

Amendments to the Albany Development Code (ADC)

Draft code amendments are written as follows: additions **bold red underlined** and deletions in ~~strike-out~~. Sections not amended are omitted unless needed for context. Omitted sections are indicated by asterisks: ***

ARTICLE 12 PUBLIC IMPROVEMENTS

Commentary

The overall intent with the proposed amendments to Article 12 is to make standards clear and objective (where necessary) and to clean up any confusing language. Per state law, development standards applicable to housing must be clear and objective (ORS 197.307(4)). However, as noted in the new Authority section of this Article (12.010), the City of Albany has retained the right to exercise discretion over the use of, and access to, City-owned property (public right-of-way, utilities, and easements). As such, the City may use discretion in applying the standards in Article 12 during the development review process when those standards relate to its facilities.

Note: Throughout Article 12, tables and figures have been renumbered to make them easier to locate and identify, and to be consistent with other amended articles (“Section # - Table #”, “Section # - Figure #”).

- 12.000 Overview. ~~This article contains the City’s standards for public improvements that relate to the development process.~~ **This article provides public improvement standards to address the City’s concerns relative to public health, safety, and welfare as it relates to the management of public transportation systems and utilities. These standards are used with the procedural and design requirements contained in other articles of the Albany Development Code.**

The following is a list of the main headings in this article.

- General Provisions
- Streets
- Sidewalks
- Street Trees
- Bikeways
- Utilities—General
- Water
- Sanitary Sewer
- Storm Drainage
- Improvement Assurances
- Addresses and Street Names

[Ord. 5673, 6/27/2007]

GENERAL PROVISIONS

- 12.010 Purpose. ~~The provisions for new public improvements in this article are intended to address the City’s concerns relative to public health, safety, and welfare.~~ **Authority. The City has jurisdiction and exercises regulatory management over all city right-of-way, franchise utility use of right-of-way, city utilities, and easements benefiting the City of Albany for provision of utility and transportation services. The City is both a service provider and property owner/manager. These responsibilities require decisions to be made in a way that protects the public health, safety, and welfare; and**

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provides for efficient extensions of services. Right-of-way under state or county jurisdiction is also located within the city limits. In those instances, the standards in Article 12 still apply; however, the City may deviate from the standards provided herein as necessary to comply with each agency's requirements.

(1) As a property owner and service provider, the City has sole discretion over all aspects of managing its utilities, rights-of-way, and related easements. This includes, but is not limited to, access and connection requirements; construction, modification, or alteration of public infrastructure; franchise utility requirements, required extensions of service; and frontage improvements.

(2) The standards in Article 12 are one mechanism used by the City, as a landowner and service provider, to regulate access and connection to public rights-of-way, easements, transportation systems, and utilities, including required extensions of services and frontage improvements with development. Applying these standards requires discretion and professional judgment for the protection of public health, safety, and welfare, and for overall efficient provision of urban services. These standards are not subject to the limitations of ORS 197.307(4).

Commentary: Section 12.045 Relationship to Other Development Code Articles

This section below has been deleted, but its concepts have been incorporated into the Overview statement in Section 12.000.

~~12.045 Relationship to Other Development Code Articles. This article provides the public improvement standards to be used with the procedural and design requirements contained in the articles on land divisions, site plan review, and manufactured home parks.~~

Commentary: STREETS

In general, minor changes are proposed for the Streets section to clarify confusing standards and to make them internally consistent. Some specific amendments are noted below.

STREETS

12.060 General Provisions. No development may occur unless it has frontage on or approved access to a public street currently open to traffic. A currently non-open public right-of-way may be opened by improving it to City standards.

Streets shall be connected to reduce travel distance, provide multiple travel routes, and promote the use of alternative modes. Street patterns have a greater long-range effect on land use patterns, than do parcel patterns or building location.

Streets (including alleys) within and adjacent to a development shall be improved in accordance with the standards in this Article. In addition, any new street or additional street width planned as a portion of an

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approved street plan shall be dedicated and improved in accordance with this Article.

When the City Engineer determines that a required street improvement would not be timely, the City Engineer may accept a Petition for Improvement/Waiver of Remonstrance for a future assessment district. [Ord. 5445, 4/12/2000]

The City Engineer may approve ~~adjustments~~ **modifications** to the required street right-of-way and planter widths when necessary to accommodate approved street-side post-construction stormwater quality facilities.

[Ord. 5842, 1/01/15]

Commentary: Section 12.090 Creation of Access Easements

Proposed amendments make these standards clear and objective, with the exception of Subsection (3); the City retains discretion over decisions about the location of public streets.

12.090 Creation of Access Easements. ~~In general, creating access easements between property owners is discouraged. However, sometimes an access easement is the only viable way to provide access to a developable lot. The review body will approve an access easement when the applicant has demonstrated that all of the following criteria have been met:~~ **Creation of easements to provide access to the public street system shall be approved when the applicant has demonstrated that all of the following criteria have been met:**

- (1) No more than two **residentially zoned** parcels or uses will be served by the proposed access easement;
- (2) There is not enough room for a public right-of-way due to topography, lot configuration, or placement of existing buildings; and
- (3) The City Engineer has determined that there is no need for a public street in this location.

12.100 Access to Public Streets. With the exceptions noted in Section ~~1-070~~ **1.105**, the location and improvement of an access point onto a public street shall be included in the review of a development proposal. In addition, the following specific requirements shall apply to all access points, curb cuts, and driveways:

- (1) Approaches and driveways to City streets and alleys must be paved and constructed in accordance with the Standard Construction Specifications. Driveways serving more than one property shall be paved the full length of the shared portion. [Ord. 5720, 08/12/2009]
- (2) Driveways for single- and two-family dwellings must have a minimum width of 10 feet and a maximum width of 24 feet (not to exceed the width of the driveway curb cut) and minimum separation of 5 feet.

Up to four multiple-family units that front on a public street may have separate driveways. The driveways shall meet the same standards as for single- and two-family dwellings.

Driveways for all other uses must have widths of 12-16 feet for one-lane (one-way) driveways, 24-32 feet for two-lane driveways, and 36 feet for three-lane driveways. Three-lane driveways must

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have designated lanes and turning movements. Industrial driveways shall have a width of 24-48 feet. There must be a minimum separation of 22 feet between all driveways except for single- and two-family dwellings, **and multi-family dwellings of four units or less**. The width of a driveway will be determined by measuring at the curb line and will exclude the transitions which must conform to standards fixed by the City Engineer.

- (3) All driveways must be located as far as practical from a street intersection, and in no instance shall the distance from an intersection be less than the following, as measured from the nearest curb return radius:

Arterial Street	40 feet
Collector Street	20 feet
Local Street	10 feet

At intersections with bulbouts or post-construction stormwater quality curb extensions incorporated into the curb return the measurement will be made from the nearest curb return radius. When different classes of streets intersect, the distance required is between an access point and the intersection of the street type that requires the greater distance. [Ord. 5842, 1/01/15]

- (4) The location, width, and number of accesses to a public street may be limited for developments that are subject to **land use** site plan review. ~~All development that proposes access to an arterial street is subject to site plan review and the design requirements of 12.230.~~
- (5) Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and carrying capacity of the street. [Ord. 5720, 8/12/2009]
- (6) Properties with frontage on more than one street may be restricted to access on the street(s) of a lower classification through site plan, land division, or other review procedures.
- (7) A common access point at a property line is encouraged and may be required in order to reduce the number of access points to streets. Construction of common access points must be preceded by recording of joint access and maintenance easements.
- (8) With the exception of single-family residential development, approach grades must not exceed 10 percent slope within 20 feet of a public street. Driveways for single-family residential development shall comply with applicable fire and building codes.
- (9) Access to designated state highways is subject to the provisions of this Article in addition to requirements of the State Highway Division and State Department of Transportation. When regulations of the City and State conflict, the more restrictive requirements apply.
- (10) For developments on property larger than five acres in contiguous ownership fronting on an arterial street or limited access highway, a frontage road may be required in order to provide a single access determined by the review body to be the most appropriate location for safety and convenience.
- (11) When access is allowed on an arterial street, efforts shall be made to locate it adjacent to the interior property line where it could be shared by the adjacent property.

[Ord. 5338, 1/28/1998; Ord. 5445, 4/12/2000]

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12.120 **Rights-of-Way and Roadway Widths**. Unless otherwise indicated on an approved street plan or in Section 12.130, the street right-of-way and roadway widths shall not be less than the minimum shown below in Table 12.120-1. Where a range is indicated, the width shall be determined by the City Engineer. Reductions in roadway width may be allowed to facilitate curb extensions required for approved street side post-construction stormwater quality facilities in the landscape strip/planter area. Reductions require approval of the City Engineer. [Ord. 5842, 1/01/15]

TABLE 12.120-1. Street right-of-way and roadway width requirements.

Type of Street	Minimum Rights-of-Way Width	Minimum Roadway Width
Arterial	70-120 feet	40-70 feet
Collector	60-80 feet	36-48 feet
Local*	52-56 feet	28-32 feet
Radius for turnaround at end of cul-de-sac	43 feet	36 feet
Alley	14-20 feet	12-20 feet

* When street rights-of-way are less than 60 feet wide, a parallel public utility easement 7-feet-wide shall be dedicated on both sides of the right-of-way unless waived by the City Engineer. [Ord. 5445, 4/12/2000, Ord. 5886, 1/6/17]

12.122 **Local Residential Streets**. There are two classes of local streets, based on projected traffic volumes. The applicant is responsible for demonstrating that each proposed street is designed for the appropriate traffic volume.

Locating approved street-side post-construction stormwater quality facilities in the landscape strip is encouraged. To accommodate the facilities, the City Engineer may approve isolated reductions in roadway width for curb extensions and larger landscape strip areas from those shown in the following subsections. The City Engineer may also approve locating the back of sidewalk immediately adjacent to the property line. [Ord. 5842, 1/01/15]

- (1) **Minor Local Streets**. The minor local street design is intended to be the predominant street type in residential neighborhoods. A minor local street will have fewer than 1,000 average trips per day (ADT) when all future street connections are made. The standard design is a 30-foot wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 54-foot right-of-way. A parallel 7-foot public utility easement is dedicated on each side of the street unless waived by the City Engineer. Parking is allowed on both sides of the street. See Figure **12.122-1**.

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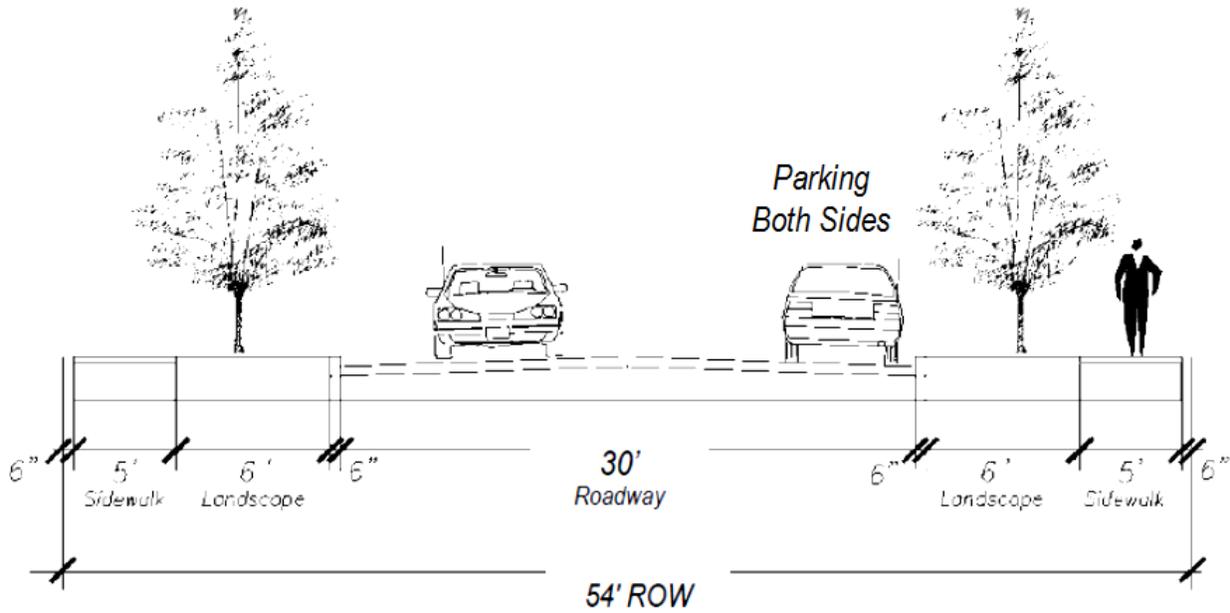


Figure 12.122-1: Minor Local Street

[Ord. 5886, 1/6/17]

- (2) Network Local Streets. A network local street will have more than 1,000 ADT. The standard design is a 32-foot-wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 56-foot right-of-way. A parallel 7-foot public utility easement is dedicated on each side of the street unless waived by the City Engineer. Parking is allowed on both sides of the street. See Figure 12.122-2. [Ord. 5886, 1/6/17]

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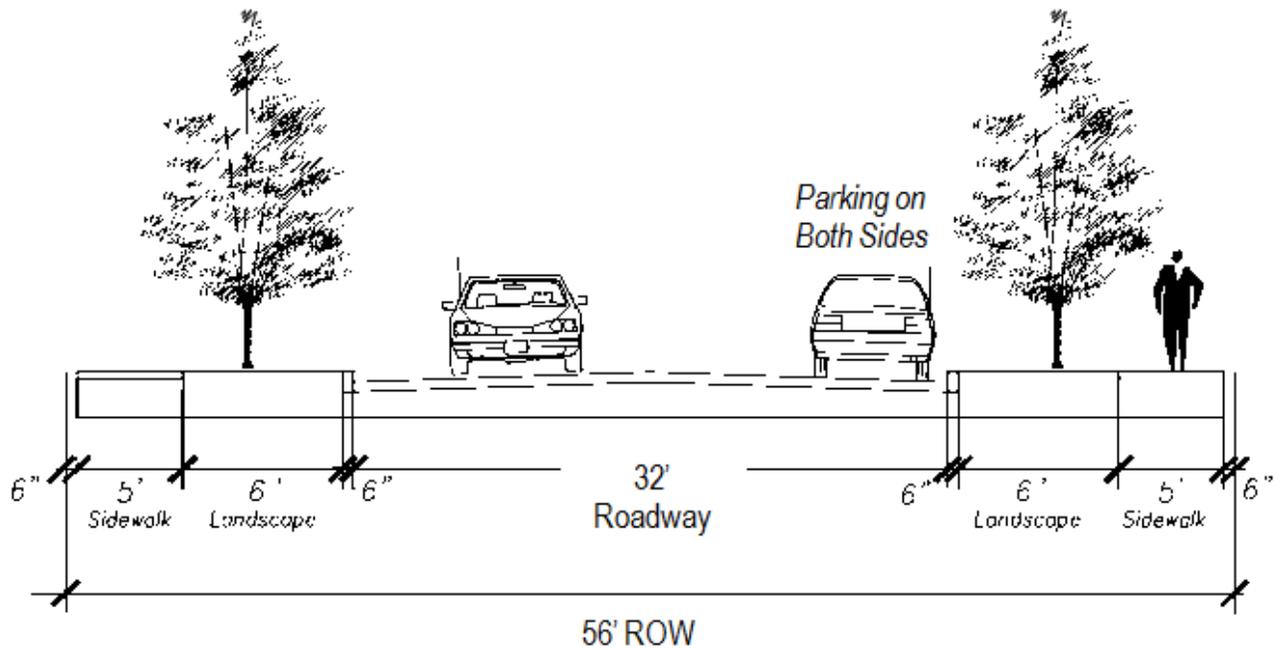


Figure 12.122-2: Network Local Street

[Ord. 5886, 1/6/17]

[Alley Option removed by Ord. 5886, 1/6/17]

- (3) Narrow **Network** Local Street Option. The City Engineer may approve a narrow network local street design with a 28-foot wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 52-foot right-of-way. A parallel 7-foot public easement is dedicated on each side of the street unless waived by the City Engineer. Parking is restricted to one side of the street. See Figure **12.122-3**. [Ord. 5886, 1/6/17]

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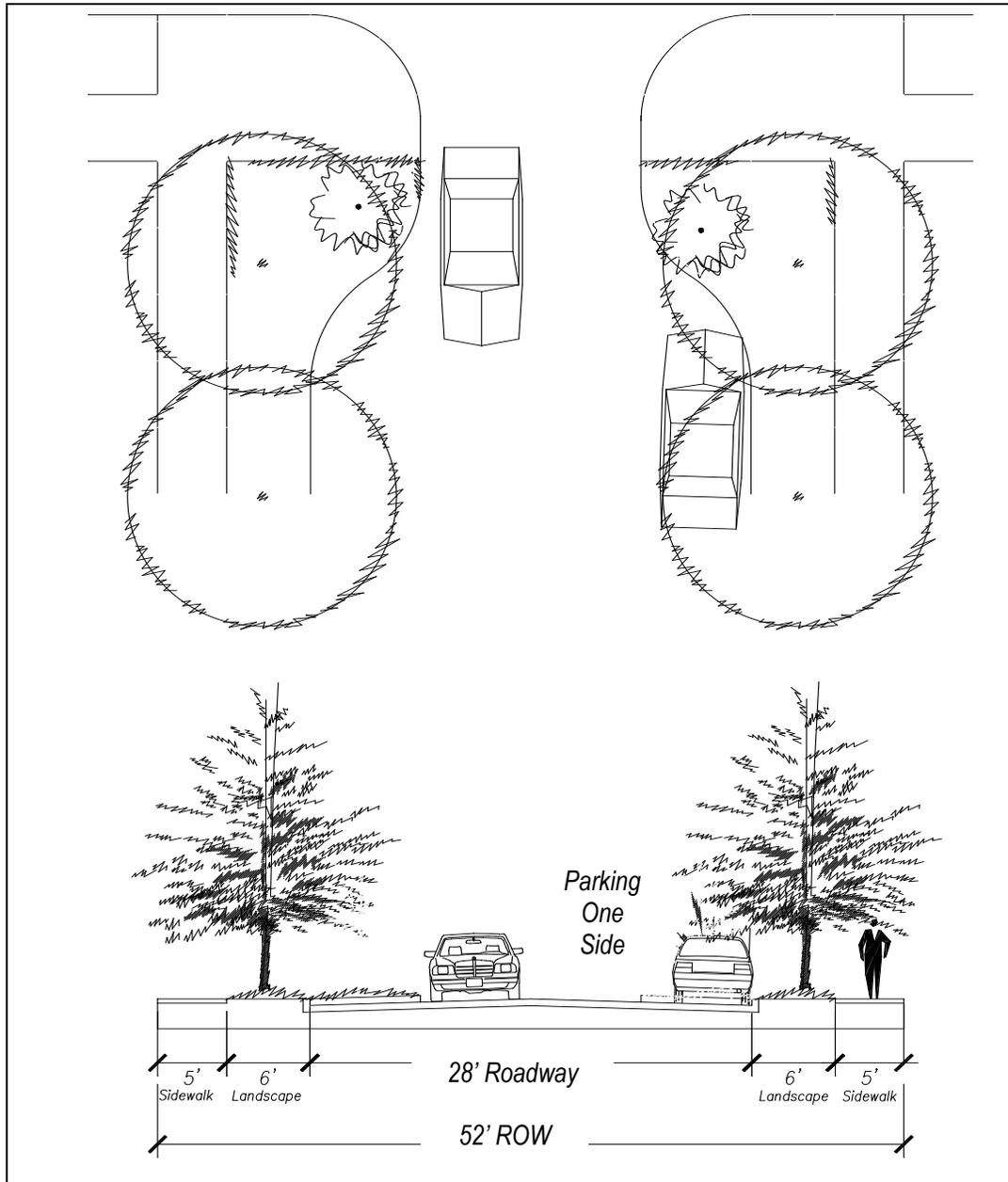


Figure 12.122-3: Narrow Network Local Street Option

[Ord. 5886, 1/6/17]

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- (4) **Residential Street Design for Constrained Sites**. Natural features may constrain the standard local street design. Examples of such natural features include floodplains, steep slopes, drainageways, wetlands, riparian corridors, and tree groves. Through the subdivision or planned development review process, the City will consider a narrower street section that does not compromise the goals for street design in a great neighborhood. For example, the sidewalks may be placed curbside and parking may be removed from the street in order to narrow the street paving and preserve natural areas. See Figure **12.122-4**.

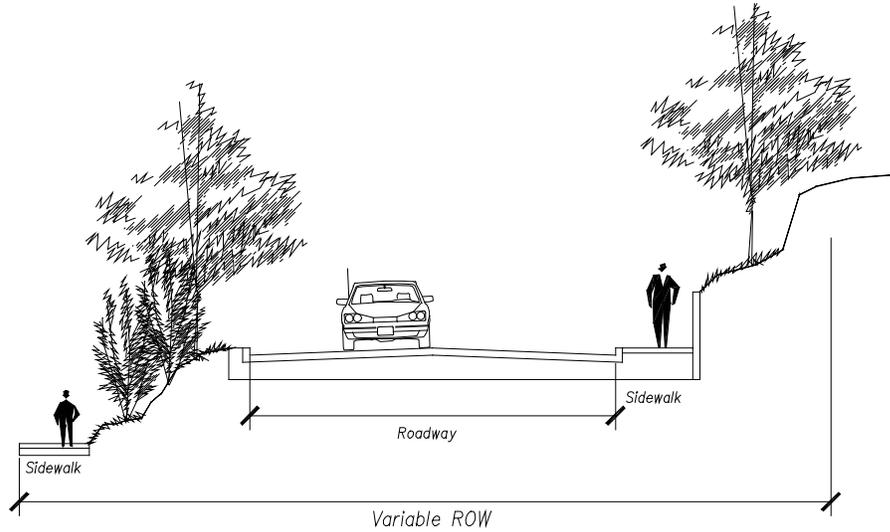


Figure 12.122-4: Residential Street Design (Constrained)

- (5) Alternate Street Standard for Cluster Development. (Reserved)

Commentary: Table 12.122-1. Summary of local street design standards

In this table, the proposed amendments clarify that these standards apply to local streets, the terminology and order of presentation have been updated to match the text, and the “Street with Alley Option” column has been deleted because this option was already removed from the ADC.

TABLE 12.122-1-2. Summary of local street design standards.

SUMMARY OF STREET DESIGN STANDARDS	SINGLE-FAMILY DEVELOPMENT				MULTI-FAMILY DEVELOPMENT <u>ON LOCAL STREETS</u>	
	MINOR LOCAL STREETS		<u>NETWORK LOCAL STREETS</u>	<u>NARROW NETWORK LOCAL STREETS</u>	<u>WIDE OPTION</u>	
Design Elements	Standard Design	Street with Alley Option	<u>Wide Option</u>	Standard Design	Wide Option	Standard Design
Right-of-way	54' ³	46'	<u>56'</u>	52'	56'	56'
Pavement width	30' ³	22'	<u>32'</u>	28'	32'	32'

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On-street parking	Both sides	One side	<u>Both sides</u>	One side	Both sides	Both sides
Bike lanes	No	No	<u>No</u>	No	No	No
Curb & gutter	Yes	Yes	<u>Yes</u>	Yes	Yes	Yes
Sidewalks ¹	5' setback	5' setback	<u>5' setback</u>	5' setback	5' setback	5' setback
Planter strip	6' planter	6' planter	<u>6' planter</u>	6' planter	6' planter	6' planter
Examples of "add backs" ²	None	14-20' rear alley with all private utilities		None	Traffic calming, taller street trees	Traffic calming, taller street trees
¹ Curbside sidewalks are allowed on cul-de-sac bulbs. See Section 12.300(2). ² In exchange for building a street that does not meet the standard design, additional design features are required to more than compensate for the loss of one or more design objectives. ³ A 28-foot street in a 52-foot right-of-way is allowed subject to the provisions of Section 12.122(2).						

[Ord. 5445, 4/12/2000; Ord. 5562, 10/10/2003]

12.130 **Mini-Subdivision and Partition Street and Rights-of-Way Standards**. The standards in this section are intended for use in developing residential infill parcels. The review body will approve variations to the standards listed in Section 12.120 above, when the following criteria are met:

- (1) The property to be divided is less than two acres and no more than eight lots will be created or served by the street; and
- (2) The proposed land division, as a whole, meets the standards for lot size and configuration for the zoning district; and
- (3) Surrounding parcels are developed or are physically incapable of being developed so that combining the proposed land division with adjoining properties in a conventional land division is not feasible.
- (4) The property is not needed for continuing the adjacent public street pattern. However, pedestrian connections may be required for continuing the pedestrian circulation system.

The review body may also modify other standards in this Code as indicated in Table 12.**130-1-3** below:

TABLE 12.130-1-3**. Mini-subdivision street and rights-of-way standards.**

Dedication & Maintenance	Paved Width (b) Street/Cul-de-sac	On-Street		Rights-of-Way (c)	
		Curbs	Parking	Sidewalk	Street/Cul-de-sac
Public (a)	22' / 25' (radius)	Yes	no	4' (1 side)	30' / 35' (radius)
Public (a)	28' / NA	Yes	one side	4' (1 side)	36' / NA

- (a) A 7-foot public utility easement may be required on each side of the right-of-way.
- (b) Maximum street length is 400 feet.
- (c) A "hammerhead" turnaround may be allowed only if no more than four residential lots are created, and the City Engineer determines that no other options exist and no traffic hazards will be created. [Ord. 5445, 4/12/2000]

12.140 **Additional Rights-of-Way**. A development project requiring land use **review approval** is required to dedicate additional right-of-way if an existing street abutting or within the development does not meet the widths designated in Section 12.120. This provision does not apply to property line adjustments or historic review. While not required to dedicate additional right-of-way, single- and two-family dwellings (and related accessory buildings) **and parking lot and building additions listed in Section 1.105** are subject to setbacks from future street rights-of-way as provided in Section 3.190.

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12.180 **Clear Vision Area.** A clear vision area must be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad. No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of 2 and 8 feet shall be established in the clear vision area. Visibility is not considered impeded by a fence where materials are 35 percent or less of the surface area of that portion of the fence above 2 feet. Fence posts spaced at 8 feet or more apart are not counted as part of the fence surface area. Height measurements shall be made from the top of the curb or, when no curb exists, from the established street center line grade.

[Ord. 5689, 3/12/2008]

(1) The clear vision area provisions do not apply to the following:

- (a) a public utility pole,
- (b) a tree trimmed (to the trunk) to a line at least eight feet above the level of the intersection,
- (c) another plant species of open growth habit that is not planted in the form of a hedge and that is planted and trimmed to leave at all seasons a clear and unobstructed cross-view,
- (d) a supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective,
- (e) an official warning sign or signal,
- (f) the post section of a pole sign when there are no more than two posts and any post is less than eight inches in diameter, and
- (g) existing or new buildings that meet the minimum setbacks.

[Ord. 5689, 3/12/2008; Ord. 5886, 1/6/17]

(2) A clear vision area consists of a triangular area

- (a) For residential local streets and driveways, two sides of the clear vision area are lot lines or a driveway for a distance specified in Table 12.**180-1**-4 below, with a third line running diagonally across the non-intersecting ends of the two sides (see illustration below, Figure **12.180-1**6). Where lots have rounded corners, the lot lines shall be extended in a straight line to a point of intersection.

[Ord. 5886, 1/6/17]

TABLE 12.180-1-4. Measurements for establishing clear vision areas.

Type of Intersection	Measurement Along Each Lot Line or Drive Edge
Controlled Intersection (stop sign or signal)	20 feet
Uncontrolled Intersection	30 feet
Residential District driveways	15 feet
Alley (less than 25 feet)	20 feet

[Ord. 5886, 1/6/17]

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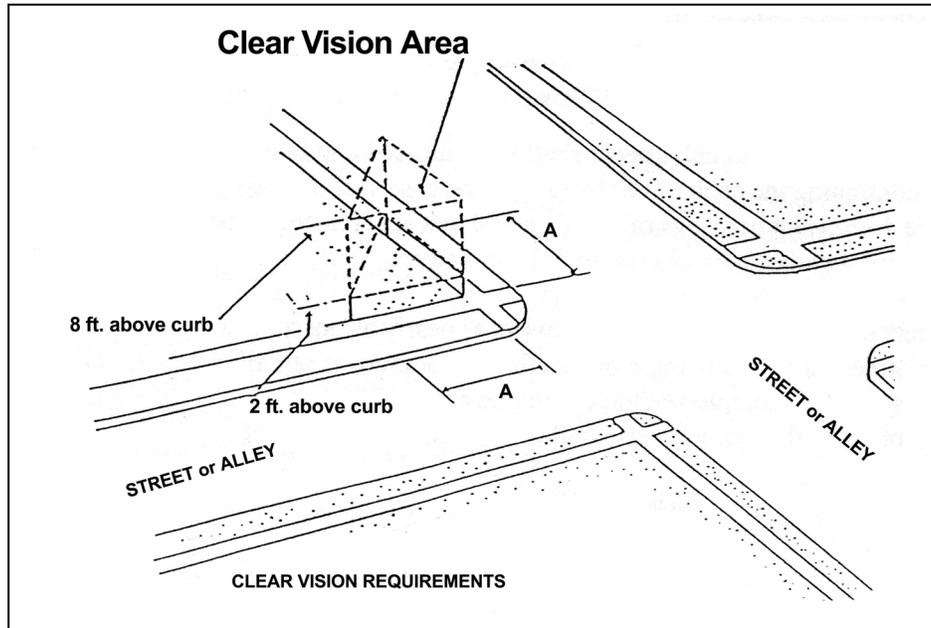


Figure 12.180-16. Example clear vision area.

- (b) For non-residential **uses and driveways on** local streets ~~and driveways~~ and all intersections **and driveways** involving collector and arterial streets, the clear vision area shall be a triangular area providing the sight distance specific in the Table 12.180-2-5 below. [Ord. 5886, 1/6/17]

TABLE 12.180-2-5. City sight distance requirements.

Posted Speed (mph)	Sight Distance (ft) ⁽¹⁾		
	2-3 Lane Stop Control	4-5 Lane Stop Control	2-5 Lane Signal Control
20	200	225	225
25	250	275	300
30	300	350	375
35	350	400	475
40	400	450	575
45	450	500	700
50	500	550	850
55	550	625	1,000
60	600	675	1,150

- (1) Measured along the center of the approaching travel lanes, as observed from a point 15 feet back from the edge of the closest vehicle travel lane.

[Ord. 5886, 1/6/17]

12.230 **Access to Arterials**. When a **residential** development abuts or contains an existing or proposed arterial street, the development design shall ~~provide adequate protection for residential properties and shall~~ separate residential access and through traffic; or if separation is not feasible, the design shall minimize the traffic conflicts. The design requirements may include any of the following:

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- (1) A parallel access street along the arterial;
- (2) Lots abutting the arterial of suitable depth to provide adequate buffering and having frontage along another street;
- (3) Screen planting at the rear or side property line to be contained in a non-access reservation along the arterial; or
- (4) Other treatment, as determined by the Director, suitable to meet the objectives of this subsection.

Commentary: SIDEWALKS

Similar to the Streets section, proposed amendments to the Sidewalks section are intended to clarify standards in a few places.

SIDEWALKS

- 12.290 Requirement. All development for which land use applications are required by ~~Section 1.060~~ must include sidewalks adjacent to public streets. This requirement also applies to new single-family houses and duplexes if they are located on arterial or collector streets or on curbed local streets, if there is an existing sidewalk within 500 feet on the same side of the street.

Sidewalks shall be built when arterial and collector streets are constructed and at the discretion of the City Engineer during their reconstruction. This provision shall also apply to local streets that serve commercial and multi-family development. Sidewalks are required on both sides of all streets. If an interim street standard is being constructed which does not include bike lanes or sidewalks, interim bikeways or walkways for pedestrians shall be provided by paved roadway shoulders at least 8 feet wide on arterials and 6 feet on other streets. Provision of sidewalks may be waived when the street serves a use or combination of uses that generate fewer than 50 trips a day (based on ITE standards) and cannot be continued or extended to other properties. [Ord. 5445, 4/12/2000]

- 12.300 Design, Width, and Location. All sidewalks must be constructed, replaced or repaired in accordance with the Standard Construction Specifications. The required width and location of sidewalks is as follows:

- (1) The required width for a sidewalk on an arterial or collector street is 7 feet. This may be reduced to 6 feet if the sidewalk is separated from the curb by a landscaped planter strip at least 5 feet wide. When there is inadequate right-of-way for additional width and no additional right-of-way can be obtained as a condition of development approval, the sidewalk width may be reduced to 5 feet. In all cases, any right-of-way remaining outside the sidewalk is to be landscaped and maintained by the adjoining property owner.
- (2) Sidewalks along residential and other local streets must be at least 5 feet wide. A planter strip at least 6 feet wide shall separate the sidewalk from the street. **Curbside sidewalk is allowed on cul-de-sac bulbs.** Street trees shall be selected from the list of approved street trees established by the City. The planter strip shall be of permeable materials. Locating approved street-side post-construction stormwater quality facilities in the planter strip is encouraged. [Ord. 5842, 1/01/15]
- (3) In the Historic Downtown and Central Business districts, as defined on the zoning map, sidewalks must be at least 10 feet wide and be installed adjacent to the curb.

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- (4) Regardless of other provisions contained in this article, any sidewalk project that is less than 200 feet in length and connects on either end to an existing sidewalk may be designed to match the existing pattern with the approval of the City Engineer.
- (5) When obstructions exist or are proposed (including, but not limited to, mailboxes, utility poles, trees, planters, fire hydrants, signs, benches, bus stops, post-construction stormwater quality facilities, etc.), provisions must be made to maintain a minimum of 4 feet of unobstructed sidewalk width on local streets, 5 feet on collector and arterial streets, and 6 feet in the Historic Downtown (HD) and Central Business (CB) districts. [Ord. 5842, 1/01/15]
- (6) Clustered mailboxes shall be on an accessible path and shall include a 72” minimum accessible turning space. Adjacent sidewalks may be incorporated in the measurement of the turning space. Where constructed in the public right-of-way, construction shall be in accordance with the Standard Construction Specifications. [Ord. 5780, 5/09/12]
- (7) Maintenance of sidewalks and planter strips shall be the continuing obligation of the adjacent property owner except for approved post-construction stormwater quality facilities located in planter strips or when **a double frontage single- or two-family** ~~the~~ lot backs onto an arterial. Other than approved post-construction stormwater quality facilities, planter strips shall be landscaped and maintained in like manner to the front yard setback requirements of Article 9. [Ord. 5842, 1/01/15]
- (8) Sidewalks shall be designed to parallel streets in line and grade and shall avoid unnecessary meandering from the curb line and elevation changes except as necessary to avoid significant trees or traverse topographic barriers.
- (9) Public paths not adjacent to a public street shall be a minimum of 10 feet wide. [Ord. 5445, 4/12/2000]

12.310 Conformance to Street Grades. All sidewalks constructed adjacent to a street must be placed upon the street grade as established at the time of sidewalk construction. If a space is left between the property line and the sidewalk and/or between the sidewalk and the curb, the space shall be filled and surfaced with earth or other approved material level with the sidewalk. Exceptions to level grade between the sidewalk and curb are allowed with approved street-side post-construction stormwater quality facilities. [Ord. 5842, 1/01/15]

12.320 Timing of Sidewalk Construction. In some instances, sidewalk construction may be deferred until the proposed improvement on the property is completed. Deferral of sidewalk construction requires the approval of the City Engineer. No occupancy permit shall be issued by the Building Official for a development until the provisions of this Article are satisfied. [Ord. 5842, 1/01/15]

The City Engineer may authorize a future improvement assurance (as described in Section 12.600) when, in ~~his~~-**their** opinion, the construction of the sidewalk is impractical for one or more of the following reasons:

- (1) Sidewalk grades have not been and cannot be established for the property in question within a reasonable length of time;
- (2) Forthcoming installation of public utilities or street paving would be likely to cause severe damage to the new sidewalk;
- (3) Street right-of-way is insufficient to accommodate a sidewalk on one or both sides of the street; or
- (4) Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical or economically infeasible.

Amendments to the Albany Development Code (ADC)

Draft code amendments are written as follows: additions **bold red underlined** and deletions in ~~strike-out~~. Sections not amended are omitted unless needed for context. Omitted sections are indicated by asterisks: ***

Commentary: STREET TREES

The proposed amendment to this section adds a reference to the design standards in Article 8, which require certain types of development to provide street trees.

STREET TREES

- 12.321 General Requirements. When a new public street is created in conjunction with development **or when required by the design standards in Article 8**, street trees are required in accordance with the standards provided in the Standard Construction Specifications and the Urban Forestry Management Plan.

Commentary: BIKEWAYS

Proposed amendments to this section include referencing the Transportation System Plan (TSP), which is the City's long-range transportation planning document. Because the TSP is updated regularly, this reference will ensure that bicycle standards are current. The Provisions for Bikeways standard is also proposed to be revised to reflect current City policy and practice.

BIKEWAYS

- 12.330 Master Bikeways Plan. **The City's Transportation System Plan identifies existing and proposed bicycle facilities.** ~~adopted Master Bikeways Plan is in the Comprehensive Plan.~~
- 12.340 Provisions for Bikeways. Developments adjoining or containing proposed bikeways identified **in the Transportation System Plan shall construct and extend said facilities to and through the property's frontage and along its interior, or to a point identified by the City Engineer to accommodate likely system expansion. Where the City Engineer has determined construction is untimely, provisions shall be made for the future construction and extension of said facilities.** ~~on the adopted Master Bikeways Plan shall include provisions for the future extension of such bikeways. Land use approvals issued for planned developments, greenway conditional use permits, subdivisions and other developments that will principally benefit from such bikeways may be conditioned to include bikeway improvements.~~
- In the case of arterial or collector streets, bike lanes **facilities** shall be built during their construction, and considered during their reconstruction. This provision shall also apply to local streets in other than single-family residential developments.
- 12.350 Bikeway Design. **The design of on-street bike lanes and facilities shall be in accordance with the Transportation System Plan and the City's Engineering Standards, and must be approved by the City Engineer. The minimum width for two-way bikeways not on a roadway shall be 10 feet.** ~~Where possible, bikeways should be separated from other modes of travel, including pedestrian. Minimum width for bikeways shall be 6 feet per travel lane when adjacent to a curb (one-way) and 10 feet when not on a roadway (two-way). A reduction in standards may be allowed when the City Engineer finds that no safety hazard will be created and other special circumstances (such as physical constraints) exist.~~

Amendments to the Albany Development Code (ADC)

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Commentary: UTILITIES

Minor changes are proposed to clarify the Utilities section.

UTILITIES—GENERAL

- 12.360 Utility Easements. The developer shall make arrangements with the City of Albany and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. All utility easements must be public easements.
- 12.370 Utility Easement Width. The standard width for public utility easements adjacent to street rights-of-way is 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 **provider**. ~~company or City Engineer. When feasible, utility easements shall be centered on a lot line.~~
- 12.380 Information on Development Plans. The developer must show easements for all utilities. Plans showing the location of all utilities shall be submitted to the City as part of the ~~site plan review~~ **Site Plan Review** or land division process.
- 12.390 Requirement for Underground Utilities. Except as exempted in Section 12.400, all utility lines, cables, or wires (including but not limited to those used for electricity, communication, street lighting, and cable television) constructed upon, adjacent to, or within land subdivided or prepared for development after the effective date of this Code, must be placed underground. The intent of the City is that no poles, towers, or other structures associated with utility facilities shall be permitted on any street or lot within such a subdivision or development.
- 12.400 Exceptions. Overhead facilities are only permitted in the following instances:
- (1) Emergency installations, electric transmission lines, or through feeders operating at distribution voltages which act as a main source of supply to primary laterals and to direct connected distribution transformers and primary loads.

Should it be necessary to increase the capacity of major power transmission facilities for service to the area, new or revised installations shall be made only on rights-of-way or easements on which overhead facilities exist at the time of the capacity increase.
 - (2) Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, **and** connection boxes **which cannot feasibly be located underground**, ~~and the like.~~
 - (3) Structures without overhead wires, used exclusively for fire alarm boxes, street lights, or municipal equipment installed under the supervision and with the approval of the City Engineer.
 - (4) Power substations, pumping plants, and similar facilities **which are** necessary for transmission or distribution of utility services **and which cannot feasibly be located underground**.
 - (5) Television antennas and satellite dishes [See Section 3.080 (12)].
 - (6) **Onsite improvement for** ~~Industrial developments, except for utility lines, cables, and/or wires providing service to an individual lot. Such lines must be placed underground from the nearest power pole to the facility ultimately being operated on the individual lot.~~

Amendments to the Albany Development Code (ADC)

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~~(7)~~ Certain industries requiring exceptionally large power supplies may request direct overhead power as a condition of site plan approval. ~~Underground utilities may be required in Industrial Park developments and planned developments in the Industrial Districts.~~

(78) New development on existing individual lots of record in areas where service is currently by overhead utilities.

Commentary: WATER and SANITARY SEWERS

No amendments to these sections are proposed.

WATER

SANITARY SEWERS

Commentary: STORM DRAINAGE

One clarifying amendment is proposed to replace the reference to “sound engineering principles” with “Engineering Standards.”

STORM DRAINAGE

12.530 General Provisions. The review body will approve a development request only when adequate provisions for storm and flood water run-off have been made as determined by the City Engineer. The storm water drainage system must be separate from and independent of any sanitary sewer system. When possible, inlets should be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns and proposed storm drainage must be shown on every development proposal plan. All proposed storm drainage management plans and systems must be approved by the City Engineer as part of the tentative plat or ~~site plan review~~ **Site Plan Review** process.

12.550 Accommodation of Upstream Drainage. A culvert or other drainage facility shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The City Engineer must review and approve the necessary size of the facility, based on the provisions of the Storm Drainage Master Plans, and **Engineering Standards** ~~sound engineering principles~~, and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.

Amendments to the Albany Development Code (ADC)

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Commentary: IMPROVEMENT ASSURANCES

One amendment to this section is proposed to update language that is not gender-neutral.

IMPROVEMENT ASSURANCES

12.610 Noncompliance with Provisions Under Obligation. If the Director finds that a developer is not fulfilling an obligation, the Director shall, in written notice to the developer and the developer's surety, specify the details of noncompliance. Unless the Director allows more time for compliance because of circumstances beyond the developer's control, within 30 days after receiving the notice, the developer or the developer's surety shall begin compliance and proceed diligently to complete fulfillment of the obligation.

- (1) If the developer or the developer's surety does not begin compliance within the 30 days or the additional time allowed by the Director, or has begun but fails to diligently complete the compliance, or the compliance is otherwise not completed within the time specified in granting the development approval, the City may take the following action:
 - (a) Enter upon the site of the development and carry out the obligation in accordance with the provisions agreed upon under the acknowledgement;
 - (b) Notify the developer and the developer's surety of the developer's failure to perform as required by this Code;
 - (c) Demand payment from the developer for the unfulfilled obligation;
 - (d) If the security for the obligation is a bond, notify the surety that has furnished the bond that reimbursement for the expense for fulfillment of the obligation is due and payable to the City or, if the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup the expense; or
 - (e) Void all approvals granted in reliance on the improvement assurance.
- (2) If a bond or other required security is not sufficient to compensate the City for expenses necessary to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City and upon the entire contiguous real property of the owner of the land subject to the obligation.
- (3) The lien attaches upon the filing with the City Recorder of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the expense of the fulfillment of the obligation, and allege the developer's failure to do the required obligation.
- (4) The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.
- (5) The remedies set forth for non-compliance are cumulative. In addition to the remedies set forth above, non-compliance by the developer or ~~his~~ **the developer's** surety with any term of a performance guarantee shall entitle the city to pursue any civil remedy permitted by law.

ADDRESSES AND STREET NAMES

Amendments to the Albany Development Code (ADC)

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12.620 - 12.690 *Repealed by Ord. 5446, 5/10/00*