the property line.

6. ALLOWING ATTACHED SINGLE FAMILY, DUPLEXES, AND 3- OR 4-UNIT STRUCTURES

Hansen noted that some commissioner had expressed concern about allowing 3- and 4-unit developments when transferring density in the Oak Creek Transition Area or to protect tree groves elsewhere.

She explained that these units could not be more than 25% of the total number and developments-could not exceed the maximum density by zoning district. Some single-family housing developments manage to mix in 2-unit and 3-units in a manner that is compatible with the neighborhood; but perhaps allowing 3- and 4-units in the mix is too much of an allowance.

Commissioner comments and questions on the staff report:

There was discussion to clarify what types of plans would come before the Commission for approval and what would not, such as some commercial. The Director has discretion to kick it up to the Planning Commission if warranted.

Tomlin asked if streets that dead-end to allow visibility to the Creek should be removed from the 40 or 50 percent calculation. After some discussion, Hansen concluded by explaining that streets are development and would not be part of the undeveloped portion.

PUBLIC TESTIMONY:

Steve Kerr, 2575 Seven Mile Lane, Albany - Kerr is glad the City has a comprehensive plan for the area as he doesn't want random development. His property borders the Mennonite property. He asked for a better explanation for the road that looks like it runs through his backyard.

Irish explained that the exact location of the roads is "shiftable" and this design was only intended to show a road connection between I-5 and Seven Mile Lane.

Matt Wellner – Metropolitan Land Group (Metro), 17933 NW Evergreen Parkways, Suite 300, Portland - Wellner was very supportive of the plan and remarked on the ease of manner staff has dealt with his concerns and issues raised. Remaining concerns would be resolved if the percentage could be raised, he would like 50%.

Metro would be in support of Item #3 – changes regarding Epping’s property. However he is concerned about the time that it would take to perform the transportation analysis, slowing down the adoption of the SAAP. Metro is starting to move development forward.

He explained his request to label an area of concern along the Oak Creek Parkway on the Metro property since they do not know where the wetlands are located and it may affect the alignment of the parkway.

Gibbs asked Wellner if he supported staff’s proposal regarding the Oak Creek Transition Area development allowance changing from area to frontage. Wellner noted his preference to change the language, option B in the memo.

Mark Grenz – Multi-Tech Engineering, 1155 13TH Street, S.E., Salem - The staff effort is great in providing options. Grenz would support the following options outlined in the staff memo:

Item #1 – B: 40% of frontage versus 40% of area;

Item #2 – B: 50% is better, noting that if you don’t take advantage of development on the north side of the parkway, how it will be funded;

Item #3 – B: Grenz asked that the Plan designation stay URR for now noting it is more difficult to change the Plan from IL than the other way;

Item #4 – This doesn’t impact his client but supports option B;

Item #5 – A: Status quo; and

Item #6 – A: He asked not to constrain the plan and take away the creative aspect of development; design guidelines will help to achieve the goals.

Rouse asked Grenz a number of questions about the historic sites, wetlands, creek beds etc on Mr. Epping’s property. They also discussed soil and historical issues with the property.

STAFF RESPONSE: None.

Chair Faller closed the public hearing at 6:09 pm.

PLANNING COMMISSION DISCUSSION:

Rouse would like to eliminate the trail through the Mennonite property and eliminate the trail on the north side of the creek completely. She also raised concerns about the cost of the creek crossings.

Faller believes the plan will enhance the entire area and that the Commission should honor the desires of the advisory committees, who’ve been working on this for the past 18 months.

Gibbs thinks the concept is good and some trails will have more visibility than others. She noted that eliminating the north trail could lead to neglect of the area. She likes the idea of walkable neighborhoods and noted that the specifics on how a development interacts with the trail system will be determined through the development process.

Styler expressed concern about the Creek crossing by the Mennonite Village. Irish explained that trails and creek crossing will likely be city initiated and not developer initiated.

MOTION:

The Commission agreed to vote on the options for modifications to the Development Code as presented in the staff report. The results were as follows:

1. OAK CREEK TRANSITION AREA – FRONTAGE VERSUS AREA

- B. Change language and diagrams to clarify intent of "40% of frontage" as described in Attachment A.

2. OAK CREEK TRANSITION AREA – 40% VERSUS 50%
 - B. Change to 50%

3. PLAN DESIGNATION FOR PORTION OF SITE #1
 - B. Leave area URR, but show it as Industrial in SAAP diagrams. Then when they are ready to develop, they can address any transportation analysis requirements and present their case for why some of it should be Medium Density Residential instead of Industrial as shown in the SAAP. The property will also need to be annexed, and the zoning can be determined by the City at that time.

4. OAK CREEK PARKWAY ALIGNMENT ON WEST SIDE OF COLUMBUS
 - B. After some discussion and explanation by Irish, the Commission agreed to make the changes as requested by Wellner to the Street Framework map in the Plan and the Plan text.

5. OAK CREEK PARKWAY ALIGNMENT ON EAST SIDE OF COLUMBUS
 - A. Status quo – no changes – recognizing that there are caveats on the maps and in the Comprehensive Plan that reinforce that the actual location may vary.

6. ALLOWING ATTACHED SINGLE FAMILY, DUPLEXES, AND 3- OR 4-UNIT STRUCTURES
 - C. Limit additional housing types in Single-Family zones to 2-units.

Styler made a motion to recommend that City Council approve the proposed Zoning Map Amendments, the proposed Comprehensive Plan Map and text amendments related to the South Albany Area Plan adoption and the Development Code amendments as modified above.

Tomlin seconded the motion. Motion **passed** unanimously.

ACTIVITY UPDATE:

Hansen reminded Commissioners that there were 3 vacancies on the Commission.

The Commission voted to appoint the following to the Hearings board; Dala Rouse, Lolly Gibbs and Cordell Post as members, with Larry Tomlin as the alternate.

NEXT MEETING:

Monday, December 3, 2012 – City Open House for Boards and Commissions.

ADJOURNMENT:

Hearing no further business, Commission Chair Faller adjourned the meeting at 8:35 p.m.

Submitted by

Reviewed by

Tari Hayes
Administrative Assistant

Heather Hansen
Planning Manager



Community Development Department

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

Phone: 541-917-7550 Facsimile: 541-917-7598
www.cityofalbany.net

STAFF REPORT

Vacation (Public Street Rights-of-Way) VC-02-12 and VC-03-12

<u>HEARING BODIES</u>	PLANNING COMMISSION	CITY COUNCIL
<u>HEARING DATES</u>	Monday, February 25, 2013	Wednesday, March 27, 2013
<u>HEARING TIMES</u>	5:15 p.m.	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers	Council Chambers
	Albany City Hall, 333 Broadalbin Street SW	

EXECUTIVE SUMMARY

The vacation applications propose to vacate portions of the Madison Street and Main Street rights-of-way north of Water Avenue to provide additional land for the proposed Edgewater Village development. The developers have applied for a Planned Development on adjacent property that incorporates these sections of right-of-way into their development layout.

The five (5) Vacation review criteria are addressed in detail in the staff report below.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission make a recommendation to the City Council to approve these vacation applications with the following condition.

The requested vacation is consistent with relevant Comprehensive Plan policies and with any street plan, city transportation or public facility plan. – Criterion 1.

- 1.1 A 30-foot wide public utility easement will be retained over an existing public sanitary sewer interceptor main within the Madison Street vacation area. This will allow access to public utilities within the vacated area and provide adequate clearance from any permanent structures.

GENERAL INFORMATION

DATE OF REPORT:	February 18, 2013
FILES:	VC-02-12 and VC-03-12
TYPE OF APPLICATION:	Vacation of portions of the Madison Street and Main Street rights-of-way, north of Water Avenue.
REVIEW BODIES:	Planning Commission and City Council
APPLICANT:	Edgewater Village LLC; City of Albany
ADDRESS/LOCATION:	Madison Street and Main Street, north of Water Avenue. (Attachment A)
MAPS/TAX LOT:	Public street rights-of-way and adjacent properties are shown on Linn County Assessor's Map No. 11S-03W-06DA and 11S-03W-06DC
TOTAL LAND AREA:	VC-02-12: approximately 5,720 square feet (total) VC-03-12: approximately 3,360 square feet

PURPOSE OF REQUEST:	Vacation of public rights-of-way to allow for proposed development.
EXISTING LAND USE:	Unimproved public rights-of-way
SURROUNDING ZONING:	WF (Waterfront) south and west; RM (Residential Medium Density) and RS-5 (Residential Low Density) east; (Attachment B).
SURROUNDING USES:	Undeveloped property.

NOTICE INFORMATION

The site was posted on February 8, 2013, in accordance with Section 1.410 of the Albany Development Code. Two legal notices are being published in the *Albany Democrat-Herald* on February 11, 2013, and February 18, 2013, in accordance with Oregon Revised Statute (ORS) 271.110. At the time this staff report was prepared (February 18, 2013), the Albany Planning Division had received no comments.

APPEALS

Within five days of final action on this application, the Community Development Director will provide written notice of the decision to the applicant and any other parties entitled to notice.

If the Planning Commission's recommendation is for approval of this application, the application will be forwarded to the City Council for a public hearing and decision.

If the Planning Commission's decision is to deny this application, the applicant may appeal the decision to the City Council by submitting a completed Notice to Appeal application and the associated filing fee to the Planning Division within 10 days from the date the City mails the notice of decision.

STAFF ANALYSIS

Vacation File VC-02-12 and VC-03-12

OVERVIEW

The areas in question for VC-02-12 are portions of the Madison Street right-of-way that lies north of Water Avenue. This section of right-of-way from Water Avenue to the Willamette River is approximately 370 feet long. The property was dedicated as public street right-of-way with the Hackleman's Addition subdivision in 1882. Madison Street is an unimproved public street right-of-way that dead ends at the Willamette River to the north. This section of Madison Street has historically been used by a variety of industrial uses on the adjacent properties for access and parking. The proposal is to vacate sections of the right-of-way to allow for the applicant to use the property in the proposed Edgewater Village development.

The area in question for VC-03-12 is a portion of the Main Street right-of-way that lies north of Front Avenue. This section of right-of-way from Front Avenue to the Willamette River is approximately 220 feet long. The property was dedicated as public street right-of-way with the Hackleman's Third Addition subdivision in 1887. Main Street is an unimproved public street right-of-way that dead ends at the Willamette River to the north. This section of Madison Street has historically provided access to a variety of industrial uses on the west side of Main Street. The proposal is to vacate a section of the right-of-way to allow for the applicant to use the property in the proposed Edgewater Village development. If vacated, the right-of-way will initially revert to City ownership as part of Tax Lot 1800 (community garden parcel). In order to use this area as shown, the applicant must obtain the property from the City after the vacation is approved.

The Albany Development Code (ADC) contains the following review criteria which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings, conclusions, and conditions where conditions are necessary to meet the review criteria.

Criterion (1) The requested vacation is consistent with relevant Comprehensive Plan policies and with any street plan city transportation or public facility plan.

FINDINGS OF FACT

1.1 The following Comprehensive Plan policies have been identified as relevant to this review criterion:

GOAL 11: Public Facilities and Services

- a. Prohibit the construction of structures over public water lines and easements.
 - b. Prohibit the construction of structures over drainage improvements and easements.
 - c. Prohibit the construction of structures over public wastewater lines and easements.
- 1.2 Sanitary Sewer. Sanitary sewer utility maps indicate that a 30-inch public sanitary sewer main exists in a portion of the area proposed for vacation in Madison Street (Attachment C). The public sewer main on each side of Madison Street is protected by a 30-foot wide public utility easement. A 30-foot wide public utility easement (centered over the main) will be required for the sewer main that runs through the portion of Madison Street to be vacated.
- 1.3 Water. Water utility maps indicate that no public water mains exist in the portions of the rights-of-way proposed for vacation (Attachment C).
- 1.4 Storm Drainage. Storm drainage utility maps indicate that no public storm drainage facilities lie within the areas proposed for vacation, but a 15-inch storm drain main does run within the Madison Street right-of-way parallel to the areas proposed for vacation in Madison Street (Attachment C).
- 1.5 Other Utilities. City staff has contacted the various franchise utility providers about the proposed right-of-way vacation. We received no response to our request for information from any of these franchise utilities.
- 1.6 Transportation. The rights-of-way proposed for vacation are within dead-end sections of Madison Street and Main Street located north of Water Avenue. The existing public street rights-of-way are 66 feet wide, and extend northerly to the Willamette River. The streets are classified as local streets and are not improved. Historically, the rights-of-way have been used as access and parking for the adjacent industries.
- 1.7 Transportation. The City's Transportation System Plan (TSP) does not identify these rights-of-way as being part of the city's arterial/collector street system, nor does it anticipate any future construction of public street improvements in the rights-of-way.

CONCLUSIONS

- 1.1 A 30-inch public sanitary sewer main lies within the portion of right-of-way proposed for vacation in the northern section of Madison Street.
- 1.2 The proposed vacation does not conflict with Albany's TSP.
- 1.3 There are no plans for improving or extending these streets.
- 1.4 A public utility easement is needed to protect the existing public sanitary sewer that lies within the area to be vacated in the northern section of Madison Street.

CONDITION

- 1.1 A 30-foot wide public utility easement must be retained over the existing public sanitary sewer main that runs through the northern section of the proposed vacation within Madison Street. This will allow access to the public main within the vacated area, and will assure that no structures are built too close to the main.

Criterion (2) The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.

FINDINGS OF FACT

- 2.1 These sections of public right-of-way are unimproved, and have historically served only as access and parking for the industrial uses that have existed on the adjacent parcels. The parcels on both sides of the Madison Street right-of-way are owned by Edgewater Village LLC; the Main Street right-of-way north of Front Avenue is bounded on the west by property owned by Edgewater Village LLC, and on the east by property owned by the City of Albany.
- 2.2 Vacation of the subject areas would not land-lock or deny access to any existing parcel. The southern portion of Madison Street to be vacated would leave a 54-foot wide right-of-way, which is the current City standard for local streets. The northern portion of the Madison Street vacation area would leave a 30-foot wide right-of-way that would accommodate a future pedestrian/bicycle link to the Dave Clark Riverfront Path. The portion of Main Street proposed for vacation would also leave a 30-foot wide right-of-way that would accommodate a future pedestrian/bicycle link to the Riverfront Path.
- 2.3 Once vacated, the areas within Madison Street would be incorporated into the applicant's properties on both sides of the street right-of-way. Once vacated, the area within the Main Street right-of-way will become part of the City-owned parcel on the east side of Main Street.
- 2.4 If the vacations are not approved, the proposed development layout for the Edgewater Village project would need to be modified.
- 2.5 The northern portion of Madison Street right-of-way proposed for vacation includes a section of public sanitary interceptor sewer. A 30-foot wide public utility easement is required over this public main due to its size and depth. The required public utility easement will assure access rights to the main and prevent construction of permanent structures over the main.

CONCLUSIONS

- 2.1 Once vacated, the developer's intent is to utilize the areas for development with residential structures as indicated in the Edgewater Village planned development layout.
- 2.2 The proposed vacations would leave unobstructed sections of public right-of-way that would allow for access from Water Avenue to the Dave Clark Riverfront Path.
- 2.3 A public utility easement will be needed over the existing public sewer main that runs through the area proposed for vacation in the northern portion of the Madison Street right-of-way.

Criterion (3) The requested vacation will not have a negative effect on traffic circulation or emergency service protection.

FINDINGS OF FACT

- 3.1 The sections of public rights-of-way affected are unimproved dead-end streets. The Madison Street section is bounded on both the east and the west by properties owned by the applicant (Edgewater Village LLC), and does not provide access to any properties other than the applicant's. The Main Street section is bounded on the west by property owned by the developer (Edgewater Village LLC) and on the east by property owned by the City of Albany.

- 3.2 When vacated, the applicant's proposal is to incorporate the vacated areas into the Edgewater Village development.
- 3.3 The vacation of the Main Street section will not deny access to the City-owned parcel, as it can be accessed from Front Avenue on the south. Nor, will the vacations affect emergency vehicle access to any surrounding properties.

CONCLUSION

- 3.1 The requested vacation will not have a negative effect on traffic circulation or emergency vehicle access.

Criterion (4) The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.

FINDINGS OF FACT

- 4.1 This portion of the Madison Street right-of-way was initially dedicated as part of the Hackleman's Addition subdivision plat in 1882. The right-of-way to be vacated in Madison Street will be incorporated into the adjacent properties to the west and east (both properties owned by Edgewater Village LLC).

The portion of the Main Street right-of-way to be vacated was initially dedicated as part of the Hackleman's 3rd Addition subdivision plat in 1887. This area will revert to the property on the east side of the right-of-way owned by the City of Albany, because the right-of-way was initially dedicated entirely from property to the east.

- 4.2 The areas to be vacated are currently not being used for public access to any parcels. The rights-of-way are not improved and dead end to the north at the Willamette River.
- 4.3 The areas proposed for vacation in Madison Street would be incorporated into the parcels adjacent to the vacated property. The area proposed for vacation in Main Street would become part of the City-owned property on the east side of Main Street. Upon future development of the property, the vacated areas must be developed according to the Development Code requirements in effect at the time of development.

CONCLUSION

- 4.1 All parcels that will incorporate the vacated areas are currently undeveloped. Future development of any of these parcels must be accomplished in accordance with the Albany Development Code.

Criterion (5) The public interest, present and future, will be best served by approval of the proposed vacation.

FINDINGS OF FACT

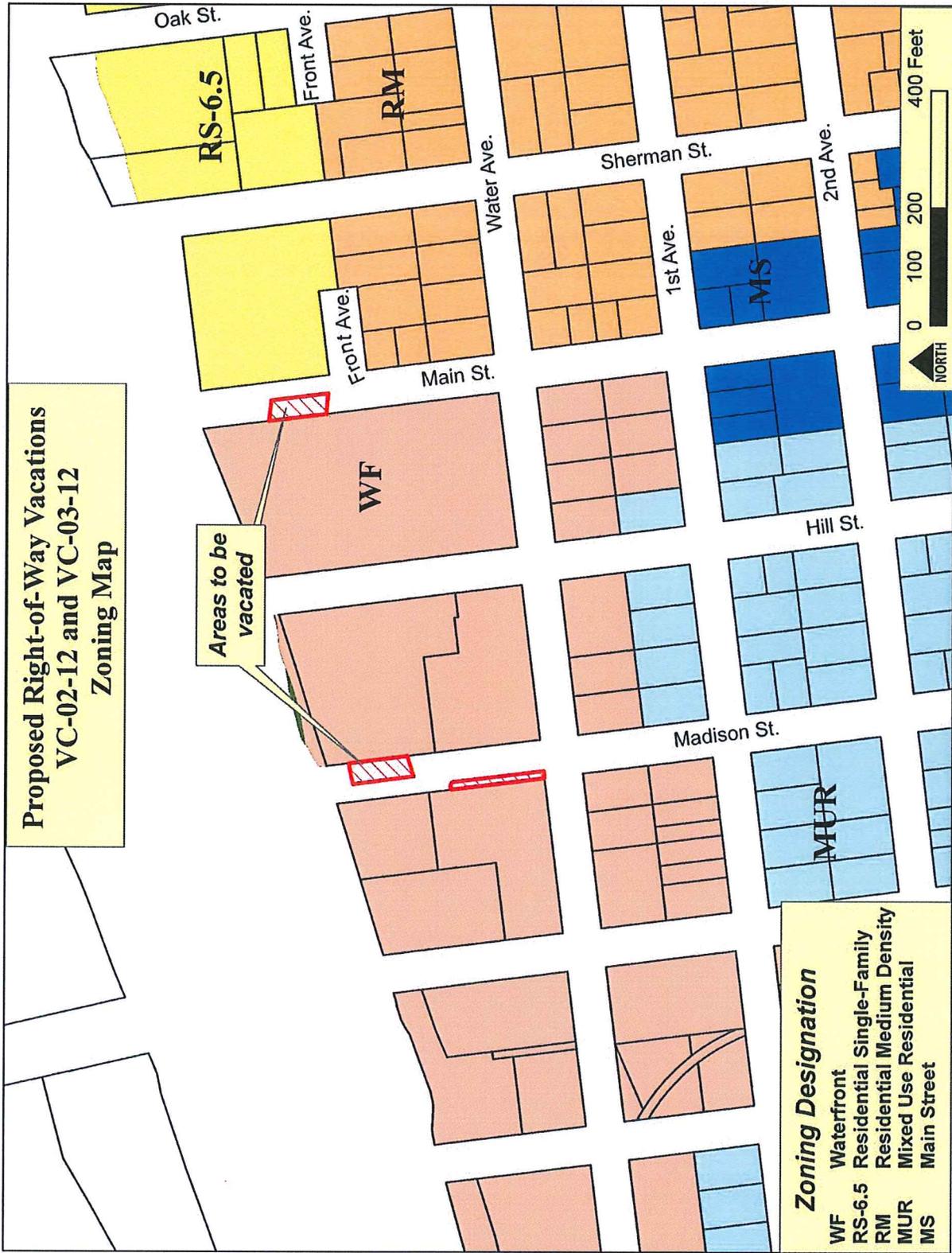
- 5.1 The areas proposed for vacation lie within dead-end public rights-of-way. The areas to be vacated are currently not being used for access to any parcels.
- 5.2 It will be necessary to maintain a public utility easement over the northern portion of Madison Street to be vacated to allow for access to the existing public sewer main, and to assure that no structures are built over the main.
- 5.3 Vacation of the sections of right-of-way will not impact other properties, as the rights-of-way are currently unimproved and dead-end at the Willamette River.

CONCLUSION

- 5.1 Vacating these sections of the right-of-way will not adversely impact the public interest.



Attachment A – Location Map



**Proposed Right-of-Way Vacations
VC-02-12 and VC-03-12
Utility Map**



Attachment C – Utility Map



Community Development Department

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

Phone: 541-917-7550 Facsimile: 541-917-7598
www.cityofalbany.net

STAFF REPORT

PD-01-12/SD-01-12/WG-01-12

Planned Development, Subdivision, and Willamette River Greenway Review Edgewater Village

<u>HEARING BODY</u>	Planning Commission
<u>HEARING DATE</u>	Monday, February 25, 2013
<u>HEARING TIME</u>	5:15 p.m.
<u>HEARING LOCATION</u>	Albany City Hall Council Chambers, 333 Broadalbin Street SW

EXECUTIVE SUMMARY

The proposed development is a 58-unit residential community featuring single family detached and attached units with open space areas. It is situated north of Water Avenue up to the southern bank of the Willamette River, bordered on the east by Main Street, and to the west by the railroad trestle within the Lafayette Street right-of-way. The planned development will occur in six phases with construction on the first phase beginning in summer 2013. The property where Edgewater Village is proposed is currently zoned Waterfront (WF), a Village Center zoning designation together with a Willamette River Greenway (/WG) overlay.

The owners of the property are George Diamond and Randy Myers, and their representative is Rich Catlin, Reece & Associates. The property is located at 1055 Water Avenue NE, 240 Hill Street NE, and 200 Madison Street NE (Attachment I). Three land use applications are considered in this report: a Planned Development (PD-01-12); a 58-lot residential subdivision (SD-01-12); and a Willamette River Greenway Review (WG-01-12). Together they will be processed as a Type III review. The approval criteria for these applications are found in Albany Development Code (ADC) Sections 11.310, 2.450, 11.180 and 6.540. These are addressed in detail in the staff report below. This application was deemed complete on October 2, 2012. At the request of the applicant, two Type IV applications for street vacations related to the project were submitted under separate cover and are not addressed in this staff report (see files VC-02-12 and VC-03-12), except as conditions of approval.

APPLICATION REVIEW PROCESS

Planned Development Application: A Planned Development is reviewed in three steps. The first step is a Preliminary application. The Preliminary application generally describes the Planned Development that is proposed. The application is reviewed by City staff. The preliminary application for 60 residential single-family lots and open space at Edgewater Village was reviewed and approved on August 6, 2012 (Attachment III).

The second step in the Planned Development review process is the Interim application. The Interim application is the one that is reviewed in this staff report. The Interim application for Edgewater Village proposes 58 residential single-family lots and open space on about 6.37 acres.

The Interim application requires responses to the review criteria listed in Albany Development Code (ADC) 11.310 and a subdivision application if the land is to be divided. The Interim application is reviewed by the Planning Commission. This staff report goes to the Planning Commission for a decision.

The third step is the Final approval. Information such as the location of sewer and water services, and detailed building and landscaping plans are required for final approval. When a subdivision is proposed as part of the Planned Development, as is the case with Edgewater Village, this information is provided with a subdivision application concurrent with the Interim submittal. The Final submittals are reviewed by Planning staff to make sure they comply with conditions of approval of the Interim submittal.

Subdivision Application: The proposed Planned Development includes residential single-family subdivision lots and open space tracts. A Subdivision application is required to divide the property into lots and tracts.

Subdivisions are reviewed in two steps, Tentative and Final Plat. The first step is the Tentative Plat application. The Tentative Plat application is the application reviewed in this staff report. The Subdivision Tentative Plat for Edgewater Village proposes to divide 6.37 acres into 58 residential single-family lots and open space tracts.

Typically, there are conditions of approval of the Tentative Plat. Conditions of approval generally require construction of public infrastructure, such as sewer and water lines. When the conditions of approval are met, the Final Plat is submitted to the City for approval.

Willamette River Greenway Application: The purpose of the Willamette River Greenway overlay district is to guide development along the Willamette River in order to preserve the existing scenic, use and natural features. Normally an application for Willamette River Greenway Use is reviewed as a Type II procedure (staff review with opportunity to request a public hearing), but the design elements associated with the Greenway review are inseparable from the design elements of the Interim Planned Development. Therefore, review of the Greenway application is consolidated with the Interim Planned Development and Tentative Subdivision applications.

Site Plan Review as part of Planned Development: As part of the requirements for a Planned Development, ADC 11.310 requires that the Site Plan Review Criteria listed in ADC 2.450 be met. A separate application for Site Plan Review is not required.

The applicant's written findings and site plan set are included as Attachments V and VI in this staff report.

STAFF RECOMMENDATION

APPROVAL with the **FOLLOWING CONDITIONS**, as referenced in this report:

INTERIM PLANNED DEVELOPMENT

- 3.1 Acquisition of vacated street areas will be tied to specific phases of the development. Development of Phases "B," "C," and "E" will not be permitted as proposed unless the street vacations are approved by the City and acquired by Edgewater Village.
- 3.2 It will be considered a major change to approved plans if one or more vacation(s) is not approved. This would require review under the same procedure used for final approval for the specific phase of development the vacation was to benefit.
- 5.1 The placement of pedestal or bollard-style pedestrian lighting, two benches, and trailhead signage where each internal path intersects with the Dave Clark Riverfront Trail will be considered "exceptional treatment of open spaces" in lieu of providing suitable indoor recreation facilities. Timing and placement of these amenities shall be coordinated with the City's Parks and Recreation Director and approved by the Planning Division.
- 5.2 Installation of the amenities may be deferred to completion of Phase "B" of the development for the Main Street path, and Phase "C" of the development for the Hill Street mini-plaza and Madison Street path.

PUBLIC UTILITIES

- 1.1 Before the City will issue building permits or sign the final subdivision plat for any of the proposed phases of the development, the applicant must construct public utilities as needed to provide direct access for sewer and water service to those lots. Public storm drainage facilities must be constructed in conjunction with public street improvements. The final design for all public infrastructure must be reviewed and approved by the City's Public Works Department under a Permit for Private Construction of Public Improvements.
- 1.2 Before the City will issue building permits or sign the final subdivision plat for any of the proposed phases of the development, the applicant must provide the required public right-of-way and/or public utility easements to accommodate the needed public utilities to serve the development. The right-of-way and easements must be shown on the subdivision plat.

The applicant can opt to provide the City with appropriate financial assurances for the construction of the required public utilities in order to obtain building permits.
- 1.3 Prior to final plat approval for each phase, submit plans clearly identifying how the required fire apparatus access, including any temporary access roads, will be provided.
- 1.4 Automatic sprinklers are required in each home and shall be maintained in effect for as long as the rail line is actively carrying traffic.
- 1.5 Prior to final plat approval for each phase, submit plans clearly identifying how the required fire hydrant location and spacing will be provided.

LANDSCAPING

- 4.1 Prior to final plat approval for each phase, submit final landscaping plans for review and approval by the City Planning Division, Parks and Recreation, and Public Works Departments. All work done in right-of-ways shall be done in accordance with City of Albany Standard Construction Specifications.

TENTATIVE SUBDIVISION PLAT

General Conditions:

- 3.1 The applicant shall obtain a site improvement permit from the Public Works Department prior to construction of any public improvements.
- 3.2 All interior streets and alleys shall be constructed to city standards. Public alleys shall be concrete. Improvement width and location shall be as shown on the site plan unless specifically altered by a condition herein. The applicant shall dedicate public right-of-way for all new public streets and alleys.
- 3.3 The applicant shall construct a 5 foot sidewalk along the south boundary of the development with the construction of phases adjoining Water Avenue. The sidewalk must be located within right-of-way or a dedicated easement, and be separated from the railroad track by a barrier such as a fence or wall. The edge of the fence or wall must have at least 8.5 feet of clearance to the nearest adjoining rail track, and its material and design must be approved by the City.
- 3.4 Public sidewalk shall be installed with new street construction along the frontage of all non-developable lots and tracts that are within or adjoining the boundary of the development.

Phase "A" Conditions:

- 3.5 A revised Crossing Zone Order for the Main Street crossing shall be obtained from Oregon Department of Transportation (ODOT) Rail prior to the construction of any public improvements. The applicant shall provide a completed crossing order application for submittal by the City to ODOT Rail.
- 3.6 Main Street shall have a curb to curb width of 30 feet.
- 3.7 The adjoining portions of public alleys A and B shall be constructed with this phase.
- 3.8 The southbound Main Street approach to Water Avenue shall be designed to provide drivers stopped at the stop bar with a minimum of 250 feet of sight distance to a train approaching from either direction. The stop bar will be located 15 feet behind the nearest rail, with an assumed driver position of 4 feet behind the stop bar.

Phase "B" Conditions:

- 3.9 Front Avenue shall have a curb to curb width of 30 feet and a right-of-way width of 54 feet.
- 3.10 The public alleys adjoining lots 8-13 and 15 shall be constructed with this phase.
- 3.11 The applicant shall construct a 10 foot wide concrete path east of lot 19 between Front Avenue and the Dave Clark Riverfront Trail.

Phase "C" Conditions:

- 3.12 Front Avenue shall have a curb to curb width of 30 feet and a right-of-way width of 54 feet.
- 3.13 A revised Crossing Zone Order for closure of Hill Street shall be obtained from ODOT Rail prior to construction of any public improvements. The applicant shall provide a completed crossing order application for submittal by the City to ODOT Rail.
- 3.14 Hill Street shall be improved from Front Avenue to the south boundary of Lot 13 and shall have:
 - A five foot sidewalk and 7.5 foot landscape strip along both sides of the road. Sidewalk construction on the east side may be deferred to lot development.
 - A 22 foot wide vehicle travel way.
 - 90 degree parking with a width of 17 feet on the west side.
- 3.15 A revised Crossing Zone Order for improvement of the Madison Street crossing shall be obtained from ODOT Rail prior to the construction of any public improvements. The applicant shall provide a completed crossing order application for submittal by the City to ODOT Rail.
- 3.16 The applicant shall improve the Madison Street/Water Avenue intersection in accordance with the Water Avenue Streetscape Design Plan.
- 3.17 The applicant shall improve Madison Street between Front Avenue and Water Avenue. Madison Street shall have a curb to curb width of 30 feet and a right-of-way width of 54 feet.
- 3.18 The applicant shall construct a 10 foot wide concrete path west of lot 30 between Front Avenue and the Dave Clark Riverfront Trail.

Phase “D” Conditions:

3.19 Front Avenue shall have a curb to curb width of 30 feet and a right-of-way width of 54 feet.

Phase “E” Conditions:

3.20 The applicant shall construct the public alleys within this phase.

Phase “F” Conditions:

- 3.21 Hill Street shall be improved from the south boundary of lot 13 to its terminus and shall have:
- A five foot sidewalk and 7.5 foot landscape strip along both sides of the road. Sidewalk construction on the east side may be deferred to lot development.
 - A sidewalk connection between the end of Hill Street and the sidewalk installed along the site’s south boundary.
 - A 22 foot wide vehicle travel way.
 - 90 degree parking with a width of 17 feet on the west side.
- 3.22 In the event no other provision has been made for a turnaround at the end of Hill Street, the applicant shall construct a temporary turnaround on lot 11. The applicant shall provide an easement for the turnaround. The easement may be revocable when an alternative turnaround is provided elsewhere.

WILLAMETTE RIVER GREENWAY

- 2.1 Before removing any trees or vegetation from the slope of the river bank, the City Planning Division, Parks and Recreation, and Public Works Departments must approve a removal, restoration and erosion control plan for the impacted areas.
- 9.1 Dwelling units along the 35-foot Special Willamette River Setback area shall be limited to two stories.
- 10.1 Public access to the Willamette River shall be provided by appropriate legal means in substantial conformance with Site Plans submitted with the application.

APPLICATION INFORMATION

DATE OF REPORT: February 19, 2013

STAFF REPORT PREPARED BY: David Martineau, Planner III

APPLICATIONS:

- 1) PD-01-12: Interim submittal for a Planned Development that would include 58 residential single-family lots and open space on about 6.37 acres (Edgewater Village).
- 2) SD-01-12: Subdivision Tentative Plat that would divide the 6.37-acre Planned Development into 58 residential single-family lots and open space. The subdivision would be platted in five phases.
- 3) WG-01-12: Willamette Greenway review for construction of a 58-unit Planned Development.

REVIEW BODY: Planning Commission

PROPERTY OWNERS/APPLICANTS: George Diamond, c/o Edgewater Village LLC; 2839 SW Second Avenue; Portland, OR 97201; (503) 358-4460

Randy Myers, c/o Edgewater Village LLC; PO Box 2375; Lake Oswego, OR 97035

APPLICANT REPRESENTATIVE: Rich Catlin, c/o Reece & Associates; 321 1st Avenue E, Suite 3A; Albany, OR 97321; (541) 926-2428

PROPERTY LOCATION: North of Water Avenue between Lafayette and Main (1055 Water Avenue NE; 240 Hill Street NE; 200 Madison Street NE)

MAP/TAX LOT: Linn County Assessor's Map No. 11S-03W-06DA; Tax Lots 101, 1700, 11S-03W-06DC; Tax Lots 13100, 13200, and 13300

ZONING: WF (Waterfront) District and /WG (Willamette River Greenway) Overlay District

TOTAL LAND AREA: 6.37 acres (277,606 square feet gross land area)

EXISTING LAND USE: The subject properties are currently vacant except for a multi-use path within an easement along the northern boundary of the subject property.

NEIGHBORHOOD: Willamette

SURROUNDING ZONING: North: Willamette River (not zoned)
South: WF (Waterfront)
East: RM (Residential Medium Density) and RS-6.5 (Residential Single Family)
West: WF

SURROUNDING USES: North: Willamette River
South: Vacant railroad-owned property, single family dwellings, a dental office, brewery and pub, and commercial buildings
East: Single family dwellings, community garden
West: Railroad trestle, storage and industrial uses

PRIOR HISTORY: A vegetable cannery (Stokely-VanCamp Inc.) occupied at 200 Madison Street NE for many years. In order to expand their business, adjacent Inland Quick Freeze and Storage (IQFS) purchased the cannery operation in phases from 1985 to 1987. In 1988, IQFS applied for a Site Plan Review (SP-24-88) to remodel a vegetable cannery into a seafood processing plant.

In 1989, IQFS applied for a Conditional Use (CU-06-89), Variance (VR-11-80), and Site Plan Review (SP-33-89) to construct industrial buildings in three phases for seafood cold storage and processing, and reduce setbacks along Hill and Main Streets.

After several years, the company vacated the site, and in May 2006, the 60,000 square foot building burned down. A demolition permit to remove the building and foundation was finalized in March 2008.

The subject properties have been vacant since demolition.

NEIGHBORHOOD MEETING

The applicants held neighborhood meetings on this development April 24, 2012 and May 30, 2012, at Calapooia Brewing, 140 Hill Street NE. Notice was mailed to 44 property owners in the area in advance of both meetings. According to the applicant, about 25 people attended the April meeting and discussion topics included maintaining access to the Willamette River, orientation of yards, public areas and amenities, and parking for the brewpub. About 15 people attended the May meeting, which was also attended by a city planner and the urban renewal manager. Following a presentation by the project developers, questions and comments centered around parking and traffic, river bank stabilization, potential for loss of privacy for existing neighbors and river access. The applicants did not report any objections to the project in their meeting summaries (Attachments IIa and IIb).

NOTICE INFORMATION

On February 15, 2013, a Notice of Public Hearing was mailed to surrounding property owners and residents entitled to notice in accordance with ADC 1.360 (Attachment IV). The site was posted in three places (two sites facing Water Avenue with a third posting on the middle parcel facing the Dave Clark Riverfront Path) on February 18, 2013, in accordance with Section 1.410 of the Albany Development Code. Any comments received following completion of this staff report will be summarized and presented under separate cover in advance of the Public Hearing scheduled for Monday, February 25, 2013, at 5:15 p.m.

APPEAL

Within five days of the Planning Commission's final decision on these applications, the Community Development Director will provide written notice of decision to the applicant and any other parties entitled to notice.

Any person who submitted written comments during a comment period or testified at the public hearing has standing to appeal the Type III decision of the Planning Commission to the City Council by filing a Notice of Appeal and associated filing fee within 10 days from the date the City mails the Notice of Decision.

STAFF ANALYSIS

Interim Planned Development File PD-01-12

According to the Albany Development Code (ADC) Section 11.310, a planned development request will be granted interim approval by the review body if the development meets the Site Plan Review criteria of Section 2.450 and all of the following criteria. (Note: code criteria are written in *bold italics* and are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.)

Criterion (1) The increased flexibility in Code standards and permitted uses will result in an improved development for the city, the surrounding area, and users of the development as compared to strict compliance with Code provisions.

FINDINGS OF FACT

- 1.1 ADC 11.240 says a planned development is a master planned environment intended for a variety of related activities. It promotes an integrated, coordinated development of land, normally involving increased flexibility in use and design standards, with special incentives or restrictions on development.
- 1.2 ADC 11.250 says a planned development provides the benefits of greater zoning flexibility, reduced lot sizes, and more variety in permitted uses. In exchange, developments must satisfy high quality master planning and performance requirements.
- 1.3 ADC 11.290 requires that an applicant for a planned development approval must certify, in writing, that a member of each of the following professions will be used in the planning and design process for the proposed development:
 - (1) A licensed architect or professional designer;
 - (2) A certified nurseryman, landscape architect, or landscape designer approved by the Director;
 - (3) A registered engineer or land surveyor.

The applicant certified that Sean Jackson, a professional designer with Emerio Design, LLC; Janet L. Otten, a registered landscape architect with Otten Landscape Architects; and David J. Reece, a registered professional engineer and principal at Reece & Associates, Inc. were used in the planning and design process for Edgewater Village. Land surveying will be conducted by Theodore J. Langton of Northstar Surveying.

- 1.4 Edgewater Village is a 58-unit single-family planned development that will be situated south of the Willamette River, north of Water Avenue between Main Street and the railroad trestle in Lafayette Street. According to the applicant, construction of the first phase is scheduled for mid-2013. He states, "The success of Edgewater Village represents a milestone for the Albany urban renewal program. This once thriving industrial site is ready for redevelopment. After decades of industrial use, the vacant buildings last occupied by Inland Quick Freeze were destroyed by fire in 2006. Only the Dave Clark Riverfront Trail remains on the project site."
- 1.5 The subject property is zoned Waterfront (WF), a mixed-use zoning designation. Prior to 2003, the WF District was called "Mixed Use Industrial" (MUI). This designation emerged with the 1996 adoption of components of the Central Albany Land Use and Transportation Study (CALUTS). According to a 2005 staff report regarding a development code amendment, "There were several industrial uses remaining along the waterfront and industrial uses were allowed in the zone. However, CALUTS plan and the MUI zone purpose statement envisioned this area to transition to residential and mixed uses over time." Many of the industries in the district have either relocated or gone out of business. In keeping with the

CALUTS and Central Albany Revitalization Area (CARA) vision, the area continues to transition toward residential, office, and limited retail uses.

- 1.6 There is no minimum lot size for *detached* single family residential units. The minimum lot size for single family *attached* units is 1,600 sq. ft.; and 3,600 sq. ft. for two-family (duplex) units. Minimum front setback is 5 feet, with no setback requirements for buildings abutting railroad rights-of-way. Maximum front setbacks are 20 feet, but may be increased if 100% of the increased area is used for pedestrian amenities or there are topographical constraints. Garage entrances must maintain a minimum setback of 20 feet on street frontages. Minimum interior setbacks are 3 or 5 feet, depending upon the type of structure or dwelling placed on the lot. Maximum lot coverage in the WF District is 80%. This includes all building and parking areas. Maximum building height is 50 feet.
- 1.7 ADC 11.280 says all of the site development standards of the underlying zoning district will apply to a planned development, except that the following regulations may be modified:
- (1) Minimum lot area, width and frontage, height and yard requirements will not be used to dictate the development, but will act as general guidelines which may be adjusted to provide for a higher quality development. Maximum density permitted will be calculated by including street and one-half of park land dedications.
- 1.8 The developers are seeking flexibility on the following Code standards and permitted uses:
- (1) Allowance of detached single-family housing units in the WF district (see Finding 1.9);
 - (2) Locate public utilities within local street right-of-ways rather than within separate public utility easements (see Finding 1.10);
 - (3) Modification to the 75 percent common/shared outdoor living area and the 50 percent size standard of outdoor living area that must be dedicated to the City given existing outdoor living area amenities nearby (see Finding 1.11);
 - (4) Defer required indoor recreation areas to nearby facilities that are better able to meet the need (see Finding 1.12);
 - (5) Modification of the Clear Vision Area in favor of minimum setbacks of the WF district (see Finding 1.13); and
 - (6) Reduction of the 20-foot garage entrance standard for Lots 30 and 35-40 (see Finding 1.14).
- 1.9 Detached Single-Family Housing Units: According to Section 5.070(16) of the ADC, single-family housing units are limited to attached units in the WF zoning district. The developers propose to build detached single-family units. The applicant explains that purpose statements of the WF district envision a mixed use form of development including a variety of housing types not associated with traditional residential zoning districts. He notes that the subject property is located at the eastern edge of the downtown area and forms a transition between urban properties typically with no setbacks and no yards to a suburban form where residential lots often have detached homes with setbacks and yards. The proposed development will provide a “mix of housing forms and sizes” to foster this transition, while maintaining compatibility with nearby established residential uses.

Staff Response: Section 11.270 of the ADC permits single-family dwellings individually or in combination in a planned development.

- 1.10 Public Utility Easements: The applicant states that the front yard setback in the WF district is 5 feet (ADC 5.090, Table 1). Section 5.140(2) allows projection of certain building features up to 5 feet into the required front yard setback. Projecting features could include eaves; bay windows; chimneys; porches, steps, landings, patios or decks above 30 inches in height. According to the applicant, “This conflicts with ADC 12.120, 12.122(1), and 12.370 wherein a 7-foot public utility easement is required on both sides of any right-of-way less than 60 feet unless waived by the City Engineer.” The applicant, therefore,

is requesting a waiver of the public utility easement and justifies the request by stating that public utility easements were commonly used in the past to reserve enough air space for overhead utilities suspended on cross arms that encroached over the property line. He contends that underground utilities placed in conduits and vaults can easily be accommodated in a compact space, many times within a single utilities trench. "Whether the right-of-way is 66 feet or 54 feet, there is ample space between the curb and right-of-way edge for public utilities. For a 54-foot wide local street right-of-way, there is 11½ feet on each side of the street, more than ample room for underground public utilities. Setbacks are curtailed in the WF District to emulate the walkable, pedestrian friendly environment of downtown. These provisions seem to support a shift of the public utilities back into the public right-of-way by allowing building features to the front property line. In this case, the requirement has outlived the need and the PUE should be waived."

Staff Response: According to the applicant, five public alleys are proposed. According to ADC 12.120, minimum required right-of-way for an alley is 14 – 20 feet. Section 12.370 of the ADC, the standard width for public utility easements adjacent to street rights-of-way is indeed 7 feet. The minimum width for all other public utility easements shall be 15 feet for water, 20 feet for sewer, and 15 feet for piped storm drainage unless otherwise specified by the utility company or City Engineer. When feasible, utility easements shall be centered on a lot line. The basis for this requirement is the area required by trucks and excavation equipment that may need to come in and inspect, replace or repair public utilities. Therefore, public utility easements will be required for all public utilities not placed within a public street or alley right-of-way. Neither permanent structures nor building projections will be allowed to encroach on a public utility easement or be placed over a public utility, unless otherwise specified by the utility company or City Engineer.

Revised infrastructure plans were submitted by the applicant on February 1, 2013, which widens Alley "A" between Alleys "B" and "C" to 20 feet, shifts alignments of sanitary sewer and storm drain in Alley "C", realigns a 4" water line in Alley "A", and adds a 10-foot water service easement over Lot 6 (see Attachment XI). A sanitary sewer service easement was placed over Lot 7, and a 30-foot public utility easement was added for an existing sanitary sewer line to Lot 30 for the portion of Madison Street proposed to be vacated (File VC-02-12, being processed under separate cover). Franchise utilities proposed to serve Lots 6, 7, and 41-48 will be placed in the Water Avenue right-of-way. The applicant emphasizes that all alleys are public right-of-ways. These revisions resolve staff concerns provided conditions of approval related to the placement of public utilities later in this staff report are met.

- 1.11 Common/Shared Outdoor Living Area: "Outdoor Living Area" is defined in the ADC as: "Outdoor or semi-outdoor area designed to provide a more pleasant and healthful environment for the occupants of a dwelling unit and the neighborhood in which such the dwelling unit is located. It includes natural ground areas, landscaped areas, balconies, porches, patios, terraces, verandas, outdoor swimming pools, play areas, tennis courts, walkways, and similar areas developed for active or passive recreational activities. Outdoor living area does not include accessways, parking and loading areas, strips between buildings less than ten feet in width, storage areas, and other areas not usable for outdoor activities." Section 11.330(1) requires residential planned developments to devote 40% of the gross land area to outdoor living area. Of that amount, at least 75% shall be common or shared outdoor living area.

The applicant suggests that nearby amenities should be considered toward fulfillment of outdoor living requirements. In addition, the developers are proposing to add two multi-use paths and a mini-plaza to the site. The outdoor living area requirement will be addressed in greater detail under Criterion 5 of Interim Planned Development review criteria below.

Staff Response: A minimum of 40% of the gross land area must be devoted to outdoor living area. Of that amount, 75% (or 30% of the gross land area) must be common or shared space. The gross land area of the site is 277,606 square feet. Therefore a minimum of 111,042 square feet must be devoted to outdoor living area. The applicant provides 194,040 square feet, or 70%, considerably more than the 40%

required. Of the outdoor living area amount required, 75% must be common or shared space. The applicant provides 100,715 square feet, or 91%, again more than the 75% required. The remainder of the property, 83,202 square feet, or 30%, consists of “hard” surfaces such as streets, alleys and dwelling units.

- 1.12 Indoor Recreation: The applicant contends that sufficient off-site opportunities exist nearby to satisfy indoor recreation needs of the planned residential development. According to the applicant, “The justification is based on changing social mores and on offsetting significant outdoor spaces. This provision was adopted before personal trainers and 24-hour gyms. It is now viable to offer these services and opportunities on a commercial scale to a broader community, to the detriment of small scale facilities such as those in a residential development. In fact, Subsection (4) [of ADC 11.330] anticipates that some “exceptional treatment of open space” could be sufficient to waive the requirement for indoor recreation area. In this case, the exceptional treatment would be three multi-use corridors through Edgewater Village to the Dave Clark Riverfront Trail.”

Staff Response: The applicant proposes three multi-use corridors that would link Edgewater Village to the Dave Clark Riverfront Trail in lieu of providing an indoor recreation area. The indoor recreation requirement will be addressed in greater detail in Criterion 5 of ADC 11.210 below.

- 1.13 Clear Vision Area: The applicant is requesting a waiver to the standard in ADC 12.180, which prohibits fences, walls, landscaping or structures from obstructing visibility within a triangular area on each corner of an intersection. He contends that the front yard setback for structures is 5 feet in the WF district (ADC 5.090, Table 1). Further, building features can project into a front yard setback up to 5 feet (ADC 5.140(2)). A porch, for example, may effectively have a zero setback in that zone. He adds, “By way of precedent, all downtown commercial buildings encroach on the clear vision area.”

Staff Response: According to ADC 12.180(1)(g), clear vision areas do not apply to “existing or new buildings that meet the minimum setbacks.” Provided that the buildings and their allowable projections comply with setback standards in that zone, clear vision areas can be waived.

- 1.14 Garage Entrances: The Albany Development Code requires a 20-foot setback for garage entrances (see ADC 5.090, Table 1). The applicant is seeking a reduction in garage entrance setbacks for proposed Lots 35 – 40. Each dwelling unit will have two-car garages to accommodate the parking requirement for single-family residences. According to the applicant, the proposed minimum distances would be: Lot 30, 17 feet; Lots 35 and 36, 19 feet; Lots 37 and 38, 15 feet; Lot 39, 11 feet; and Lot 40, 14 feet. The purpose of the requested reduction is due to required dimensional standards for the street and cul-de-sac. All of the affected parcels are located in an area designated “Phase D.”

Staff Response: According to ADC 11.280(1) of Planned Developments, “Minimum lot area, width and frontage, height and yard requirements will not be used to dictate the development, but will act as general guidelines that may be adjusted to provide for a higher quality development.” In this context, “yard” is defined in ADC 22.400 as “Any open space that is required, created, or is maintained on a lot and is not obstructed from the ground up by any structure or building.” Therefore, the Code appears to grant latitude in minimum setbacks including garage entrances in Planned Developments.

- 1.15 ADC 11.300(2) requires that the applicant submit “data, drawings, and/or elevations clearly establishing the scale, character and relationship of buildings, streets, and open space.” The drawings submitted with the Planned Development application include site plans that show the layout of the development, including lots, open space areas, and landscaping. The applicant also submitted floor plans and building elevations that show how Units “A” and “B” in the development will look (see Attachments VII and VIII). Conceptual building elevations for Units “C”, “D” and “E” are being developed; therefore they are not included in this staff report. Detailed building and landscaping plans and elevations are not required until the Final Planned Development is submitted for review and approval. However conceptual building footprints for these units are shown on submitted site plans (see Sheet 4 of Attachment VI).

CONCLUSIONS

- 1.1 Planned Developments provide flexibility in use and design standards in exchange for higher quality master planning and performance requirements.
- 1.2 The applicant states that Edgewater Village represents a milestone for Albany's urban renewal program through development of a vacant, former industrial site. It will be developed in context of the characteristics of the surrounding area such as the Willamette River, nearby historic homes, and proximity to downtown, providing easy access to other communities.
- 1.3 The developers are seeking flexibility to permit detached single-family housing; locate public utilities within right-of-ways instead of separate public utility easements; modify outdoor living area and recreational amenity requirements; and modify Clear Vision Area requirements. The developers are also requesting a reduction to the 20-foot garage entrance standard for Lots 30 and 35-40.
- 1.4 Outdoor living areas and indoor recreational will be addressed under Interim Planned Development Review Criterion 5.
- 1.5 Edgewater Village will result in an improved development for the city, the surrounding area, and users of the development as compared to strict compliance with Code provisions.
- 1.6 This review criterion is met without conditions.

Criterion (2) The project design results in a more efficient utilization of the natural features of the site.

FINDINGS OF FACT

- 2.1 The main natural feature of the site is the view shed associated with the Willamette River. According to the applicant, the project design will leave riverbank vegetation undisturbed except for removing invasive species and replanting with appropriate natives in partnership with local groups and the City. Three multiuse recreation paths will be installed within existing City right-of-ways to ensure view corridors are maintained along Madison, Hill and Main Streets.
- 2.2 Portions of the site (Lots 19 – 58) lie within the Willamette River Greenway Overlay District. This overlay district is intended to guide development along the Willamette River so as to preserve the existing scenic, use and natural features.
- 2.3 A separate application for the Willamette River Greenway Overlay District has been submitted for review concurrently and is addressed together with findings and conclusions later in the staff report.
- 2.4 There are no other notable natural features of the site.

CONCLUSIONS

- 2.1 The Willamette River, including its viewshed and vegetated river bank, is the only significant natural feature on the site.
- 2.2 A separate application for development approval in the Willamette River Greenway Overlay District has been submitted for review concurrent with this application.
- 2.3 The project design will result in a more efficient utilization of the natural features of the site.

2.4 This criterion is met without conditions.

Criterion (3) The project design results in a more efficient utilization of materials and public resources including streets, utilities, and energy supplies.

FINDINGS OF FACT

- 3.1 The applicant submitted two vacation petitions for review under separate cover. If approved, the first Vacation, VC-02-12, will vacate 12 feet along the west side Madison Street abutting Tax Lot 13200, which would reduce the width of Madison Street right-of-way from 66 to 54 feet. This reduced right-of-way will accommodate a 30-foot paved street together with parking, 6-foot landscape strips and 5-foot sidewalks on both sides, in accordance with ADC 12.122(1). A second part of Madison north of future Front Avenue will reduce the width of the right-of-way to 30 feet, sufficient to accommodate a 10-foot wide multi-use path with landscaping on both sides.
- 3.2 The second vacation, VC-03-12, will vacate a portion of right-of-way on Main north of Front Avenue from 64 to 32 feet, sufficient to accommodate a 10-foot wide multi-use path with landscaping on both sides. The portion of Main south of Front Avenue will retain its 66-foot right-of-way. The developed street will be 30 feet wide together with parking, 6-foot landscape strips and 5-foot sidewalks on both sides. If approved, vacated areas will be added to lots for Edgewater Village in order to facilitate design development.
- 3.3 According to the applicant, "The design of the street plan is intended to disperse traffic and reduce congestion on nearby local streets." He adds, "The design incorporates multiple points of public access to the Dave Clark Riverfront Path and corresponding view corridors to the Willamette River."
- 3.4 The applicant has requested to tie acquisition of vacated street areas to specific phases of the development. As proposed, the Main Street Vacation benefits Phase "B," while the northerly Madison Street Vacation benefits Phase "C," and the southern Madison Street Vacation benefits Phase "E."

CONCLUSIONS

- 3.1 If approved, two partial street vacations along Madison and one partial street vacation along Main will add developable land to lots within Edgewater Village while allowing sufficient width to accommodate developed streets together with parking, landscaping, and sidewalks on both sides.
- 3.2 Public access to the Dave Clark Riverfront Path and corresponding view corridors to the Willamette River will be incorporated into the design.
- 3.3 Acquisition of vacated street areas will be tied to specific phases of the development. Development of Phases "B," "C," and "E" will not be permitted as proposed unless the street vacations are approved by the City and acquired by Edgewater Village.
- 3.4 The project design results in a more efficient utilization of materials and public resources including streets, utilities and energy supplies.

CONDITIONS

- 3.1 Acquisition of vacated street areas will be tied to specific phases of the development. Development of Phases "B," "C," and "E" will not be permitted as proposed unless the street vacations are approved by the City and acquired by Edgewater Village.

- 3.2 It will be considered a major change to approved plans if one or more vacation(s) is not approved. This would require review under the same procedure used for final approval for the specific phase of development the vacation was to benefit.

Criterion (4) Provisions will be established to insure the continued maintenance of any common areas.

FINDINGS OF FACT

- 4.1 The applicant states this criterion does not apply because all common areas will be dedicated to the public.

CONCLUSIONS

- 4.1 Provisions for continued maintenance of common areas is not required because there are no private common areas to maintain.
- 4.2 This review criterion is not applicable.

Criterion (5) More usable and suitable recreational facilities and other common areas are provided than would normally be provided under conventional development standards.

FINDINGS OF FACT

- 5.1 According to the applicant, "Edgewater Village builds on the desirable urban form attributes of the Waterfront District while utilizing flexibility under planned development provisions to achieve a mix of housing types over a range of housing needs. On balance, the design relies more on the context of the development within an established neighborhood to take advantage of recreational opportunities along the Willamette River and the community garden at the end of Main Street rather than to provide active recreation facilities on-site as would be required for a larger self-contained neighborhood."
- 5.2 The applicant believes part of the purpose of the outdoor living area standard is to concentrate development away from common areas and natural resources without losing density. He points out that the Willamette River, Dave Clark Riverfront Path, nearby community garden and Bowman Park are amenities that fulfill outdoor living area requirements. Edgewater Village developers also propose to install multi-use paths along Main Street and Madison Street along with a mini-plaza at the northern end of Hill Street to maintain view corridors toward the river and provide public access to the development from the Dave Clark Riverfront Path.

The gross land area of the subject property is 277,606 square feet. Outdoor living area calculations are shown on Sheet 7 of their submittal. Common outdoor living area calculations total 100,715 square feet, according to the applicant. Private outdoor living area, consisting of private lot yard areas provides another 93,325 square feet. Total square footage of all outdoor living areas equals 194,040 square feet.

- 5.3 "Indoor Recreation Area" is defined in the ADC as: "A room or rooms within an enclosed building designed and used for recreational purposes by the public and/or occupants of a residential development. Activities provided within an indoor recreation area may include, but are not limited to, the following: indoor swimming pools, saunas, gymnasiums, exercising rooms, dance floors, tennis or handball courts, and games such as pool, ping pong, shuffleboard, etc. See ADC 22.100." This requirement has appeared in the ADC for many years. In April 1979, the indoor recreation area requirement applied to all planned residential developments having 30 living units or more. By February 1992, the threshold of living units rose to 50. It remains this way in the ADC today. One of the key attributes of a planned development is to create a better place to live through higher standards over conventional developments. Planned Developments emphasize a mix of housing types, densities and uses, while promoting a healthy

pedestrian and natural environment. Having recreational amenities onsite means that residents don't always have to get into their cars and drive to offsite facilities to meet their indoor recreational needs.

- 5.4 However, as the applicant points out, subsection (4) of ADC 11.330 does allow the indoor recreation area requirement to be waived by the review body where increased opportunity for outdoor recreation is provided in addition to the requirements of subsection (1). Such opportunities may include court sports, playgrounds, golf, swimming, or other exceptional treatment of open spaces. At minimum, outdoor recreational opportunities should be sized roughly proportional to the indoor recreation square footage guidelines being deferred based on each living unit. For 58 units, at least 580 square feet of "exceptional treatment" in the form of court sports, playgrounds, golf, or swimming areas should be proposed. Although the list is not meant to be all-inclusive, the applicant feels the provision of three multi-use corridors (paths) linking Edgewater Village to the Dave Clark Riverfront Path provides an exceptional treatment of open space that meets the intent of the Code. Staff concurs provided consideration is given to the installation of benches, signage, and attractive pedestal or bollard-type lighting along abutting portions of the Path including at the trailhead where the easternmost multi-use corridor intersects with the Path, adjacent to the existing community garden. Precise timing and placement shall be coordinated with the City's Parks and Recreation Director. The location of these improvements, including the Dave Clark Riverfront Path, shall be within existing easements and/or right-of-ways controlled by the City. Approval to waive the indoor recreation requirement is recommended provided conditions of approval are met.

CONCLUSIONS

- 5.1 More usable and suitable recreational facilities and other common areas will be provided in Edgewater Village than would usually be provided under conventional development standards.
- 5.2 Paths and open space tracts intended for outdoor living areas are not required in standard subdivisions.
- 5.3 The applicant has requested a waiver to the indoor recreation requirement in exchange for exceptional treatment of open space.
- 5.4 This review criterion will be met when the following conditions are met.

CONDITIONS

- 5.1 The placement of pedestal or bollard-style pedestrian lighting, two benches, and trailhead signage where each internal path intersects with the Dave Clark Riverfront Trail will be considered "exceptional treatment of open spaces" in lieu of providing suitable indoor recreation facilities. Timing and placement of these amenities shall be coordinated with the City's Parks and Recreation Director and approved by the Planning Division.
- 5.2 Installation of the amenities may be deferred to completion of Phase "B" of the development for the Main Street path, and Phase "C" of the development for the Hill Street mini-plaza and Madison Street path.

STAFF ANALYSIS

Interim Planned Development Site Plan Review Criteria

Section 2.450 of the Albany Development Code (ADC) includes the following review criteria that must be met for this interim planned development to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

Criterion (1) Public utilities can accommodate the proposed development.

FINDINGS OF FACT

Sanitary Sewer

- 1.1 City utility maps show a 30-inch public sanitary sewer interceptor main along the northern boundary of the subject property; and a 21-inch main in Hill Street.
- 1.2 AMC 10.01.010 (1) states that the objective of the Albany Municipal Code requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.
- 1.3 ADC 12.470 requires all new development to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.
- 1.4 ADC 12.490 states that sewer collection mains must be extended along the full length of a property's frontage(s) along the right(s)-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. ADC 12.510 requires main extensions through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide access to the public system for current or future service to upstream properties. Extension of the sewer across the frontage and/or through the interior of a property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the sewer in a similar manner, making the sewer available to the next properties. In this way, each property owner shares proportionately in the cost of extending sewer mains.
- 1.5 The City has sole authority in determining the conditions necessary for providing service to a property (AMC 10.01.100 (5)(e)).
- 1.6 All sewer mains intended to serve multiple properties must be public, installed in public rights-of-way or public utility easements. The normal routing for the sewer main extension shall be in a dedicated street right-of-way (AMC 10.01.110 (2)(b)).
- 1.7 The applicant's preliminary utility plan shows the extension of public sanitary sewer mains to be constructed within the new development so as to provide a direct service connection to each proposed lot. While the preliminary plan appears to be generally acceptable, final design details must be approved by the City's Public Works Department as part of the required Permit for Private Construction of Public Improvements.

Water

- 1.8 City utility maps show a 12-inch public water main along the south side of Water Avenue along the entire length of the project frontage (from Lafayette Street to Main Street); a 6-inch main exists on the west side

of Lafayette Street; a previously abandoned 10-inch main exists in Madison Street; and a 6-inch main exists in Main Street between Water Avenue and Front Avenue.

- 1.9 ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main.
- 1.10 AMC 11.01.120 (2)(e) states that all required public water main extensions must extend to the furthest property line(s) of the development or parcel. Main extensions may be required through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide current or future looping of water mains, or to provide current or future service to adjacent properties. When the owner of a property is required to connect to the public water system, the water main must be extended across the property's entire frontage and/or through the interior of the property. Extension of the water across the property's frontage and through the interior of the property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the water mains in a similar manner, making the water available to the next properties. In this way, each property owner shares proportionately in the cost of extending water mains.
- 1.11 The applicant's preliminary utility plan shows the extension of a new public water main within the proposed east-west street through the site; and a new main in Hill Street. The plan also proposes to use an abandoned 10-inch water main in Madison Street. Use of this previously abandoned main will be allowed if it passes the standard public water main acceptance tests along with the new public water facilities.
- 1.12 The applicant's plan shows the installation of two long service lines to serve Lot 6 and Lot 7. This will not be allowed. A public water main must be extended to serve these lots. The main can be a 4-inch diameter line.

Storm Drainage

- 1.13 City utility maps show a 15-inch public storm drainage main in Madison Street; and a 15-inch main in Hill Street. Both of these mains discharge to the Willamette River.
- 1.14 ADC 12.530 states that a development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer. Roof drains shall be discharged to a collection system approved by the City Engineer and/or the Building Official. Also, no storm water may be discharged to the public sanitary sewer system.
- 1.15 The applicant's preliminary utility plan shows the proposed grading of the streets in the development and the construction of public storm drainage facilities within those streets. The new public storm drainage facilities will be connected to existing storm drain mains in Madison Street and Hill Street. These mains discharge directly to the river. While the preliminary plan appears to be generally acceptable, final design details must be approved by the City's Public Works Department as part of the required Permit for Private Construction of Public Improvements.

Fire Protection

- 1.16 According to the Fire Code, approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the property as measured by an approved route of travel around the exterior of the structure, with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided (OFC 503.1.1 and OFC 503.2.5). The applicant states that all portions of every proposed building is located within 150 feet of a proposed street and alley, however this is not shown on site plans.

- 1.17 The applicant acknowledges that trains obstructing access to Main and Madison Streets may prevent the deployment of fire personnel and hoses in Water Avenue in response to a fire emergency. Therefore, fire sprinklers will be installed in all homes but would be dropped if a “commitment to the left-turn solution” can be reached, according to the applicant.
- 1.18 The applicant states that access to the four fire hydrants in Water Avenue may likewise be blocked by obstructing trains, therefore hydrant installation and spacing requirements will be duplicated on site. This condition would be dropped for any remaining hydrants if a “commitment to the left-turn solution” can be reached, according to the applicant.
- 1.19 The Albany Fire Department accepts the applicant’s request to install residential fire sprinklers in all residential and commercial structure associated with this project in lieu of the required access that is subject to obstruction by train travel on the adjacent railroad tracks. This is a requirement for automatic sprinklers regardless of the requirements in the Oregon Structural Residential Code and the Oregon Structural Specialty Code and shall be maintained in effect for as long as the rail line is actively carrying traffic.

CONCLUSIONS

- 1.1 Public sanitary sewer, water, and storm drainage facilities must be constructed within the proposed development to provide individual service connections (for sewer and water) to each proposed lot. The applicant’s preliminary utility plan is not considered a final construction plan for said utilities. Final design for all public utilities must be approved by the City’s Public Works Department as part of the required Permit for Private Construction of Public Improvements.
- 1.2 Adequate area for maintenance and replacement of public utilities is required for all new public sewer, water, and storm drainage mains and appurtenances. The City’s standards require a minimum of 20 feet (centered on the main) for public sanitary sewer mains, 15 feet (centered on the main) for public water mains, and 15 feet (centered on the main) for public storm drainage mains. The applicant is showing public sewer and water mains being installed within a 20-foot wide alley right-of-way. This is not adequate room for both utilities. The alley must be widened, or additional public utility easements must be granted as needed to provide 27.5 feet of clear area to accommodate both public utilities. The same area is needed in the alleys that are shown with public sewer and storm drainage mains. Any necessary public utility easements must be shown on the subdivision plat.
- 1.3 Trains obstructing access to the site may prevent response to a fire emergency. Therefore fire sprinklers will be installed in all homes and four hydrants will be placed on site. The applicant states these conditions would be dropped if a “commitment to the left-turn solution” can be reached.

CONDITIONS

- 1.1 Before the City will issue building permits or sign the final subdivision plat for any of the proposed phases of the development, the applicant must construct public utilities as needed to provide direct access for sewer and water service to those lots. Public storm drainage facilities must be constructed in conjunction with public street improvements. The final design for all public infrastructure must be reviewed and approved by the City’s Public Works Department under a Permit for Private Construction of Public Improvements.
- 1.2 Before the City will issue building permits or sign the final subdivision plat for any of the proposed phases of the development, the applicant must provide the required public right-of-way and/or public utility easements to accommodate the needed public utilities to serve the development. The right-of-way and easements must be shown on the subdivision plat.

The applicant can opt to provide the City with appropriate financial assurances for the construction of the required public utilities in order to obtain building permits.

- 1.3 Prior to final plat approval for each phase, submit plans clearly identifying how the required fire apparatus access, including any temporary access roads, will be provided.
- 1.4 Automatic sprinklers are required in each home and shall be maintained in effect for as long as the rail line is actively carrying traffic.
- 1.5 Prior to final plat approval for each phase, submit plans clearly identifying how the required fire hydrant location and spacing will be provided.

Criterion (2) The transportation system can safely and adequately accommodate the proposed development.

See the findings, conclusions, and conditions under Review Criterion (3) of the Subdivision Tentative Plat review that follows in the next section of this staff report.

Criterion (3) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

FINDINGS OF FACT

- 3.1 Each residential lot will be designed to accommodate two off-street parking spaces, according to the applicant.
- 3.2 Though not required by the Code, the applicant proposes to add about 12 spaces of head-in (90° angled) parking along the west side of Hill Street, within the right-of-way from about 60 feet north of Water Avenue to Front Avenue, for the benefit of the development (see Attachment XI).
- 3.3 Access points to Edgewater Village will be provided at Main Street, Madison Street, Front Avenue, and the Dave Clark Riverfront Path. Sidewalks will be included in the development at each of these access points.

CONCLUSIONS

- 3.1 Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
- 3.2 This review criterion is met.

Criterion (4) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

FINDINGS OF FACT

- 4.1 The proposed development is detached, single family residential units on 58 lots. The applicant states, "It is designed around the existing street pattern with access to streets and alleys. This arrangement is similar to the adjacent residential neighborhood. There will be three public multi-use paths connecting Front Avenue to the Dave Clark Riverfront Path. The rear lot lines for Lots 19-40 would be set approximately three feet from the edge of the Dave Clark Riverfront Path to allow for maintenance, landscaping, lighting, and shy distance for path users. For these reasons, the proposed development is reasonably compatible with the adjacent neighborhood."

- 4.2 According to the applicant, "The only issue of compatibility is proximity to the railroad. For decades, rail operations have affected the livability of the residential neighborhood to the east where the rails run down the center of the pavement on Water Avenue. The impact on those homes is far greater than would be experienced in Edgewater Village. The Owners urge the City to negotiate with ODOT Rail to abandon this segment of the rail in favor of the "left turn" solution at Lafayette and Water."
- 4.3 Preliminary landscape plans showing street trees, areas of seeded lawn and other plantings were submitted with the application. All proposed landscaping will be planted in public right-of-ways (including the multi-use paths) and along the south side of the Dave Clark Riverfront Path. This will require the City to accept responsibility to provide ongoing maintenance.

CONCLUSIONS

- 4.1 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.
- 4.2 This review criterion is met with the following condition:

CONDITION

- 4.1 Prior to final plat approval for each phase, submit final landscaping plans for review and approval by the City Planning Division, Parks and Recreation, and Public Works Departments. All work done in right-of-ways shall be done in accordance with City of Albany Standard Construction Specifications.

Criterion (5) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

FINDINGS OF FACT

- 5.1 Airport Approach. Portions of the subject property roughly from Hill Street east are located within the Airport Conical Surface area. The highest elevation on the property is 208 feet above mean sea level (MSL), with an overall range in elevation from 204 feet on the west side to 208 feet on the east. The conical surface has an elevation of 472 feet, according to Figure 4-1 of the Albany Development Code. Development in the Waterfront zoning district is limited to a maximum height of 50 feet. Therefore the highest conceivable development on these properties could not exceed an elevation of 258 feet above MSL. This will not penetrate the elevation of the Airport Conical Surface area.
- 5.2 Natural Resources. The proposed development is adjacent to the 100-year Floodplain Overlay District. The Willamette River borders the property to the north. According to the FEMA Flood Insurance Rate Map (FIRM No. 41043C0213G), dated September 29, 2010, the base flood elevation is 204 feet along the Willamette near the end of Hill Street. The applicant notes that the aerial photo over which the flood zone is mapped shows that the special flood hazard area does not cross the Dave Clark Riverfront Path. This is depicted in the City's GIS shapefile shown on Sheet 2 of Attachment VI. According to the applicant, the special flood hazard area is restricted to the bank of the Willamette River which is contained in tracts that are not proposed for development. Both the streets and lots in the proposed Planned Development/Subdivision are located outside the Floodplain Overlay District; therefore they are not subject to floodplain development provisions.

All of the subject property except for Proposed Lots 1 – 18 on the southeast corner of the site is located in the Willamette River Greenway District. Staff analysis of findings and conclusions

relating to Greenway provisions are found later in this staff report under WG-01-12 below and are incorporated here by reference.

CONCLUSIONS

- 5.1 The property is partially located within the Airport Conical Surface Area, the Special Flood Hazard Area, and the Willamette River Greenway District. Development of the site will not exceed the maximum allowable building height in the Waterfront district. All proposed streets and lots will be located outside the Floodplain Overlay District.
- 5.2 There are no other special purpose districts associated with the property.
- 5.3 This review criterion is met without conditions.

STAFF ANALYSIS**Tentative Subdivision Plat Review File SD-01-12**

ADC 11.180 includes the following review criteria which must be met for the tentative subdivision plat to be approved. Code criteria are written in *bold italics* and are followed by findings, conclusions, and conditions, where conditions are necessary 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 proposed subdivision includes all of Linn County Assessor's Map 11S-03W-06DA; Tax Lots 101, 1700, Map 11S-03W-06DC, Tax Lots 13100, 13200, and 13300.
- 1.2 There will be a small remainder of property measuring 6,557 square feet, labeled "Tract E" on the southwest corner of Hill Street and Front Avenue, which could be developed at the time the adjacent Burlington Northern-Santa Fe property is developed (see Sheet 1 of Attachment VI). The developers envision a mixed use development as one alternative for the site.
- 1.3 The minimum lot size for all non-residential uses in the Waterfront district is 10,000 square feet. Minimum lot sizes for residential uses ranges from "none" for single-family, to 1,600 square feet per single family attached unit, to 1,800 square feet for 3 or more 2-bedroom units.

CONCLUSIONS

- 1.1 There will be a remainder of property measuring 6,557 square feet included in the subdivision to be considered.
- 1.2 Development of the remainder for various residential uses is feasible given minimum lot size requirements in the zoning district.
- 1.3 This review 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 ADC 12.060 requires that development must have frontage on or approved access to a public street currently open to traffic.
- 2.2 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. 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 (ADC 12.110).
- 2.3 One parcel of adjoining land measuring about 0.96 acre in area lies north of Water Avenue and is bounded on three sides (west, north and east) by Edgewater Village. The applicant states, "There is only one parcel adjoining the Subject Property, Tax Lot 100 on Map 11S-03W-06DA. At the time of this writing, that parcel is owned by the Burlington Northern Santa Fe Railroad (BNSF). It has frontage on the unimproved rights-of-way of Hill and Madison Streets and the north side of Water Avenue (which

contains existing railroad tracks). Development of the BNSF parcel can precede Edgewater Village on condition of constructing the street and associated infrastructure, or it can follow Edgewater Village. Either way, Tax Lot 100 can be developed and provided access in full compliance with the Code.” The applicant adds that in the event the owners of Edgewater Village construct Hill Street or Madison Street prior to development of the BNSF parcel, the owners may request a capital recovery agreement to recover a portion of construction costs.

CONCLUSIONS

- 2.1 Only one parcel, Tax Lot 100 on Map 11S-03W-06DA, adjoins the subject property. It has frontage on unimproved Hill Street and Madison Street right-of-ways and the north side of Water Avenue.
- 2.2 The parcel can be developed and provided access in accordance with the Code.
- 2.3 This review criterion is met without conditions

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 proposed development is for a phased planned development and subdivision that create 58 residential dwelling on individual lots. The project is located on the north side of Water Avenue between Main Street and Lafayette Street right-of-way.
- 3.2 The development plan is as follows:
 - Phase A: 5 townhouse units.
 - Phase B: 7 townhouse units + 3 single-family units.
 - Phase C: 10 single-family units.
 - Phase D: 10 townhouse units.
 - Phase E: 18 townhouse units.
 - Phase F: 5 townhouse units.
- 3.3 Access to the development will be provided by extending Main Street and Madison Street north from Water Avenue into the site.
- 3.4 Water Avenue is classified as a local street and with the exception of sidewalk on the north side is constructed to city standards. Improvements include: curb and gutter; sidewalk along the south side; a vehicle travel lane in each direction; and on-street parking along the south side. The speed limit is 25 mph. Portland and Western Railroad (PNWR) operates a rail line within Water Avenue right-way. The rail line is located between the north curb and right of way. All trips to and from the site will need to cross the rail line.
- 3.5 On December 12, 2007, the Albany City Council adopted a Streetscape Design Plan for Water Avenue. Along the frontage of this development, the streetscape plan would maintain the existing Main Street rail crossing, close the Hill Street rail crossing, and reconfigure the Madison Street rail crossing to shift the crossing farther from the rail line and add rail crossing improvements. The development plan submitted by the applicant conforms to the adopted streetscape plan at street intersections and rail crossing points.
- 3.6 Albany’s Transportation System Plan (TSP) does not identify any congestion or level of service problems adjacent to the proposed development. The TSP does include a project (L59) to improve the portion of

Water Avenue between Baker Street and Main Street in accordance with the Water Avenue Streetscape Plan.

- 3.7 The applicant submitted a trip generation study with the application. The study was prepared by Access Engineering, and is dated July 20, 2012. When completed, the development is expected to generate 522 new vehicle trips per day, of which 53 would occur during the peak pm traffic hour.
- 3.8 The development's internal street system consists of public local streets and alleys. Main Street, Madison Street and Front Avenue will all be minor local public streets meeting the design standard in ADC 12.122(1), with a right-of-way of 54 feet and a curb to curb width of 30 feet. The design for Hill Street would use the Planned Development process to create a public street with 90 degree parking along one side. The section proposed for Hill Street would retain the existing 66 foot right-of-way and provide setback sidewalks, 7.5 foot landscape strips, a 22 foot vehicle travel way, and 17 feet of 90 degree parking along the west side of the street. The 90 degree on-street parking would be in addition to the on-site parking required on each lot and would provide a centralized location for visitor parking.
- 3.9 Internal public alleys would provide garage access to the back of all townhouse lots within the development. Alley right-of-ways vary between 14 and 20 feet, and comply with the design standards contained in ADC 12.122(7).
- 3.10 The site plan proposes construction of two path connections between the development and the Dave Clark Riverfront Trail. The connections would be located within Main Street and Madison Street right-of-way.
- 3.11 ODOT Rail has jurisdiction over all at-grade rail crossings in Oregon. Any modification or change to a crossing or its approach submittal of a revised crossing zone order. This development will close the existing Hill Street crossing, and make improvements to both the Hill Street and Main Street crossings. The applicant and staff have worked closely with ODOT Rail during the development and review of this application in order to resolve as many issues as possible. ODOT Rail has identified the following as items that will likely be reflected in revised crossing orders with this project:
- A revised crossing order will be needed with Phase A for proposed street and sidewalk improvements to the Main Street crossing. The Main Street crossing will need to be designed to provide southbound drivers stopped at the approach to the tracks with at least 250 feet of sight distance to trains approaching from both the east and west. The stop bar will be located 15 feet behind the nearest rail.
 - Sidewalk installed along the development's south boundary should have at least 8.5 feet of clearance to the nearest rail and be separated by a barrier or fence.
 - Because the Main Street crossing cannot be improved with automated crossing devices, the Madison Street access to the development will need to be constructed with Phase C. A revised crossing order will be needed for the improvement. The geometry of the intersection should be consistent with the Water Avenue Streetscape Plan, and installation of automated crossing devices will be required.
 - ODOT Rail will be willing to apply for federal funding of automated crossing improvements at Madison Street if the City closes the Hill Street crossing and the crossing at either Burkhart or Columbus Street.
- 3.11 The Albany City Council has previously agreed to the closure of the Hill Street crossing and either Burkhart Street or Columbus Street in order to allow for federal funding of crossing improvements at Madison Street. The city has not yet made a decision concerning which street, Burkhart or Columbus, to close.

CONCLUSIONS

- 3.1 The development will create 58 residential lots with a mix of single family and townhouses. When developed, the new lots will add about 522 new vehicle trips per day (Average Day Trips) to the existing street system. Of those trips, 53 would occur during the p.m. peak traffic hour.
- 3.2 The development's internal street system consists of public local streets and alleys. With the exception of Hill Street, all internal streets have 54 foot right-of-way and 30 foot curb to curb widths, and conform to the minor local street design standards contained in ADC 12.122(1). The development's internal alleys have widths that vary between 14 and 20 feet, and conform to the alley design standards contained in ADC 12.122(7).
- 3.3 The applicant's proposal for Hill Street would take advantage of the design flexibility offered by the Planned Development process and provide for 90 degree parking along the west side of the street.
- 3.4 The applicant's site plan proposed two path connections between the development and the Dave Clark Riverfront Trail. The connections would be located within Main Street and Madison Street right-of-way.
- 3.5 Portland and Western Railroad (PNWR) operates a rail line within Water Avenue right-of-way. The rail line is located between the north curb and right of way. All trips to and from the site will need to cross the rail line. ODOT Rail has jurisdiction over at-grade rail crossings. The improvements planned for the Main Street, Hill Street, and Madison Street crossings will require revised crossing zone orders.
- 3.6 Albany has an adopted a Streetscape Design Plan for Water Avenue. Along the frontage of this development, the streetscape plan would maintain the existing Main Street rail crossing, close the Hill Street rail crossing, and reconfigure the Madison Street rail crossing to shift the crossing farther from the rail line and add rail crossing improvements. The development plan submitted by the applicant conforms to the adopted streetscape plan.
- 3.7 Albany's Transportation System Plan (TSP) does not identify any congestion or level of service problems adjacent to the proposed development.

CONDITIONS *Note: Reference to phase numbers corresponds to those shown on the applicant's plans.*

General Conditions:

- 3.1 The applicant shall obtain a site improvement permit from the Public Works Department prior to construction of any public improvements.
- 3.2 All interior streets and alleys shall be constructed to city standards. Public alleys shall be concrete. Improvement width and location shall be as shown on the site plan unless specifically altered by a condition herein. The applicant shall dedicate public right-of-way for all new public streets and alleys.
- 3.3 The applicant shall construct a 5-foot sidewalk along the south boundary of the development with the construction of phases adjoining Water Avenue. The sidewalk must be located within right-of-way or a dedicated easement, and be separated from the railroad track by a barrier such as a fence or wall. The edge of the fence or wall must have at least 8.5 feet of clearance to the nearest adjoining rail track, and its material and design must be approved by the City.
- 3.4 Public sidewalk shall be installed with new street construction along the frontage of all non-developable lots and tracts that are within or adjoining the boundary of the development.

Phase A Conditions:

- 3.5 A revised Crossing Zone Order for the Main Street crossing shall be obtained from ODOT Rail prior to the construction of any public improvements. The applicant shall provide a completed crossing order application for submittal by the City to ODOT Rail.
- 3.6 Main Street shall have a curb to curb width of 30 feet.
- 3.7 The adjoining portions of public alleys A and B shall be constructed with this phase.
- 3.8 The southbound Main Street approach to Water Avenue shall be designed to provide drivers stopped at the stop bar with a minimum of 250 feet of sight distance to a train approaching from either direction. The stop bar will be located 15 feet behind the nearest rail, with an assumed driver position of 4 feet behind the stop bar.

Phase B Conditions:

- 3.9 Front Avenue shall have a curb to curb width of 30 feet and a right-of-way width of 54 feet.
- 3.10 The public alleys adjoining Lots 8-13 and 15 shall be constructed with this phase.
- 3.11 The applicant shall construct a 10-foot wide concrete path east of Lot 19 between Front Avenue and the Dave Clark Riverfront Trail.

Phase C Conditions:

- 3.12 Front Avenue shall have a curb to curb width of 30 feet and a right-of-way width of 54 feet.
- 3.13 A revised Crossing Zone Order for closure of Hill Street shall be obtained from ODOT Rail prior to construction of any public improvements. The applicant shall provide a completed crossing order application for submittal by the City to ODOT Rail.
- 3.14 Hill Street shall be improved from Front Avenue to the south boundary of Lot 13 and shall have:
 - A five foot sidewalk and 7.5 foot landscape strip along both sides of the road. Sidewalk construction on the east side may be deferred to lot development.
 - A 22 foot wide vehicle travel way.
 - 90 degree parking with a width of 17 feet on the west side.
- 3.15 A revised Crossing Zone Order for improvement of the Madison Street crossing shall be obtained from ODOT Rail prior to the construction of any public improvements. The applicant shall provide a completed crossing order application for submittal by the City to ODOT Rail.
- 3.16 The applicant shall improve the Madison Street/Water Avenue intersection in accordance with the Water Avenue Streetscape Design Plan.
- 3.17 The applicant shall improve Madison Street between Front Avenue and Water Avenue. Madison Street shall have a curb to curb width of 30 feet and a right-of-way width of 54 feet.
- 3.18 The applicant shall construct a 10 foot wide concrete path west of lot 30 between Front Avenue and the Dave Clark Riverfront Trail.

Phase D Conditions:

3.19 Front Avenue shall have a curb to curb width of 30 feet and a right-of-way width of 54 feet.

Phase E Conditions:

3.20 The applicant shall construct the public alleys within this phase.

Phase F Conditions:

- 3.21 Hill Street shall be improved from the south boundary of Lot 13 to its terminus and shall have:
- A five foot sidewalk and 7.5 foot landscape strip along both sides of the road. Sidewalk construction on the east side may be deferred to lot development.
 - A sidewalk connection between the end of Hill Street and the sidewalk installed along the site's south boundary.
 - A 22 foot wide vehicle travel way.
 - 90 degree parking with a width of 17 feet on the west side.
- 3.22 In the event no other provision has been made for a turnaround at the end of Hill Street, the applicant shall construct a temporary turnaround on lot 11. The applicant shall provide an easement for the turnaround. The easement may be revocable when an alternative turnaround is provided elsewhere.

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

See the findings, conclusions, and conditions under Review Criterion (1) of the Site Plan Review criteria that precede this section earlier in the staff report.

Criterion (5) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

See the findings, conclusions, and conditions under Review Criterion (5) of the Site Plan Review criteria that precede this section earlier in the staff report.

STAFF ANALYSIS**Willamette River Greenway Use File WG-01-12**

ADC Section 6.540 lists the following review criteria which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings, conclusions, and conditions where conditions are necessary to meet the review criteria.

Criterion (1) Lands designated on the Comprehensive Plan as Open Space are preserved and maintained in open space use.

FINDING OF FACT AND CONCLUSION

1.1 There is no land on the subject properties designated as Open Space in the Comprehensive Plan; therefore this criterion is not applicable

Criterion (2) Significant air, water and land resources including but not limited to natural and scenic areas, viewpoints, vistas, fish and wildlife habitats, etc. in and adjacent to the Willamette River Greenway are protected, preserved, restored, or enhanced to the maximum extent possible.

FINDINGS OF FACT

- 2.1 The applicant states there are no significant air, water and land resources on the affected properties south of the Dave Clark Riverfront Path.
- 2.2 The portions of properties that will be developed historically contained extensive industrial uses in the vicinity where the Edgewater Village development is proposed. Presently the lots contain remnants of concrete pads and foundations from previous uses, several large piles of sand reaching 10 to 15 feet in height, weeds and litter. Some portions of the site contain graveled areas.
- 2.3 No development is proposed north of the Dave Clark Riverfront Path, which is characterized by heavy amounts of vegetation along the bank of the river.
- 2.4 According to the applicant, the developers have "agreed to work cooperatively with the Albany Parks and Recreation Department and the Calapooia Watershed Council to access technical expertise, funding, and volunteer assistance to remove invasive species on the riverbank and plant native species."

CONCLUSIONS

- 2.1 The property where the development is proposed contained extensive industrial uses historically.
- 2.2 Significant air, water and land resources including but not limited to natural and scenic areas, viewpoints, vistas, fish and wildlife habitats, etc. in and adjacent to the Greenway will be protected, preserved, restored, or enhanced to the maximum extent possible.
- 2.3 Portions of property north of the Dave Clark Riverfront Path contains a heavily vegetated river bank. The only work proposed in this area is the removal of invasive species together with planting native species on the riverbank.

CONDITION

- 2.1 Before removing any trees or vegetation from the slope of the river bank, the City Planning Division, Parks and Recreation, and Public Works Departments must approve a removal, restoration and erosion control plan for the impacted areas.

Criterion (3) Areas of annual flooding, floodplains, and wetlands are preserved in their natural state to the maximum possible extent to protect water retention, overflow, and other natural functions.

FINDINGS OF FACT

- 3.1 According to the applicant, "The areas of annual flooding, floodplains, and wetlands are located north of the Dave Clark Riverfront Path as noted on the site plans. The Owners do not plan to work in any portion of the Subject Property located below the top of bank. This area will be set aside in a tract ineligible for residential development."

CONCLUSIONS

- 3.1 No development is proposed in the areas of annual flooding, floodplains, and wetlands.
- 3.2 These areas will be preserved in their natural state to the maximum possible extent to protect water retention, overflow, and other natural features. This criterion is met without conditions.

Criterion (4) The natural vegetative fringe along the river is maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, and protection from erosion.

FINDING OF FACT AND CONCLUSION

- 4.1 The existing vegetation along the river is beyond the area proposed for development and will not be disturbed, according to the applicant.

Criterion (5) The harvesting of timber will be done in a manner which ensures that wildlife habitat and the natural scenic qualities of the Willamette River Greenway are maintained or will be restored.

FINDING OF FACT AND CONCLUSION

- 5.1 No timber harvests are proposed with this project, therefore this criterion does not apply.

Criterion (6) The proposed development, change, or intensification of use is compatible with existing uses on the site and the surrounding area and provides the maximum possible landscaped area, open space, or vegetation between the activity and the river.

FINDINGS OF FACT

- 6.1 All proposed lots except Lots 1 – 18 are located in the Willamette River Greenway district.
- 6.2 The proposed development will take place on the site where extensive industrial uses occurred historically. No uses are proposed north of the Dave Clark Riverfront Path, according to the applicant.
- 6.3 The applicant states, "Pedestrian corridors along Main, Hill, and Madison Streets will be installed as shown on the site plan to reinforce the open space and natural beauty of the river edge."

- 6.4 Site plans submitted with the application (specifically Sheet L1.0 of Attachment VI) show enhanced landscaping adjacent to pedestrian corridors between Front Avenue extended and the Dave Clark Riverfront Path. This includes street and shade trees along with seeded lawn. Pedestrian corridors and landscaping will be located entirely within public right-of-way.

CONCLUSIONS

- 6.1 The proposed development will be compatible with existing uses on the site and the surrounding area by providing pedestrian corridors with enhanced landscaping between the development and the Dave Clark Riverfront Path.
- 6.2 This criterion is met without conditions.

Criterion (7) Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety, and necessary reclamation will be guaranteed.

FINDING OF FACT AND CONCLUSION

- 7.1 Extraction of aggregate deposits is not proposed with this development; therefore this criterion does not apply.

Criterion (8) Any public recreational use of facility will be developed, maintained, and operated in such a way as to minimize adverse effects on adjacent properties.

FINDINGS OF FACT

- 8.1 There will be no new public recreational facilities on site associated with Edgewater Village, according to the applicant. The existing Dave Clark Riverfront Path located north of the proposed development is a public recreational facility that will be set aside in undevelopable tracts. Existing Path easements granted to the City need to be relocated to align with the actual location of the developed path.
- 8.2 The City will enter into an agreement with the applicant related to maintenance of the Path.
- 8.3 In order to maintain privacy and security, lot owners may fence their rear yards where they abut the Path.

CONCLUSIONS

- 8.1 The Dave Clark Riverfront Path is the only public recreational facility on site. Adjacent properties may fence their yards where they abut the Path.
- 8.2 The easement document must include assignment of maintenance responsibilities between the parties.
- 8.3 This criterion is met without conditions.

Criterion (9) Building setbacks from the floodway line shall be determined by the setback and height plane as defined in Sections 5.200 and 5.205 of this Code.

FINDINGS OF FACT

- 9.1 The floodway line along the Willamette River completely lies to the north of the Dave Clark Riverfront Trail, where no development is being proposed.

- 9.2 The building setback requirement of ADC 5.200 which states development shall be out of the floodway, was superseded by ADC 5.205. Within the Waterfront (WF) zoning district, setbacks for buildings south of the Willamette River shall be at least 35 feet from the top of the river bank for a building two stories or less, and 45 feet for buildings three or more stories (ADC 5.205).
- 9.3 Site plans submitted with the application (specifically Sheet 4) show compliance with the 35-foot setback from top of bank.
- 9.4. According to Article 22 of the ADC, “story” is defined as: “That portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than 6 feet above grade, such basement or cellar shall be considered a story.” Dwelling units along this setback area will be limited to two stories as a condition of approval.

CONCLUSIONS

- 9.1 The floodway line lies completely north of the Dave Clark Riverfront Path.
- 9.2 Setbacks for buildings south of the river shall be 35 feet for two stories or less. The applicant’s site plans show compliance with this standard.
- 9.3 This criterion is met with the following condition:

CONDITION

- 9.1 Dwelling units along the 35-foot Special Willamette River Setback area shall be limited to two stories.

Criterion (10) Public access will be provided to and along the Willamette River by appropriate legal means for all development in conformance with plans approved by the City.

FINDINGS OF FACT

- 10.1 The applicant’s site plans depicts three access corridors to the Willamette River (see Sheets 4 or 7). Multi-use paths each 10 feet wide will connect Front Avenue to the Dave Clark Riverfront Path along three existing right-of-ways: Madison Street, Hill Street and Main Street. Partial street vacations are proposed under different land use applications (Files VC-02-12, portions of Madison Street; and VC-03-12, a portion of Main Street) that will be considered at public hearings by the Albany Planning Commission and City Council. Sufficient room will remain to accommodate the multi-use paths. No vehicular access to the Willamette River is proposed with this development

CONCLUSIONS

- 10.1 Public access to the Willamette River will be provided by three access corridors.
- 10.2 This criterion is met with the following condition:

CONDITION

- 10.1 Public access to the Willamette River shall be provided by appropriate legal means in substantial conformance with Site Plans submitted with the application.

ATTACHMENTS

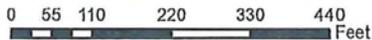
- I Location Map
- II Neighborhood Meeting Summaries
 - a). dated 4/24/2012
 - b). dated 5/30/2012
- III Preliminary Planned Development Approval Letter dated 8/6/2012
- IV Notice of Public Hearing dated 2/15/2013
- V Applicant's Findings
- VI Applicant's Plan Set:
 - Sheet 1—Tentative Plat
 - Sheet 2—Existing Conditions
 - Sheet 3—Adjacent Properties
 - Sheet 4—Site Plan
 - Sheet 5—Drainage Plan
 - Sheet 6—Utilities Plan
 - Sheet 7—Outdoor Living Area
 - Sheet L1.0—Landscape Plan
 - Sheet L2.0—Landscape Plan Specifications
- VII Applicant's Revisions Letter dated 10/01/2012
- VIII Unit "A" Elevations and Floor Plans
- IX Unit "B" Elevations and Floor Plans
- X Applicant's Revisions Letter dated 2/01/2013
- XI Revised Utilities Exhibit



LOCATION MAP: 1055 Water Avenue



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



August 9, 2012

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550

Edgewater Village
Neighborhood Meeting
Calapooia Brewing, 140 Hill Street NE
April 24, 2012

Notice was mailed to 44 property owners. Approximately 25 people attended the meeting which began at 5:45 and ended close to 7PM.

- 1) Access to the Willamette River is a large interest. Some suggested pedestrian access to the existing bike path, one suggested a riverfront street. Maintaining access is important to all.
- 2) The plan shows backyards facing the river. Some suggested retail or front yards.
- 3) Dock? Any chance for something like this at the end of Hill Street?
- 4) Neighbors would like to see some type of public area at the end of Hill Street.
- 5) Parking for the brew pub an issue. Patrons park on the dirt lot where Edgewater Village will be constructed. Interest in replacement parking.
- 6) Interest in bus stop.
- 7) Parking and benches over by the community garden would be nice.

Responses:

No street is planned along the river. Pedestrian connections will be made from the end of the road on Main, Hill, and Madison Streets to the bike path.

River access is a great idea but the steep slope is a significant physical barrier. The bike path and the river bank is owned by developer but it will likely be set aside in a tract and offered to the city.

All streets will be public and open to parking for brew pub patrons.

Any bus stop will be coordinated with Albany Transit.

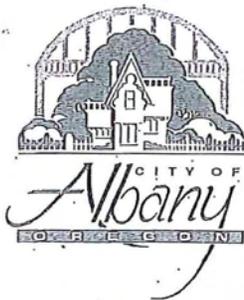
Parking will be provided for the community garden.

Edgewater Village
Neighborhood Meeting
Calapooia Brewing, 140 Hill Street NE
May 30, 2012

Notice was mailed to 44 property owners. Approximately 15 people attended the meeting which began at 5:30 and lasted about an hour. Representing the City of Albany were David Martineau (Community Development) and Kate Porsche (Urban Renewal).

Following a presentation, there was a question and answer session. Audience questions and comments are followed by a response:

- 1) Will there be on-street parking? Yes
- 2) There was a slide on the river bank just east of the trestle. Calapooia Watershed Council may assist with bank stabilization.
- 3) Is an EIS required? No
- 4) Is the development in the floodplain? Part of the bank is in the floodplain but the development site is not.
- 5) Will traffic increase on Water Avenue? Yes. The City has plans to upgrade the street.
- 6) Will there be a loss of privacy for existing neighbors? No, homes will be at least 70 feet away and street trees will be planted.
- 7) Will there be parking along Water Avenue? Maybe, if the railroad is abandoned.
- 8) May consider river access north of the community garden. Further investigation needed.



August 6, 2012

CITY HALL
333 Broadalbin SW
P.O. Box 490
Albany, OR 97321-0144
www.ci.albany.or.us

(541) 917-7500

ADMINISTRATIVE SERVICES
City Manager/
Human Resources
(541) 917-7501
FAX (541) 917-7511

Finance/Recorder
(541) 917-7520
FAX (541) 917-7511

Municipal Court
(541) 917-7740
FAX (541) 917-7748

Water/Sewer Billing
(541) 917-7547
FAX (541) 917-7511

COMMUNITY
DEVELOPMENT
Planning
(541) 917-7550
FAX (541) 917-7598

Building Inspection
(541) 917-7553
FAX (541) 917-7598

FIRE ADMINISTRATION
(541) 917-7700
FAX (541) 917-7716

PARKS & RECREATION
ADMINISTRATION
(541) 917-7777
FAX (541) 917-7776

PUBLIC WORKS
Engineering
(541) 917-7676
FAX (541) 917-7573

Transit
(541) 917-7667
FAX (541) 917-7573
TDD (541) 917-7678

Rich Catlin
Reece & Associates
321 1st Avenue E, Suite 3A
Albany, OR 97321

CITY OF ALBANY PLANNING DIVISION FILE PD-01-12, PRELIMINARY PLANNED DEVELOPMENT FOR PROPERTY LOCATED AT 1055 WATER AVENUE NE; LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-06DA; TAX LOTS 101, 1700, 13100, 13200, and 13300

Dear Rich,

We have reviewed your preliminary submittal for a planned development on the above-mentioned property located north of Water Avenue. The proposed development would divide about 6.37 acres of land into 60 residential single-family lots and open space as a planned development (Edgewater Village).

Planned developments are reviewed in three steps. The first step is the preliminary submittal, which you have completed. The second step is the interim submittal. The third step is the final submittal. The interim review includes a public hearing before the Planning Commission. The final review is by staff only.

Your preliminary submittal complies with the requirements of Albany Development Code (ADC) Section 11.300(1), therefore it is approved with the following comments:

1. In addition to Waterfront zoning, the property is located in the Willamette River Greenway Overlay District.
2. Separate applications will be needed for street right-of-way vacations proposed in your submittal.
3. Sanitary Sewer.

City utility maps show a 30-inch public sanitary sewer interceptor main along the northern boundary of the subject property; and a 21-inch main in Hill Street.

4. Water.

City utility maps show a 12-inch public water main along the south side of Water Avenue along the entire length of the project frontage (from Lafayette Street to Main Street); a 6-

inch main exists on the west side of Lafayette Street; a 10-inch main exists in Madison Street; a 6-inch stub extends to the north side of Water Avenue in Hill Street; and a 6-inch main exists in Main Street between Water Avenue and Front Avenue.

5. Storm Drainage.

City utility maps show a 15-inch public storm drainage main in Madison Street; and a 15-inch main in Hill Street. Both of these mains discharge to the Willamette River.

6. Building Division.

The Building Division has comments on the planned development that are not related to this preliminary planned development application. The comments are attached to this letter as "Attachment A". Please call Joel Heenan, Plans Examiner, if you have questions about building code requirements. His telephone number is (541) 917-7559.

7. Public Works Environmental Services.

Public Works Environmental Services has comments on the planned development that are not related to this preliminary planned development application. The comments are attached to this letter as "Attachment B". Please call Bruce Gaskey at (541) 497-6222, if you have questions concerning runoff and discharge.

8. Oregon Parks and Recreation Department-State Historic Preservation Office.

State Archaeologist Dennis Griffin submitted comments concerning the proposed development. His comments are attached to this letter as "Attachment C".

9. ODOT Rail Division.

Railroad Compliance Specialist Michael Hays submitted comments relative to railroad crossings in the project area. His email is attached to this letter as "Attachment D".

* * *

The interim PD submittal will need to be compatible with the city's adopted "Water Avenue Streetscape Plan". Project phasing and related access improvements will be impacted by the PWRR (Portland & Western) rail line in Water Avenue. The interim PD submittal will need to address at-grade crossing issues and related improvements.

With the interim submittal, you will need to provide information that demonstrates all of the requirements of ADC 11.240 through 11.370 are met. If you have any questions, please contact me at (541) 917-7550. We look forward to continuing to work with you and your clients on this project.

Preliminary Planned Development PD-01-12

Page 3

July 27, 2012

Sincerely,

A handwritten signature in black ink, appearing to read "David Martineau". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Martineau, Project Planner

cc: File PD-01-12
Heather Hansen, Planning Division Manager
Kate Porsche, Urban Renewal Manager
Ron Irish, Transportation Systems Analyst
Joel Heenan, Plans Examiner



COMMUNITY DEVELOPMENT DEPARTMENT

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

Phone: (541) 917-7550 Fax: (541) 917-7598
www.cityofalbany.net

NOTICE OF PUBLIC HEARING

<u>HEARING BODY</u>	Planning Commission
<u>HEARING DATE</u>	Monday, February 25, 2013
<u>HEARING TIME</u>	5:15 p.m.
<u>HEARING LOCATION</u>	Albany City Hall Council Chambers, 333 Broadalbin Street SW

GENERAL INFORMATION

DATE OF NOTICE:	February 15, 2013
FILES:	PD-01-12; SD-01-12; and WG-01-12
TYPE OF APPLICATION:	<ol style="list-style-type: none"> 1) <u>PD-01-12</u>: Interim submittal for a Planned Development that would include 58 residential single-family lots and open space on about 6.37 acres (Edgewater Village). 2) <u>SD-01-12</u>: Subdivision Tentative Plat that would divide the 6.37-acre Planned Development into 58 residential single-family lots and open space. The subdivision would be platted in five phases. 3) <u>WG-01-12</u>: Willamette Greenway review for construction of a 58-unit Planned Development.
PROPERTY OWNERS/APPLICANTS:	<p>George Diamond, c/o Edgewater Village LLC; 2839 SW Second Avenue; Portland, OR 97201; (503) 358-4460</p> <p>Randy Myers, c/o Edgewater Village LLC; PO Box 2375; Lake Oswego, OR 97035</p>
APPLICANT REPRESENTATIVE:	Rich Catlin, c/o Reece & Associates; 321 1 st Avenue E, Suite 3A; Albany, OR 97321; (541) 926-2428
PROPERTY LOCATION:	North of Water Avenue between Lafayette and Main (1055 Water Avenue NE; 240 Hill Street NE; 200 Madison Street NE)
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-03W-06DA; Tax Lots 101, 1700, 13100, 13200, and 13300
ZONING:	WF (Waterfront) District and /WG (Willamette River Greenway) Overlay District

The Planning Division has received the application referenced above and has scheduled a public hearing before the Planning Commission. We are mailing notice of this public hearing to residents and owners of property located within 300 feet of the subject site. We invite your comments, either in writing before the day of the public hearing, or in person at the hearing. Your comments will be taken into account when the Planning Commission makes a decision on the application.

ATTACHMENT IV NOTICE OF PUBLIC HEARING 2.15.13

We have attached a location map of the subject property and a copy of the cover sheet from the set of plans that was submitted by the applicants. A copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria, are available for inspection at no cost at the Albany Community Development Department, Planning Division. The staff report will be available at the Planning Division located in City Hall by 5:00 p.m. on Monday, February 15, 2013. A copy will be available February 15, 2013, on the City's web site at the following link: <http://www.cityofalbany.net/departments/community-development/current-planning-projects>. All of this information is available for inspection at no cost, and copies will be provided upon request at a reasonable cost. For more information, please contact David Martineau, Project Planner, or Heather Hansen, Planning Manager, at 541-917-7550. Submit any written comments to the Planning Division; P.O. Box 490; Albany, OR 97321. Any person who submits written comments or testifies at a public hearing will receive a copy of the Notice of Decision.

If additional documents or evidence are provided by any party, the City may allow a continuance, or leave the record open, to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time limitations of ORS 227.178.

YOUR COMMENTS

All testimony and evidence must be directed toward the approval standards for the application listed in this notice. Failure to raise an issue by letter; or in person, before the close of the record or the final evidentiary hearing, or failure to provide statements or evidence with sufficient detail to allow the Planning Commission an adequate opportunity to respond to each raised issue, precludes an appeal based on that issue.

PUBLIC HEARING PROCEDURE

The public hearing will begin with a declaration of any *ex parte* contacts (contacts which occurred outside of the public hearing) or any conflict of interest by the decision makers. This will be followed by the staff report from the Planning staff. Then the applicant will testify, followed by testimony by other people in support of the application. After the people who are in favor of the application are finished, testimony from opponents will begin. This will be followed by testimony from people who neither favor nor oppose the application. The applicant will then be given the opportunity for rebuttal. The decision makers are free to ask questions of any person who has testified, or of staff, at any point during the hearing.

If the hearing is continued or the record is left open, the chairperson will announce the date, time, and place for resumption of the hearing, and/or what limitations exist on further testimony or submittal of written materials. If the hearing and record are closed, the decision makers will begin deliberations and/or will announce the time, date, and place when the decision will be made.

APPROVAL STANDARDS FOR THIS REQUEST

The Albany Development Code (ADC) contains the following review criteria that must be met for this application to be approved:

SITE PLAN REVIEW (ADC 2.450)

- (1) Public utilities can accommodate the proposed development.
- (2) The transportation system can safely and adequately accommodate the proposed development.
- (3) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
- (4) 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.
- (5) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

WILLAMETTE RIVER GREENWAY USE (ADC 6.540)

- (1) Lands designated on the Comprehensive Plan as Open Space are preserved and maintained in open space use.
- (2) Significant air, water and land resources including but not limited to natural and scenic areas, viewpoints, vistas, fish and wildlife habitats, etc. in and adjacent to the Willamette River Greenway are protected, preserved, restored, or enhanced to the maximum extent possible.
- (3) Areas of annual flooding, floodplains, and wetlands are preserved in their natural state to the maximum possible extent to protect water retention, overflow, and other natural functions.
- (4) The natural vegetative fringe along the river is maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, and protection from erosion.
- (5) The harvesting of timber will be done in a manner which ensures that wildlife habitat and the natural scenic qualities of the Willamette River Greenway are maintained or will be restored.
- (6) The proposed development, change, or intensification of use is compatible with existing uses on the site and the surrounding area and provides the maximum possible landscaped area, open space, or vegetation between the activity and the river.
- (7) Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety, and necessary reclamation will be guaranteed.
- (8) Any public recreational use of facility will be developed, maintained, and operated in such a way as to minimize adverse effects on adjacent properties.
- (9) Building setbacks from the floodway line shall be determined by the setback and height plane as defined in Sections 5.200 and 5.205 of this Code.
- (10) Public access will be provided to and along the Willamette River by appropriate legal means for all development in conformance with plans approved by the City.

TENTATIVE PLAT REVIEW (ADC 11.180)

- (1) Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.
- (2) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
- (3) The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.
- (4) The location and design allows development to be conveniently served by various public utilities.
- (5) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

- (1) The increased flexibility in Code standards and permitted uses will result in an improved development for the city, the surrounding area, and users of the development as compared to strict compliance with Code provisions.
- (2) The project design results in a more efficient utilization of the natural features of the site.
- (3) The project design results in a more efficient utilization of materials and public resources including streets, utilities, and energy supplies.
- (4) Provisions will be established to insure the continued maintenance of any common areas.
- (5) More usable and suitable recreational facilities and other common areas are provided than would normally be provided under conventional development standards.

Additional approval standards for this application are found in Albany Development Code Articles 1, 5, 11, and 12.

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling 541-917-7500.

Attachments: Location Map and Cover Sheet from Plans

Distribution

Property Owners	2
Applicant	-
Applicant Rep.	1
Affected Property Owners	41
File PD-01-12/SD-01-12/WG-01-12	1

WRITTEN STATEMENT

REQUESTS:	Applications for Interim Planned Development, Tentative Subdivision Replat, Willamette River Greenway Use to create a 58 home planned development, Edgewater Village
APPLICANT / OWNER:	Randy Myers and George Diamond dba Edgewater Village LLC
PREPARED BY:	Rich Catlin, Reece & Associates Inc.

Edgewater Village is a new 58-unit development planned along the bank of the Willamette River situated north of Water Avenue between Main Street and the railroad trestle in Lafayette Street. These will be single-family, for sale homes, beginning with five homes on Main Street just north of the rail crossing. Construction is planned by mid 2013.

The success of Edgewater Village represents a milestone for the Albany urban renewal program. This once thriving industrial site is ready for redevelopment. After decades of industrial use, the vacant buildings last occupied by Inland Quick Freeze were destroyed by fire in 2006. Only the Dave Clark Riverfront Trail remains on the project site.

Edgewater Village anchors the east end of the Waterfront District as well as the north end of the Main Street corridor. It is one block off a busy bypass corridor (1st and 2nd Avenue Couplet) with easy access to Corvallis, Lebanon, and I-5. It is a transitional location between century old homes to the south and east and downtown to the west.

Edgewater Village LLC ("Owner") owns two entire blocks and a portion of a third (Blocks 123, 124, 131 on Hackleman's Addition)("Subject Property"). The blocks are bounded by existing rights-of-way. Lafayette Street, Madison Street, Hill Street, and Water Avenue were created on the plat of Hackleman's Addition in 1882. Main Street was created in 1887 on the plat of Hackleman's Third Addition. The Willamette River bounds the Subject Property to the north.

The remainder of the third block is owned by the Burlington Northern Santa Fe Railroad ("BNSF"). For a time, the Owner negotiated with BNSF to acquire the property and even included the BNSF property in early development plans for Edgewater Village. The City of Albany expects to acquire the BNSF property at which time the Owner will resume negotiations to acquire the property. However, for purposes of these applications, the BNSF property is not included in the Subject Property so the Owner would like to begin construction.

A concept plan was developed for preliminary review by the CARA Advisory Board, City staff in pre-application meetings, and neighborhood meetings. Based on the comments in those meetings, a detailed site plan was developed for the land use applications. Three applications are consolidated for Type III review: Interim Planned Development, Land Division Tentative Plat, and Willamette River Greenway Use. This written statement responds to the applicable review criteria for those applications.

Partial vacations of Madison Street and Main Street are proposed to implement the concept plan. Both rights-of-way are 66 feet wide but today the City requires only 54 feet. The proposed vacation would narrow the right-of-way to today's standard. In addition, the right-of-way north of Front Avenue would narrow to accommodate a multi-use path. The vacated land would be added to the development site for Edgewater Village. The two Vacation applications are Type IV applications. A separate written statement responds to the review criteria for those applications.

A phasing plan is proposed for Edgewater Village that coincides with the revised development schedule for homebuilding set forth in the Owner's contract with CARA.

INTERIM PLANNED DEVELOPMENT

A planned development is a method to master plan a site for a variety of uses as an alternative to a standard subdivision. It combines the spatial requirements of a subdivision with the compatibility elements of site plan review to achieve a more cohesive environment. The planned development is granted a measure of zoning flexibility in numerical requirements and in the arrangement of uses in exchange for a higher quality environment.

The planned development is a post-World War II approach to land development. The original notion was to master plan a complete neighborhood unit, having a range of home sizes and occupancies, parking, parks, playgrounds, schools, and access to daily goods and services. This approach was later adopted in land use regulations as a means to promote large scale, unified land development, often by clustering residential land uses and providing public and common open space.

The application of planned development principles should take into account the scale and context of the development. For example, a large greenfield development of hundreds of acres would be designed to be self contained with all the expected amenities of a small community. At the other end of the spectrum, a small infill site could incorporate basic features such as orienting a few cottages around a common garden.

Many contemporary zoning regulations including the Albany Development Code have incorporated key design principles that are characteristic of planned residential developments: pedestrian connectivity to daily destinations, narrow streets, house placement, natural area protection, and housing type variety. Entire zoning districts can be crafted with the design flexibility sought after in a planned development. For example, Albany's Waterfront District allows for a mix of housing types and commercial uses while removing/reducing many of the development standards found in residential districts.

The application under review for Edgewater Village builds on the desirable urban form attributes of the Waterfront District while utilizing flexibility under planned development provisions to achieve a mix of housing types over a range of housing needs. On balance, the design relies more on the context of the development within an established neighborhood to take advantage of recreational opportunities along the Willamette River and the community garden at the end of Main Street rather than to provide active recreation facilities on-site as would be required for a larger self-contained neighborhood.

Under the Albany Development Code, the review of a planned development is processed in three steps. The preliminary submittal was filed on June 25, 2012 and approved August 6, 2012. This interim submittal is the second step. The interim submittal must contain the following information as set forth in ADC 11.300(2):

(a) Sidewalks, pedestrian ways, utilization of structures, and lighting.

Response: Sidewalks are provided on both sides of the streets to be improved with this development. Pedestrian ways are improved from Main Street, Hill Street, and Madison Street for multiple points of access to the Dave Clark Riverfront Path along the Willamette River. All structures will be residential or accessory to residential. No lighting plan has been developed,

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but enough lighting will be provided to balance the need for safety with the principles of dark sky (protect wildlife, cut energy waste, and stop light pollution).

(b) A boundary survey or a certified boundary description by a licensed surveyor.

Response: The boundary survey by Northstar Surveying is depicted on Sheet 2, Existing Conditions.

(c) Data, drawings, and/or elevations clearly establishing the scale, character and relationship of buildings, streets, and open space.

Response: Sheet 4, Site Plan, shows the relationship between private homes and the public domain along the streets. The scale and character of the homes is illustrated in the building floor plans and elevations attached to the applications as exhibits.

(d) A tabulation of land area to be devoted to each use, and a calculation of the average residential density per acre, if applicable.

Response: A tabulation of land area appears on Sheet 1, Tentative Plat.

(e) A development schedule for commencement and of construction, or a phasing schedule if phased development is proposed.

Response: The phasing schedule is found on Sheet 1, Tentative Plat.

(f) If the development will be divided into different ownerships, any additional information generally required for a land division tentative plat approval and not required above.

Response: An application for Land Division Tentative Plat is consolidated for review with the Planned Development application.

(g) A transportation impact analysis, where required by the city Engineering Division, Department of Public Works.

Response: The report, "Edgewater Village Trip Generation Study" (Access Engineering, July 20, 2012), attached as an exhibit to the applications.

The living and recreational area standards required for a planned development, as set forth in ADC 11.330, are intended to define the higher quality environment expected for a planned development. Responses to these standards are as follows:

- (1) Outdoor living area shall be provided for residential developments...*
- (2) In all planned residential developments having 50 living units or more, an indoor recreation area (see definition) shall be established...*
- (4) The requirement for indoor recreation area may be waived by the review body where increased opportunity for outdoor recreation is provided in addition to the requirements of subsection (1). Such opportunities may include court sports, playgrounds, golf, swimming, or other exceptional treatment of open spaces.*

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Response: For reasons explained in response to ADC 11.310(1), the design of Edgewater Village relies on an exemption to this standard on the premise that nearby recreational opportunities associated with the Willamette River, Dave Clark Riverfront Trail, Bowman Park, and community garden are exceptional features that are more than adequate to meet the recreational needs of Edgewater Village residents.

(3) *In an industrial planned development the following minimum percentage of landscaped open space is required...*

Response: This standard does not apply because Edgewater Village is not an industrial planned development.

(5) *In any planned development, all electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground by the developer, unless allowed above ground by the review body.*

Response: Sheet 5, Utilities, demonstrates how this standard is met.

(6) *When calculating density of a proposed planned development the regulations of the basic use district in which the development is located shall apply except when calculating density of the proposed planned development, the total area including street and one-half of park land dedications shall be included*

Response: This criterion does not apply because there is no density standard for the Waterfront District.

The interim submittal review criteria are listed in ADC 11.310. The responses to those criteria are as follows.

(1) *The increased flexibility in Code standards and permitted uses will result in an improved development for the City, the surrounding area, and users of the development as compared to strict compliance with Code provisions.*

Response: The design of Edgewater Village relies on flexibility in the following Code standards and permitted uses.

a. *Housing Type.* New construction of single-family units in WF is limited to attached units and two-family units. [ADC 5.070(16)] The modification proposed is for detached units.

The justification derives from the purpose statements of the WF District and planned developments as well as the position of the Subject Property within the community. Both the WF District and the planned development provisions foster a mixed use form of development including a variety of housing types not associated within traditional residential zoning districts. The locational factor is equally as important. It is situated at the east end of the WF District which is the east edge of the downtown area. It is a transition area from the urban core of downtown (no setbacks, no yards, mixed use) to a sub-urban form of development (detached homes, green yards all around). The proposed development is a mix of housing forms and sizes to create this sense of transition. The detached units are the link to the existing neighborhood

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while the attached homes are a more compact urban form. This mix of units captures the spirit of the WF District while securing a degree of compatibility with the established neighborhood.

b. *Public Utility Easement (PUE)*. The front setback in the Waterfront District is five feet. [ADC 5.090, Table 1] Under General Exceptions to Setback Requirements, projecting building features such as eaves, porches, and steps can project into the required front setback no more than five feet. [ADC 5.140(2)] The effect is that homes in the WF District may be constructed to the front property line. This conflicts with ADC 12.120, 12.122(1), and 12.370 wherein a 7-foot public utility easement is required on both sides of any right-of-way less than 60 feet unless waived by the City Engineer. The modification proposed is a waiver of the PUE and a condition that all utilities be installed inside the street right-of-way.

The justification lies in the history of the PUE and the nature of the urban environment. The PUE is a construct of the past intended to reserve airspace for overhead utilities suspended by cross arms that encroach over the property line. Now that new utilities are placed in underground conduit and vaults, all utilities can be accommodated in a compact space, many times in a single utilities trench. Whether the right-of-way is 66 feet or 54 feet, there is ample space between the curb and right-of-way edge for public utilities. For a 54-foot wide local street right-of-way, there is 11½ feet on each side of the street, more than ample room for underground public utilities. Setbacks are curtailed in the WF District to emulate the walkable, pedestrian-friendly environment of downtown. These provisions seem to support a shift of the public utilities back into the public right-of-way by allowing building features to the front property line. In this case, the requirement has outlived the need and the PUE should be waived.

c. *Outdoor Living Area*. At least 40 percent of the gross land area in a planned development must be devoted to outdoor living area of which 75 percent is common or shared outdoor living area. Outdoor living area dedicated to the City must be at least 50 percent the size standard for City neighborhood parks. [ADC 11.330(1)] The proposed development plan conforms to the 40 percent standard, but a modification is proposed to the 75 and 50 percent standards.

The justification is rooted in the vision of a suburban-style planned development that is not synchronized with provisions of the WF district or the urban environment. The PD provisions enable a landowner to voluntarily concentrate development away from common areas and natural resources without loss of density. The result is protection for natural resources and an arrangement of living areas that benefits from those natural areas. These provisions give no credit for adjacent natural areas, nor does it give credit for outdoor living areas in the public domain. While the WF district promotes a denser style of residential development, the proximity to the Willamette River, Dave Clark Riverfront Path, community garden, and Bowman Park are amenities that more than offset the need for outdoor living area. Multi-use paths are planned from Main Street, Hill Street, and Madison Street to maintain view corridors toward the river and to provide public access through Edgewater Village to the Dave Clark Riverfront Path. With this variety of outdoor living opportunities within a short walking distance, there is no need to provide on-site outdoor living area.

d. *Indoor Recreation Area*. For planned residential developments having 50 living units or more, an indoor recreation area is required. [ADC 11.330(2)] The proposed modification would defer this to nearby facilities that are better staffed and better equipped to meet this need.

The justification is based on changing social mores and on offsetting significant outdoor spaces. This provision was adopted before personal trainers and 24-hour gyms. It is now viable to offer

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these services and opportunities on a commercial scale to a broader community, to the detriment of small scale facilities such as those in a residential development. In fact, Subsection (4) anticipates that some "exceptional treatment of open space" could be sufficient to waive the requirement for indoor recreation area. In this case, the exceptional treatment would be three multi-use corridors through Edgewater Village to the Dave Clark Riverfront Trail.

e. *Clear Vision Area.* No building, landscaping, or other structure that could impede visibility is allowed in a triangular area on each corner of an intersection. [ADC 12.180] The proposed modification would waive this standard in favor of the minimum setbacks of the WF District.

The justification is based on the desired urban form and density allowed in the WF District. The minimum front setback is five feet. [Table 1, ADC 5.090] Building features can project no more than five feet into the required setback, rendering a zero setback for a porch. [ADC 5.140(2)] In this dense urban environment, there is still ample visibility across the corner under conditions of slow speeds and low traffic volumes expected in Edgewater Village. By way of precedent, all downtown commercial buildings encroach on the clear vision area.

f. *Garage Entrance Setback.* The garage entrance setback is 20 feet. [Table 1, ADC 5.090] The proposed modification would reduce this standard for Lots 35-40.

The justification for this modification would be the dimensional standards for the street and cul-de-sac. The two car garages would provide the minimum off-street parking required for each lot. Therefore the driveway is not needed for required parking. The proposed minimum distances would be: Lots 35 and 36, 19 feet; Lots 37 and 38, 15 feet; Lot 39, 11 feet; and Lot 40, 14 feet.

(2) *The project design results in a more efficient utilization of the natural features of the site.*

Response: The most significant natural feature of the site is the viewshed afforded by proximity to the Willamette River. The project design leaves undisturbed the vegetative fringe on the riverbank. View corridors will be maintained along Madison Street, Hill Street, and Main Street.

(3) *The project design results in a more efficient utilization of materials and public resources including streets, utilities, and energy supplies.*

Response: The design of the street plan is intended to disperse traffic and reduce congestion on nearby local streets. The associated Vacation petition to reduce the width of Madison Street will decrease street width from 42 to 30 feet. The design incorporates multiple points of public access to the Dave Clark Riverfront Path and corresponding view corridors to the Willamette River.

(4) *Provisions will be established to ensure the continued maintenance of any common areas.*

Response: This criterion does not apply because there are no common areas.

(5) *More usable and suitable recreational facilities and other common areas are provided than would normally be provided under conventional development standards.*

Response: This criterion does not apply because unusual circumstances of the site provide the basis for an exception to the requirements for recreational facilities and common areas as noted in Subsection (1) of these criteria. Those responses and conclusions are hereby incorporated by reference.

SITE PLAN REVIEW

Applicable criteria, as found in Section 2.450 of the Albany Development Code, appear in *italics* followed by the Owner's response in regular font.

(1) Public utilities can accommodate the proposed development.

Response: Public facilities are available to the Subject Property and will be extended into the site to serve the development. The adequacy of public utilities to accommodate the proposed development is discussed in detail later in this narrative in response to criterion (4) of Tentative Subdivision Replat. Those responses are incorporated here by reference.

(2) The transportation system can safely and adequately accommodate the proposed development.

Response: The existing transportation system in conjunction with proposed improvements will safely and adequately accommodate the proposed development as discussed in detail later in this narrative in response to criterion (3) of Tentative Subdivision Replat. Those responses are incorporated here by reference.

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

Response: Each lot is designed to accommodate two off-street parking spaces. The driveways are designed to City of Albany standards. There are no additional parking areas.

(4) 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.

Response: The proposed development is a 58-lot residential subdivision. It is designed around the existing street pattern with access to streets and alleys. This arrangement is similar to the adjacent residential neighborhood. There will be three public multi-use paths connecting Front Avenue to the Dave Clark Riverfront Path. The rear lot lines for Lots 19-40 would be set approximately three feet from the edge of the Dave Clark Riverfront Path to allow for maintenance, landscaping, lighting, and shy distance for path users. For these reasons, the proposed development is reasonably compatible with the adjacent neighborhood.

The only issue of compatibility is proximity to the railroad. For decades, rail operations have affected the livability of the residential neighborhood to the east where the rails run down the center of the pavement on Water Avenue. The impact on those homes is far greater than would be experienced in Edgewater Village. The Owners urge the City to negotiate with ODOT Rail to abandon this segment of the rail in favor of the "left turn" solution at Lafayette and Water.

(5) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

Response: The Subject Property lies within the Floodplain, Willamette River Greenway, and Airport Approach special purpose districts. A discussion of conformance with the provisions of those special purpose districts is found later in this narrative in response to criterion (5) of Tentative Subdivision Replat. Those responses are incorporated here by reference.

LAND DIVISION TENTATIVE PLAT

Applicable criteria, as found in Section 2.740 of the Albany Development Code, appear in *italics* followed by the Owner's response in regular font.

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

Response: There is a small remainder on southwest corner of Hill and Front that could be developed at the time the BNSF property is developed. A future development scenario for the site depicts a mixed use development as one alternative for the site.

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

Response: There is only one parcel adjoining the Subject Property, Tax Lot 100 on Map 11-03w-06DA. At the time of this writing, that parcel is owned by the Burlington Northern Santa Fe Railroad. It has frontage on the unimproved rights-of-way of Hill and Madison Streets north of Water Avenue. Development of the BNSF parcel can precede Edgewater Village on condition of constructing the street and associated infrastructure, or it can follow Edgewater Village. Either way, Tax Lot 100 can be developed and provided access in full compliance with the Code.

If the Owners construct Hill Street or Madison Street prior to development of the BNSF parcel, the Owners may request a capital recovery agreement to recover a portion of the construction costs.

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

Response: The proposed street plan is an extension of the existing public street network. The Subject Property has frontage on and direct access to Main Street, a hard-surfaced road of uneven width (22-32 feet) with no curbs or gutters and sidewalk on the east side only. Main Street is unimproved north of the intersection with Front Avenue. The Subject Property also has frontage on Water Avenue, a paved 36-foot wide street, improved with curb and gutter on both sides and sidewalk on the south side only. The rails for the Burlington Northern Santa Fe Railroad are located within the Water Avenue right-of-way just north of the pavement. There are three intersections on Water Avenue along the frontage of the Subject Property: Main Street, Hill Street, and Madison Street. These streets are local streets according to Figure 7-4, Roadway Functional Classification Map, *Albany Transportation System Plan*. All rights-of-way are 66 feet wide.

The lot layout does not rely on direct access to Water Avenue because of the railroad. Instead, the proposed street plan relies on an extension of Madison Street from the current intersection on Water Avenue and an extension of Front Avenue from the current intersection on Main Street. Front Avenue will cross the Subject Property, intersecting with Hill and Madison Streets before ending in a turn around. Hill Street will end short of the railroad per the *Water Avenue Streetscape Plan* with a bollard-protected emergency access across the railroad. A series of public alleys will provide garage access to all homes except the northernmost tier adjoining the Dave Clark Riverfront Path which will have driveway access from Front Avenue.

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The proposed street plan will disperse traffic to the greatest extent possible by connecting to all streets in the local street grid. The conclusions of "Edgewater Village Trip Generation Study" (Access Engineering, 2012) are as follows:

This Type I Traffic Impact Study finds that the Edgewater Village development will generate a total of 522 daily trips with 38 trips in the AM peak hour and 53 trips in the PM peak hour. The distribution of these trips will be dispersed area-wide to four major routes. It is estimated that half of the generated trips will utilize Main Street in the two-block section south of Water Avenue and then split between Salem Avenue, Santiam Avenue and South Main Street. The intersections of Main Street with Salem and Santiam Avenues has been identified in the TSP for two short-term improvement projects. The impact of the Edgewater Village development traffic at those intersections is less than 2% and would not require further analysis. In conclusion, a full TIA for the Edgewater Village development is not recommended.

The design of Front Avenue and Madison Street within the proposed subdivision conforms to the minor local street standard established in ADC 12.122(1): 30-foot roadway within a 54-foot right-of-way. Because the existing right-of-way for Madison Street is 66 feet wide, a companion application would vacate 12 feet of right-of-way to achieve a 54-foot right-of-way.

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

Response: Public facilities are available to the Subject Property and will be extended into the site to serve the development.

Water. A 12-inch CIP and AC main on the south side of Water Avenue will be looped through the proposed subdivision. A 12-inch DI main extends from the Madison Street intersection under the railroad and ends in a blow off approximately 40 feet north of the rails. From there an abandoned 10-inch DI main extends north to a former hydrant location near the Dave Clark Riverfront Path. At the Hill Street intersection, a 6-inch DI crosses Water Avenue to a vault on the north side of the rails. From the Main Street intersection, a 6-inch AC runs north along Water Avenue, connecting to a 2-inch DI on Front Street.

The water plan calls for reconnecting the 10-inch DI in Madison Street, then connecting a new 8-inch DI along new Front Street to Main Street where it will connect with the 6-inch AC.

Sanitary Sewer. A 30-inch RCP sewer interceptor approaches the Subject Property from the east under the trestle approximately 130 feet north of the rails. It zigzags through the northern reaches of the Subject Property and stays north of the Dave Clark Riverfront Path except in the vicinity of Hill Street. An abandoned segment is located between Lafayette Street and Hill Street where development is proposed. All lots south of Water Avenue and east of Main Street are served by rear yard sanitary sewers, typically 8-inch VCP. A 21-inch TRU sanitary sewer main extends northerly along the Hill Street right-of-way to the sewer inceptor.

The sanitary sewer plan is to build a new on-site collection system to discharge to the 21-inch TRU in Hill Street.

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Storm Drainage. There is no stormwater collection on Main Street north of Water Avenue or on Front Avenue. Runoff in Water Avenue is collected at catch basins and conveyed to 15-inch mains in Hill Street and Madison Street that discharge to the Willamette River.

The storm drainage plan is to build a new on-site collection system to discharge to the 15-inch mains.

(5) *Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.*

Response: The Subject Property lies within three special purpose districts: Floodplain, Willamette River Greenway, and Airport Approach.

Floodplain [ADC 6.070 – 6.125] FEMA published a base flood elevation of 204 feet for the Willamette River near the end of Hill Street (FIRM 41043C0213G, effective 9/29/2010). The aerial photograph over which the flood zone is mapped shows that the special flood hazard area does not cross the Dave Clark Riverfront Path. This is depicted in the City's GIS shapefile as shown on the site plan. Accordingly, the special flood hazard area is restricted to the bank of the Willamette River which is contained in a tract that is not proposed for development. The streets and lots in the proposed subdivision are located outside the special flood hazard area and are not subject to floodplain provisions.

Willamette River Greenway [ADC 6.500 - 6.560] Findings and conclusions pertaining to Greenway provisions is found later in this narrative. Those findings and conclusions are incorporated here by reference to demonstrate compliance with this criterion.

Airport Approach [ADC 4.400 – 4.440] On Figure 6-1, Albany Municipal Airport Approach and Clear Zone Plan, the Subject Property straddles the outer edge of the Conical Surface, the outermost imaginary surface. Approximately two-thirds of the Subject Property is located outside the Conical Surface, but the easterly one-third is located under the Conical Surface. According to ADC 4.420, the elevation of the Conical Surface at the outer edge is 472 feet, more than 300 feet above the 50-foot height limitation of the Waterfront Zone (Table 1, ADC 5.090). Therefore, compliance with the height limitation of the WF zoning district ensures compliance with the height limitation of the Airport Approach district. The noise construction standards set forth in ADC 4.440 do not apply because the Subject Property is located outside the noise contours displayed on Figure 6-2.

WILLAMETTE RIVER GREENWAY

The Willamette River Greenway is a designated corridor adjacent to the Willamette River where the design of new development is guided by the need “to preserve the existing scenic, use and natural features.” [ADC 6.500]

The boundary of the Willamette River Greenway is depicted in Figure 6-4. [ADC 6.510] In the vicinity of the Subject Property, the Greenway boundary follows the street pattern. East of Main Street, the Greenway boundary follows Front Avenue for several blocks. West of Main Street, it follows an extension of Front Avenue to Hill Street, then south on Hill Street to Water Avenue, then west past the railroad trestle in Lafayette Street. The result is that Lots 19-58 are inside the Greenway and subject to the terms and provisions of the Willamette River Greenway district set forth in ADC 6.500 – 6.560.

An application for Willamette River Greenway Use is reviewed as a Type II procedure (staff review with opportunity to request a public hearing). [ADC 6.520] In this case, the design elements of the Greenway review are inseparable from the design elements of the Interim Planned Development, a Type III procedure (public hearing). Therefore the Willamette River Greenway Use application is consolidated with the Interim Planned Development application.

The proposed development does not qualify for the Use Permit Exceptions set forth in ADC 6.530. Conditions may be imposed in accordance with ADC 6.550 to satisfy the Greenway review criteria of ADC 6.350. Those criteria appear in *italics* followed by the Owner's response in regular font.

- (1) *Lands designated on the Comprehensive Plan as Open Space are preserved and maintained in open space use.*

Response: This criterion does not apply because the Subject Property is not designated on the Comprehensive Plan map as Open Space.

- (2) *Significant air, water and land resources including but not limited to natural and scenic areas, viewpoints, vistas, fish and wildlife habitats, etc. in and adjacent to the Willamette River Greenway are protected, preserved, restored, or enhanced to the maximum extent possible.*

Response: Significant air, water, and land resources do not exist on the Subject Property south of the Dave Clark Riverfront Path where extensive industrial use has occurred and where Edgewater Village is proposed. No development is proposed north of the Dave Clark Riverfront Path where a heavily vegetated bank is found.

- (3) *Areas of annual flooding, floodplains, and wetlands are preserved in their natural state to the maximum possible extent to protect water retention, overflow, and other natural functions.*

Response: The areas of annual flooding, floodplains, and wetlands are located north of the Dave Clark Riverfront Path as noted on the site plans. The Owners do not plan to work in any

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portion of the Subject Property located below the top of bank. This area will be set aside in a tract ineligible for residential development.

- (4) *The natural vegetative fringe along the river is maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, and protection from erosion.*

Response: The existing vegetative fringe along the river is outside the development area for Edgewater Village and will not be disturbed by development activities.

- (5) *The harvesting of timber will be done in a manner which ensures that wildlife habitat and the natural scenic qualities of the Willamette River Greenway are maintained or will be restored.*

Response: This criterion does not apply because no harvesting of timber is planned in conjunction with development of Edgewater Village.

- (6) *The proposed development, change, or intensification of use is compatible with existing uses on the site and the surrounding area and provides the maximum possible landscaped area, open space, or vegetation between the activity and the river.*

Response: The proposed development would occur on the portion of the Subject Property that has a long history of disturbance for industrial use. No changes are proposed north of the Dave Clark Riverfront Path. Pedestrian corridors along Main, Hill, and Madison Streets will be installed as shown on the site plan to reinforce the open space and natural beauty of the river edge.

- (7) *Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety, and necessary reclamation will be guaranteed.*

Response: This criterion does not apply because no extraction of aggregate deposits is planned in conjunction with development of Edgewater Village.

- (8) *Any public recreational use or facility will be developed, maintained, and operated in such a way as to minimize adverse effects on adjacent properties.*

Response: No public recreational use or facility is planned in conjunction with development of Edgewater Village. The Dave Clark Riverfront Path which runs along the top of the bank is an existing public recreational facility that will be set aside in an undevelopable tract. Rear yards abutting the Walk may be fenced for privacy and security purposes.

- (9) *Building setbacks from the floodway line shall be determined by the setback and height plane as defined in Sections 5.200 and 5.205 of this Code.*

Response: Subsequent to the adoption of this provision, an exception to the floodway setback as defined in ADC 5.200 was enacted for land in the Waterfront zoning district. The minimum setback from the top of the river bank is 35 feet for a building of two stories or less, and 45 feet for a building three or more stories, within which a balcony or terrace may encroach by a maximum of 10 feet. The site plans demonstrate compliance with this setback.

 Edgewater Village

(10) *Public access will be provided to and along the Willamette River by appropriate legal means for all development in conformance with plans approved by the City.*

There are five adopted plans that affect the Subject Property.

Albany Town Center Plan (Fletcher Farr Ayotte PC, 1995) depicts a re-connection of downtown to the Willamette and Calapooia Rivers as a key feature of the Plan. This notion extends along the "East River Front" and past the Thurston Canal. The Plan proposed nine Land Use Elements, or districts. The Subject Property is located in the "Riverfront Mixed Use Residential District" that is characterized by water and open space oriented high density residential development. This concept was later codified as the Riverfront zoning district.

Central Albany Revitalization Area Urban Renewal Plan (Kupper, 2001), as an implementation tool of the Town Center Plan, lists the projects to be undertaken to achieve the goals and objectives of the Plan, including pedestrian and bicycle connectivity along the Willamette and Calapooia Rivers. The budget for the Plan includes \$1,000,000 to create the Willamette Riverfront Path connecting Bryant, Monteith, and Bowman Parks.

Park and Recreation Master Plan (MIG, 2006) describes the Dave Clark Riverfront Path constructed in 2002 as a 1.25 mile path linking parks along the south bank of the Willamette River. No improvements are proposed along this segment of the Path.

Central Albany Revitalization Area Design Guidelines (Crandall Arambula PC, 2007) establishes a set of parameters for measuring achievement toward satisfying the goals and objectives of the Urban Renewal Plan. The guideline that closely pertains to Willamette River access is:

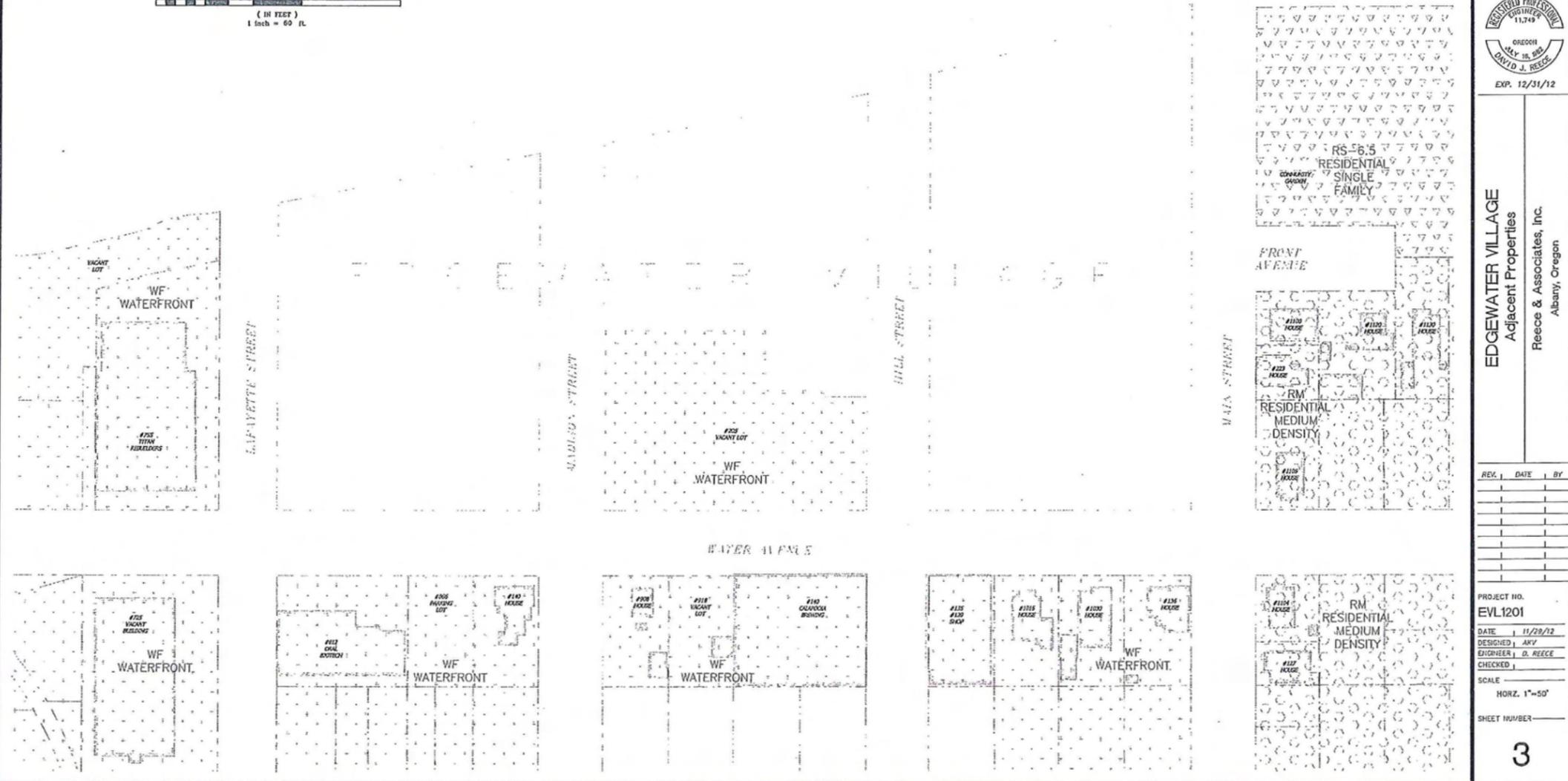
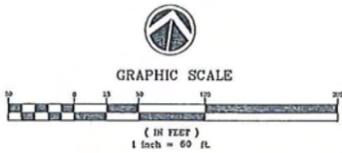
- Celebrate and create links to Albany's beautiful green spaces

Albany Transportation System Plan (Kittelson & Associates, 2010) shows the Dave Clark Riverfront Path as a multi-use path/trail. The only planned pedestrian or bicycle improvements in the vicinity of the Subject Property is the upgrade of Water Avenue from Main Street to Washington Street. A Green Street design proposed from Main to Baker is "needed for development to occur on the north side of the road" (Project No. L59). Project goals include pedestrian and bicycle access, safety, and livability. This project has not been scheduled.

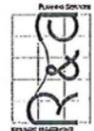
Response: The site plan for Edgewater Village reserves three access corridors to the Willamette River. Multi-use paths will connect Front Avenue to the Dave Clark Riverfront Path along Main Street, Hill Street, and Madison Street. A partial street vacation is proposed on Main and Madison Streets north of Front Avenue because there would be no vehicular access to the river and only a portion of the right-of-way is needed for the multi-use paths.

///R&a 11/29/12

ADJACENT PROPERTIES



Rreece & Associates, Inc.
321 1st Avenue East, Suite 20
Albany, Oregon 97321
Phone: 541-925-5278
Fax: 541-925-5400



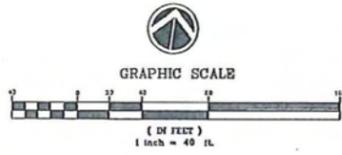
EDGEWATER VILLAGE
Adjacent Properties
Rreece & Associates, Inc.
Albany, Oregon

REV.	DATE	BY

PROJECT NO.
EVL1201
DATE 11/29/12
DESIGNED: AKY
ENGINEER: D. REECE
CHECKED: J
SCALE
HORZ. 1"=50'
SHEET NUMBER

3

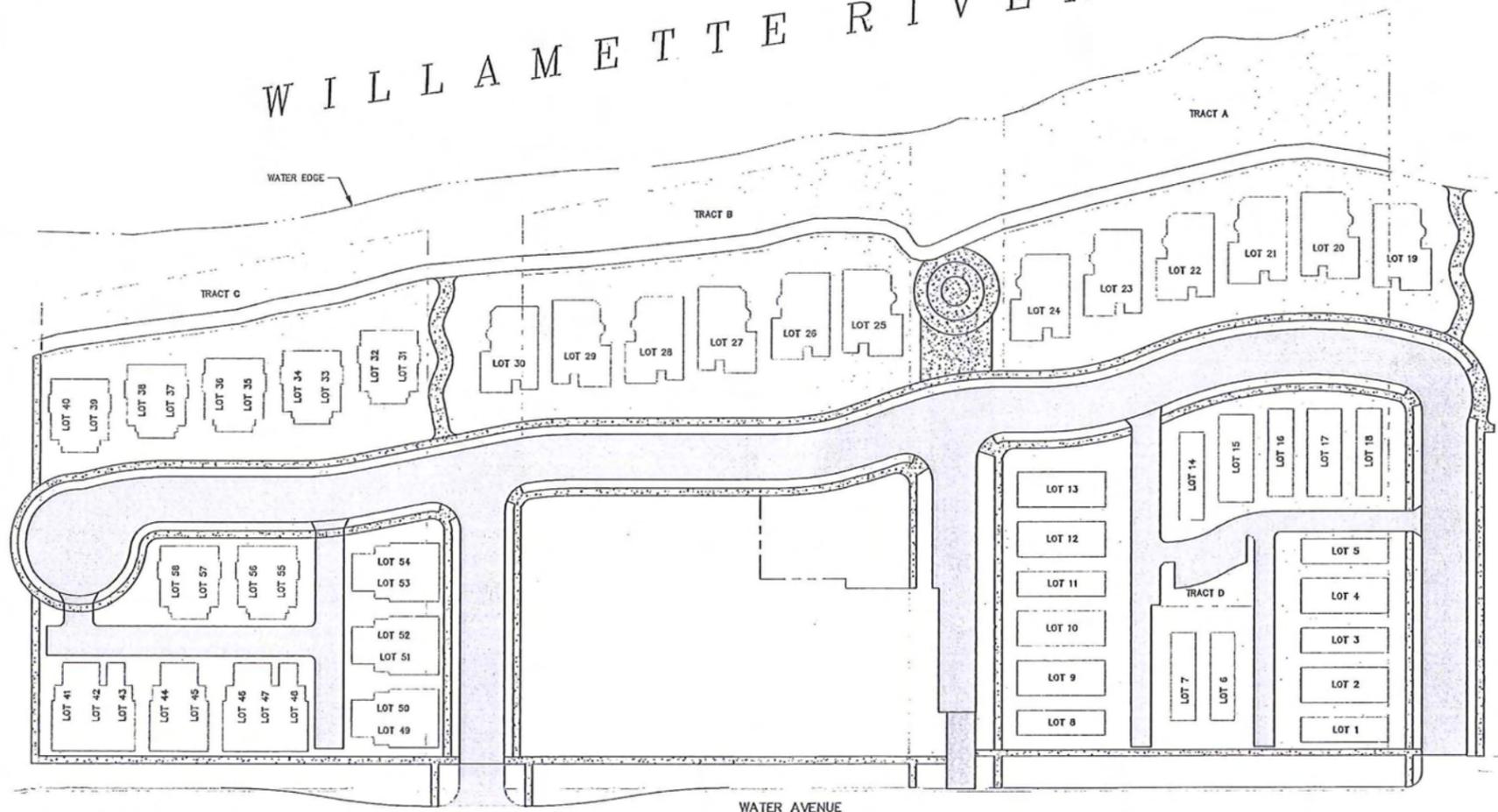
OUTDOOR LIVING AREA



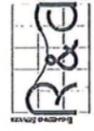
AREA CALCULATIONS:

COMMON OUTDOOR LIVING AREA	
PATHS AND SIDEWALKS	28,394 SF
LANDSCAPE STRIPS	30,870 SF
TRACTS	41,451 SF
TOTAL	100,715 SF
PRIVATE OUTDOOR LIVING AREA	
YARDS	93,325 SF
TOTAL OUTDOOR LIVING AREA	194,040 SF

WILLAMETTE RIVER



Reece & Associates, Inc.
221 First Avenue East, Suite 200
Albany, Oregon 97321
Phone: 541-426-2723
Fax: 541-426-2600



EDGEWATER VILLAGE
Outdoor Living Area
Reece & Associates, Inc.
Albany, Oregon

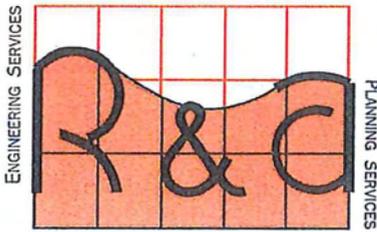
REV.	DATE	BY

PROJECT NO.
EVL1201

DATE | 10/1/12
DESIGNED | ANV
ENGINEER | D. REECE
CHECKED |

SCALE
HORZ. 1"=40'

SHEET NUMBER



Reece & Associates, inc.

October 1, 2012

David Martineau
 City of Albany
 PO Box 490
 Albany, OR 97321

Subject: Completeness Letter for Files PD-01-12, SD-01-12, WG-01-12

**Reference: Edgewater Village
 R&A Project No. EVL1201**

Dear David:

Thank you for your comments regarding the applications for Edgewater Village. In response to those comments, our team has endeavored to address each of the items. We have also used the intervening time to improve the design of homes on Lots 1-19.

This letter is intended to supplement the applications noted above for Edgewater Village. There are four completeness items identified by staff for which responses have been prepared as follows. There are four other concerns raised by staff (railroad, road standards, access points, parking) which are also addressed below.

The applicants have made a number of changes to the plans. These revisions are itemized below.

Revisions to Plans

1. Increased the lot count from 58 to 59. Lots 19-58 have been renumbered to 20-59 respectively.
2. Changed house plans from Lots 1-19. Floor plans, elevations, and photos are enclosed.
3. Lots 1-31 are single-family detached homes; Lots 32-59 are attached single-family homes.
4. Lots 1-8, 18, and 19 are front-loaded homes with no alley access.
5. A new Tract D between Lots 9-11 and 18-19 incorporates six parking spaces for guests. A ten-foot wide public right-of-way between Lots 3 and 4 allows visitors to walk from the parking spaces to Lots 1-8.
6. No street vacation proposed along the front of Lots 1-8. The 12-foot street vacation has been withdrawn. Instead we propose a zero foot front setback for Lots 1-8 to the existing right-of-way line with street improvements in a 54-foot section shifted to the east side of the right-of-way, yielding a distance of 12½ feet from back of sidewalk to the right-of-way. The garage would be inset by 6 feet, for a driveway length of 18½ feet. The proposed vacation of a portion of Main Street for Lot 20 will proceed.

7. Revised the list of garage entrance setback modifications: Lot 25, 12 feet; Lots 36 and 37, 19 feet; Lots 38 and 39, 15 feet; Lot 40 10 feet; and Lot 41, 14 feet.
8. Hill Street will dead-end just north of the railroad unless the crossing improvements are privately funded or the railroad is removed.
9. The phase boundaries have changed to reflect the closure of Hill Street.
10. The rear lot lines for Lots 20-41 have backed off from the easement line to approximately three feet from the edge of the Dave Clark Riverfront Path.

Completeness Issues

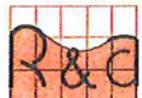
In response to letter dated August 29, 2012, I offer the following comments:

1. Scale, Character, and Relationship, ADC 11.300(2)(c) – Elevations and floor plans of proposed dwellings were submitted along with a site plan that shows the relationship of dwelling to streets. Additional home designs have been provided with this submittal for Lots 1-19. Sheet 7 bears the figures computed for lot coverage and open space.
 - a. The computation for lot coverage is based on the definition set forth in ADC5.090, Table 1, footnote (6) It is computed as the building footprint divided by lot area. Attached is a tabulation by lot of lot coverage. The overall lot coverage excluding rights-of-way and tracts is 45 percent.
 - b. Open space = This term is not defined in ADC Art 5, 11, or 22.

Yard: Any open space that is required, created, or is maintained on a lot and is not obstructed from the ground up by any structure or building. [ADC 22.400] Sheet 7 depicts the open space areas in green.

As noted in the following points, an itemization of private and common outdoor living areas has been provided to illustrate the relationship between buildings and open space in and around the project site. An evaluation of this criterion should bear in mind the context of the development. The project is set in an urban environment, in a transitional area between downtown, the established residential neighborhood to the east, and a mixed use area to the south. Clearly the primary open space asset of Edgewater Village is the Willamette River with the attendant natural and recreational features. Granted, this is an open space feature not created by the project, but it is fully embraced by the design and layout of the lots and homes, with public and private access to the Dave Clark Riverfront Path and multiple sight lines within and through the project site. Care has been taken to maintain private open space between homes by selecting two story floor plans with minimal footprints. The applicants have committed to participating in the removal of invasive species from the bank of the river. They are also willing to explore the use of native species in consultation with the city forester to fulfill landscaping requirements.

2. Outdoor Living Area, ADC 11.330(1)(a). As defined in ADC 22.400, this term encompasses hardscapes and greenscapes intended for active and passive recreational activities. As applied here, the computation includes sidewalks and paths, landscape strips, spaces between buildings at least ten in width and riverbank. Sheet 7 includes an itemized tabulation of outdoor living area by category. The site plan contains 203,316 SF of outdoor living area, or 73 percent of the project area, greater than the minimum requirement of 40 percent of the gross area of the project site (40% of 277,606 SF = 111,042 SF).



3. Common or shared outdoor living area. ADC 11.330(1)(a). A portion of the outdoor living area must be common to and shared between all residents of the planned development. That portion is 75 percent of the minimum requirement of 40 percent of the project area (75% of 111,042 SF = 83,282 SF). When considering the sidewalks, paths, and landscape strips within public rights-of-way, all of which would be accessible to residents and the public alike, the common outdoor living area amounts to 109,797 SF as noted on Sheet 7, in excess of the minimum required area of 83,282 SF.
4. Indoor Recreation Area. The requirement for an indoor recreation area applies to a planned development having 50 or more living units. Edgewater Village at 59 lots is only marginally larger than this threshold value which itself is an arbitrary demarcation. Early in the design process a decision was made to emphasize the value of outdoor living space rather than provide an on-site indoor recreation space that would duplicate indoor recreational opportunities found elsewhere in the community. The design takes full advantage of the location adjacent to an outstanding natural resource, the Willamette River, and the recreational opportunities readily available to residents of Edgewater Village, including the Dave Clark Riverfront Path, Community Garden, and Bowman Park. While the applicants did not create these improvements, they have enhanced the outdoor experience by providing four landscaped and lighted paths connecting the internal pedestrian network to the Dave Clark Riverfront Path; agreed to work cooperatively with the Albany Parks and Recreation and the Calapooia Watershed Council to access technical expertise, funding, and volunteer assistance to remove invasive species on the riverbank and plant native species; proposed to create a gathering circle at the north end of Hill Street overlooking the Willamette River; and proposed to plant native species as street trees with advice and consent from the city forester. The applicants are also interested in a modified street plan for Hill Street to be able to close the street for outdoor activities but the future of this concept is uncertain given the intended closure of Hill Street in the Water Avenue Streetscape Plan and lack of connectivity to Hill Street south of Water Avenue.

Design Issues Related to the Railroad

The presence of an active railroad operation in Water Avenue has been vexing at several levels in the design of Edgewater Village. Originally constructed as a segment of the Oregon Electric Railroad circa 1911, passenger operations ended in 1933, with freight operations surviving to today's low level of activity of two trains per day operated by the Portland & Western Railroad. The rails are situated within the right-of-way of Water Avenue under the jurisdiction of the City of Albany. An updated franchise agreement between the City of Albany and the P&WRR is pending.

The final determination for crossing orders and crossing improvements rests with ODOT Rail. Recognizing the redevelopment potential of former industrial sites along the Willamette River, the City of Albany negotiated with ODOT Rail and P&WRR which crossings would be permitted crossing orders and which crossings would be closed. That schedule was captured in the "Water Avenue Streetscape Design Guide" (WH Pacific, 2008). The Guide calls for Madison Street to be open with full crossing improvements and Hill Street closed. Broader context for the Guide is noted on page 1.3: "In addition, ODOT Rail has informed the City that the long-range plan is for the railroad to be completely relocated outside of Water Avenue." This is a reference to the so-called "left turn" solution whereby trains on Water Avenue make a proposed turn to the existing rail in Lafayette Street, allowing abandonment of approximately 5,600 feet of rail in Water Avenue from just west of Edgewater Village easterly to Davidson Drive. With no timetable or commitments for this work, the design of Edgewater Village must accommodate mitigation for the following rail safety issues:



- Close Hill Street according the Water Avenue Streetscape Design Guide. As conceived in the master plan of Edgewater Village, Hill Street becomes the heart of a small mixed use area from 1st Avenue to the Willamette River. If it is disconnected by the railroad, the synergy between the north and south side of the tracks is lost. To postpone a final decision, the construction of Hill Street would be delayed until the final phase, hoping that a commitment had been reached for the "left turn" solution and the need for closing Hill Street abandoned. If not, Hill Street would be terminated at the railroad with a driveway turnaround that conforms to a hammerhead design approved by the fire code.
- Install crossing controls at Madison Street at an approximate cost of \$250,000. ODOT Rail has agreed to access federal funds for crossing controls for one crossing if the City closes two other crossings (one of which is Hill Street). If federal funds are not available, the franchise agreement calls for P&WRR to pay one-half the cost, and presumably the City would assign the balance of cost to the applicants. It is proposed that full crossing controls be installed with Phase E when Madison Street is constructed. It is hoped that a commitment for the "left turn" solution would be reached before having to commit to full crossing improvements on Madison Street.
- Install fire sprinklers in all homes because Main Street and Madison Street may be obstructed by a train during a fire emergency. This condition would be dropped for remaining homes if a commitment to the "left turn solution" can be reached.
- An obstructing train also prevents the deployment of fire personnel and hoses in Water Avenue in response to a fire emergency in one of the homes fronting Water Avenue. Four fire hydrants on Water Avenue that are otherwise eligible for complying with hydrant spacing requirements must be duplicated on-site. This condition would be dropped for remaining hydrants if a commitment to the "left turn solution" can be reached.
- Water service lines for homes facing Water Avenue cannot go under the railroad. The on-site public water mains must be extended to allow on-site water service connections.

Road Standards

The proposed street plan calls for on-site streets and alleys to be designed to public standards adopted by the City of Albany as set forth in ADC 12.060-12.280. ORS 369.039(1) states that:

When the governing body of a county or city adopts specifications and standards, including standards for width, for roads and streets under the jurisdiction of the governing body, such specifications and standards shall supersede and prevail over any specifications and standards for roads and streets that are set forth in a uniform fire code adopted by the State Fire Marshal, a municipal fire department or a county firefighting agency.

Therefore all portions of every building are located within 150 feet of a proposed street and alley as required by AMC 901.4.5(1).

Points of Access

The street plan for Edgewater Village calls for two separate access roads (Main Street, Madison Street) that are spaced 662.83 feet between centerlines along Water Avenue intersections. Two points of access are required for developments exceeding 30 dwelling units. This exceeds one-half of the length of the maximum overall diagonal dimension of the property of 1040 feet as required by OFC D107.1. However Edgewater Village will be constructed in phases. Each phase will comply with this standard as follows.



Table 1, Points of Access By Phase

Phase	# Lots		Point of Access
	This Phase	Cumulative	
A	5	5	Main Street
B	12	17	Main Street
C	9	26	Main Street
D	10	36	Main Street, Madison Street (gravel, no RR protection)
E	18	54	Main Street, Madison Street (paved, RR protected)
F	5	59	Main Street, Madison Street (paved, RR protected)

Community Garden Parking

Main Street complies with the local street standard which allows parking on both sides. In addition, parking is found in Front Avenue on the south side of the garden. The path proposed on the west side of the garden could provide occasional vehicle access for delivery purposes.

David, thank you again for your comments on this project. It is our hope that the public hearing before the Planning Commission as soon as possible.

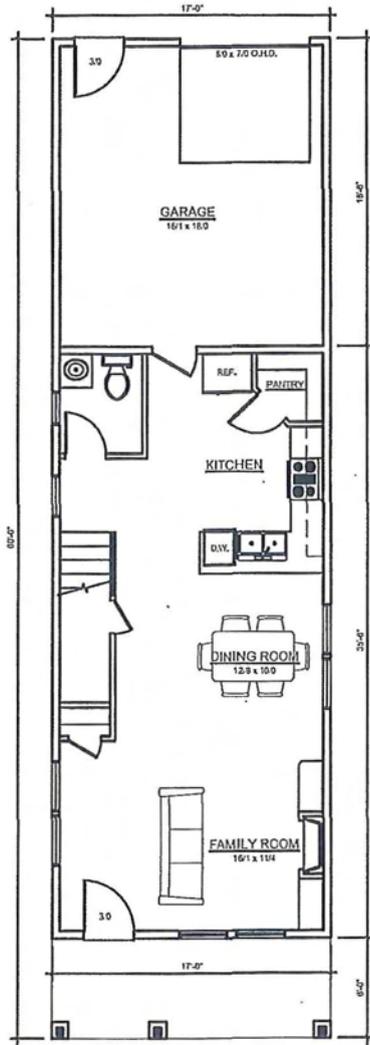
Sincerely,
Reece & associates, inc.

Rich Catlin

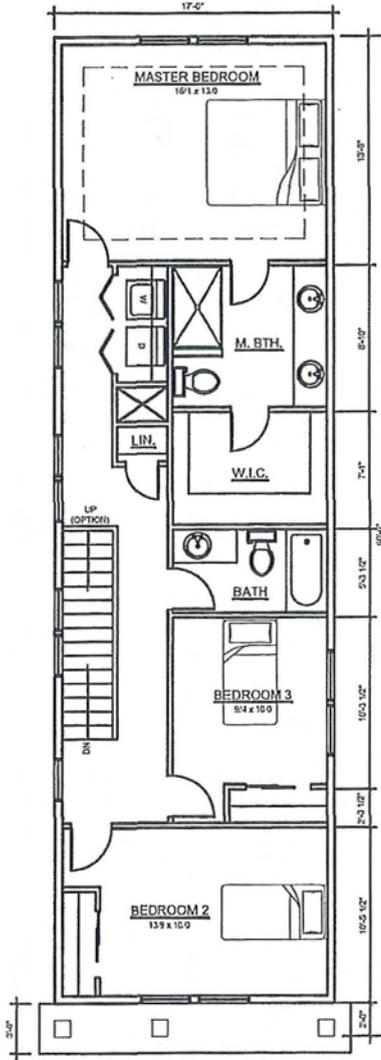
c: Edgewater Village LLC



"A" Unit
11/29/12



MAIN FLOOR 604 SF
17' WIDE OPTION 10/22/12



UPPER FLOOR 511 SF
17' WIDE OPTION 10/22/12

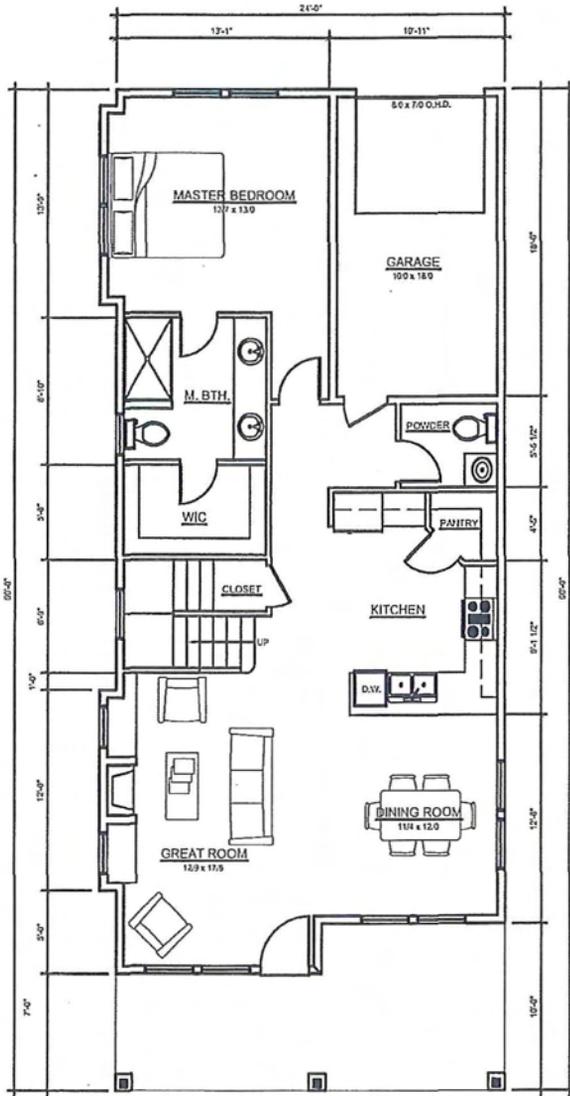


FRONT ELEVATION 17' WIDE OPTION 10/22/12

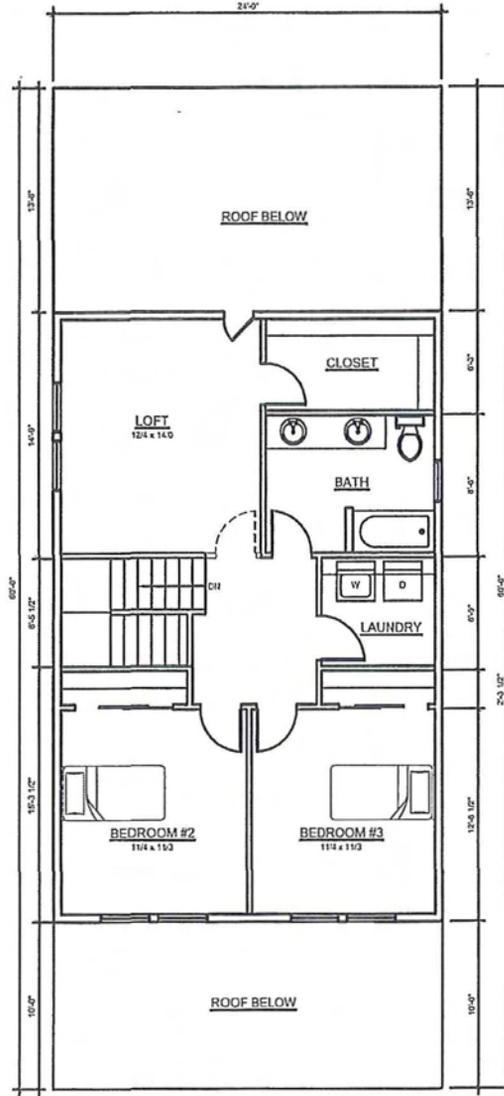


FRONT ELEVATION 17' WIDE OPTION 10/22/12

"B" unit
11/29/12



MAIN FLOOR
24' WIDE - REAR LOAD
1022/12



UPPER FLOOR
24' WIDE - REAR LOAD
1022/12

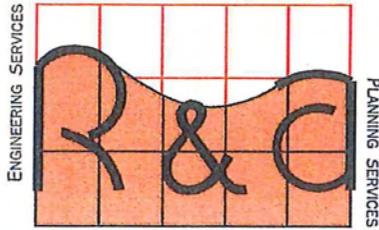


FRONT ELEVATION
24' WIDE OPTION
1022/12



FRONT ELEVATION
24' WIDE OPTION
1022/12

ATTACHMENT IX UNIT "B" ELEVATIONS AND FLOOR PLANS



February 1, 2013

Reece & Associates, inc.

David Martineau
 Community Development Department
 City of Albany
 PO Box 490
 Albany, OR 97321

Subject: **Revised Infrastructure Plan**

Reference: Edgewater Village (City of Albany File No. PD-01-12)
R&A Project No. EVL1201

Dear David:

Thank you for setting up the meeting on Wednesday January 30, 2012 to discuss a few remaining issues for your staff report. As we discussed at the end, it is preferable to present a plan at the public hearing that is as current as possible. To that end, we made minor revisions to the plan to address maneuvering of large vehicles and placement of public utilities in the alleys. The overall plan has not changed. The revisions include:

1. Label Alleys A, B, C, D, E. All alleys are public rights-of-way.
2. Eliminate Tract D and divide the area between Lots 6 and 7.
3. Increase turning radii to 20 feet at alley intersections on Lots 5, 6, 7, 14, 48, 55, and 58.
4. Widen Alley A between B and C to 20 feet.
5. Shift alignments of sanitary sewer and storm drain in Alley C.
6. Hill Street: eliminate railroad crossing for emergency vehicles; shift street improvements to east side of right-of-way; shorten pavement; add head-in parking on west side; and add large vehicle turnaround on Lot 11.
7. Realign 4-inch water in Alley A and add 10-foot water service easement over Lot 6.
8. Add sanitary sewer service easement over Lot 7.
9. Add 30-foot PUE for existing sanitary sewer to Lot 30 for vacated portion of Madison Street. This shifts the house plan 3 feet south and necessitates a modification to the garage setback from 20 to 17 feet.
10. Franchise utilities to Lots 6, 7 and 41-48 will be placed in the Water Avenue right-of-way.
11. Add flow elevations to some sanitary sewer manholes.

Regarding Lot 11, the proposal is tentative plat approval of Lot 11 as a fully buildable lot unless no other provision for a turnaround has been made at the time of construction of Hill Street in which case an easement would be granted to allow a temporary turnaround on Lot 11. This easement would be revocable when an alternative turnaround is provided elsewhere.

Please forward copies of this submittal to interested staff. I trust this additional information will keep us on schedule for a Planning Commission hearing on February 25, 2013.

Sincerely,

Reece & Associates, inc.

Rich Catlin
 c: Edgewater Village LLC

321 1st ave
 albany, ore

ATTACHMENT X APPLICANT'S REVISIONS LETTER 2.1.13

